

To: Mrs. Isabelle Guibal

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Dear Mrs. Guibal,

I, Alyona Nykolayevych, a journalist from Ukraine, am turning to you with an open letter in the name of a group of Ukrainian journalists who are working on a book dedicated to the anti-cancer preparation NSC 631570 (UKRAINE) that was invented and developed by the Austrian scientist of Ukrainian origin Dr. Wassil Nowicky.

NSC 631570 consists of greater celandine alkaloids modified in the form of ions. This process is patented. The quality of NSC 631570 is verified in the same way as the alkaloids from greater celandine (*Chelidonium majus* L.) and is described in international pharmacopoeias (http://www.ukrin.com/docs/Chel_majus.pdf, http://www.ukrin.com/docs/USP_XXII.pdf).

In 1976, immediately after the selective effect and the therapeutic advantage of the anti-cancer preparation NSC 631570 over its starting substances had been found and proved, application was made for the registration of the preparation in Austria.

According to the “*Spezialitätenordnung*” (Medical Specialities Order) BGBl Nr. 99/1947, which was valid until 1984, ALL REQUIREMENTS FOR REGISTRATION HAD BEEN MET.

In accordance with legislation in force at the time, a preparation should have been registered immediately if it was produced on the basis of starting substances which were already registered and if a therapeutic advantage over those starting substances could be demonstrated. In this case neither pre-clinical nor clinical studies were necessary.

The letter from the Ministry of Health of the Republic of Austria to Dr. Nowicky under № AZ 11-921.726/1 – 8a/81 from 1981 (http://www.ukrin.com/docs/Anfrage_vom_27.07.1988.pdf) confirms that the application for the registration of NSC 631570 was made before 1984 when a new law came into force.

The application for the registration of NSC 631570 should therefore, even today, be dealt with in accordance with the Medical Specialities Order legislation, BGBl Nr. 99/1947, that was

in force in 1984 according to the so-called “pipeline principle”

([http://www.ukrin.com/docs/Brief an DrHauer.pdf](http://www.ukrin.com/docs/Brief_an_DrHauer.pdf)).

Since then and until now the Republic of Austria has not granted registration to NSC 631570 although it is the country of origin of this medical preparation. This has made NSC 631570 inaccessible for all cancer patients (especially for child cancer sufferers) which is a gross infringement of Article 7 of the Rome Statute of the International Criminal Court in Den Haag (The Netherlands) “*Crime against humanity*”, namely “... *the intentional infliction of conditions of life, inter alia the deprivation of access to ... **medicine***”.

In 1992 the Pharmaceutical Advisory Board at the Austrian Federal Ministry of Health described the tolerability of NSC 631570 as “excellent” and stated that it had “no side-effects” (http://www.ukrin.com/docs/Arrouas_1993.pdf).

The efficacy, safety and quality of the preparation have been demonstrated and proved by many scientific tests and studies (<http://www.ukrin.com/en/efficacy>) and thanks to the findings of this research the inventor of NSC 631570, Dr. Wassil Nowicky, was nominated for the Nobel Prize in 2004 (<http://www.ukrin.com/en/nobel-prize>).

One can imagine how many people around the world would have learned of the anti-cancer preparation NSC 631570 if Dr. Nowicky had been awarded the Nobel Prize for his invention.

In the same year, 2004, the Federal Ministry of Education, Science and Culture of the Republic of Austria offered to confer the title of professor on Dr. Nowicky. This would lead to the conclusion that the Ministry of Education, Science and Culture had no doubts about the effect, efficacy and quality of NSC 631570.

In 1993 the highly toxic preparation TAXOL from the American concern Bristol Myers was registered in Austria although only 17 case histories of patients who had taken this anti-cancer preparation were submitted. TAXOL was approved for registration only 6 months after application was made (http://ukrin.com/docs/Taxol_de_93.pdf, <http://www.hormonselbsthilfe.de/angebote/literatur/krebs-besiegen-ohne-nebenwirkungen.html> - p.87).

The NON-REGISTRATION of the medical anti-cancer preparation NSC 631570 in Austria as its country of origin for 38 years since application was made in 1976 and the registration of the preparation TAXOL within only 6 months is an infringement of Paragraph 7 of the Constitution of the Republic of Austria which guarantees the same rights to all citizens.

In 1981, the Austrian government demanded that Dr. Nowicky should have a licence to manufacture drugs. The appropriate licence was granted by the Ministry of Health of the Republic of Austria (<http://www.ukrin.com/docs/Konzessionsdekret.pdf>).

In the case of NSC 631570 the Austrian government demanded that a comparative clinical study be carried out in accordance with a study plan approved by Ministry of Health civil servants (http://www.ukrin.com/docs/Arrouas_1993.pdf).

This clinical study was carried out and its results were published in a specialist journal in 1996.

As shown by the results of the study carried out in accordance with a study protocol approved in Austria, the survival rate (21 months) in the group of patients with rectal cancer who received NSC 631570 (48 patients) was 78.6% whereas in the group of patients treated with chemotherapy (48 patients) it was only 33.3% (http://www.ukrin.com/docs/Susak_1996.pdf - p. 43, 45).

Another (neoadjuvant) study with colon cancer was also carried out and its results submitted to the Austrian Ministry of Health. The retrospective results of this study were published at a cancer conference in Dubai (UAE) in 2010.

The results of the retrospective study were as follows: 75% of patients in the NSC 631570 group survived 12 years (scheme: NSC 631570 – operation – NSC 631570). In the chemotherapy group the figure was 45.8% of patients (scheme: chemo - operation - chemo) (<http://www.ukrin.com/docs/dubai2010.pdf>).

As shown by the results of a study carried out by Dr. Burkhardt Aschhoff in Germany, the preparation NSC 631570 brought about full remissions in 64% of children cancer sufferers who had already exhausted all other possible forms of therapy and had been sent home to die. Whereby the figure for adults under the same conditions was only 10% (http://www.ukrin.com/docs/Aschoff_2000.pdf).

Doz. Gansauge from the Universität in Ulm (Germany) established that after treatment with NSC 631570, 30% patients with pancreatic cancer live longer than 5 years, whereas medical statistics show that after treatment with standard methods patients with this diagnosis remain alive for a maximum of 4-6 months and only 3% achieve a five-year survival rate (<http://www.cancer.org/cancer/pancreaticcancer/detailedguide/pancreatic-cancer-survival-rates>, <http://www.ukrin.com/beilagen/beilage9.pdf>, http://ukrin.com/docs/Gansauge%20Vernehmungsprotokoll_2012_10_19.pdf).

However, in order that these extremely positive results of treatment with NSC 631570 remain unknown to the public the director of the above-mentioned study was paid 780,000 euros - and so patients heard nothing of these excellent results of NSC 631570 therapy.

Despite the proofs of efficacy of the preparation, the government of the Republic of Austria has deliberately not granted registration to NSC 631570 in its country of origin over a

period of 38 years. This makes its registration in other countries more difficult and thus denies all cancer sufferers a last opportunity to find help in their extremely serious condition.

The question is, who was and is still interested in the non-registration of the medical anti-cancer preparation NSC 631570 in Austria?

We know that you have received the complaint from Dr. Wassil Nowicky at the International Criminal Court in Den Haag and registered it under *Reference Number ORT-CR-280/13 – Criminal Case of Dr. Wassil Nowicky* (Vienna Austria). We therefore ask you to accelerate the handling of this case.

NSC 631570 is the first and currently the only anti-cancer drug with a selective effect. The development of such a medicament has been the greatest wish of scientists all over the world for many decades. It can therefore safely be said that the invention of NSC 631570 is a momentous discovery.

The preparation NSC 631570 has the following unique properties:

it has a selective effect that destroys only cancer cells while leaving healthy cells undamaged;

it encapsulates cancer cells and facilitates their surgical removal as well as inhibiting the formation of new metastases;

it overcomes viral diseases and regenerates the immune system thanks to its immunomodulating effect;

it accumulates in cancer cells (this property of NSC 631570 can be observed under UV light due to its autofluorescence). This can be very helpful during a surgical operation because it enables a malignant tumour to be distinguished from healthy tissue.

There is a total of around 300 specialist publications dedicated to the preparation NSC 631570, including 180 which can be found on the website PubMed (<http://www.ncbi.nlm.nih.gov/pubmed/?term=ukrain>).

The effect of NSC 631570 has been demonstrated by a series of scientific tests and experiments, some of which are appended here:

http://nbuv.gov.ua/j-pdf/EOL_2013_35_2_14.pdf

<http://exp-oncology.com.ua/article/writer/bozeman-e-n>

<http://www.ncbi.nlm.nih.gov/pubmed/21799470>

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1379651/>

<http://www.ncbi.nlm.nih.gov/pubmed/11914932>

http://www.ukrin.com/docs/Susak_1996.pdf

Austrian scientists were the first to establish the selective effect of NSC 631570 (http://ukrin.com/docs/Brueller_1992.pdf). They also studied the property of NSC 631570 to encapsulate cancer cells (http://www.ukrin.com/docs/11_koshelnick.pdf).

The selective effect of the preparation has been confirmed by the study results of 12 prominent universities in different countries such as the University of Rochester (USA)

(http://www.ukrin.com/docs/Roublevskaia_2000.pdf);

Universität in Tübingen (Germany)

(http://www.ukrin.com/docs/Cordes_2002.pdf);

Universita di Milano (Italy)

(http://www.ukrin.com/docs/Gagliano_2006.pdf) among others.

The safety of NSC 631570 has been demonstrated by toxicological studies carried out in Germany, the former Yugoslavia, Ukraine, Belarus, Russia and Poland. The test findings of the Austrian Research Centre, Seibersdorf, carried out in accordance with GLP norms (http://www.ukrin.com/docs/Knapp_1996.pdf), confirmed the results of the studies in the other countries. The quality and good tolerability of the preparation were also proved.

It is quite difficult to understand the logic of the Austrian civil servants. While researching the question of NSC 631570 the attempt was made to explain to us that the pharmaceutical industry has an interest that the preparation should not be registered. However, members of the Austrian government have sworn to serve the people and not the interests of certain companies.

The application process has now lasted for more than 38 years and there is no indication of how long it could still last. But cancer patients cannot wait. Every year around 200 children die of cancer in Austria. During this time more than 6,000 children's lives could have been saved (<http://www.ukrin.com/en/obstructive-tactics-consequences>; <http://www.ukrin.com/docs/daniel-b-english.pdf>).

Austria has a population of 8 million. Every year approx. 5,000 people are diagnosed with colon or rectal cancer and around 3,000 die of it. Since application for the registration of NSC 631570 was made around 100,000 people have died of colon and rectal cancer. The fact that Austrian Ministry of Health civil servants have ignored this data is a conscious crime against their own citizens.

Austrian civil servants have done and are doing everything possible so that Dr. Nowicky has no time for his new scientific research. The scientist is losing all his time and energy in this struggle against the Austrian bureaucratic system. Instead of helping him in his scientific work, Dr. Nowicky is forced to experience a real horror, which should be impossible in a civilised European society (<http://www.ukrin.com/en/node/289>).

The more new proofs of the efficacy and advantage of NSC 631570 in the treatment of cancer patients have been obtained, the more brutal has been the conduct of Austrian civil servants.

The following facts are the best evidence of this.

On the basis of the results of clinical studies which, I repeat, showed that NSC 631570 brought about full remissions in 64% of child cancer sufferers who had exhausted all other forms of therapy (whereby the rate for adults under the same conditions was only 10%), Dr. Nowicky made an offer to the Austrian Minister of Health to provide NSC 631570 - a preparation with no side-effects, that was proved by the Austrian Research Centre, Seibersdorf, carried out in accordance with GLP norms - free of charge for the treatment of 11 child cancer sufferers who had exhausted all other forms of therapy and been sent home to die (<http://www.ukrin.com/de/taxonomy/term/19>).

Instead of giving an answer to this offer, on 11 November 2011 Austrian officers went to the office of NOWICKY PHARMA and unlawfully confiscated all ampoules with NSC 631570 and forbade the producer of the preparation, DYCKERHOFF Pharm. GmbH & Co KG (Cologne, Germany), to send already produced ampoules to patients, thereby depriving them of a last chance of treatment (<http://ukrin.com/docs/2011-11-11-ages-niederschrift.pdf>).

We asked for an explanation from the Austrian Ministry of Health: *“The above-mentioned officials stated the following as grounds for such conduct: ‘The medical speciality Ukraine recently lost its registered status in Ukraine.’ We therefore kindly ask you to explain on the basis of what documentation this concrete claim was made”*. We have not received a definitive answer until now (<http://ukrin.com/de/node/340>; http://ukrin.com/docs/Antwort_von_Gesundheit_21_03_2014.pdf; <http://ukrin.com/de/node/343>).

This raises the suspicion that after it was established how important and epoch-making the development of NSC 631570 is in the field of oncology, the interested parties began working hard on the production of a copy (<http://www.hormonselbsthilfe.de/angebote/literatur/krebs-besiegen-ohne-nebenwirkungen.html> - p.109).

The price of its copy was higher than that of NSC 631570.

Dr. Nowicky heard from his patients that the cost of the medicine was covered by Austrian health insurance although there were no publications about this drug.

Despite the fact that NSC 631570 has been presented at international medical congresses around 300 times and is well documented in around 300 professional publications (<http://www.ukrin.com/efficacy10>), Austrian health insurance institutions have never covered the cost of treatment with NSC 631570 (<http://www.ukrin.com/en/colon>).

When Austrian officials were certain that a copy of NSC 631570 had been successfully developed they began the persecution of Dr. Wassil Nowicky and his whole family by unlawful means.

What has been done with Dr. Nowicky and his family is a gross violation of the basic norms which govern human rights.

And here the worst begins.

Some unfounded assertions by two civil servants from the Austrian Ministry of Health were enough to declare that NSC 631570 has no effect and to imprison Dr. Wassil Nowicky (on 04 September 2012) and to call his company NOWICKY PHARMA a “criminal organisation”. In addition, on the basis of no evidence, it was asserted by Austrian Health Ministry civil servants that the preparation NSC 631570 was detrimental to human health, although, we repeat, in 1992 the Ministry of Health in its final report concerning NSC 631570 described the tolerability of this anti-cancer preparation as "excellent". In the same report it was stated that NSC 631570 has "no side-effects”.

All this took place with a gross infringement of international law, of ethics and with a disregard for human rights. The officials should have questioned Dr. Wassil Nowicky about the matter or turned to medical experts and requested competent help in order to decide whether such assertions were well-founded (<http://www.ukrin.com/docs/Beschwerde-gegen-Anordnung.pdf>; http://ukrin.com/docs/Habicher_12_09_2014.pdf; http://ukrin.com/docs/Unterkofler_12_09_2014.pdf).

On the same day, 04 September 2012, around 60 officers from the Austrian Ministry of the Interior and AGES (Austrian Agency for Health and Food Safety) entered the office of NOWICKY PHARMA in Vienna. The keys to all the residential spaces were seized so that they had access to all rooms. Not only the office and the laboratory where Dr. Nowicky carried out his work were opened but also all the private rooms of the Nowicky family. All the officers were not only able to enter these rooms freely but were also able to take anything without a single representative of Dr. Nowicky being present. A report of events as required by Austrian law was also not made. All savings books, as well as cash from Mrs. Nowicky’s handbag, were confiscated. A whole series of valuables also disappeared.

Computers and the documentation for the next specialist publications were confiscated from the office and all Dr. Nowicky’s new research products were confiscated from the laboratory. 268,000 ampoules of NSC 631570 were confiscated. And all of this was done without an appropriate court order. Irrespective of the fact that the court ordered that all confiscated ampoules be returned, it has still not been done (http://ukrin.com/docs/Beschluss%2011.Dez_.2012_1.pdf).

Dr. Nowicky's children were taken to a police station where they were to remain from 09.00 until 23.00. They were threatened with 10 years imprisonment if they did not tell the truth. It was also emphasised that their parents were criminals.

Dr. Wassil Nowicky spent 6 weeks in prison and de facto his freedom was curtailed because his passport was only returned to him three weeks ago.

After all accusations against Dr. Nowicky with regard to NSC 631570 having no effect were withdrawn, allegations began to be made and suspicions raised which we regarded as simply ridiculous, which had no legal motivation and which were raised in breach of the legal order: “... *because the accused is charged with several crimes...*”

(http://ukrin.com/docs/Nowicky_Einstellung_20_09_13.pdf - p.2).

How can lawyers permit themselves to use expressions such as “several crimes” without giving details? What chance does the accused have of defending himself? Is this consistent with the practice of a European constitutional state?

Then the Austrian officials repeatedly find all sorts of new reasons to justify their illegal actions.

The efforts to charge Dr. Wassil Nowicky with tax evasion.

From 1993 to 2013 Dr. Nowicky paid the sum of **513,975.53 EUR in tax to the Republic of Austria** (<http://www.ukrin.com/docs/Finanzaufwand.pdf>).

Dr. Wassil Nowicky has worked on his preparation NSC 631570 since 1964. In 1975 he submitted his application for the registration of NSC 631570 and was granted a patent in 1980. The price of 70 euros per ampoule is only made up of the costs for the patents, the salaries of staff, the production of the NSC 631570 ampoules in accordance with GMP norms and the analysis of the preparation according to GLP standards. The price is not made up of the energy, all the work or all the efforts of the researcher which he has put into the development of the preparation since 1964.

As a patent holder he also has the right to make a profit. In addition, he brought this product to Austria with him and it was therefore his property. And as long as the product is not registered in Austria it is regarded as “Liebhaberei” (meaning a hobby or an activity not engaged in for profit) which is not taxed in this country.

In order to gather new evidence for the effect of NSC 631570 he often gave the preparation to patients free of charge and in other cases at cost price, made up only of the costs for the patents, staff salaries and office rent (<http://www.ukrin.com/docs/Zwischenbericht.pdf>).

After this allegation against Dr. Nowicky was also dropped, a new accusation was levelled at him because of the fact that he had given his son an apartment. It is interesting that

Dr. Nowicky gave this apartment to his son on 06 July 2009 and the accusation was made on 18 January 2012.

Dr. Nowicky noticed that after administration of NSC 631570 the colour and the smell of the urine of cancer patients changed. It can therefore be supposed that certain substances in NSC 631570 interact with certain substances in cancer cells in a biochemical reaction, the result of which is a new biochemical compound which changes the colouring and smell of the urine. Dr. Nowicky used this factor in the development of early cancer diagnosis.

In order to obtain the required amount of this new compound for his experiments Dr. Nowicky used NSC 631570 ampoules with a period of validity up to 2006. It is generally known that alkaloid salts do not lose their effect over time. NSC 631570 is made up of ions from alkaloid salts. After the unlawful confiscation of all ampoules on 11 November 2011 and the ban on sending already manufactured ampoules from DYCKERHOFF Pharma GmbH & Co KG (Cologne, Germany) to patients, Dr. Nowicky could not allow cancer patients to die in their hopeless condition. Therefore, acting on the basis of paragraph 10 of the penal code of the Republic of Austria, he relabelled the NSC 631570 ampoules. Austrian officials are now also attempting to use this fact against Dr. Nowicky.

After the confiscation of NSC 631570 the Austrian officials involved became accomplices in a great crime - the deaths of a whole series of patients who were only alive thanks to this preparation. A new question then arises: who should really be considered a criminal?

We discovered more shocking facts while talking with Dr. Nowicky.

For example, after his arrest Dr. Nowicky promised one of the state officials that after his release he would protest in court against the conduct of Austrian officials, to which he received the following answer: "You won't be getting out of here but will be carried out horizontally. After your death you'll be rehabilitated and your family will receive apologies." In prison Dr. Nowicky ate nothing and drank only tap water for fear of being poisoned. He was not allowed to make any phone calls and nobody was allowed to visit him. Professors from Germany tried to get him released over a period of two weeks. Dr. Monika Berthold also made a few attempts to see Dr. Nowicky but without success.

Dr. Wassil Nowicky continues to receive new information about the fact that he should be killed. A patient from Spain, the mother of two children, who had remained alive for two years solely thanks to the preparation NSC 631570, addressed Eva Habicher, who had signed the "order to search" of 28 August 2012, with the request to make the preparation available to her. She received the answer that the Public Prosecutor's Office could do nothing at all because, "the three ministries have received the order to destroy Dr. Nowicky".

An acquaintance of Dr. Nowicky, a government employee who thanks to NSC 631570 is still alive 14 years after being diagnosed with cancer, was once in conversation with a minister (he did not pass on the name). In answer to a question about Dr. Nowicky he received the answer that the preparation NSC 631570 no longer existed and that Nowicky himself no longer existed, just like the patents. In fact, this news was in a way good for Dr. Nowicky because he had forgotten that the patent fees had to be paid on time. He therefore borrowed the sum needed and saved his patents.

Dr. Nowicky's lawyers have addressed the relevant authorities with many complaints:

<http://www.ukrin.com/en/node/331>;

<http://www.ukrin.com/docs/Oberstaatsanwaltschaft.pdf>;

http://www.ukrin.com/docs/Einstellung_Verfahren.pdf;

<http://www.ukrin.com/docs/ukrain-Cour.penale.international.pdf>;

<http://www.ukrin.com/docs/Beschwerde-gegen-Republik.pdf>.

But they have still not been dealt with by Austrian civil servants.

Two books have already been devoted to the unlawful conduct on the part of the Austrian authorities: the book by Dr. Eleonore Thun-Hohenstein "*Krebsmittel UKRAIN. Kriminalgeschichte einer Verhinderung*" (<http://www.ukrin.com/files/book.pdf>) and the book by Dr. Monika Berthold with Elisabeth Buchner "*Krebs besiegen ohne Nebenwirkungen. Die erstaunliche Erfolgsgeschichte von UKRAIN*".

We address you with the request to turn your attention to the facts described above, which we regard as a targeted crime against humanity (Art. 7 of the Rome Statute). And this is a crime not only against Dr. Wassil Nowicky, his family and his company NOWICKY PHARMA but also against all cancer sufferers in the whole world (and especially against child cancer patients) - all of these people are consciously being forced to pay with their lives for this horrific and terrible disease. In addition, they suffer the intolerable ordeal brought about by treatment with chemotherapeutic drugs.

One can imagine how dangerous the procedure of chemotherapy is when the doctors who treat children with chemotherapeutic preparations carefully protect themselves with goggles, masks or with breathing apparatus and rubber gloves in order to avoid contact with these carcinogenic substances. The chemotherapeutic preparations have very strong negative side-effects, are carcinogenic, whereby they themselves bring about the onset of cancers, and can only be helpful in few cases. As is known, with standard therapy a 5-year survival rate can be achieved in 50-60% of patients and a 10-year survival rate in 45% of patients. We have found no data on how long it takes for cancer to develop in the body after contact with a carcinogenic substance (<http://www.economist.com/node/18743951>).

The fact that NSC 631570 is not registered signifies a targeted denial of the opportunity for patients to be treated with a preparation that has no side-effects in therapeutic doses and which has proved its effect against cancer in a whole series of scientific studies. The results of these scientific studies can be found in the relevant specialist publications and 180 of them can be found on PubMed (<http://www.ncbi.nlm.nih.gov/pubmed/?term=ukrain>).

As mentioned above, according to the “Spezialitätenordnung” (Medical Specialities Order) BGBl Nr. 99/1947, which was valid until 1984, the anti-cancer preparation NSC 631570 should have been registered immediately because ALL requirements for its registration had been met.

If this preparation were registered in Austria, the state could earn at least 2.8 billion euros per year and more than 2,000 jobs would be created. However, the most important aspect of this illegality, perpetrated by the Austrian health authorities, is that the non-registration of NSC 631570 has made it impossible to help many cancer patients – and especially children with cancer.

We do not know why Austrian civil servants have acted like this - out of conviction or for material gain?

We have a proverb in Ukraine, “*You scratch my back and I'll scratch yours. You roll my log and I'll roll yours*”. Officials are confident that they will not be held to account for their actions, even though illegal.

It is for this reason that we are turning to the International Criminal Court (http://ukrin.com/docs/Nowicky_Einstellung_20_09_13.pdf)

We would be very grateful if you help us and Dr. Wassil Nowicky, to find a path to justice and to answer the question of who is interested in the non-registration of NSC 631570 as well as who is guilty in the deaths of many cancer patients and hereafter to call delinquents to account for this crime.

Yours sincerely,

Alyona Nykolayevych,



Member of the National Association of Journalists, Ukraine

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