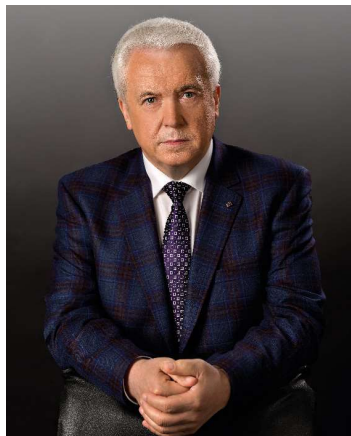




# ANTI-CONSTITUTIONAL COUP D'ETAT

Vladimir OLEINIK



# **OLEINIK Vladimir Nikolaevich**

**Ukrainian politician  
Honorable Lawyer of Ukraine**

**Date of birth** – April, 6, 1957.

**1981** – graduate of Kharkov Law Institute.

**1991** – graduate of Odessa Institute of Politology and Social Management.

**1982 – 1987** – Chairman of the Pridneprovsky District Court of Cherkassy.

**1987 – 1990** – Head of department of administrative and trade-financial bodies of Cherkassy municipal committee of the Communist party of Ukraine.

**1994 – 2002** – twice elected mayor of Cherkassy.

**1998 – 1999** – member of Congress of Local and Regional Authorities of the Council of Europe.

**1998 – 2000** – President of Association of cities of Ukraine.

**1999** – Ukrainian Presidential candidate. Member of Kanev four.

**2006 – 2014** – People's deputy of the V, VI, VII convocations, first deputy of the Committee of the Verkhovna Rada on legal support of law enforcement activities.

**2012 – 2014** – Senior officer of the permanent delegation of the Verkhovna Rada of Ukraine to the NATO Parliamentary Assembly.

In opposition to the current regime in Ukraine.

# **Chronicle of the coup in Ukraine as seen by a citizen and a lawyer.**

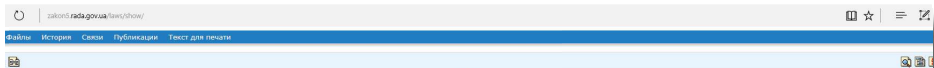
There took place a change of power in Ukraine in February 2014 interpreted by many people in a different way. Some speak about a coup, other call it “the Revolution of Dignity”, which is supposed to have been executed in strict accordance with the Constitution. The European Union finds no break of law in the change of power in Ukraine.

Let's try to get to the core to what happened, denying emotions at most. We'll follow official documents, media reports and interpret each event from the view of law. Fortunately my education and the rank of Honorable Lawyer of Ukraine enables me to charge myself with such responsibility and declare:

**In February 2014 Ukraine suffered**

**ANTI-CONSTITUTIONAL  
COUP  
AND  
USURPATION OF POWER.**

## Chronicle of events



# The law of Ukraine On revival of some provisions of the Constitution of Ukraine

(Vedomosti of the Verkhovna Rada (VVR), 2014, №11, art.143)

The Verkhovna Rada hereby resolves:

**Article 1.** Reinststitute particular provisions of the Constitution of Ukraine with the following changes originated by the laws of Ukraine № 2222–IV dated December, 8, 2004, № 2952–VI dated February, 1, 2011, № 586–VII dated September, 19, 2013:

Draft articles 76, 78, 81-81, 85, 87, 89, 90, 93, 98, 112-115 in the following edition:

**Article 2.** Laws and other legal acts shall be applied in so far as ones do not conflict with the Constitution of Ukraine adopted in the fifth session of the Verkhovna Rada of Ukraine on June, 28, 1996 with changes and amendments originated by the laws of Ukraine № 2222–IV dated December, 8, 2004, № 2952–VI dated February, 1, 2011, № 586–VII dated September, 19, 2013.

**Article 3.** The Verkhovna Rada of the seventh convocation elected in October 2012 exercise powers within the provisions of the Constitution of Ukraine adopted in the fifth session of the Verkhovna Rada of Ukraine on June, 28, 1996 with changes and amendments originated by the laws of Ukraine № 2222–IV dated December, 8, 2004, № 2952–VI dated February, 1, 2011, № 586–VII dated September, 19, 2013 until attaining power of the Verkhovna Rada of Ukraine elected on the last Sunday of October, 2017.

**Article 4.** Coalition of deputy fractions is formed in the Verkhovna Rada of Ukraine of the seventh convocation within ten days since the day following the day of coming into force of the present Law taking into consideration the decision of the Constitutional court of Ukraine № 11–rp/2010 dated April, 6, 2010 on constitutional proposal by 68 people's deputies of Ukraine on legal interpretation of provisions of part 6 article 83 of the Constitution of Ukraine, part 4 article 59 Rules of procedure of the Verkhovna Rada of Ukraine.

**Article 5.** Government agencies and municipalities must bring their laws and regulations in line with the regulations of the Constitution of Ukraine revived by the present Law.

**Article 6.** The present Law goes into effect since the day following the day of its publishing.

Acting President of Ukraine  
Chairman of the Verkhovna Rada of Ukraine  
O.Turchynov

Kiev, February, 21, 2014  
№ 742-VII

# Changes in the Constitution of Ukraine

So: On February 21, 2014 The Verkhovna Rada of Ukraine (Parliament of Ukraine) adopted the Law № 742-VII which reestablishes the action of certain statements of the Constitution of Ukraine. The Verkhovna Rada Chairman Oleksandr Turchynov, acting President of Ukraine, signed the law.

In accordance with Article 6 of the Law it comes into force on the day following the day of its publication.

The Law was published in special edition of the newspaper «Voice of Ukraine» on **March, 1, 2014**, and came into power on **March, 2, 2014**.

«Voice of Ukraine» № 39 (5789) - special edition on **March, 1, 2014**

## ПРАВО

ЗАКОН УКРАЇНИ

### Про відновлення дії окремих положень Конституції України

Верховна Рада України **постановляє**:

Стаття 1. Відновити дію окремих положень Конституції України з такими змінами, внесеними законами України від 8 грудня 2004 року № 2222-VI, від 1 лютого 2011 року № 2952-VI, від 19 вересня 2013 року № 586-VII:

1) статті 76, 78, 81-83, 85, 87, 89, 90, 93, 98, 112-115 викласти в такій редакції:

«Стаття 76. Конституційний склад Верховної Ради України – «колегієти» підлягає народним депутатам України, які обираються на основі загального, рівного і прямого виборчого права шляхом таємного голосування строком на п'ять років.

Народним депутатам України може бути обрано громадянина України, який на день виборів досяг двадцяти одного року, має право голосу і проживає в Україні протягом останніх п'яти років.

Не може бути обраним до Верховної Ради України громадянин, який має судимість за вчинення умисного злочину, якщо це судимість не погашена і не знята у встановленому законом порядку.

Повноваження народних депутатів України визначаються Конституцією та законами України.

Строк повноважень Верховної Ради України становить п'ять років».

«Стаття 78. Народні депутати України здійснюють свої повноваження на постійній основі.

Народні депутати України не можуть мати ніякого представницького мандата. Бути на державній службі, обіймати інші оплачувані посади, займатись нішою оплачуваною або підприємницькою діяльністю (крім викладацької, наукової та творчої діяльності), входить до складу керівного органу чи наглядової ради підприємства або організації, що має на меть одержання прибутку.

Вимоги щодо неумовності депутатського мандата з інших виданих законодавчих актів не застосовуються.

У разі виникнення обставин, що порушують вимоги щодо неумовності депутатського мандата з інших виданих законодавчих актів, народний депутат України з двадцятидвятих днів після виникнення таких обставин приймає таку діяльність або подає в суд позов за вимою про скасування повноважень народного депутата України».

значі щодо кандидатур до складу Кабінету Міністрів України.

Засоби формування, організації діяльності та прийняттєне діяльності коаліції депутатських фракцій у Верховній Раді України встановлюються Конституцією України та Регламентом Верховної Ради України.

Депутатська фракція у Верховній Раді України, до складу якої входить більшість народних депутатів України від конституційного складу Верховної Ради України, має права коаліції депутатських фракцій у Верховній Раді України, передбачені цією Конституцією».

«Стаття 85. До повноважень Верховної Ради України належить:

1) внесення змін до Конституції України в межах і порядку, передбачених розділом XIII цієї Конституції;

2) призначення всеукраїнського референдуму з питань, визначених статтею 73 цієї Конституції;

3) прийняття законів;

4) затвердження Державного бюджету України та внесення змін до нього, контроль за виконанням державного бюджету України, прийняття рішення щодо звіту про його виконання;

5) визначення засад внутрішньої і зовнішньої політики;

6) затвердження загальнодержавних програм економічного, науково-технічного, соціального, національно-культурного розвитку, охорони довкілля;

7) призначення виборів Президента України у строки, передбачені цією Конституцією;

8) заслушування щорічних та позачергових послань Президента України про внутрішні і зовнішні становище України;

9) оголошення за поданням Президента України стану війни і укладення миру, схвалення рішення Президента України про використання Збройних Сил України та інших військових формувань у разі збройної агресії проти України;

10) утворення Президента України з поста в порядку особливих процедур (позачергово) встановленим статтею 111 цієї Конституції;

11) розгляд і прийняття рішення щодо схвалення Програм діяльності Кабінету Міністрів України;

власності, що не підлягають приватизації, визначення правових засад вичуження об'єктів права приватної власності;

37) затвердження законом Конституції Автономної Республіки Крим, змін до неї.

Верховна Рада України здійснює також інші повноваження, які відносно до Конституції України віднесені до її відання».

«Стаття 87. Верховна Рада України за пропозицією Президента України або не менше як однієї третини народних депутатів України від конституційного складу Верховної Ради України може розглянути питання про відставку Кабінету Міністрів України та прийняти резолюцію недовіри Кабінету Міністрів України більшістю від конституційного складу Верховної Ради України.

Питання про відставку Кабінету Міністрів України не може розглядатись Верховною Радою України більше одного разу протягом однієї чергової сесії, а також протягом року після схвалення Програми діяльності Кабінету Міністрів України або протягом останньої сесії Верховної Ради України».

«Стаття 89. Верховна Рада України для здійснення законопроектної роботи, підготовки і попереднього розгляду питань, віднесених до її повноважень, виконання контрольних функцій відносно до Конституції України створює з числа народних депутатів України комітети Верховної Ради України та обирає голів, перших заступників, заступників голів та секретарів цих комітетів.

Верховна Рада України у межах своїх повноважень, може створювати тимчасові спеціальні комісії для підготовки і попереднього розгляду питань.

Верховна Рада України для проведення розслідування з питань, що становлять суспільний інтерес, утворює тимчасові слідчі комісії, якщо за це проголосувала не менше як одна третина від конституційного складу Верховної Ради України.

Висновки і пропозиції тимчасових слідчих комісій не є вироками для слідства і суду.

Організація і порядок діяльності комітетів Верховної Ради України, її тимчасових спеціальних і тимчасових слідчих комісій встановлюється законом.

Стаття 90. Повноваження Верховної Ради України при-

Let's find out whether Oleksandr Turchynov had the right to sign the adopted Law in view of the above-stated and following the Constitution. For visualization, I composed a comparative table which will help to clarify the issue.

**Comparative table**

<p><u>The Constitution</u> valid through window during 01.03.14</p>	<p><u>The Constitution</u> effective 02.03.14</p>
<p>Article 112. In case of an early termination of powers of President of Ukraine according to articles 108, 109, 110, 111 of the present Constitution the fulfillment of his duties for the period before electing and assumption of Presidency is assigned to <b>Prime Minister of Ukraine</b>. Prime Minister of Ukraine cannot fulfill powers provided by paragraphs 2, 6, 8, 10, 11, 12, 14, 15, 16, 22, 25, 27 of article 106 of the present Constitution.</p>	<p>Article 112. In case of an early termination of powers of President of Ukraine according to articles 108, 109, 110, 111 of the present Constitution the fulfillment of his duties for the period before electing and assumption of <b>Presidency is assigned to the Head of Verkhovna Rada of Ukraine</b>. The Head of Verkhovna Rada of Ukraine cannot fulfill powers provided by paragraphs 2, 6-8, 10-13, 22, 24, 25, 27, 28 of article 106 of Constitution of Ukraine.</p>
<p>Article 114. The Cabinet of Ministers consists of the Prime Minister of Ukraine, First Vice Prime Minister, three Vice Prime Ministers, Ministers.</p> <p><b>Prime Minister of Ukraine is appointed by President</b> with the consent of more than a half of constitutional composition of Verkhovna Rada of Ukraine.</p> <p><b>Personal composition of the Cabinet of Ministers is appointed by President of Ukraine on presentation of Prime Minister of Ukraine.</b></p>	<p>Article 114. The Cabinet of Ministers consists of the Prime Minister of Ukraine, First Vice Prime Minister, three Vice Prime Ministers, Ministers.</p> <p><b>Prime Minister of Ukraine is appointed by Verkhovna Rada of Ukraine</b> on presentation of President of Ukraine.</p> <p><b>The candidacy for the appointment of the Prime Minister is introduced by President of Ukraine on the proposal of the coalition of parliamentary factions in the Verkhovna Rada of Ukraine</b> formed in accordance with Article 83 of Constitution of Ukraine, or parliamentary faction, which includes the majority of people's deputies of Ukraine of the constitutional composition of Verkhovna Rada of Ukraine.</p>

In the table I have compared two versions of Ukraine's Constitution as the basic law of the country. One of the versions that we can call the «Constitution of Yanukovych» had been valid until **March, 1, 2014**. The second one has been in force from **March, 2, 2014** until now and we will call it the «Constitution of Poroshenko».

The so-called «Constitution of Yanukovych» provided for the **presidential-parliamentary** government, while the so-called «Constitution of Poroshenko» – for the **parliamentary-presidential** government. This detail forms the main idea of Ukraine's basic law and clarifies whether the changes, that have taken place, have had any sense and legal force.

So, in line with article 112 of the «Constitution of Yanukovych», in case of early termination of powers of Ukraine's President, the **Prime Minister** of Ukraine will fulfill his duties. This constitutional provision had been valid till **March, 1, 2014**.

Thus, until **March, 1, 2014**, in the absence of the President of Ukraine all the laws adopted by the Parliament could be signed **only by the Prime Minister** as the interim president. So Turchynov as the Chairman of the Verkhovna Rada had no legal power to sign laws adopted by the Parliament including the Law of Ukraine «On restoring specific provisions of the Constitution of Ukraine». The Chairman of the Verkhovna Rada gained the constitutional powers of the Acting President of Ukraine on **March, 2, 2014** after amendments to the Constitution had come into force. **Moreover, only the Ukrainian President or Acting President represented by the Prime Minister of Ukraine had the right to sign such amendments according to Chapter XIII of the Ukrainian Constitution. Thus, Turchinov as the Chairman of the Verkhovna Rada signed the Law without any constitutional powers to do it.**



### **Resolution of the Verkhovna Rada of Ukraine**

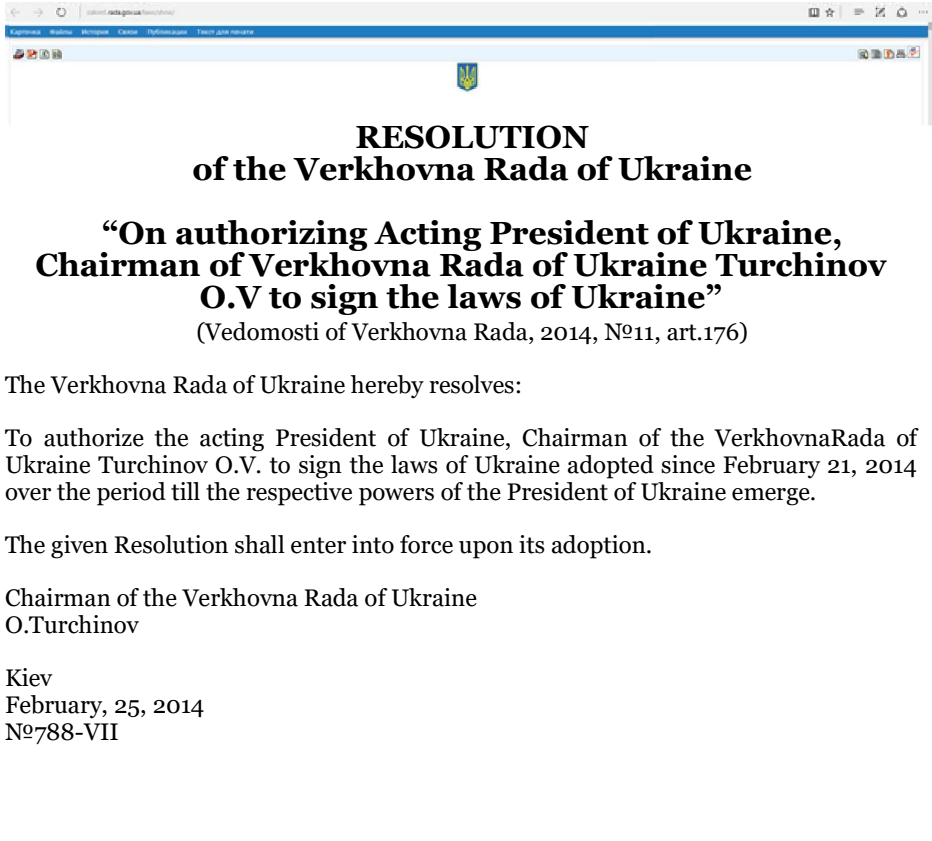
**“On conferring powers of the President of Ukraine on the Chairman of the Verkhovna Rada of Ukraine according to article 112 of the Constitution of Ukraine”**

(Vedomosti of Verkhovna Rada, 2014, №11, art.163)

Given that President of Ukraine V.Yanukovych withdrew from performing the constitutional powers, the Verkhovna Rada of Ukraine hereby resolves:

1. To confer the powers of the President of Ukraine on Chairman of the Verkhovna Rada of Ukraine Turchynov Oleksandr Valentinovych according to article 112 of the Constitution of Ukraine.
2. The given Resolution shall enter into force upon its adoption.

Chairman of the Verkhovna Rada of Ukraine  
O.Turchinov  
Kiev  
February, 23, 2014  
№764-VII

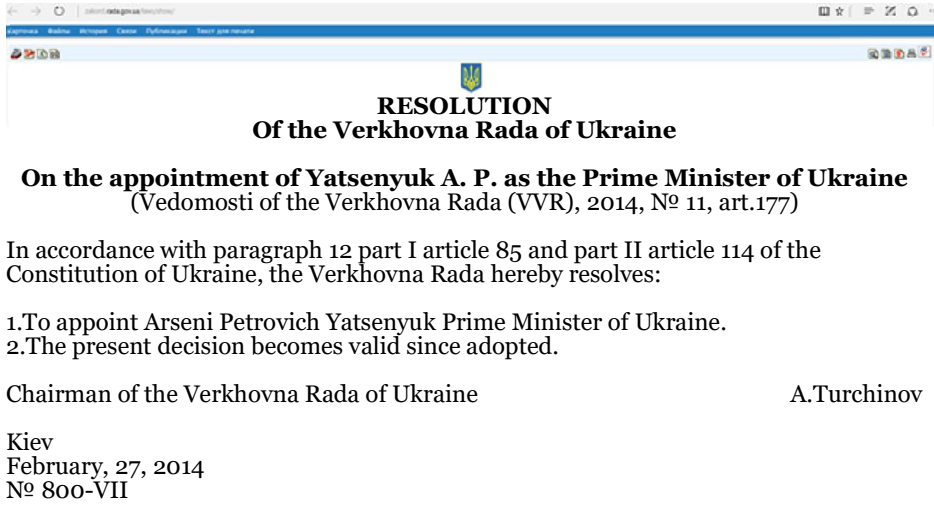


It should be reminded that February 23 Olexandr Turchynov was elected acting President of Ukraine and February, 25 the Verkhovna Rada of Ukraine empowered him to sign the Laws of Ukraine.

But in accordance with article 112 of the Constitution working at that period, the Verkhovna Rada was not entitled **to assign President of Ukraine duties to Turchinov** because until **March, 2, 2014** such duties could be assigned to the **Prime Minister** only.

Furthermore, the Verkhovna Rada of Ukraine is not vested with constitutional right to empower the President or an acting President to sign the Laws adopted by the Verkhovna Rada. **Under section V of the Constitution of Ukraine** the President or the Prime Minister, as the acting President in accordance with the Main Law, has the duties to sign the Laws. No additional decisions on the part of the Verkhovna Rada are required.





**RESOLUTION**  
**Of the Verkhovna Rada of Ukraine**

**On the appointment of Yatsenyuk A. P. as the Prime Minister of Ukraine**  
(Vedomosti of the Verkhovna Rada (VVR), 2014, № 11, art.177)

In accordance with paragraph 12 part I article 85 and part II article 114 of the Constitution of Ukraine, the Verkhovna Rada hereby resolves:

- 1.To appoint Arseni Petrovich Yatsenyuk Prime Minister of Ukraine.
- 2.The present decision becomes valid since adopted.

Chairman of the Verkhovna Rada of Ukraine A.Turchinov

Kiev  
February, 27, 2014  
№ 800-VII



**UKRAYINSKA PRAVDA**  
ESTABLISHED BY GEORGIY GONGADZE IN 2000

HOME NEWS ARTICLES OPINIONS INTERVIEW PHOTO/VIDEO ARCHIVES

**THE VERHOVNA RADA HAS ELECTED THE NEW GOVERNMENT**

Thursday, February, 27, 2014, 15:12

The Verhovna Rada has elected the new Cabinet.

The new government which is led by Arseni Yatsenyuk consists of First Vice Prime Minister Vitaly Yarema (will be responsible for law-enforcement and power blocks):

- Vice Prime Minister Alexander Sych;
- Vice Prime Minister – minister in charge of regional policy and housing and public utilities – Vladimir Groisman;
- Justice Minister Pavel Petrenko.
- The Ministry of Finance - Oleksandr Shlapak;
- Minister of economy - Pavlo Sheremeta;
- The Minister of education - Sergiy Kvit;
- The Ministry Of Social Policy - Lyudmila Denisova;
- The Ministry Of Environment - Andrew Mokhnik;
- Minister of culture - Evgeny Nischuk;

In accordance with article 114 of the Yanukovych Constitution, which was valid **until March, 1, 2014, the President of Ukraine appoints both the Prime Minister and the members of the Cabinet of Ministers.** If the Poroshenko Constitution changes were constitutional, the parliament would have been empowered to appoint the Prime Minister and the Cabinet since **March, 2, 2014.** Thus, appointing Yatsenyuk Prime Minister of Ukraine and electing new members of the Cabinet of Ministers of Ukraine **February, 27, 2014 contradicted the Constitution valid at that time.**

**Section XIII of the Constitution of Ukraine** creates the procedure of alterations to the Constitution of Ukraine. The Constitution validity provisions restoration law was introduced to the Verkhovna Rada of Ukraine and adopted with a flagrant violation of the procedure.

So, in accordance with **article 154** of the Constitution of Ukraine, a Constitution alteration bill can be introduced to the Verkhovna Rada by the President of Ukraine or by not less than one third of the membership of the deputies (**150 persons**). However, contrary to the Constitution of Ukraine, the last-mentioned law was introduced by **3** deputies: **Yatsenyuk, Klichko and Tyagnibok.**

The screenshot shows the official website of the Verkhovna Rada of Ukraine. The header includes the Ukrainian coat of arms and the text "ВЕРХОВНА РАДА УКРАЇНИ офіційний веб-портал". Navigation tabs include "Головна", "Законотворчість", "Законодавство", "Очищення влади", "Міжнародна діяльність", "Інформація", "Контакти", "Ресурси", and "Новини". The main content area displays the title "Проект Закону про відновлення дії окремих положень Конституції України" and a table of metadata. A red circle highlights the authors: Яценюк Арсеній Петрович (VII скликання), Кличко Віталій Володимирович (VII скликання), and Тягнибок Андрій Ярославович (VII скликання). The bottom navigation bar includes "Проходження", "Опрацювання комітетами", "Зв'язані законопроекти", "Альтернативні законопроекти", "Хронологія розгляду", and "Результати голосування".

Проект Закону про відновлення дії окремих положень Конституції України	
Номер, дата реєстрації:	4163 від 21.02.2014
Номер, дата акту	742-VII від 21.02.2014
Сесія реєстрації:	4 сесія VII скликання
Включено до порядку денного:	749-VII від 22.02.2014
Редакція законопроекту:	Основний
Рубрика законопроекту:	Правова політика
Суб'єкт права законодавчої ініціативи:	Народний депутат України
Ініціатор(и) законопроекту:	<u>Яценюк Арсеній Петрович (VII скликання)</u> <u>Кличко Віталій Володимирович (VII скликання)</u> <u>Тягнибок Андрій Ярославович (VII скликання)</u>
Головний комітет:	Писаренко В.В. Комітет з питань правової політики
Інші комітети:	Жванія Д.В. Комітет з питань державного будівництва та місцевого самоврядування Геллер С.Б. Комітет з питань бюджету Макеєнко В.В. Комітет Верховної Ради України з питань Реформації, депутатської етики та забезпечення діяльності Верховної Ради України Немиря Г.М. Комітет з питань європейської інтеграції
Текст законопроекту та супровідні документи:	<u>Проект Закону 21.02.2014</u> <u>Подання 21.02.2014</u> Пояснювальна записка 21.02.2014

## AMENDMENTS TO THE CONSTITUTION OF UKRAINE

**Article 154.** A draft law on introducing amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine.

**Article 155.** A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I — «General Principles,» Chapter III — «Elections. Referendum,» and Chapter XIII — «Introducing Amendments to the Constitution of Ukraine,» previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.

**Article 156.** A draft law on introducing amendments to Chapter I — «General Principles,» Chapter III — «Elections. Referendum,» and Chapter XIII — «Introducing Amendments to the Constitution of Ukraine» is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.

The repeat submission of a draft law on introducing amendments to Chapters I, III and XIII of this Constitution on one and the same issue is possible only to the Verkhovna Rada of Ukraine of the next convocation.

**Article 157.** The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizens' rights and freedoms, or if they are oriented toward the liquidation of the independence or violation of the territorial and visibility of Ukraine.

The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.

**Article 158.** A draft law on introducing amendments to the Constitution of Ukraine, considered by the Verkhovna Rada of Ukraine and not adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than one year from the day of the adoption of the decision on this draft law.

Within the term of its authority, the Verkhovna Rada of Ukraine shall not amend twice the same provisions of the Constitution.

*{See in the resolution of the Constitutional Court № 8-pn/98 of 09/06/1998 an official commentary of the regulation of part 2 article 158}*

**Article 159.** A draft law on introducing amendments to the Constitution of Ukraine is considered by the Verkhovna Rada of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on the conformity of the draft law with the requirements of Articles 157 and 158 of this Constitution.

*{See in the resolution of the Constitutional Court № 8-pn/98 of 09/06/1998 an official commentary of article 158}*

In accordance with **Article 155** of The Constitution of Ukraine a draft law on introducing amendments to the Constitution **must be under voting of the Verkhovna Rada twice**: first time it must be preliminarily approved by a majority of the constitutional composition (226 members) and later, to be concerned as adopted, not less than 2/3 of the constitutional composition of the parliament (more than 300 members) must vote for it at the regular session. **But there was a voting only in the first reading and the Law was adopted at once. There were neither a second consideration nor a second voting.**

In accordance with **Article 159** of the Constitution of Ukraine a draft law on introducing amendments to the Constitution must be considered by the Verkhovna Rada with the conclusion of the Constitutional Court of Ukraine concerning the compliance of a draft law with the requirements of **Articles 157 and 158** of the Constitution. **The above mentioned Law wasn't sent to the Constitutional Court where it wasn't considered and there weren't any conclusions made.**

The Constitutional Court already made its № 8-пп/98 decision on the issue of June, 9, 1998, case №1-26/98 at the constitutional proposal of the President of Ukraine concerning the official interpretation of the statements of the second part of **Article 158 and Article 159** of the Constitution of Ukraine.

In particular, in paragraph 2 of the decision, the Constitutional Court clearly pointed out the following:

**«The statements of Article 159 of the Constitution of Ukraine should be interpreted so as a draft law on introducing amendments to the Constitution of Ukraine in accordance with Articles 154 and 156 of the Constitution of Ukraine can be considered by the Verkhovna Rada of Ukraine ONLY with the presence of a conclusion of the Constitutional Court of Ukraine which states that the draft complies the requirements of Articles 157 and 158 of the Constitution of Ukraine».**

**This very decision of the Court was included in the text of the Constitution in accordance with Article 150 of the Constitution of Ukraine and it is binding for fulfillment on the territory of Ukraine, final and cannot be disputed.**

## **The «Cover» operation**

The Verkhovna Rada of Ukraine, its placeholders and people's deputies couldn't have misunderstood their committing a crime called «coup d'etat». To give a constitutional nature to their actions, they adopted the Act № 750-VII February, 22, 2014. According to this Act the Verkhovna Rada of Ukraine returned a former Constitution, i.e. it declared those constitutional provisions, adopted during the 5th session of the Verkhovna Rada on June, 28, 1996, including amendments and additions introduced to the Main Law of Ukraine, № 2222-VI dated 8.12.2004, № 2952-VI dated 01.02.2011, № 586-VII dated 19.09.2013. These actions let them temporarily entrust with duties of the Ukrainian president to Olexandr Turchynov, the chairman of the Verkhovna Rada.

### **ПОСТАНОВА**

#### ***Верховної Ради України***

**Про текст Конституції України в редакції 28 червня 1996 року, із змінами і доповненнями, внесеними законами України від 8 грудня 2004 року № 2222-IV, від 1 лютого 2011 року № 2952-VI, від 19 вересня 2013 року № 586-VII**

#### **RESOLUTION**

#### **of the Verkhovna Rada of Ukraine**

**On the text of the Constitution as in force on June 28, 1996, with amendments by the laws of Ukraine of December 8, 2004 № 2222-IV, February 1, 2011 № 2952-VI, of September 19, 2013 № 586-VII  
(Vedomosti of the Verkhovna Rada, 2014, number 11, art.151)**

Based on the fact that the Constitution of Ukraine is an act of constituent power of the Ukrainian people.

Taking into account the existing parliament exceptional powers to amend the Constitution of Ukraine as part of the constituent power,

aware that such statutory powers of the Verkhovna Rada of Ukraine, absolute makes it impossible to implement other public authorities or officials of any action to change the constitutional provisions.

Due to the fact that the Constitutional Court of Ukraine in paragraph 3 of the operative part of the Decision of September 30, 2010 № 20-rp / 2010 in the case of compliance with the procedure of amending the Constitution of Ukraine put on public authorities the duty of immediate implementation of that decision. Such performance causes amending the Constitution of Ukraine by the procedure, defined in chapter XIII of the Constitution of Ukraine.

Bearing in mind that the procedure of amending the Constitution of Ukraine, defined in Chapter XIII of the Constitution of Ukraine, is one of the basic conditions of the constitutional legitimacy of the rule of law in Ukraine.

Confirming that at the time of the adoption of the Constitutional Court of Ukraine the decision on September 30, 2010 № 20-rp/2010 on the case of the observance of the procedure of amending the Constitution of Ukraine the provisions of the Law of Ukraine "On Amendments to the Constitution of Ukraine" dated back to December 8, 2004 № 2222 - IV are an integral part of the Constitution of Ukraine. The law has exhausted its function that is set in the Resolution of the Constitutional Court of Ukraine dated February 5, 2008 № 6/2008. The opening constitutional proceedings on constitutional representation of 102 people's deputies of Ukraine regarding the conformity to the Constitution of Ukraine (constitutionality) of the Law of Ukraine "On amendments to the Constitution of Ukraine", the Law of Ukraine "On amendments to section IV" final and transitional provisions "Law of Ukraine" on the Constitutional Court of Ukraine ", which is the ultimate effect of the provisions of article 50 of the Law of Ukraine" On Constitutional Court of Ukraine" should be refused.

Guided by the provisions of Articles 147-153 of the Constitution of Ukraine, which does not provide powers of the Constitutional Court of Ukraine to check on the constitutionality of the individual parts or provisions of the Constitution of Ukraine, as well as make changes to the Basic Law of Ukraine, taking into account the conclusions of the European Commission "For Democracy through Law" (Conclusion "On the constitutional situation in Ukraine" dated December 20, 2010 (hereinafter - opinion) that: recovery - by the decision of the Constitutional Court of Ukraine - by virtue of the text of the Constitution in 1996 "by recognizing unconstitutional the law of Ukraine" on amendments to the Constitution of Ukraine "dated December 8, 2004 № 2222-IV" a question of the legitimacy of the existing government institutions has appeared, as the president and parliament are elected on the basis of constitutional provisions, which were later recognized no longer valid, as well - that as a result of this decision of the Constitutional Court of Ukraine President of Ukraine has received a lot more power than it has been known to voters at the time of his election, "and that since" the activities of the principal organs of state power is based on the rules, changed by the Court rather than the Verkhovna Rada of Ukraine as a democratically legitimate authority "(paragraph 70 of the conclusion), with the aim to restore the legitimacy of the constitutional order in Ukraine as the only authorized body to such an action, the Verkhovna Rada of Ukraine resolves:

1. Recognize acting on the territory of Ukraine Constitution of Ukraine adopted by the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996, with amendments by the laws of Ukraine dated December 8, 2004 № 2222-IV, February 1, 2011 № 2952-VI of September 19, 2013 № 586-VII
2. Laws and other regulations are valid in the part they do not contravene the provisions of the Constitution of Ukraine, adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996, with amendments by the laws of Ukraine dated December 8, 2004 № 2222-IV, February 1, 2011 № 2952-VI, of September 19, 2013 № 586-VII, and must be urgently brought into line with the above-mentioned Constitution of Ukraine.
3. The Verkhovna Rada of the seventh convocation elected at the next elections on October 28, 2012, exercise the powers provided by the Constitution of Ukraine, adopted at the fifth session of the Verkhovna Rada of Ukraine June 28, 1996, with amendments by the laws of Ukraine dated December 8, 2004 № 2222-IV, February 1, 2011 № 2952-VI, of September 19, 2013 № 586-VII, before gaining powers by the Verkhovna Rada of Ukraine, elected at the next elections on the last Sunday in October 2017.
4. Coalition formed by deputy factions in the Verkhovna Rada of the seventh convocation within one month from the day following the day of entry into force of this Regulation taking into account the decisions of the Constitutional Court of Ukraine № 11-rp / 2010 of 6 April 2010 concerning the case of the constitutional petition of 68 People's deputies of Ukraine with regard to the official interpretation of the provisions of the sixth part of article 83 of the Constitution of Ukraine, the fourth part of article 59 of the Rules of the Verkhovna Rada of Ukraine.
5. To publish this decision and the text of the Constitution of Ukraine, adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996, with amendments by the laws of Ukraine dated December 8, 2004 № 2222-IV, February 1, 2011 № 2952-VI of September 19, 2013 № 586-VII, in the newspaper "Voice of Ukraine" in the Gazette of the Verkhovna Rada of Ukraine.
6. This Regulation will come into force on the day of its adoption.
7. This Resolution expires from the date of coming into force the Law of Ukraine "On the renewal of certain provisions of the Constitution of Ukraine" dated February 21, 2014 № 742-VII.

4. Коаліція депутатських фракцій формується у Верховній Раді України сьомого скликання протягом одного місяця з дня, наступного за днем набрання чинності цією Постановою з урахуванням [Рішення Конституційного Суду України № 11-рп/2010 від 6 квітня 2010 року](#) у справі за конституційним поданням 68 народних депутатів України щодо офіційного тлумачення положень частини шостої статті 83 Конституції України, [частини четвертої статті 59 Регламенту Верховної Ради України](#).

5. Опублікувати цю Постанову, а також текст Конституції України, прийнятої на п'ятій сесії Верховної Ради України 28 червня 1996 року, із змінами і доповненнями, внесеними законами України від 8 грудня 2004 року № 2222-IV, від 1 лютого 2011 року № 2952-VI, від 19 вересня 2013 року № 586-VII, у газеті "Голос України" та у Відомостях Верховної Ради України.

6. Ця Постанова набирає чинності з дня її прийняття.

7. Ця Постанова втрачає чинність з моменту набрання чинності [Законом України "Про відновлення дії окремих положень Конституції України" від 21 лютого 2014 року № 742-VII](#).

Голова Верховної Ради  
України

О.ТУРЧИНОВ

м. Київ  
22 лютого 2014 року  
№ 750-VII

Therefore, for the first time in history of Ukraine the Parliament introduced amendments to the Constitution according **to the Act, but not to the Law, which is the violation of the article VII of the Constitution of Ukraine**. It is a serious violation of the special procedure in adopting such changes according to the articles 154, 155, 156, 157, 158, 159 of the Ukrainian Constitution.

The above mentioned Act of the Verkhovna Rada was illegally inserted to the Constitution, thereby it comes into collision with the decision of the Constitutional Court. The deputies realized the illegality of their actions, as they pointed out in the text of the Act, «...**that the compliance of the procedure of making amendments, established by the Ukrainian Constitution, the XIII chapter, is one of the basic conditions of the legitimacy of the constitutional order in Ukraine**».



## КОНСТИТУЦІЯ УКРАЇНИ

(Відомості Верховної Ради України (ВВР), 1996, № 30, ст. 141)

{Із змінами, внесеними згідно із Законами  
№ 2222-IV від 08.12.2004, ВВР, 2005, № 2, ст.44  
№ 2952-VI від 01.02.2011, ВВР, 2011, № 10, ст.68  
№ 586-VII від 19.09.2013, ВВР, 2014, № 11, ст.142  
№ 742-VII від 21.02.2014, ВВР, 2014, № 11, ст.143}

{Закон України № 2222-IV від 08.12.2004 визнано таким, що не відповідає Конституції України (є неконституційним), згідно з Рішенням Конституційного Суду України № 20-рп/2010 від 30.09.2010 у зв'язку з порушенням конституційної процедури його розгляду та прийняття}

{Положення Конституції України, прийнятої на п'ятій сесії Верховної Ради України 28 червня 1996 року, із змінами і доповненнями, внесеними законами України № 2222-IV від 08.12.2004, № 2952-VI від 01.02.2011, № 586-VII від 19.09.2013, визнано такими, що є чинними на території України Постановою Верховної Ради України № 750-VII від 22.02.2014}

*{The Law of Ukraine № 2222-IV dated 08.12.2004 declared to be inadequate to the Constitution of Ukraine (unconstitutional) according to the decision of the Constitutional Court of Ukraine №20-rp/2010 dated 30.09.2010, resulting from the breach of constitutional procedure of its consideration and acceptance.}*

*Provisions of the Constitution of Ukraine, adopted during the fifth session of Verkhovna Rada of Ukraine June 28, 1996, as amended and supplemented by the laws of Ukraine № 2222-IV dated 08.12.2004, № 2952-VI dated 01.02.2011, № 586-VII dated 19.03.2013 recognized in force on the territory of Ukraine by the act of Verkhovna Rada of Ukraine № 750-VII dated 22.02.2014*

The Constitutional Court of Ukraine acknowledged the **Ukrainian Law №2222-VI of 8.12.2004 to be unconstitutional** by its decision №20-rp-rp/2010 dated 30.09.2010.

According to the article 150 of the Constitution of Ukraine, the decisions of the Constitutional Court of Ukraine are final, binding for fulfillment on the territory of Ukraine, and cannot be disputed.

Having strongly violated the above mentioned constitutional standard and paragraph 1 of article 85 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine, **by its resolution, acknowledged the same Law of Ukraine №2222-VI, dated 8.12.2004, in force within the territory of the country and therefore canceled the decision of the Constitutional Court.**



# **Impeachment of the President**

## RESOLUTION

### **of the Verkhovna Rada of Ukraine on Removal of the President of Ukraine from performing constitutional powers and calling early elections of the President of Ukraine**

(Vedomosti of the Verkhovna Rada, 2014 №11, art.158)

Taking into account that President of Ukraine V.Yanukovich withdrew himself from performing his constitutional powers, which threatens the governability of the state, territorial integrity and sovereignty of Ukraine, wholesale violation of the rights and freedoms of its citizens, proceeding from the emergency circumstances, expressing the sovereign will of the Ukrainian people, the Verkhovna Rada resolves:

To find that President of Ukraine V.Yanukovich has unconstitutionally removed himself from performing his constitutional powers as President and acts as one and that he is not performing his duties.

In compliance with Paragraph 7 of part 1 of article 85 of the Constitution of Ukraine to call early Presidential election on May 25, 2014.

The current Resolution takes effect from the day of its enactment.

Chairman of the Verkhovna Rada of Ukraine  
O.Turchynov  
Kiev  
22 February, 2014  
№757-VII

**On October,22, 2014** the Parliament adopted the resolution on:

«Self-removal of President of Ukraine from performing the Presidential constitutional powers and the call of early elections of the President of Ukraine».

Notably there are no references to the Constitution articles on whose grounds this Parliamentary decision was taken. The text only mentions the rationale – «**self-withdrawal of President from implementing the Constitutional powers**».

Let's see the Constitution of Ukraine.



### **Constitution of Ukraine**

(Vedomosti of the Verkhovna Rada (VVR of Ukraine), 1996 №30, art. 141)  
**{The text of the Constitution of Ukraine corresponds to the text existing  
before amendments made by the Law of Ukraine № 2222-IV dated  
08.12.2004.**

**The Law of Ukraine № 2222-IV dated 08.12.2004 is recognized as such that  
does not correspond to the Constitution of Ukraine (is unconstitutional)  
due to infringement of the constitutional procedure of its consideration and  
adoption.**

**See the Decision the Constitutional Court of Ukraine № 20 rp/2010 dated  
30/09/2010}**

**Article 108.** The President of Ukraine exercises his or her powers until the assumption of office by the newly-elected President of Ukraine.

The powers of The President of Ukraine terminate prior to the expiration of term in cases of:

1. resignation;
2. inability to exercise his or her powers for reasons of health;
3. removal from office by the procedure of impeachment;
4. death.

**Article 108** of the Constitution of Ukraine carries rationale for early termination of the powers of the President of Ukraine:

1. resignation;
2. inability to exercise his or her powers for reasons of health;
3. removal from office in the case of impeachment;
4. death.

The listing is succinct and there is no such notion as «**self-withdrawal from implementing the constitutional powers**».

**Article 109.** The resignation of the President of Ukraine enters into force from the moment he or she personally announces the statement of resignation at a meeting of the Verkhovna Rada of Ukraine.

**Article 110.** The inability of the President of Ukraine to exercise his or her powers for reasons of health shall be determined at a meeting of the Verkhovna Rada of Ukraine and confirmed by a decision adopted by the majority of its constitutional composition on the basis of a petition of the Supreme Court of Ukraine – on the appeal of the Verkhovna Rada of Ukraine, and a medical opinion.

**Article 111.** The President of Ukraine may be removed from office by the Verkhovna Rada of Ukraine by the procedure of impeachment, in the event that he or she commits state treason or other crime.

**Articles 109,110, 111** of the Ukrainian Constitution strictly regulate the procedure of removing the President from performing the duties pursuant to the above mentioned grounds. None of those falls within the Regulation adopted.

Thus, lawfully elected on **February, 22, 2014** the President of Ukraine was unconstitutionally removed from power on **February,22, 2014**. To my mind, such removal of President from power is illegal and violates the constitutional rights of the citizens of Ukraine.

**Thus, concerning the calling of the early presidential election May 25, 2014, the Resolution of the Verkhovna Rada is illegal.**

Poroshenko himself admitted the fact of the coup. In his Twitter August, 22, 2016 he wrote:

«First we **overthrew** Yanukovich's marionette regime...»

The image shows a screenshot of a Twitter post by Petro Poroshenko (@poroshenko) in Ukrainian. The text of the tweet is: "Спочатку ми **повалили** маріонетковий режим Януковича, а потім завадили планам Кремля розчленувати Україну. Ми поховали проект «Новоросія»". The word "повалили" is circled in red. Below the text, it shows 108 retweets and 113 likes. The tweet is dated 16:32 - 22 авг. 2016 г. Below the tweet is a reply box with the text "Ответить @poroshenko". Below the reply box is another tweet by Petro Poroshenko from August 22, 2016, with the text: "В тому числі і тому що більша частина російськомовних співвітчизників сказала "так" єдиній, незалежній, соборній Україні". This tweet has 36 retweets and 41 likes.

In accordance with **article 109** of the Criminal Code of Ukraine, the actions aimed at violent alteration or overthrowing the constitutional system or at seizing governmental power (a coup) are felonious.

Such a statement made by Poroshenko on his Twitter in jurisprudence is regarded as a guilty plea.

**SPECIAL PART**  
**Chapter I**  
**CRIMES AGAINST NATIONAL SECURITY OF UKRAINE**

**Article 109.** Actions aimed at forceful change or overthrow of the constitutional order or take-over of government

1. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government, and also a conspiracy to commit any such actions, - shall be punishable by imprisonment for a term of five to ten years with the confiscation of property or without it.

2. Public appeals to violent change or overthrow of the constitutional order of take-over of government, and also dissemination of materials with any appeals to commit any such actions, - shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term with the confiscation of property or without it.

3. Any such actions, as provided for by paragraph 2 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or by means of mass media, - shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term with the confiscation of property or without it.

{Article 109 with amendments, adopted under Law № 721-VII from January 16th, 2014 is out of court under Law № 732-VII from January 28th, 2014; with amendments, adopted under Law № 767-VII from February 23rd, 2014, № 1689-VII from October 7th, 2014}

**Article 110.** Trespass against territorial integrity and inviolability of Ukraine

1. Willful actions committed to change the territorial boundaries or national borders of Ukraine in violation of the order provided for in the Constitution of Ukraine, and also public appeals or distribution of materials with appeals to commit any such actions, - shall be punishable by imprisonment for a term of three to five years with the confiscation of property or without it.

2. Any such actions, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or combined with inflaming national or religious enmity, - shall be punishable by imprisonment for a term of five to ten years with the confiscation of property or without it.

## **The lost constitutional variant of developments**

In **February, 2014**, Ukraine entered a severe political crisis. Acting in consultation with international community involved, a solution to the crisis was found. February 21, 2014, the President of Ukraine, the leaders of the opposition, the Ministers of Foreign Affairs of France, Germany and Poland signed an agreement, which created:

1. resumption of the 2004 Constitution within 48 hours;
2. conducting a constitutional reform;
3. early election of the President of Ukraine not later than December, 2014, in accordance with the new election law and the new membership of the central electoral commission;
4. an investigation of acts of violence under the monitoring of the European Council;
5. the obligation of the government not to declare state of emergency;
6. the obligation of the government to abstain from force using methods;
7. the amnesty of all the participants of Maidan movement;
8. turning in illegally kept weapons within 24 hours.

At those days it was the only right solution to the crisis in Ukraine, worked out by all the sides of the conflict, **under the condition that the alteration of the Constitution is strictly complies with the Main Law of Ukraine.**



## **NEWS The text of the Agreement on the settlement of the Ukrainian crisis**

Friday, February 21, 2014.

Concerned about the incidents of killings in Ukraine  
And wishing to immediately stop the bloodshed,  
Looking forward to keeping on making the way to political settlement of the crisis,  
We, the undersigned, have agreed on the following:

1. Within the 48 hours after signing this agreement, the special law on restoring the 2004 Ukrainian Constitution with all the amendments submitted before will be adopted, signed and published. The signatories declare the intentions of creating a coalition and forming a national unity government within the 10 days after it.

2. The Constitutional reform, which would balance the delegated powers of the President, the Government and the Parliament, will be launched at once and it should be finished in September, 2014.

3. The Presidential elections will be held at once on adopting the new Ukrainian Constitution, but not later than in December, 2014. The new electoral law will be adopted, as well as the new list of the members of the Central Committee on Elections will be formed on proportional basis according to the rules of OSCE and Venice Commission.

4. The investigation on recent incidents combined with the violence will be carried on under the joint monitoring by the government, the opposition and the Council of Europe.

5. The Government will not declare the emergency law. The government and the opposition will refrain from the use of force.

The Ukrainian Parliament will adopt the third law on the immunity from the criminal responsibility, which would work in case the same crimes are committed, as it was declared in the law signed February 17, 2014.

Both sides will make efforts to normalize the life of civilians in towns and villages by freeing administrative buildings from occupation and unblocking the streets and squares.

Illegal small arms should be handed over to Ukrainian Interior Ministry offices within the 24 hours since the above-mentioned special law came into force (clause 1 of the Agreement).

After this period of time bearing of all illegal small arms will cause consequences, which are described in current Ukrainian legislation. The Opposition and the Government forces will stop opposing each other. The Government will use the law-enforcement units only to protect the administrative and governmental buildings.

6. Foreign Ministers of France, Germany, Poland and the Special Envoy of the President of the Russian Federation call for the immediate stop of violence and opposing.

Kiev, February 21, 2014.

Signatories:

The President of Ukraine – Victor Yanukovich

The Opposition:

Head of 'UDAR' political party – Vitaliy Klichko;

Head of 'Batkivshchyna' political party – Arseniy Yatseniuk;

Head of 'Svoboda' political party – Oleg Tyagnibok.

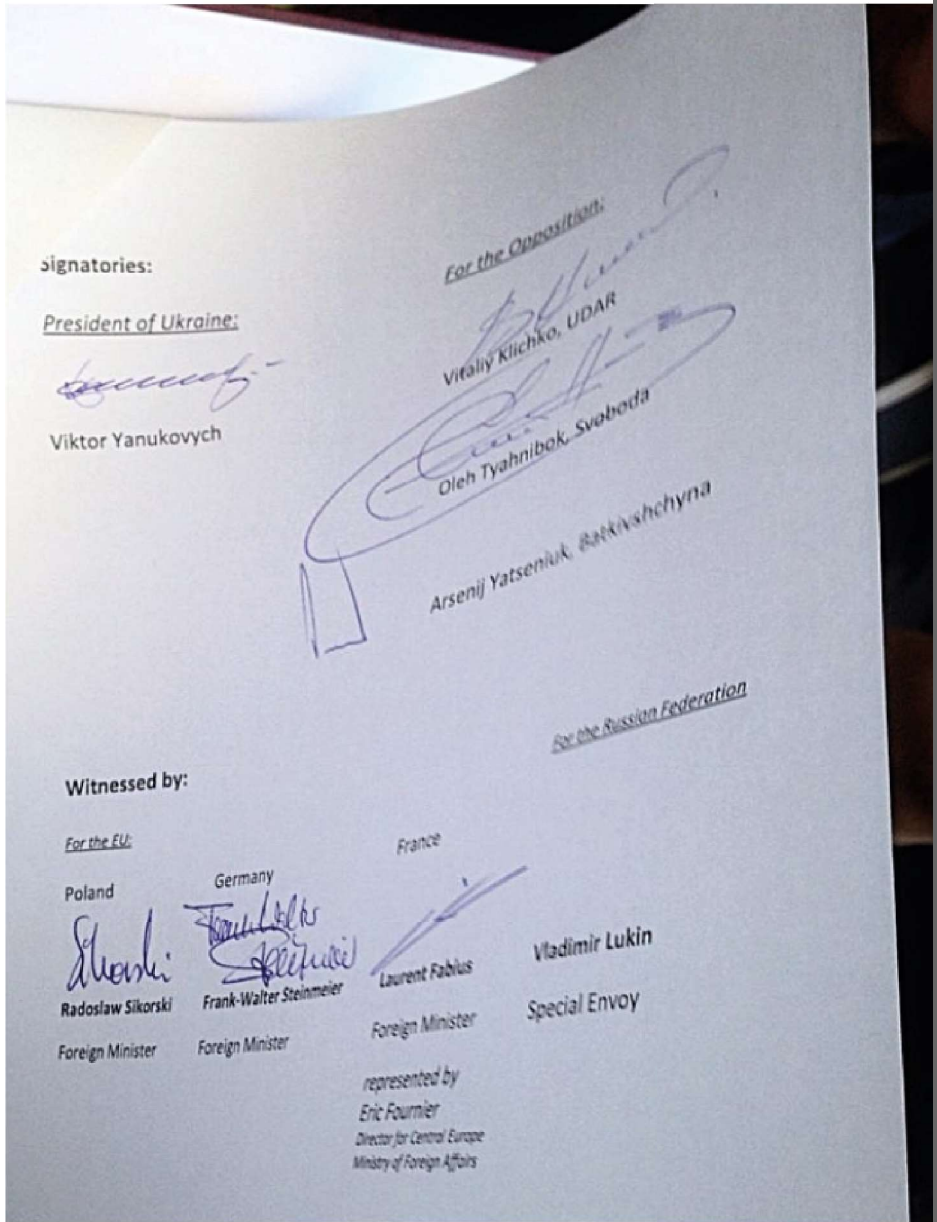
Witnessed by:

For the EU :

German Foreign Minister - Frank-Walter Steinmeier,

Polish Foreign Minister - Radoslaw Sikorski

and the Head of the European Department of the French Foreign Ministry - Laurent Fabius.





## EU welcomes the signing of the agreement between authorities and opposition in Ukraine

Friday, February, 21, 2014, 18:08

EU welcomes the signing of the agreement between the President of Ukraine Viktor Yanukovich and the opposition.

The President of the European Commission José Manuel Barroso said in a statement the document will help achieve peace in Ukraine.

“I welcome the agreement between the President of Ukraine and opposition leaders - assisted by the foreign ministers of Poland, Germany and France from the side of the EU – regarding the roadmap for a political settlement of the crisis. It is an important step to avoid violence and further bloodshed, to peace and stability in the country and a restoration of the political process”, said Barroso.

The President of the European Commission is convinced that the agreement has to be implemented without a delay.

“The international community has an obligation and responsibility to support this process. The EU will continue assist this effort and remains faithful supporting economic and political reforms in Ukraine” – said the statement.



Herman Van Rompuy  
@euHvR



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It is now the responsibility of all parties to be courageous & turn words into deeds for sake of #Ukraine's future: [ow.ly/tRd6j](https://ow.ly/tRd6j).

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Stefan Füle  
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#Ukraine welcome agreement reached, salute courage of all involved, implementation is key for the sake of country and its people.

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5:05 PM - 21 Feb 2014





NEWS

## Opposition Leaders: Agreement inked to Prevent Country's Breakdown, Maidan is the Guarantee

Friday, February, 21, 2014

Opposition leaders said they had signed an agreement with President Viktor to stop violence and prevent Ukraine from falling apart.

In this context, after getting out of the President Administration, Arseniy Yatsenyuk told the reporters:

"We have signed the agreement to prevent the breakdown of the country...to save lives of people...to keep our country safe."

In his words, that agreement "provided for early elections, Yanukovich is deprived of dictatorial powers, there will be an international investigation".

"Of course, such an agreement is not enough, but it is the first step for peaceful settlement", - said Yatsenyuk.

Answering the question how long the Maidan will stand, he said: "the Maidan is a guarantee of the agreement implementation. The Maidan is the people's will. And when the people feel that the justice is obtained in Ukraine, they will make a decision".

Answering more define questions whether people would stand till December and presumably what date the elections could be set on, Yatsenyuk said there is no trust in the President – that is why Europeans became guarantors of the agreement implementation.

He hopes the Maidan will perceive the signing of the agreement and it won't attack State institutions regardless of the Maidan Council decision, as it was on February, 18.

"There is no sense to attack, because there is our majority in the parliament... And we must implement fast what the country and the Maidan want", - said Yatsenyuk.

The "Batkivshchyna" leader also said, the opposition "has already taken on responsibility and personally he is ready for further steps".

Vitaliy Klichko said the agreement was signed to stop bloodshed, not to split the country and to capture the powers of the president Yanukovich.

Oleg Tyahnybok was talking about the Constitution restitution without any discussion.

As expected, besides the restitution of the 2004 Constitution, the Verkhovna Rada will pass a law on the discharge of arrested persons and on early elections.



NEWS

## Sikorsky: Agreement Approved by God Himself

Friday, February, 21, 2014

Poland's Foreign Minister feels glad with the agreement signed by the authorities and opposition. The God himself approves of it, he says.

He made this statement addressing the journalists near the President's Administration in Kiev.

"When we were entering this building 24 hours ago, we could see the smoke. Now the weather is fine here, so the God approves of this agreement", said the Polish minister.

This is the best agreement that we could sign. It gives Ukraine a chance to return to peace, the Polish Minister stressed.

He noticed that the agreement was not the end of the process but its beginning.

Answering the journalists' questions about how the agreement was taken by Maidan, Sikorski reported that the Maidan Council had approved the document by an overwhelming majority of votes.

## Sikorsky tries to persuade the Maidan Council, says everyone will die

Friday, February, 21, 2014, 19:17

Speaking at the Maidan Council session the Polish Foreign Minister Radoslaw Sikorsky said the agreement has to be supported, otherwise everyone will die.

The corresponding footage made by an ITV News journalist appeared on Friday. Exiting the talks he said, 'If you do not support us, you will have an Emergency, will have the army. You will all die', said Sikorsky.

Sikorsky addressed his words to Alexey Garan. Alexey Garan told the Ukrainskaya Pravda they were talking a possible solution to the situation.

'I spoke at the session and I said that from our side we wanted to make more demands to Yanukovich in this agreement. At the session he said it was the maximum that can be done. But he said it turns the country away from the war', said Garan.

During the session Sikorski stated that as a Pole he remembered the emergency state declared in Poland, he remembered many people suffer. At that time I came up and said that as a Pole, he had to know well what the Munich Agreement was. That Agreement opened a way to the absorption of Czechoslovakia in the beginning of the Second World War, he said.

I told him I hoped that it won't happen. He said that I was mistaken and that that turned the country away from a bloody conflict. I answered that we will hope so, explained Garan.

In the above publications the European Union has approved the agreements.

The Polish Foreign Minister Radoslaw Sikorsky said «**This agreement was approved by God himself**» and warned the opposition that rejection will turn into violence and blood. The opposition leaders said they «...signed the agreement not to split the country», and the «Maidan» is a guarantor of the implementation of the agreement.

Under the agreement, on February, 21 the authorities withdrew troops and special forces from the center of Kiev. However, part of the 'Maidan' leaders violated their obligations and perpetrated a coup d'etat.

**Thus they violated the fundamental constitutional law – any power change only through elections.**

## **The aftermath of the coup**

- Illegal reversion of the Constitution;
- Illegal removal of the elected President of Ukraine from office;
- Illegal appointment of the Acting President;
- Illegal holding of the new Presidential elections;
- Illegal forming of the new government;
- Illegal dismissing of the Ukrainian Parliament of the 7-th convention;
- Civil war, illegal use of the state's Armed Forces against its own citizens;
- **Other steps taken against the people, which resulted in impoverishment of the population (tariffs, prices, inflation etc.)**

**The actions of the individuals, who are connected with taking and fulfilling the above-mentioned decisions and steps, cause the criminal responsibility described in the article 109 of the Ukrainian Criminal Law – ‘Actions to forcefully change or overthrow the Constitutional System of the state or to illegally seize the power’ (the coup).**

These facts indicate that the coup d’etat in Ukraine resulted in **usurpation of power**, thus violating **Article 5** of the Constitution of Ukraine, which states «the people are the bearers of sovereignty and the only source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government (**part 2**). The right to determine and **change the constitutional order in Ukraine belongs exclusively to the people and can not be usurped by the State, its bodies or officials (part 3)**».

In accordance with the resolution of the Constitutional Court of Ukraine, dated October 5, 2005 (N<sup>o</sup> 6-пп/2005), in connection with the official interpretation of the provisions of Part 1 of **Article 103** of the Constitution of Ukraine in the context of the provisions of **Article 5 and Article 156**, the Court brought in the official interpretation of the provisions of Parts 2,3,4 of **Article 5** of the Constitution of Ukraine. In particular, as to clauses 4.4 and 4.5 the Constitutional Court pointed out that “the Constitution prohibits usurpation of the right to determine and change the constitutional order in Ukraine by the State, its bodies or officials, with this right belonging exclusively to the people of Ukraine.

**Usurpation, in this regard, means appropriation of the right to make amendments to the Constitution by the above mentioned subjects by means that violate the order, envisaged in Part XIII of the Constitution of Ukraine...** Hence, all actions of the State, its bodies and officials that lead to usurpation of the people's exclusive right to determine and change constitutional order in Ukraine must be considered **unconstitutional and illegal**.

Having considered the provisions of **Part 4 of Article 5** of the Constitution of Ukraine in which «no one can usurp state power», in systemic connection with provisions of Parts 2 and 3 of Article 5 and the other provisions of the Constitution, the Constitutional Court of Ukraine pointed out the following: **“Usurpation of state power must be interpreted as unconstitutional or illegal seizure of state power by state bodies, officials, civilians and groups of civilians.**

The Constitutional Court of Ukraine fixed that “the guarantee of preventing usurpation of state power must be the Constitutional principles of exercising State power on the basis of its division into legislative, executive, and judicial power (Part 1, Article 6 of the Constitution of Ukraine) as well as the provisions, **according to which State power, its bodies and officials are obliged to act only on the grounds, within the limits of authority, and in the manner envisaged by the Constitution and the laws of Ukraine (Part 2, Article 19 of the Constitution of Ukraine).**

Also, in accordance with **Part 2 of Article 6** of the Constitution of Ukraine «**bodies of legislative, executive, and judicial power exercise their authority within the limits established by this Constitution and in accordance with the laws of Ukraine**».

According to **Article 8** of the Constitution of Ukraine «**the Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and must conform to it**».

But Verkhovna Rada of Ukraine not only ignored the above mentioned constitutional norms, but it also failed to implement the provisions of **Article 79** of the Constitution of Ukraine, according to which people's deputies in their official oath **swear to «abide by the Constitution of Ukraine and the laws of Ukraine**».

It's known that usurpated regime always bear illegal decisions. As the result of it we have a split in our country, a civil war, a high level of committed crimes, the loss of the Crimea, the breakdown of the economy, total impoverishment of the society.

**OUR GOAL IS  
TO RETURN POWER TO THE PEOPLE**

- 1. PEACE TO EVERY HOUSE.**
- 2. KINDNESS TO EVERYONE.**
- 3. TRUTH TO ALL.**

**OUR WAY IS TOTAL RESTART OF POWER**

**EARLY PRESIDENTIAL AND  
PARLIAMENTARY ELECTIONS IN UKRAINE.**















**OUR MEANS IS PEACEFUL**

**IMPLEMENTATION OF THE AGREEMENT  
DATED FEBRUARY, 21, 2014, TAKING INTO  
ACCOUNT PRESENT REALITIES**

## Notes



Data for November 1, 2016

	<b>NAME</b>	<b>2013</b>	<b>2016</b>
	The rate of US Dollar	<b>8,2</b>	<b>25,5</b>
	Electrical energy, copeck\kWt per hour, VAT included	<b>28,02</b>	<b>71-163</b>
	Natural gas, hryvnia\m <sup>3</sup> , VAT included	<b>1,182</b>	<b>6.879</b>
	Petrol – premium class, hryvnia\litres	<b>11,5</b>	<b>22,7</b>
	Buckwheat, hryvnia\kg	<b>7,72</b>	<b>27</b>
	Beef, hryvnia\kg	<b>30,8</b>	<b>110-200</b>
	Pork, hryvnia\kg	<b>42,28</b>	<b>95</b>
	Ukrainian salo (pork fat), hryvnia\kg	<b>23,89</b>	<b>58,42</b>
	Flour, hryvnia\kg	<b>4,38</b>	<b>9</b>
	Bread, hryvnia	<b>4,2</b>	<b>12</b>
	Sugar, hryvnia\kg	<b>6,3</b>	<b>15</b>
	Vegetable oil, hryvnia	<b>14,55</b>	<b>32,2</b>
	Pension, euros	<b>85,7</b>	<b>35,8</b>
	Valokordin medicine	<b>15</b>	<b>117</b>