

**Attachment to
December 9, 2020 Letter from László Brenzovych,
President of the Cultural Alliance of Hungarians in Transcarpathia (KMKSZ)
to Dunja Mijatovic, Commissioner for Human Rights, Council of Europe**

Summary

Over the past three years, judicial authorities and the state security apparatus in Ukraine have carried out a meticulously coordinated campaign to undermine Hungarian minority institutions and their leaders in Transcarpathia. A series of criminal prosecutions, based on trumped-up charges, are used to harass and intimidate the Hungarian community and its organizations.

In recent days, the campaign has turned into a nightmare: using a court-issued search warrant, armed commando units of the Ukrainian Security Forces (SBU) raided Hungarian minority institutions throughout the Transcarpathian region, as well as the home of leader László Brenzovych, President of the Cultural Alliance of Hungarians in Transcarpathia (KMKSZ).

The Target: Regional Development and Community Funding

The ethnic Hungarian minority of Ukraine lives in compact communities in Transcarpathia, a relatively underdeveloped region. The Government of Hungary initiated an economic development program (known as the „Egan Ede” program), providing grants to help entrepreneurs develop their businesses, improve living conditions, and increase tax revenues.

The local coordinator of the regional funding initiative is the Transcarpathian Centre for Economic Development, a nonprofit foundation.

Ukrainian Security Service Investigates Foundation on False Charges (December 2017)

On 26 December 2017, the County Prosecutor’s Office of Transcarpathia filed a criminal case¹ against the Transcarpathian Centre for Economic Development. As of December 2020, the case is still under investigation by the Ukrainian Security Service in Transcarpathia. The case materials allege that some of the foundation’s activities and contracts „violate national sovereignty and damage to Ukraine’s national security”:

„In the period from July 2016 to May 2018 the Hungarian Ministry of Foreign Trade and Foreign Affairs and Mr. Brenzovych, as the Head of the Board of Directors of the Egan Ede Transcarpathian Centre for Economic Development Non-profit Foundation, concluded a number of Agreements related to the financing of the strategic plan for economic development of the Hungarian community in Transcarpathia (the plan has been approved by the Hungarian government as „Egan Ede” plan) for a total amount of 1 336 979 497,5 UAH. At the same time, individual regulations of the above

¹ No. 2201707000000149 for allegedly violating Part 4 of Article 110-2, Part 1 of Article 111 and Part 5 of Article 191 of Ukraine’s Criminal Code

mentioned agreements violate national sovereignty and damage Ukraine's national security, as far as they expand Hungarian national jurisdiction and the jurisdiction (competence) of Hungary's government bodies to the territory and residents of Ukraine, granting Hungary's governing and supervisory bodies a permission to exercise certain control functions in the territory of Ukraine, guaranteeing the realization of Hungary's national politics in Ukraine via introduction of a government programme. Implementation by Hungarian governmental or other bodies of certain activities, targeting the realization of their competencies related to legal relationships established in the territory of Ukraine where the subjects of the legal relationship are residents of Ukraine, shall be considered a violation of the sovereignty, intrusion to Ukraine's internal affairs and a cause of damage to Ukraine's national security".

In fact, Ukrainian laws do not prohibit granting financial support to charitable or non-profit organizations. The Hungarian government, providing support in the form of grants programmes, clearly never „expanded its jurisdiction to the territory of Ukraine”, nor „violated Ukraine's sovereignty or national security.” The case was politically motivated, coming shortly after local elections. In all probability, the goal of this maneuver was to pressure Hungarian representatives to support the pro-government party during coalition negotiations related to the Transcarpathian County Council.

Ukrainian Prosecutors File Second Case Against Ethnic Hungarian Organization (January 2020)

On January 31, 2020, the Prosecutor's Office in Transcarpathia filed a second criminal case² against another charitable organization, the Foundation for the Hungarian Institute in Transcarpathia, chaired by Mr. Brenzovych. Investigation of the case was assigned to the Ukrainian Security Service in Transcarpathia.

The case alleges that the foundation's leaders, over a three-year period, „illegally” obtained almost 140 million UAH from the Foundation for the Hungarian Institute in Transcarpathia. The funds were allocated to cover expenditures related to construction and renovation of government and community-owned educational and medical institutions in Transcarpathia.

In fact, both charitable foundations (Transcarpathian Centre for Economic Development and the Foundation for the Hungarian Institute in Transcarpathia) carried out their functions transparently, in strict accordance with Ukrainian regulations. All documents related to the financing and payments originated from the charitable foundations were submitted to (or seized by) law enforcement organizations or supervisory bodies.

The above two cases are now being prosecuted jointly, filed under the original case number.³

Jurisdiction Transferred to Eastern Ukraine (19 November 2020)

On November 19, the Prosecutor's Office In Transcarpathia determined that Investigation Department of the Ukrainian Security Service in Zaporizhya has competency in this case, since one of the participants was allegedly residing or staying in that region. (Zaporizhya is in Eastern Ukraine, nearly 1000 kilometers east of Transcarpathia.)

² № 42020070000000061

³ No. 22017070000000149

Judge Issues Search Warrant (23 November 2020)

On November 23, at the request of the Ukrainian Security Service in Zaporizyzya, the investigating judge of the Zhovtnevy district of Zaporizyzya issued a search warrant to search the offices of the KMKSZ, the „Egan Ede” Transcarpathian Centre for Economic Development, the Transcarpathian Hungarian Institute, and the home of Mr. Brenzovych.

Jurisdiction Transferred to Back to Transcarpathia (25 November 2020)

On November 25, after 6 days, the Prosecutor’s Office in Zaporizyzya region reestablished the Investigation Department of the Ukrainian Security Service in Transcarpathia as the competent investigative authority in this case.

Ukrainian Security Forces (SBU) Raid Minority Institutions and Mr. Brenzovych’s Home (30 November 2020)

On November 30, on the basis of the search warrant issued in Zaporizyzya, armed commando units of the Ukrainian Security Service raided the Transcarpathia Hungarian Institute, the Transcarpathian Centre for Economic Development, the headquarters of the KMKSZ in Uzhhorod/Ungvár, and the home of KMKSZ President László Brenzovych. The agents seized computers and other equipment, as well as Mr. Brenzovych’s personal mobile phone, diaries and other items.

Current Status of the Case

Over the past three years, both charitable foundations have submitted numerous documents as requested by the investigation. These documents are contained in the case files.

So far, none of the foundation officials have been formally accused of any wrongdoing. On 10 December 2020, the Court will decide whether to allow investigators to access the objects seized during the raids.