



Public Prosecution of Ukraine

PROSECUTOR GENERAL'S OFFICE OF UKRAINE

13/15 Riznytska Str., Kyiv, 01011

05.10.07 № 14/2-28179-07
To № _____ of _____

Mr. Rex Young
Senior Counsel
Office of International Affairs
U.S. Department of Justice
Suite 800
1301 New York Ave., N.W.
Washington, D.C. 20005

Dear Mr. Young,

The Prosecutor General's Office of Ukraine presents its compliments to the Department of Justice of the United States of America and, in compliance with the provisions of the Treaty between Ukraine and the United States of America on Mutual Legal Assistance in Criminal Matters of 22.07.98, applies with the request for providing legal assistance.

The Investigation Division of the Department of the Security Service of Ukraine in Mykolayiv region is investigating the criminal matter № 352 initiated by the elements of crime envisaged by Section 1 of Article 201 of the Criminal Code of Ukraine – smuggling. In the course of investigation of the case a need to carry out investigative actions on the territory of the United States of America has arisen. In connection with this fact the enclosed request for providing legal assistance has been prepared.

Referring this request, the Prosecutor General's Office of Ukraine guarantees that the criminal matter doesn't have as an object the prosecution by political motives. All information and materials, which will be obtained in the course of execution of this request, will be used solely for the sake of the establishment of the objective truth in this criminal matter and won't damage the interests of the United States of America and its citizens.

Please inform the Prosecutor General's Office of Ukraine about results of the consideration of the request with reference to № 14/2-28179-07.

In case if the request can't be satisfied, please inform the Prosecutor General's Office of Ukraine about the reasons, which prevent it.

Enclosure: on 20 pages.

Respectfully yours,

Head
International Law Department
By: O.S.Pidgaynyy, tel. +38-044-288-83-15

"signature"

Vitaliy K

Translator of the Prosecutor General's Office of Ukraine: *N. J...*



A. M

The petition for a legal aid with the criminal case № 352 investigation.

According to the Agreement on mutual legal assistance between Ukraine and the USA, dated 22. 07. 1998.

The Investigation Department of the Ukrainian Security Service in Nikolaev region investigates the criminal case № 352, instituted on the fact of the illegal import of the refined-cooper tubes. These actions are considered to be the crime, specified by the article 201, part 1 of the Ukrainian Criminal Code.

Article 201. Smuggling

Smuggling is the illegal transfer of goods, currencies, historical and cultural values, poison gases, radioactive materials, explosives, arms, ammunitions, except smoothbore sporting gun, and the strategic raw materials through the Custom office without any custom examination or with the attempt to avoid such one.

The transfer of the above said items may be made only in the accordance with the state legislation.

Smuggling of the above said items in extremely large amount is punished by the imprisonment for the term from three to seven years with the confiscation of property.

Note: Extremely large amount is 1000 and more salaries officially determined in Ukraine.

This case investigation is not a political persecution.

In the course of investigation was stated, that on May 10, 2007 the refined-cooper tubes were imported to Ukraine through the border point "Tisa" of the Chop Custom office, Zakarpatskaya region. On May 14, 2007 in the Custom office of Nikolaev the refined-cooper tubes (on the whole mass 19835kg) were official registered.

The Custom clearing of the mentioned good in Nikolaev Custom Office was carried out according to the fright custom declaration № 504000002\7\10444448 dated 14. 05. 07., CMR № 113680 and invoice № 0-2007\1 dated 09. 05. 07.

The above-mentioned documents state that the Seller of the Goods is the company "ABC Logistics Inc." (619, New York, Avenue Claymont Delaware, 19703, USA), the Buyer and the Consignee is private enterprise " Tekhotrade -

(Ukraine,). The total value of the Goods is 75412 hrvn., the exporting country is Hungary.

In fact, the above-mentioned Goods was delivered to the address of LLC " Kholodok " (Ukraine,) from Serbia (company "Fabrika Bakarnih Cevi A. D." Majdanpek Serbia) and according to the conclusion of the expert's report № 2307 on the Goods price dated 16. 05. 07., the real price of the Goods was 282441, 45 hrvn. on May 10, 2007.

The freight was transported by the truck " Iveco" № 068-35 PE, trailer № AO 0199 XX. The driver is the citizen of Ukraine Peter Petrovich .

P. P. was interrogated as a witness on this case. He explained that the above-said Goods had been loaded in Majdanpek Serbia, then the driver had delivered it to Budapest, Hungary. The Goods was executed in the Custom office as imported in Hungary by the company "NYK LOGISTICS" (H-1239, Budapest, Europa U. 8, C1, Bilk Center, Hungary), by its representative Laslo. After that export of the mentioned good in Ukraine was registered. Laslo gave the driver documents, that stated about realization of the refined-cooper tubes by the company "ABC Logistics Inc." to the address of the private enterprise " Tekhnotrade " (Ukraine, , director M. V.)

The director of the company " ABC Logistics Inc." Igor Vasilyevich was interrogated as a witness. He explained that on the ground of the Contract № RIV- 03\07 dated 01. 11. 06. he had realized the above-said cooper tubes to the private enterprise " Tekhnotrade " at the price indicated in the invoice № 0-2007\1 dated 09. 05. 07. And before that he bought them in the company "NYK LOGISTICS"(H-1239, Budapest, Europa U. 8, C1, Bilk Center, Hungary), represented by Laslo Tomash. I. V. gave the packing list № 196\07 to the invoice № 31-2007\1 dated 08. 05. 07.

With the purpose to take a legitimate decision concerning persons involved in the crime it is necessary to find out all circumstances of this crime, to establish its organizers and their accomplices.

In the view of the above said and in accordance with the Agreement on mutual legal assistance between Ukraine and the United States of America dated 22. 07. 1998., we ask you to effect the following actions in USA:

To find out:

1). Is the company " ABC Logistics Inc." (619, New York, Avenue Claymont Delaware, 19703, USA) registered in the USA? If it is so, who is the founder and the director of this company?

2). To establish the officials of the above-said company and interrogate them as witnesses on the following questions:

- what a post do they hold? And how long have they been holding this post?
- What kind of activity does the company " ABC Logistics Inc." perform?
- Is there representation of this company in the Ukraine? If it is so, who is the director of this representation?

