

Kyiv Post starts bright new era
Newspaper moves into shiny new headquarters on 68 Zhylianska St., a building owned by Kyiv Post publisher Adnan Kivan. See page 12.



Kyiv Post

UKRAINE'S GLOBAL VOICE

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year!**

Courtpocalypse

Dirty rulings make it clear: Corruption is here to stay

High Council of Justice protects corrupt Vovk court

Constitutional Court delivers vicious blow to corruption fight in ruling against NABU head

Kyiv court sides with Surkis brothers against state's PrivatBank

Zelensky's party kicks out whistleblowing lawmaker

See coverage on pages 5-10

Volodymyr Petrov



Activists stage a protest against judicial corruption near the Presidential Administration in Kyiv on Sept. 3. Protesters dressed as judges and wore wolf masks in reference to Pavlo Vovk ("vovk" means "wolf" in Ukrainian), a notorious judge implicated in top-level corruption. Despite the publication of tapes where Vovk and other judges unambiguously discuss corrupt dealings, the High Council of Justice refused to remove Vovk. President Volodymyr Zelensky kept silent on the scandalous case, while his office said they won't intervene in the judicial system. The ruling that shielded Vovk was one of several recent setbacks to rule of law in Ukraine. Before that, on Aug. 28, the Constitutional Court ruled that Artem Sytnyk, who has been the head of the National Anti-Corruption Bureau since 2015, was appointed illegally, endangering the future of Ukraine's battle against corruption.



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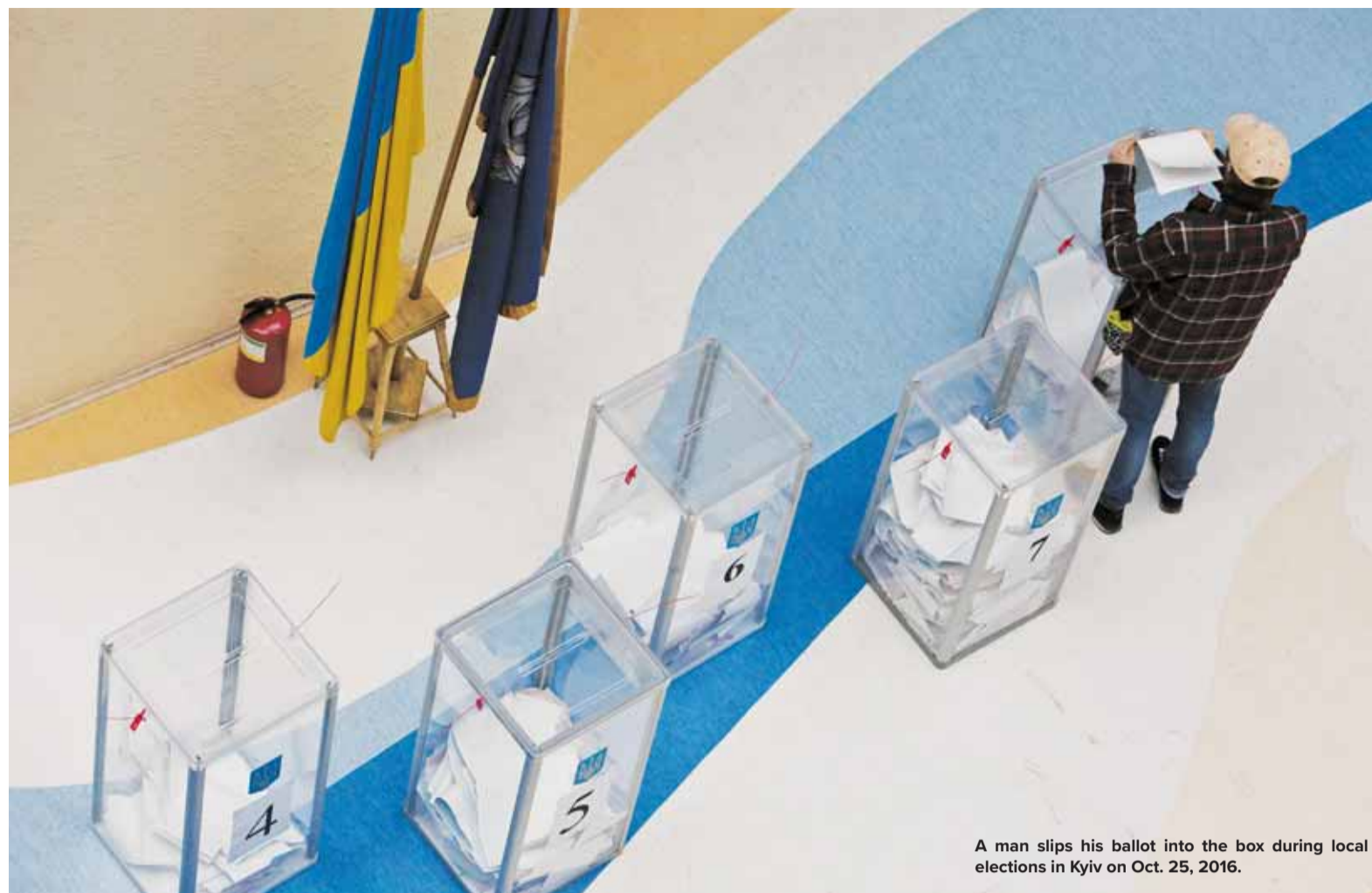
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A man slips his ballot into the box during local elections in Kyiv on Oct. 25, 2016.

Volodymyr Petrov

Why Oct. 25 local elections are important for Ukraine

By Bermet Talant
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The local elections across Ukraine are scheduled for Oct. 25, and the campaigns are gathering momentum. But don't let the word "local" mislead you into thinking these contests are not as worthy as the parliamentary or presidential elections.

This year's local elections might be the most high-stakes and competitive in Ukraine's independent history. The country's decentralization reform granted local authorities more autonomy from the central government and more tax money to manage as they see fit. Changes to the Election Code increased the role of political parties. And the COVID-19 pandemic has required adjustments to the way campaigns are conducted and in-person voting is held.

Moreover, October local elections are an opportunity for the opposition on both sides of the spectrum to take advantage of President Volodymyr Zelensky's declining popularity.

Zelensky stormed politics last year with a historic landslide victory, and his television fame and election promises were strong

enough to help Servant of the People, his party of political novices like himself, win the majority seats in the parliament.

Now in his second year in office, Zelensky has been losing popularity, albeit more slowly than his predecessors. The Minsk talks on Russia's war in the Donbas are deadlocked, prominent reformers left his team, his staffing policy raised questions and the coronavirus lockdown exacerbated the country's economic crisis.

Notably, disillusionment with Zelensky is growing in the east, which was once very approving of the young Russian-speaking president without an aggressive nationalistic agenda. The lost support goes to pro-Russian parties such as the Opposition Platform – For Life or the party of blogger Anatoliy Shariy, according to the Kyiv International Institute of Sociology.

As much as the coronavirus pandemic was beyond Zelensky's control, it plays a huge role in the election race. There has already been discord between the central government, which orders anti-epidemic measures, and the local authorities, who have to implement them. Cities have refused to impose new restric-



tions, unwilling to anger the voter base, despite a growing number of COVID-19 cases and hospitals filled with patients.

As the elections approach, the virus risks and the political tensions over the coronavirus response will increase, presenting Zelensky with a double challenge of protecting public health and securing the success of his party.

Servant of the People, too, has lost its luster and became riven by internal rifts. Some members of the 248-member ruling faction have turned against Zelensky and his government. The party has not built a stable regional network.

During his recent official visits to eastern and central Ukrainian regions, Zelensky openly promoted his party and its candidates for local elections.

So who is getting elected in the local elections? Members of oblast (region), rayon (larger district), city and village councils, as well as city mayors and heads of villages.

According to the new Election Code, independent candidates may run only in small towns or villages with populations fewer than 10,000 people. In more populous places, candidates have to be nominated by a political party.

Other novelties are open lists. Parties will have to disclose the names of their candidates, and voters will vote not only for a party, but for a particular candidate on its list. Two out of every five candidates on the party list must be women.

Mayoral elections in cities of over

75,000 people will have two rounds if no candidate wins 50%+1 vote in the first round. In smaller towns and villages, mayors will be elected by the majority of votes.

The changes in the administrative structure of Ukraine reduced the number of rayons, or large districts comprised of several villages and towns, from 490 to 136. Fewer administrative districts mean a smaller number of district councils and their elected members, and therefore higher competition.

The transition to a party system in cities encouraged incumbent mayors seeking reelection to form their own parties in order to maintain influence over local councils.

Among them are Kharkiv Mayor Hennadiy Kernes's Bloc Successful Kharkiv, Mariupol Mayor Vadym Boichenko's Bloc; Zaporizhia Mayor Volodymyr Buryak's 'Unity'; and a new party, Propozytysya, led by the mayors of Dnipro. Mykolayiv, Chernivtsi, Zhytomyr, Kropyvnytsyi, Kakhovka and Uman.

The races to change the leadership of Kyiv, Odesa and Lviv (Andriy Sadovyi is running again despite saying he wouldn't) likely won't bring any surprises, as the sitting mayors lead in the polls.

Established political parties are actively nominating their candidates too. For those that didn't get into parliament or won fewer seats than they aspired to, local elections are a chance to muster the base before the next parliamentary election.

This October, an estimated 27 million Ukrainians are expected to vote. Former residents of now-occupied parts of Donetsk and Luhansk oblasts have been allowed to vote according to their current residential address.

Follow the Kyiv Post for the coverage of the local elections in Ukraine this fall. ☺

Kyiv Post opens nominations for Top 30 Under 30 awards

Since 2016, the Kyiv Post team has given the annual Top 30 Under 30 award to young Ukrainians from all over the nation who have outstanding achievements in their fields – sports, politics, fashion, art, business, civil society and others.

The winners are part of a new generation with great ideas and patriotism, leaders who are working to solve Ukraine's problems and make the nation we love a better place. Previous winners have included Olympic medalists, members of parliament, business leaders as well as regional activists and leaders

who despite difficulties have done tremendous work where they live.

And now, for the 5th year, the Kyiv Post starts looking for new heroes with the help of readers. If you know young leaders who are 29 or younger and have great achievements, let us know.

Nominate them here: bit.ly/2D095QS

The nominations are accepted in English and Ukrainian. But please note that self-nominations are not allowed.

Nominations will be accepted through Oct. 4 but we rec-



Oleg Petrasjuk

The winners of the Kyiv Post's 2019 Top 30 Under 30 award pose after the ceremony on Dec. 10, 2019, at Unit City in Kyiv. The Kyiv Post has acknowledged young high-achieving Ukrainians with the prize every year since 2016. Nominations for the 5th annual contest are open now.



Oleg Petrasjuk

Top 30 Under 30 awards stand on a table before the ceremony on Dec. 10, 2019.

ommend that you put forward winners will be announced in livestream ceremony on the Kyiv your candidates right away. The November during a special online Post website.

To nominate, go to: <https://labs.kyivpost.com/top30-under-30-by-kyivpost-2020-1/>



Kyiv Post

TOP 30 UNDER 30

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EDITORIALS

Kremlin beast

Just because Russia has been involved in a myriad of injustices both at home and abroad doesn't mean that we shouldn't be alarmed with the news of Russian opposition leader Alexey Navalny being poisoned with a variant of the Novichok nerve agent.

It's the Kremlin who invented this agent, and only the Kremlin has access to it. This is the same agent that was used to attack former KGB spy Sergei Skripal with his daughter Yulia in Britain in 2018.

Britain and Germany were quick to condemn Russia. German Chancellor Angela Merkel said that Navalny is "definitely the victim of a crime," adding that "they wanted to silence him."

"There're very serious questions now which only the Russian government can and must answer," Merkel said. "The world will wait for an answer."

The answer is simple. Time and time again the Kremlin has been instigating crimes, instability, hate and chaos on the international arena while silencing any sense of democracy and freedom at home. It's becoming more difficult to find anything bad in international news that is not related somehow to Russia.

We in Ukraine are reminded of the Kremlin's involvement every day as we report on Russia's war on Ukraine both on the military and informational fronts. Close to 15,000 people have died because of the war.

The Kremlin's involvement is also seen now in Belarus, where the Soviet structure is trying to silence hundreds of thousands of people who have been taking to the streets to demand strongman Alexander Lukashenko to step down after 26 years of authoritarian rule.

If post-Soviet states notice the success of the opposition against dictators, that will give hope for opposition elsewhere to succeed in establishing democracy — not something Russia would ever want.

Franak Viacorka, a Belarusian journalist, put it well in one of his recent op-eds saying that the "events in Belarus are a reminder that the fall of the USSR is actually an ongoing event that continues to shape the global geopolitical climate." He said the EuroMaidan Revolution had a particularly profound impact on Belarusians, "many of whom empathized with the Ukrainian struggle to rid itself of an authoritarian ruler."

This is why it is important for the West not to underplay the role of Eastern Europe on the geopolitical arena — the success of the region's democracies have a profound impact on democracies across the globe.

Perhaps the Baltics understand this the best as they have quickly implemented sanctions against 30 Belarusians officials, including Lukashenko.

The rest of the EU has been more cautious with their response. Even though Merkel condemned the Kremlin with using a Novichok nerve agent, she still advocates for the construction of the Russian-German Nord Stream 2 pipeline project.

What the West should do is to implement more sanctions against Russia and Belarus while also support democratic initiatives within the post-Soviet countries, which aren't just fighting for their own freedoms and democracies — they are standing on the frontline of global democracy.

Hope ends here?

If President Volodymyr Zelensky says he is all about reforms, you might as well not believe him.

A massive blow to Ukraine's democracy took place on Sept. 1 when the country's High Council of Justice, the judiciary's highest governing body, unanimously said that it found nothing wrong with outright obstruction of justice by Ukraine's arguably most influential and most tainted judge — Pavlo Vovk — as well as by several other top judges.

Effectively, it works like this: The president exerts control over who is on the council, which is charged with appointing and disciplining judges. The council's recent action shields from harm Vovk and his court, notorious for issuing rulings in favor of the government, the powerful and the rich.

Now, Zelensky is fully complicit in this judicial corruption, which has weakened the nation and its economy immensely.

The evidence couldn't be more clear against them as the National Anti-Corruption Bureau of Ukraine published recordings implicating members of the High Council of Justice in the alleged criminal schemes of Vovk, head of the Kyiv Administrative District Court, and six other judges of his court.

This happened only six days after the Kyiv Post met with the council's chairman Andrii Ovsienko for an interview, during which, Ovsienko said he wanted to be remembered for being "just and decent," how from an early age he had a sharp sense of justice. So much for that.

Either Ovsienko is completely delusional or he was telling complete lies straight to our faces.

In the NABU recordings, Vovk mentioned the involvement of Ovsienko and other council members in his alleged bargains with the council. Ovsienko claimed he never took bribes.

What is even more alarming is how Zelensky hasn't made a single statement about the NABU recordings. If Zelensky really wants to attract international investors and build Ukraine's economy — as he was saying in the promotional video he released on Ukraine's Independence Day — perhaps the easiest and most effective way of doing that would be by condemning Vovk and his team of corrupt judges and the decision of the council. This could start a wave of reforms in Ukraine's justice system, one of the most corrupt ones and yet foundational for Ukraine's success.

The stakes are very high, and both Ukrainians as well as the international community should be extremely concerned about this. These are judges who have the power to mete out justice in cases related to the banking sector, where at least \$20 billion was stolen from the Ukrainian people, or which determine Ukraine's future collaboration with its top creditors and international supporters.

These are all real cases and have a direct impact on whether Ukrainians survive or not, on whether they can celebrate the victory of justice in their country or be engulfed by even deeper cynicism and poverty.

NEWS ITEM:

U.S. President Donald Trump said that his main political rival, Joe Biden, must have been on drugs because his performance during the Democratic TV debates suddenly improved.

That's why Trump called for Biden to take a drug test before their first debates against each other next month. During Ukraine's presidential election in April 2019, frontrunner Volodymyr Zelensky also challenged then-President Petro Poroshenko to a drug test before their debates at the Olimpiysky National Sports Complex.



NEWS ITEM:

After every failure, Ukrainian officials seem to prefer to start from scratch. In March, President Volodymyr Zelensky reshuffled the government. In April, he changed heads of the tax and customs services. Now, Ukraine's Finance Minister Sergii Marchenko and Economy Minister Ihor Petrashko may be the next candidates for sacking, according to Ruslan Stefanchuk, first deputy chairman of the Verkhovna Rada. In an interview with the Ukraina 24 TV channel on Sept. 1, he said that Ukraine's economy suffers because of Marchenko's and Petrashko's policies, so they can be replaced. However, the head of the Servant of the People faction, David Arakhamia, has denied that.



NEWS ITEM:

Ukraine's ruling Servant of the People party expelled lawmaker Geo Leros from its ranks on Sept. 1 after he publicly criticized President Volodymyr Zelensky and his chief of staff, Andriy Yermak. Leros has been a thorn in the side of the country's leadership because he has revealed alleged corruption schemes and denounced Zelensky's policies.



NEWS ITEM:

Pavlo Bukin, former chief of state defense production concern UkrOboronProm, concealed a \$700,000 apartment, which his partner Olha Kurchinska owns in Kyiv. Bukin and Kurchinska acquired the apartment in 2015 and lived there as a family, raising two children, according to investigative journalism project Bihus.Info. However, in his financial declaration, Bukin didn't mention this apartment as well as other property worth over \$110,000. The only thing Bukin eventually declared was his son, the journalists said.

See these features online at kyivpost.com

Ukraine's Friend & Foe Of The Week



U.S. Navy's Naval Mobile Sea Bee Battalion
The U.S. Navy construction unit was actively involved in development of key military infrastructure for Ukraine, helping the country defend against Russia; Ukraine's Armed Forces desperately need modern equipment.



Cyprus' "golden passports" program
This program has come too far. Some Ukrainians wanted for crimes — mostly former officials and oligarchs accused of bribery — had managed to simply buy Cypriot citizenship for money. This needs to change.

Feel strongly about an issue? Agree or disagree with editorial positions in this newspaper?

The Kyiv Post welcomes letters to the editors and opinion pieces, usually 800 to 1,000 words in length. Please email all correspondence to chief editor Brian Bonner, at bonner@kyivpost.com. All correspondence must include an email address and contact phone number for verification.

Court awards Surkis brothers \$350 million at state expense

By Igor Kossov and Anna Myroniuk
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The Pechersk District Court has ruled that state-owned PrivatBank must pay about \$350 million to British companies owned by the Surkis brothers.

The six companies' deposits were converted into PrivatBank shares when the bank was nationalized in 2016.

Ihor and Hryhoriy Surkis are business associates of the bank's former owners, Ihor Kolomoisky and Gennadiy Boholyubov. The government decided that they are related parties and bailed in their deposits.

The government took over PrivatBank in 2016 after finding evidence of major fraud, insider lending and a \$5.5 billion shortfall in the bank's balance.

State-owned PrivatBank, the National Bank of Ukraine, the ministries of justice and finance and the prime minister blasted the court's decision.

"This is one of the biggest transgressions in the history of Ukraine's judicial system," Justice Minister Denis Malyska wrote on Facebook.

Andriy Pozhidayev, the bank's lawyer, told journalists that PrivatBank is not planning to pay out the \$350 million and will appeal.

However, the plaintiffs — the Surkises' offshore companies — asked for and received a ruling allowing law enforcement to forcibly collect the funds directly from



Oligarch brothers Hryhoriy Surkis (L) and Ihor Surkis have been suing PrivatBank since its nationalization in 2016.

PrivatBank's accounts if the bank fails to make a transfer itself.

The bank's board deputy, Artem Shevlev, said that there is no reserve fund for this money. A forced write-off will reduce the bank's ability to lend, its profits and next year's dividends to the state budget.

On Sept. 3, two of the six compa-

nies — Tamplemon Investments and Lumil Investments — got approval to take the first \$165 million, according to news outlet Novoye Vremya.

The other four companies have reportedly turned to the court with the same demands. Since the bail-in, the Surkises and other depositors have filed hundreds of lawsuits try-

ing to get this money back. In total, they are suing for \$1.16 billion.

The Pechersk District Court has yet to rule on the merits of the case. Nevertheless, in February, it upheld its 2017 decision that PrivatBank has to pay \$259 million to the brothers.

In April, the Kyiv Court of Appeals rejected PrivatBank's appeal against

this decision.

On Sept. 2, the Pechersk District Court issued an enforcement ruling that PrivatBank has to pay \$350 million, which includes the original amount plus interest.

The fact that the court ordered this payment before ruling on the merits drew a wave of condemnation.

"Tomorrow, we wake up to a new reality," said Pozhidayev. "When a judge can change the law without the Verkhovna Rada."

The Ministry of Justice must now decide whether the Cabinet of Ministers will execute this decision and how. However, both have come out in favor of PrivatBank.

Malyuska wrote that the court made the decision without considering the facts of the case.

Prime Minister Denys Shmyhal stated that the government disagrees with the ruling, which violated procedural law.

The Surkises can also try to get the money through the NBU. But the central bank wrote that it will keep defending the legality of PrivatBank's nationalization, the country's financial stability and taxpayers' money.

The Pechersk District Court and its judge, Serhiy Vovk, are notorious for controversial decisions.

Malyuska said that the decision further damages Ukrainian courts' already tattered reputation.

"I am sure that justice in the case will be restored," he wrote. "But how do you restore confidence in the courts after that?"

Whistleblower MP expelled from ruling party says Zelensky must go

By Bermet Talant
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In one year, Geo Leros, once an adviser to President Volodymyr Zelensky and lawmaker with his party, turned into an outspoken critic who called on the president to resign.

The president called him a bribe taker and traitor.

On the first day of the new parliamentary session on Sept. 1, Leros was expelled from the ruling party Servant of the People after he delivered a scathing speech accusing Zelensky and his entourage of abuse of office.



Ukrainian member of parliament Geo Leros

It was a culmination of a months-long conflict between Ukraine's presidential administration and Leros. Several days before his speech, Leros' car was set on fire.

"Mister President, you didn't fight the old system, you have become part of it," Leros said from the tribune at the parliament on Sept. 1.

Leros accused Zelensky of breaking his election promises, namely, to carry out reforms, fight corruption, bring new faces to power, and defend Ukraine's interests.

He said Zelensky received "envelopes" from billionaire oligarch Rinat Akhmetov, called chief of staff Andriy Yermak "an agent of Russian intelligence" and claimed that head of the Security Service of Ukraine Ivan Bakanov controlled smuggling, illegal trade with the Russian-occupied territories and covered up for attacks on businesses.

Leros didn't provide the hard evidence to back up these claims, saying the administration's corruption was "an open secret."

Yermak dismissed all accusations by Leros. Zelensky defended his chief of staff, too.

Former art curator and film director Leros, 31, isn't the first lawmaker expelled from 248-seat Servant of the People but the first one coming up with serious accusations of corruption against Zelensky and Yermak.

He told the Kyiv Post that in the beginning he believed Zelensky and was proud of the young government and absence of corruption. But soon he saw that lawmakers belonged to

different groups of influence and took bribes, he said.

He claimed Zelensky was aware of Yermak's corrupt dealings.

"Until the very end, I didn't believe

that Zelensky knew" of corruption at the administration, Leros said. "Zelensky had a chance to choose a

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Constitutional Court decision may kill anti-corruption agency

By Oleg Sukhov
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The National Anti-Corruption Bureau of Ukraine has been a thorn in the side of corrupt officials since its creation in 2015.

Now the kleptocrats, many of whom are under investigation by the bureau, appear to have dealt a decisive blow to the NABU.

On Aug. 28, the Constitutional Court ruled that then-President Petro Poroshenko's 2015 decree to appoint Artem Sytnyk as head of the bureau was unconstitutional. The court argued that the president's authority to appoint the NABU chief is not stipulated by the Constitution.

Although the ruling does not immediately deprive Sytnyk of his job, it may lead to his dismissal in the future. Moreover, even now the ruling undermines Sytnyk's leadership of the bureau and its work.

Anti-corruption activists and legal experts say that, if Sytnyk is dismissed, it will destroy the bureau's independence, since he will likely be replaced by a staunch loyalist to President Volodymyr Zelensky and his allies.

"It has nothing to do with law, it's a political decision," Oleksandr Lemenov, head of anti-corruption watchdog StateWatch, told the Kyiv Post.

Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, told the Kyiv Post that Sytnyk's firing would "jeopardize Ukraine's relationship with foreign partners and the International Monetary Fund."

Foreign reaction

In a veiled reference to the decision on the NABU, the G7 ambassadors said in a statement on Sept. 3 that they strongly supported the independence of Ukraine's anti-corruption institutions.

"The ambassadors of the G7 countries in Ukraine underscore the need to select heads of anti-corruption institutions through transparent, merit-based and politically neutral selections processes," they said. "Ensuring independence, integrity and strong legal status of these institutions is an important element of Ukraine's international commitments, including as part of cooperation with the EU and continuing support from international financial institutions."

EU Ambassador to Ukraine Matti Maasilta also said that these principles should be applied when the Verkhovna Rada appoints representatives to select a new chief anti-corruption prosecutor to replace Nazar Kholodnytsky, who resigned in August.

Anti-corruption activists have lambasted the Rada law enforcement committee's decision in July to nominate controversial members of a commission that chooses a new anti-corruption prosecutor. They argue these members are not inde-



Artem Sytnyk, head of the National Anti-Corruption Bureau of Ukraine, may be dismissed because the Constitutional Court on Aug. 28, 2020, ruled that his 2015 appointment by then-President Petro Poroshenko was unconstitutional. Anti-corruption activists believe the court ruling was revenge by corrupt officials, some in President Volodymyr Zelensky's inner circle, for investigations.

pendent and do not meet ethics and integrity standards.

No Zelensky support

Fyodor Venislavsky, Zelensky's representative in the Constitutional Court, argued on Aug. 29 that Sytnyk can no longer fulfill the functions of the bureau's head and Zelensky may issue a decree to fire him.

"The first option is a presidential decree to fire the head of the NABU based on the Constitutional Court ruling," he said. "I can't say yet whether the president will do so."

The President's Office, meanwhile, started referring to Sytnyk as the "acting head" of the bureau, de facto backing the Constitutional Court decision.

"Due to this Constitutional Court ruling and the (legal) contradiction inherent in the bureau head's possible loss of his powers, we expect the acting head of the bureau to implement anti-corruption policy effectively until a new head is chosen in a fair and transparent competition," the President's Office said.

Sytnyk wants to stay

Sytnyk said he was not going to resign and was planning to stay until his authority expires in 2022.

Sytnyk was chosen to head the bureau through a transparent competition that involved civil society and foreign experts. The president's role in this process was formal: to appoint the winner.

"The presidential decree was issued after I assumed my authority, so this decree was effectively null and void," he said. "Its cancellation does not imply the termination of my authority or my dismissal."

Sytnyk's deputy, Gizo Uglava, also said that Sytnyk remains head of the bureau and that since the Constitutional Court says Sytnyk cannot be appointed by the president, he cannot be fired by Zelensky either.

"Sytnyk can only be fired if Zelensky signs a decree (that allows him to fire Sytnyk). But since he cannot appoint the head of the NABU, he cannot fire him either," he said.

Is it legal?

Lawyers cast doubt on the legality of the Constitutional Court ruling itself and on whether it can have any consequences from the legal standpoint.

"The decision is null and void and does not have any legal consequences for Sytnyk," Stanislav Shevchuk,

NABU is stipulated by the NABU law.

The Constitution does not specifically mention a presidential right to appoint the head of NABU but such authority may be implied in the constitutional right for the president to make other appointments stipulated by laws, Tytych argued.

Moreover, the head of the NABU cannot be dismissed based on a Constitutional Court ruling, according to the NABU law.

Under the NABU law, Sytnyk can only be fired if he resigns, reaches the age of 65, cannot perform his duties due to health reasons, is convicted of a crime, ceases to be a Ukrainian citizen, moves to another country, becomes a foreign citizen, has alimony debt or fails to file an asset declaration on time. He can also be fired if a court recognizes his family's wealth to be ill-gotten or if a government audit finds the bureau to be ineffective.

Any other reasons for his dismissal are directly banned by the NABU law.

"The Constitutional Court doesn't have the right to fire Sytnyk, meaning that the court's decision doesn't have any legal repercussions for Sytnyk," Lemenov said.

Lemenov also argued that the president cannot fire Sytnyk through a presidential decree because he does not have such a constitutional right.

Sytnyk can only be fired by the Rada if a law regulating his dismissal and appointment is passed, Lemenov added.

Shabunin said that parliament was likely to fire Sytnyk, and Zelensky would handpick a loyal head of the NABU without a transparent recruitment process.

"There's also a possibility that Zelensky will fire Sytnyk by decree, which will be completely unconstitutional," he added, saying this would undermine Ukraine's cooperation

with the International Monetary Fund.

Powerful enemies

According to Lemenov, the Constitutional Court's decision is a victory for a large group of people ranging from Interior Minister Arsen Avakov and oligarch Ihor Kolomoisky to Judge Pavlo Vovk and Zelensky. The NABU has investigated Avakov's allies, Kolomoisky and Vovk, as well as Zelensky's inner circle.

"Each side that fought with Sytnyk over the years has its reasons to support this decision," Lemenov said.

The initiative to cancel the decree on Sytnyk's appointment was authored by Oleksandr Dubinsky and Maksym Buzhansky — lawmakers allied with Kolomoisky — as well as Ukraine's main pro-Russian politician Viktor Medvedchuk and other controversial lawmakers, including Andriy Derkach, Ilya Kiva, Anatoly Urbansky and Anton Kisse. The Constitutional Court ruling has also been actively supported by ex-President Viktor Yanukovich's former Deputy Chief of Staff Andriy Portnov and Renat Kuzmin, who was a deputy prosecutor general under Yanukovich.

The latest attempt to oust Sytnyk could be revenge for his efforts to prosecute an obstruction of justice and corruption case against Vovk, the influential head of the Kyiv Administrative District Court, Lemenov and Shabunin said.

Antonina Slavytska, a lawmaker and former aide to ex-lawmaker Serhiy Kivalov, is implicated in Vovk's schemes, according to tapes released by the NABU. She co-authored the initiative to cancel Sytnyk's appointment through the Constitutional Court.

The President's Office is also explicitly mentioned in the NABU tapes as interfering in the High Council of Justice's work. The office and the council did not respond to requests for comment on the issue.

Vovk said in June 2019 that, if the High Council of Justice toed the Presidential Administration's line, it would be fine, according to the NABU recordings. But he said that otherwise the council would be completely replaced.

Four sources at the NABU and the Prosecutor General's Office told the Kyiv Post that Zelensky's former chief of staff, Andriy Bohdan, is also mentioned in the Vovk tapes. The sources spoke on condition of anonymity because they are not authorized to speak to the press.

The NABU has also investigated abuse of power and bribery cases into videos implicating Denys Yermak, the brother of Zelensky's current chief of staff, Andriy Yermak, in corruption. The videos showed Denys Yermak considering candidates for government jobs and discussing receiving money from some of them.

The Yermak brothers have not denied the authenticity of the videos, but Denys Yermak claimed they were taken out of context.

“It has nothing to do with law. It's a political decision.”

Oleksandr Lemenov, head of anti-corruption watchdog StateWatch

former head of the Constitutional Court, told the Kyiv Post. "Sytnyk is the head of the bureau until his term expires (in 2022)."

Vasyl Lemak, an incumbent judge of the Constitutional Court, disagreed with the court's decision and wrote a dissenting opinion. Meanwhile, Ihor Slidenko, another current judge of the court, said that the decision does not mean that Sytnyk is no longer head of the NABU.

Vitaly Tytych, ex-head of the Public Integrity Council judicial watchdog, says the Constitutional Court ruling is highly dubious from a legal standpoint. He sees it as an exclusively political decision.

Although the Constitution does not mention this, the president's authority to appoint the head of

Bad court rulings spark outrage among reform experts

By Matthew Kupfer and Dylan Carter

A slew of legal decisions has laid bare the widespread corruption in Ukraine's courts and emphasized the shallowness of the country's efforts to make its judicial system trustworthy.

On Aug. 28, the Constitutional Court ruled that the appointment of Artem Sytnyk in 2015 as head of the National Anti-Corruption Bureau of Ukraine was unconstitutional.

On Sept. 1, the High Council of Justice refused to suspend several top judges implicated in corruption, including the notorious Pavlo Vovk.

Finally, on Sept. 2, the Perchersk Court in Kyiv ruled that state-owned PrivatBank must pay \$350 million to offshore companies belonging to brothers Ihor and Hryhoriy Surkis, business partner's of the bank's former owner, oligarch Ihor Kolomoisky.

The three rulings have sparked outrage among reformers, political experts and the business community, who say they demonstrate that court reform has failed, endanger Ukraine's cooperation with its international partners and will potentially undermine economic development.

Andy Hunder

President of the American Chamber of Commerce in Ukraine

"The court system is absolutely rotten to the bone.

And it's the reason why investors have shied away. When Secretary (of State Mike) Pompeo was in Kyiv in January, he asked me what are the reasons why investors aren't coming to Ukraine, and I said one

of them is rule of law. We need someone to take responsibility. No one else...at the moment can do that unless it's the president himself.



Mykhailo Zhernakov

Chairman of the board at the DEJURE Foundation

"This all paints the same picture, where (billionaire Ihor) Kolomoisky and other oligarchs — and Russia actually, and their agents here — want to dismantle what has been done well after the Revolution of Dignity, reforms of the institutions. The others want to maintain the status quo, which was, and in many ways still is, the oligarchy in Ukraine. All three things are part of the same picture, where oligarchs are proxies in politics and use the courts and the other law enforcement agencies to secure their interests. Here we see the president and his political power tend to maintain the status quo and, let's say, make life easier for the oligarchs. It looks like they are trying to kind of trick the International Monetary Fund and all the rest, pretending to do one thing and doing the other thing instead, but this never works. If the judicial reform doesn't happen, I really doubt that any other serious international aid (will come), and I'm talking about from the Western countries, of course."



Melinda Haring
deputy director of the Atlantic Council's Eurasia Center

"Yet another obvious sign that

Ukraine is going in the wrong direction. The need for judicial reform could not be more apparent. The High Council of Justice must be rebooted as soon as possible, and if Zelensky is serious about attracting foreign direct investment, he must overhaul Ukraine's court system for real this time. The tragic part is that we know how to do this — there are endless books and studies and experts who detail how to fix dodgy court systems — but no one does it. Ukraine repeats this cycle endlessly, and ordinary people and the overall image of Ukraine suffers as a result."



Volodymyr Fesenko
Political strategist

"The thing that connects these two decisions is that Ukraine never conducted a true court reform. That which was done under (ex-President Petro) Poroshenko was largely an imitation of reform. Poroshenko didn't want to truly conduct not just a reform, but a cleaning of the court system. The problem in Ukraine is not that we have bad institutions. (In the West), they think that we need to conduct some institutional changes... and they say don't touch independent courts. And that's the biggest mistake, because in our courts there is a system of corrupt judges covering each other's backs... In order to break this system, you don't need to simply change the courts. You need to carry out a total cleaning, a total change of people working in the courts. Without this, the situation will not change."

"The scariest and most dangerous decision is not of the Constitutional

Court. It's the story of the Kyiv District Administrative Court and the High Council of Justice. Because Poroshenko could have changed the High Council of Justice, but he just changed its roster. He put his own people there. And in the end, there were people connected with one another there. The High Council of Justice is controlled by members of the judge mafia. And for that reason, they don't touch Judge Vovk and those judges who stand accused of corruption, of putting pressure on the courts from the Kyiv District Administrative Court.

"Why did the Constitutional Court decide to support a doubtful understanding of NABU? Because they're corrupt and they are afraid of anti-corruption institutions. For this reason, these problems will continue and Ukraine needs a real court reform. And not just a changing of functions or specific court institutions, but a core change of the people in them in all higher court instances."



Pavlo Kukhta
Economist, former acting minister of economic development, trade and agriculture

"The judicial system is obviously not capable of purging this egregious behavior immediately from the top."

"I can attest from my experience in the government that the High Council of Justice has a very, very big influence. To tolerate this kind of behavior is clear evidence that the judicial system is not functioning and it needs immediate drastic reform. As long as this is not fixed, including the personalities at the

top of the court, no reform will come in any meaningful way in the country and since investment is the key to economic growth, the economy, the army will continue to degrade, this clearly signals to anyone that property rights are not respected in the country, which means investment will not come... investors will be scared away which means there will be no economic growth."



Serhiy Fursa
Dragon Capital financial analyst

"The Pechersky court decided that state-owned PrivatBank should pay the Surkis brothers Hr 10 billion. In other words, instead of sending those Hr 10 billion into the state budget as profit, the bank should send them into the offshores of the Surkis brothers. And what about the president? It seems he's silent. Busy. In the morning, he has to carry out 100 and one great deeds, disperse the fog, sneak into a messenger chat for truck drivers, cut the ribbon at a kindergarten and look how a road is being constructed from on board a helicopter. After all, he already dispersed the fog and the visibility is great. The president is busy. And it's not the president's job to defend taxpayers from oligarchs. Or to reform the court system. The president happily redistributes taxpayers' money, especially money which hasn't been made yet, money which (Ukraine) borrows (from the International Monetary Fund). After all, that's a pleasant activity. But battling the Surkises and the Ukrainian court mafia — that doesn't bring him any joy."

Court ruling damages corruption fight

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Previous attempts

The long-running campaign to oust Sytnyk began under Poroshenko, when the NABU investigated his top allies.

Back then, the Rada controlled by Poroshenko tried to fire Sytnyk by appointing loyal auditors who would find the NABU ineffective.

Under Zelensky, allies of Kolomoisky, Avakov and Poroshenko also led a campaign to oust Sytnyk and registered a motion in parliament to dismiss him.

The ostensible reason was that a court found him guilty of "receiving an unlawful benefit," a misdemeanor, in 2019 after an acquaintance testified that he paid some Hr 25,000 (today, roughly \$1,000) for Sytnyk's vacations.

However, under Ukrainian law, a misdemeanor cannot be grounds for firing the head of the bureau. This is why Verkhovna Rada members have considered a bill to dismiss all officials found guilty of corruption misdemeanors, including Sytnyk.

But all these attempts have met fierce resistance from civil society and Ukraine's foreign lenders.

Discredited court

Legal experts and anti-corruption activists have long called for the current Constitutional Court to be replaced. They say it has lost its credibility and is simply too controversial. The decision on Sytnyk is just the latest example of the court's dubious performance.

The Constitutional Court has also made numerous other controversial rulings and found itself mired in corruption scandals.

Specifically, the court helped corrupt officials by canceling the law criminalizing illicit enrichment in 2019, partially canceled the judicial reforms of both Poroshenko and Zelensky in February and March 2020 and entrenched judicial impunity by canceling the law criminalizing unlawful court rulings in June 2020.

Zelensky's effective endorsement of the Constitutional Court's efforts to block anti-corruption reforms by attempting to remove Sytnyk met a backlash from civil society. ❗

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Activists: Zelensky entrenches judicial corruption & impunity

By Oleg Sukhov,
Oleksiy Sorokin
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Ukraine's main judicial governance body, the High Council of Justice, is supposed to guarantee the integrity and ethics of judges under the law. Instead, it has become the guarantor of judges' impunity and corruption, civic activists argue.

On Sept. 1, the council unanimously refused to suspend from work several influential judges charged with corruption and obstruction of justice, the move needed to ensure that potentially corrupt judges don't continue unlawful activities while authorities investigate them.

This includes no measures against Pavlo Vovk, head of the Kyiv District Administrative Court, whom the National Anti-Corruption Bureau of Ukraine, or NABU, has accused of running illegal schemes along with members of the High Council of Justice. NABU published recordings that support their claim on Sept. 1.

The council and its individual members did not respond to multiple requests for comment.

Ironically, the same discredited High Council of Justice will play the main role in President Volodymyr Zelensky's judicial reform, according to a bill that he submitted to parliament in June. This seems to mean that no genuine reform will take place, according to anti-corruption activists and legal experts.

Zelensky's administration has obstinately refused proposals by civil society and Ukraine's Western partners to cleanse the High Council of Justice by firing tainted members of the council.

"Under these circumstances, there's no hope that Ukraine's judiciary can be reformed," Oleksandr Lemenov, head of anti-corruption watchdog StateWatch, told the Kyiv Post. "A small district court controls the High Council of Justice, the Constitutional Court and some judges in the Supreme Court. It looks as if a six grader has control over the headmaster and tells him what to do."

Oleksandra Ustinova, a lawmaker from the 20-member Voice faction, said that Zelensky is repeating his predecessors' mistakes.

"Instead of creating an independent law enforcement system and an independent judiciary, they think they can control the existing system," Ustinova told the Kyiv Post.

However, according to her, it always ends the same way: Now the State Investigation Bureau, unreformed prosecutors and courts are trying to convict ex-President Petro Poroshenko — the president who actually created this system in the first place.

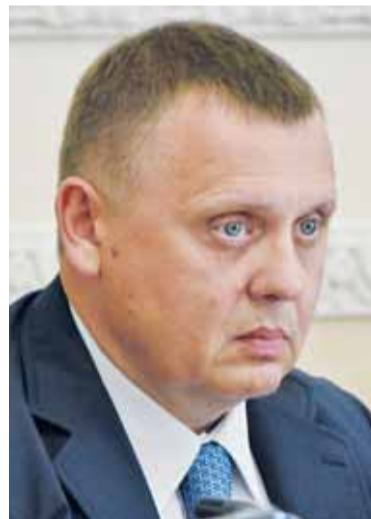
"While the president is in power, he thinks he can control the system," she said. "Yet, as soon as you're out of office, the system crushes you."

Vovk case

The Prosecutor General's Office



A stuffed wolf is seen in front of National Guard members at the High Council of Justice during a rally for the suspension of Judge Pavlo Vovk on Sept. 1. In the Ukrainian language "Vovk" means "Wolf." Vovk, head of the Kyiv Administrative District Court, and other judges of his court have been charged with corruption, but the entire law enforcement system has come to the rescue, and they remain unpunished.



Pavlo Grechkivsky, a member of the High Council of Justice



Pavlo Vovk, head of the Kyiv District Administrative Court



Andrii Ovsienko, head of the High Council of Justice

pressed its first charges against Vovk and other judges of his court in August 2019. The judges were then charged with obstructing the work of the High Qualification Commission of Judges, issuing unlawful rulings and unlawfully interfering in the work of other judges.

The judges deny the accusations.

The High Council of Justice refused to suspend the judges for the first time back then, giving them carte blanche to continue committing what the NABU considers grave crimes.

The Kyiv Shevchenkivsky Court also helped the judges by rejecting a motion to extend the investigation and ordered the Prosecutor General's Office to either close the case or send it to trial within five days. The prosecutors did not send it to trial, and the case stalled indefinitely after that.

The NABU resurrected the case in July 2020, charging Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference

with government officials.

Two sources at the NABU and the Prosecutor General's Office told the Kyiv Post that Prosecutor General Iryna Venediktova had been blocking the case and refusing to apply for the judges' suspension. However, under public pressure, Venediktova asked the High Council of Justice on Aug. 21 to suspend the judges.

But the council refused to suspend them on Sept. 1, claiming that the NABU has no evidence for their alleged crimes.

"Soon after the (presidential) elections, we heard Zelensky talk about judicial reform and about independent judges," Ustinova said. "But when members of the High Council of Justice close to the president voted for this decision (not to suspend Vovk), we have an indication that Zelensky has merged with this corrupt court system."

Oksana Blazhyvska and Tetiana Rozvalyaeva, who were appointed to the council by Zelensky, voted against suspending Vovk. Zelensky's spokeswoman Yulia

of Justice, and council members Oleh Prudyvus, Pavlo Grechkivsky, Viktor Hryshchuk and Mykola Khudyk in his alleged bargains with the council.

Specifically, Vovk discussed bargains between his court and the High Council of Justice on not punishing judges loyal to Vovk for disciplinary infractions and, instead, punishing judges disloyal to him.

The High Council of Justice "agreed not to touch" judges of the Sixth Administrative Court of Appeal during the appeal stage, Vovk said. High Council of Justice member Pavlo Grechkivsky "helped us and talked to everyone and reached a bargain," according to Vovk.

Vovk also mentioned a bargain with Grechkivsky on influencing the selection of Supreme Court judges.

"If Grechkivsky creates a coalition, everyone must bow to him and agree with him on who will win (Supreme Court jobs)," Vovk said.

Vovk also talked to Hryshchuk, another member of the High Council of Justice, about appointing a member loyal to Vovk to the council.

According to the recordings, Vovk also tried to influence the election of the High Council of Justice's chairman and replace Volodymyr Govorukha, former head of the council. In September 2019, Govorukha was replaced with Ovsienko as chairman of the council.

"Pasha, he'll have to be fired, we don't fucking need him there," Vovk told Grechkivsky about Govorukha's appointment as head of the council in April 2019.

Vovk said in the recordings that he sought to "seize power in the High Council of Justice."

"Zelensky is the only person in the country who can initiate the liquidation of the Kyiv Administrative District Court, yet for over a year, he's been unable to submit such a bill to parliament," Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, told the Kyiv Post. "Zelensky benefits from the court, and that's why he and his people at the High Council of Justice are protecting Vovk."

Judicial reform

According to Ukraine's memorandum with the International Monetary Fund, Ukraine was supposed to create a commission including foreign experts in order to fire tainted members of the High Council of Justice if they violate ethics and integrity standards.

However, Zelensky's new judicial reform bill does not envisage such a commission.

"Ukraine's memorandum with the IMF states that we must reform the High Council of Justice and kill the monopoly (of Vovk's court)," Shabunin said. "If we don't comply by fall, we won't receive the IMF's money."

According to the bill, the High Council of Justice will also prepare rules for hiring new members of the High Qualification Commission, another top judiciary governing

Mendel responded that not only presidential appointees comprise the High Council of Justice.

"The High Council of Justice is a constitutional body that makes decisions by a majority of its members," she told the Kyiv Post. "Any comment (by the president) on whether its decisions are legal or balanced can be interpreted as pressure on the council."

The President's Office also commented on the Vovk case by saying Zelensky had no right to interfere in the investigation.

This position sharply contrasted with Zelensky's view on suspects in the case into the 2016 murder of journalist Pavel Sheremet: In December 2019, he took part in a news conference on the case and called them "possible murderers." Since then, little evidence has been presented for their guilt.

NABU tapes

In the NABU recordings, Vovk mentioned the involvement of Andrii Ovsienko, head of the High Council

High Council of Justice shows that it is on side of corruption in failing to sanction Vovk court

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body. Judicial experts say that this will also prevent real reform from happening.

Zelensky's previous judicial reform bill was signed into law in 2019 but it failed to be implemented after the High Council of Justice deprived foreign experts of a major role in the reform, while the Constitutional Court canceled some of the bill's clauses.

The United States Agency for International Development (USAID) officially told the High Council of Justice that foreign experts' role cannot be fulfilled due to the council's rules.

Council's reputation

The current High Council of Justice,

which will determine the outcome of the new judicial reform, has a toxic reputation among Ukraine's civil society.

Under Poroshenko, the current High Council of Justice appointed 44 Supreme Court judges who judicial watchdog Public Integrity Council says violated integrity and professional ethics standards. The Public Integrity Council has also accused the High Council of Justice and the High Qualification Commission of effectively rigging the competition for Supreme Court jobs, which they denied.

The council has also appointed or failed to fire numerous tainted lower-level judges, prompting indignation among civil society.

Many of the council members face accusations of corruption and ethics violations. They did not respond to



Oleksandr Lemenov, head of anti-corruption watchdog StateWatch



Oleksandra Ustinova, a lawmaker from the Voice faction in parliament



Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board

requests for comment.

One of the council members, Grechkivsky, was charged in 2016 with extorting \$500,000 for favorable court rulings with the help of Bohdan Lvov, who is now a deputy head of the Supreme Court. Both of them deny the accusations.

Oleg Shklyar, who was arrested with the money, testified that he had been planning to give it to Grechkivsky. The investigators also released a wiretapped phone conversation in which Grechkivsky instructs Shklyar to give him the bribe. However, in 2018 Grechkivsky was acquitted by a court.

Public Integrity Council member

Roman Maselko argued that, despite the solid evidence of Grechkivsky's guilt, the prosecutors had intentionally sabotaged the case by committing procedural violations and failing to catch Grechkivsky red-handed with the bribe.

Another member of the council, Oleksiy Malovatsky, was delegated by ex-President Petro Poroshenko's Bloc to the council and worked as a lawyer for Poroshenko in 2014, which prompted accusations of political bias.

Svitlana Shelest, who is also a member of the council, has received a \$1 million apartment as a "gift," according to the property register.

One of the council members, Larysa Ivanova, owns a 400-square-meter luxurious house near Kyiv and was vetoed by the Public Integrity Council when she ran for a Supreme Court job in 2017. Explaining the origin of her wealth, she said that she had earned necessary capital as a stoker and collector of strawberries in socialist East Germany.

"There won't be any real judicial reform in Ukraine because Zelensky wants to further increase the powers of the High Council of Justice, which will expand the influence of the Kyiv District Administrative Court," Shabunin said. ❏



Whistleblower MP expelled from ruling party says Zelensky must go

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different path but he covered up for corrupt officials and pulled the state deeper toward the bottom."

Asked what, in his opinion, the president should do to salvage the situation, Leros replied: "He must resign."

Leros was stripped of his affiliation with the president's faction but not his lawmaker mandate.

He claimed that Zelensky ordered the party to collect signatures for his expulsion, to which the president responded: "I don't have any reaction to bribe takers and traitors of Ukraine regardless which party they are with."

Leros' conflict began in March when he lambasted the president's plan to negotiate directly with Russian-backed militants who control parts of the Donbas. After this, he was fired as Zelensky adviser.

Shortly after that, Leros released video recordings that appeared to show chief of staff Yermak's brother selling high-level jobs in the government and state-owned companies. Yermak called the videos "an attack on the President's Office." He and his brother denied the allegations. Zelensky defended his right-hand man and called Leros a con artist.

The Specialized Anti-Corruption Prosecutor's Office opened a probe into the footage released by Leros for alleged abuse of power but the case was requalified into fraud and sent to the National Police. Meanwhile, Leros became a subject of another investigation by the State Investigations Bureau into "revealing state secrets" and "interfering in the work of a state official." ❏



Where did summer go?

1 Teachers and children attend the first day of school ceremony on Sept. 1, 2020 in Kyiv. Most schools reopened, but they'll operate under a series of constraints introduced by the Health

Ministry. 2 Parents watch their children at the first day of school ceremony at a school in Kyiv on Sept. 1, 2020. Despite the COVID-19 pandemic, most schools in Ukraine

reopened for in-person classes on Sept. 1. 3 A boy rings a bell during the first day of school ceremony that marks the start of a new academic year at a school in Kyiv on Sept. 1, 2020.

4 Children attend their first class at a Kyiv school on Sept. 1, 2020. Experts expect COVID-19 infections to surge in the fall, especially among younger people. (Photos by Oleg Petrusiuk)

Pro-Kremlin MPs and oligarchs wage lawfare on reform agenda



Tetiana Shevchuk

Editor's Note: This op-ed was published by the Atlantic Council and is republished with permission.

On Aug 28, Ukraine's Constitutional Court declared the 2015 appointment of Artem Sytnyk as director of the National Anti-Corruption Bureau of Ukraine, or NABU, unconstitutional. The ruling, which was dismissed as "politically motivated" by NABU officials, places the anti-corruption agency in legal limbo. It also throws Ukraine's wider reform agenda into doubt. Anti-corruption activists fear the decision could now pave the way for a host of similar legal verdicts with the potential to undermine Ukraine's Euro-Atlantic integration and reverse the progress made since the EuroMaidan Revolution drove Viktor Yanukovich from power in 2014.

Both presidents knew

According to the Constitutional Court ruling, Ukraine's then-President Petro Poroshenko exceeded his powers when he appointed Artem Sytnyk to lead NABU five years ago. This is technically correct and has long been public knowledge. Both Poroshenko and his successor Volodymyr Zelensky were aware of the potential constitutional problems surrounding Sytnyk's appointment, but neither they nor parliament chose to make the necessary amend-

ments. Instead, it remained one of many legal issues casting a shadow over the work of NABU.

Prior to the Constitutional Court's decision, Sytnyk had spent much of the previous five years fighting off attacks against NABU and attempts to establish political control over the institutionally independent bureau. He was aided in this task by strong support from many of Ukraine's international partners such as the International Monetary Fund, the World Bank, and the European Union, who all championed NABU's independence and linked it to their own cooperation with Ukraine. This high-level backing reflects the status of NABU as a central pillar of the anti-corruption reforms adopted by Ukraine since 2014.

Pressure intensifies

Following the September 2019 launch of Ukraine's High Anti-Corruption Court, pressure on NABU intensified as the bureau began to demonstrate its potential as an anti-corruption body by bringing a series of senior officials to trial. More recently, this pressure grew further after it became clear that NABU had played a key role in helping the FBI to gather evidence against Ukrainian oligarch Ihor Kolomoisky, who is facing money-laundering charges in the U.S.

The late August, the Constitutional Court decision was a convenient way of undermining the independence



Viktor Medvedchuk (C), a lawmaker and leader of the pro-Russian Opposition Platform party in parliament, speaks to other lawmakers of his 44-member faction during the opening ceremony of the first parliament session in Kyiv on Sept. 1, 2020.

of NABU while allowing the president and parliament to avoid direct accusations of political interference. Nevertheless, the court's decision now creates the grounds for amendments to existing legislation regulating NABU and could lead to the appointment of a more politically reliable replacement as director.

Getting rid of Sytnyk

Zelensky is currently believed to be under considerable pressure to dismiss Sytnyk, despite the fact that

he does not constitutionally have the authority to do so. In line with the constitution, the correct way to proceed would be to have Sytnyk serve as interim director of NABU until the Ukrainian parliament is able to agree on a new procedure governing the selection process. MPs would be expected to adopt balanced new regulations governing the appointment procedure that guarantee fair and transparent competition with the participation of international experts.

Kremlin's hand

These two pieces of legislation were requirements in order to secure a new IMF program for Ukraine. They are now both being challenged in court as part of a wider campaign to undermine Ukraine's reform agenda. In July and August 2020 alone, the Constitutional Court opened five separate proceedings aimed at aspects of anti-corruption legislation. The majority of these proceedings were initiated by members of parliament who either belong to pro-Kremlin parties or are regarded as being under Kolomoisky's control.

This campaign of lawfare threatens to reverse the limited reform progress made by Ukraine since 2014. It is being waged by oligarchs who wish for a return to the impunity of old, together with pro-Kremlin political forces eager to derail Ukraine's drive to the West. For their own reasons, both parties seek to discredit Ukraine in the eyes of Kyiv's partners and bring the post-2014 era of Euro-Atlantic integration to an end. The success of this unholy alliance depends largely on the continued corruption of Ukraine's courts.

The present situation is a reminder that Ukraine's judicial system remains the weakest link in reform efforts. Until there is genuine rule of law in Ukraine, individual steps in the right direction such as the 2015 establishment of NABU will remain hostage to a flawed court system that prevents the country from ever reaching the point of no return in its European ambitions. The defense of NABU's independence is now the immediate priority for supporters of reform, but the long-term emphasis must remain firmly on the complete transformation of the Ukrainian justice system.

Tetiana Shevchuk is Legal Counsel of Ukraine's Anti-Corruption Action Centre. ☛



Odesa City Council

Odesa celebrates its 226th anniversary

A Ukrainian naval honor guard takes part in raising the flag of Odesa during the celebration of the city's 226th birthday near the City Council building on Sept. 2, 2020. Citizens and city officials took part in the ceremonies for the Black Sea port city, home to 1 million people nearly 500 kilometers south of Kyiv. Founded during the Russian Empire when tsar Catherine the Great ruled, the city is one of the nation's economic engines and top tourist destinations. It is also known for its storied architecture and distinct culture because of the diversity of immigrants it has attracted over the centuries.

Political court

This latest episode is far from the first occasion when Ukraine's Constitutional Court has found itself accused of delivering politically motivated decisions. Last year, the court backed the recently inaugurated Zelensky's constitutionally dubious call for preterm parliamentary elections. Recent revelations connected to a corruption probe at Kyiv District Administrative Court also revealed that the Constitutional Court had intervened in the March 2019 abolition of legislation targeting illicit enrichment. This troubling record lends further credibility to the widespread criticism within the Ukrainian civil society of the recent NABU ruling.

More reversals ahead?

At stake here is much more than the future of NABU itself or the private battles being waged by the bureau's various political enemies. The Constitutional Court decision could serve as a dangerous precedent that opens the way for efforts to reverse many important reforms. Recent examples of landmark reformist legislation that is now potentially at risk include the spring 2020 law on the sale of agricultural land and the so-called "anti-Kolomoisky" banking law that was passed to prevent the oligarch from regaining ownership of his nationalized bank PrivatBank.

Kyiv Post Digital

Most of the Kyiv Post's content is online. Here are some samples of the great journalism that readers will find daily at kyivpost.com

UKRAINE



Fierce fires in eastern Ukraine destroy entire village, dozens of households



Top Ukravtodor contractor accused of collusion

Tech




Belarusian tech companies leave their country amid protests, move to Ukraine

BUSINESS



Deposit Guarantee Fund sells property of bankrupt Arkada bank

OPINION



Brian Bonner:
Quest for perfect office is over



Alexei Bayer:
America is sick and its sickness will spread

LIFESTYLE



Sharing economy in Ukraine: Co-livings take off in Kyiv

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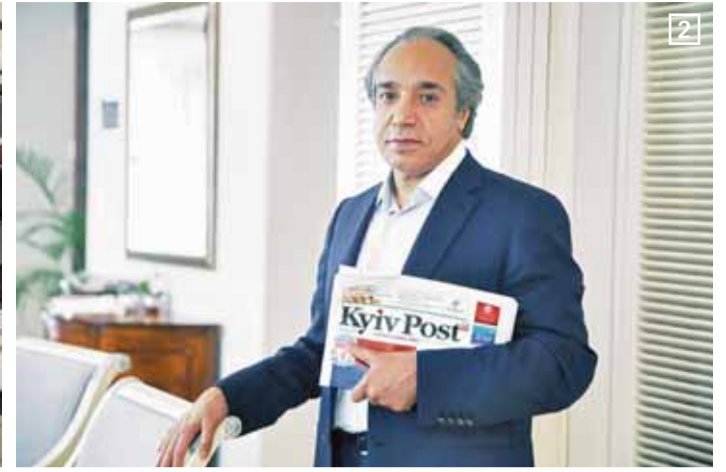
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Quest for perfect office for Kyiv Post is finally over

- 1** Kyiv Post journalists work at their computers on the first day in the newspaper's new office at 68 Zhylianska St. on Aug. 31, 2020.
- 2** Kyiv Post owner Adnan Kivan built the newspaper's new headquarters. "It's yours, my friend. You've earned it," Kivan told chief editor Brian Bonner. "It's my gift to the Kyiv Post." He is shown in 2018.
- 3** Kyiv Post staffers pose for a picture in front of the KADORR Group's new 23-floor building on 68 Zhylianska St., where the newspaper is now housed.
- 4** News editor Matthew Kupfer (L), business editor Denys Krasnikov (2L), editor Ilya Tymchenko (C), deputy chief editor Olga Rudenko and chief editor Brian Bonner take part in the morning news meeting on Sept. 3, 2020, discussing the stories that will go in print on production day.
- 5** News editor Matthew Kupfer walks past staffers of the Kyiv Post in the newspaper's new office on Zhylianska Street on Sept. 1, 2020.
- 6** Deputy chief editor Olga Rudenko, defense journalist Illia Ponomarenko (C) and business editor Denys Krasnikov browse this issue's cartoons, which just arrived from the workshop of Ukrainian artist Anatoliy Vasylenko on Sept. 3, 2020.
- 7** Channel 7 journalists interview Kyiv Post chief editor Brian Bonner and deputy chief editor Olga Rudenko on Sept. 3 for the TV channel's weekly "Kyiv Post Review" program.
- 8** Kyiv Post lifestyle journalists, Artur Korniienko and Yana Mokhonchuk. (Photos by Kostyantyn Chernichkin and Volodymyr Petrov)



Lifestyle

While indoor music shows are banned under quarantine, enjoy classical music on Sept. 10 at 7 p.m. in the Gryshko botanical garden (1 Tymiriazievska St.) Hr 300-450



Play | Food | Entertainment | Sports | Culture | Music | Movies | Art | Community Events

City Life

With Yana Mokhonchuk

Where to buy Kyiv-themed merchandise

K yiv can be inspiring for those who are interested in authentic local products. The city is home to a plethora of uniquely designed merchandise by Ukrainians that carry the cultural code of the capital.

The Kyiv Post has compiled a selection of products with some of the most emblematic Kyiv themes:

Kyiv T-shirts

Syndicate Original, a Kyiv streetwear brand that was founded in August 2010, sells white T-shirts with basic themes that are in some way connected to Ukraine's capital.

The prints available include the inscription "Kyiv," Kyiv's telephone area code "044," prints dedicated to monuments of historical personalities such as Bohdan Khmelnytsky, the founder of the Ukrainian Cossack state, and Lesya Ukrainka, a Ukrainian writer and feminist activist of the 19th century.

The prints for the T-shirts were created in collaboration with Slava Balbek, a Ukrainian architect and designer.

With these T-shirts, Taras Shevchuk and Anton Abo, founders of Syndicate Original, aim to revolutionize Kyiv's established fashion and highlight new symbols that represent the city.

"We are shaving the beard off of men's fashion and washing the make-up off of women's," they state on their website. "(Kyiv's fashion) has to be freshened up and now it is more difficult for it to make a serious face. It's just clothes. Don't be philosophical, take it and wear it."

The cost of one T-shirt is Hr 860 (\$32). The collection is available on the brand's website.

Reminder: Kyiv not Kiev

Ukrainian brand Inspired Bags has released eco-friendly bags that highlight the proper spelling of Ukraine's capital instead of the incorrect Russian-rooted "Kiev."

The design choice highlights a larger information campaign called #CorrectUA that was launched in 2018 by the Ministry of Foreign Affairs of Ukraine, in which it draws the attention of foreign media to the correct spelling of the names of Ukrainian cities.

The brand also produces a variety of bags with the names of Ukraine's largest cities such as Lviv, Kharkiv and Dnipro. The eco-bags are made

Abandoned Kyiv: 10 must-see sights



Dylan Carter

An exposed entrance to a fragment of the ambitious metro project No.1 NKPS, dubbed the "Stalin Metro." The line was intended to provide a regular metro service under the Dnipro River.

By Dylan Carter

dylan.carter@europeanpolicyplatform.org

Drive around in Kyiv for long enough and you will start to notice them, like a sore thumb. Kyiv is full of abandoned buildings, whether abandoned projects from the 1990s, Soviet relics or romantic ruins. It makes the capital an urban exploration paradise.

Urban exploration has grown increasingly popular in post-Soviet countries where relics are scattered across the horizon. Both thrill-seekers and history enthusiasts can venture to abandoned buildings and structures to explore, often under the cover of darkness.

Urban exploration has its hazards though. Falling roof tiles, sharp objects, and medical waste can make the hobby dangerous. Explorers can also risk arrest or mauling if they haven't done their research on whether it is safe to explore the property.

The Kyiv Post does not condone trespassing or entry into private or state-owned property without permission and warns of the dangers. The following locations can

be appreciated from afar or entered safely if explicitly stated. Visitors ignoring the advice given by this article do so at their own risk.

Abandoned buildings are important reminders of the past and serve as representations of failed projects and long-lost memories.

As the pace of development in Kyiv increases and many buildings of historical interest face impending demolition, these locations were all intact at the time of writing.

1 Futuristic "Castle," 29 Nizheyrkovskaya St.

Graffiti covers the front of a space-age property at Nizheyrkovskaya Street. The future of the building is uncertain, as the government has not ascertained its owner.

No one knows the intended purpose of this building. According to some commentators of online forums that discuss abandoned buildings, this construction was intended to be a school. Others claim it was a print house. The reason that the building has survived for so long may be due to Ukraine's bloated bureaucracy. According to an investigation, not even the government knows who

the building belongs to. The futuristic castle can easily be accessed by road. It is a popular haunt for trendy Podil youth and serves as a canvas for some of Kyiv's most talented graffiti artists. The building is not fully secured.

2 Unfinished hospital, 3 Observatornyi Lane

Originally intended to be the Children's Urology Hospital, construction of the building was halted in the late 1980s due to a lack of funding. Such was the case with many construction projects during the decline of the Soviet Union. In 2008, a private developer offered to destroy the wreck and build a new 25-story building. Some 12 years later, the building is still standing. The building is completely unsecured, but a patrol operates at night. It has become a makeshift shelter to many of Kyiv's homeless community.

3 House of Captain Rutkovsky, 19 Tur-genevskaya St.

Built in 1898 for Alexander Konstantinovich Rutkovsky, a lieutenant general serving the Russian

Empire, this building lies abandoned after having over 15 owners. In the 1980s, the residents of this building were evacuated due to its poor condition. The building has been purchased by Zhitloinvestbud, which has yet to touch the building. Its historic neighbor at number 17, however, was destroyed by its private owner. The building is secured and in disrepair. At the time of writing, banners from the political campaign of Ukrainian sculptor Igor Belov hang from the windows.

4 House of Baron Steingel, 1 Yaroslaviv Val St.

Abandoned, but not forgotten. The house of Baron Steingel is possibly one of the most mysterious buildings in Kyiv. With ornate gargoyles and mosaics at its entrance, it is a recognizable landmark just a stone's throw from the golden gates. Built in 1898, it never actually even belonged to Maxim Steingel, but rather to a gentry landowner named Michal Podgorski. In the early 20th century, the building hosted a café

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They're old & abandoned but still fascinating to see

page 13 →

and a cinema. The building is inaccessible, though its beauty can easily be admired from the street.

5 Abandoned "Burn Center," Radosynska Street

Situated on the very outskirts of Kyiv in the Darnytskyi District, this building is one of Kyiv's most photographed abandoned buildings. The construction was meant to be a hospital to treat victims of radiation burns from the Chernobyl nuclear disaster in 1986, but the project was eventually scrapped. The location has been the set of music videos and was once a social gathering point, according to local media. Nowadays, the site is secured with a guard at the main gate. This has not stopped many explorers from visiting the buildings, however. The site can be viewed from the road below. Beware of stray dogs.

6 CPSU Dacha, Nyvky Park

Nestled within the beauty of Kyiv's Nyvky Park and overlooking a small lake, this building served as a private residence to some of the Communist Party's highest-ranking officials. Once the private residence of Governor-General of Kyiv Illarion Vaslichikov, the property was given new life as a summer house for various officials under the Soviet Union such as Panas Lyubchenko, Lazar Kaganovich, Nikita Krushchev and Demyan Korotchenko. In 1962, the property was transferred to the city administration and its grounds became the modern Nyvky Park. The building fell into disrepair and was purchased by private investors in the 1990s. Some repairs were carried out but a full restoration never happened. The government recently secured the property. A security guard informed the Kyiv Post that there were no future plans for the building.

7 House of Culture on the Vynohradar, Georgiy Gongadze Avenue

In 1989, construction began for a new cinema and arts center. For whatever reason, the project was never completed, and the owners were never heard from again. A makeshift car park has popped up around the site and the ruin serves as a shelter to many homeless people. The site is completely unsecured, except for a friendly parking guard. The government is attempting to sell



Signage visible above the Ekran theater. It has remained unchanged for decades. In 2018, a large fire devastated the abandoned cinema, destroying its interior.

this site but, according to the guard, they are asking for an astronomical price. Entering the site is discouraging as medical waste is known to be scattered among the rubble. If you decide to ignore this advice, bring strong boots and gloves.

8 Stalin's Metro, Lyutneva Street

In 1938, work began on creating a metro tunnel that would stretch over both sides of the Dnipro River. The project was halted shortly before Kyiv was captured by Nazi troops. The metro tunnel survives in fragments but can be best seen in the Holiiv's'kyi District on the outskirts of Kyiv. If you are not afraid of the dark (or of graffiti which jokingly warns travelers of the presence of piranhas in the waters), it is possible to kayak through nearly one kilometer of a half-submerged metro tunnel. For those scared of deep water, it is possible to walk along the top of the tunnel, which offers an equally picturesque view. The site is completely unsecured and one company offers an organized tour of the site.

9 Movie theater Ekran, 117 Peremohy Ave.

Ekran is Kyiv's oldest movie theater, opened in 1911. The building, however, is in a poor state of disrepair. In 1923, the once-rural cinema entered the city limits of Kyiv and was



The view from inside the grounds of Navodnitsky tower N°4. Unlike towers 1, 2 and 3, tower 4 has been left to fall into disrepair. In 2017, the Public Cadastral Map of Ukraine suggested that the building would be destroyed. That was later shown to be an error.

renamed "May 1st Cinema." It operated until 2010 but witnessed a significant decline. It was the last movie theater in Kyiv to make hand-painted posters. In 2004, a decree was made by the Kyiv City Council to destroy the building. The proviso for the demolition was that a new cinema be built within Kyiv before it could be replaced. Work started on a new complex which, itself, was abandoned during the 2008 financial crisis. In 2013, a decision was made to override the demolition order. In 2018, a large fire broke out on the premises, gutting the interior. The cinema's future is possibly bright: Ekran cinema was forcibly merged

with company Kyivkinofilm and now awaits its planned restoration. The site is secured but the Soviet-era aesthetic of the outside of the building is worth a visit.

10 Navodnitsky tower N° 4, 2 Staronavodnitska St.

The structure was a military installation built under the supervision of Tsar Nicholas I between 1833 and 1839. The tower was one of four built as part of the larger Vasylkivsky fortifications. The building was never under attack but was left abandoned for many years. The condition of this

building is especially poor considering its historical significance. Blog commentators lamented that just 30 years ago the building was well preserved. Like so many other abandoned buildings, the tower was used by the local homeless community. Former members of self-organized defense groups in the 2013–2014 EuroMaidan Revolution, which overthrew President Viktor Yanukovich, currently occupy the building and collect money for Ukrainian troops. It appears that the self-defense members have secured the site and it is no longer freely accessible. It can be viewed from the alley or the main road. ☹️



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Dylan Carter

Kostyantyn Chernichkin

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Ukrainian Fashion Week opens in Kyiv despite coronavirus

Models present creations by Ukrainian designer Ivan Frolov during Ukrainian Fashion Week in Kyiv on Aug. 31, 2020. Since 1997, the weeklong show has been one of the key professional events for the fashion industry in Ukraine, allowing top designers to show off their work. In 2019, Frolov was named one of the Kyiv Post's Top 30 Under 30 young Ukrainians for his provocative work in fashion that explores sexuality and draws attention to important social issues.



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In October 2019, Agriteam Canada launched a new five-year project in Ukraine: **Support to Ukraine's Reforms for Governance (SURGe)**. SURGe's Ultimate Outcome is to help the Government of Ukraine (GoU) to deliver governance and economic reforms that better respond to the needs of its citizens.

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DAI GLOBAL, LLC, implementer of USAID-funded Financial Sector Transformation Project (FST) is seeking qualified candidates for the following short-term position:

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The Kyiv Post is seeking the public's help in recovering its lost archives.
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1998 – # 4-11, 13, 16, 19, 20, 23-25, 36, 38, 39, 42, 46, 49, 50, 52
1999 – # 1-35
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City Life

Where to buy Kyiv-themed merchandise

page 13 —>

out of sustainable fabrics and are available in black, dark grey, and unbleached colored cotton colors. The merch can be ordered online on Instagram starting at Hr 275.

Merch by Kyiv's subway

Kyiv Metro, a shop owned by the city's subway network that makes clothes with prints related to Kyiv's iconic subway, has recently added to their collection a gray sweatshirt with a train printed on it and a black one with the "Don't lean" sign that is seen on every door of a subway train.

Kyiv's subway network launched its merch store in October 2018 with various types of souvenirs such as keychains, magnets, cups and T-shirts.

The price of a sweatshirt is Hr 600. They can be purchased at the Metro Museum at 35 Peremohy Avenue or via the subway's official online shop.

"Right Bank Left Bank"

Support by Poustovit is a Ukrainian streetwear brand that specializes in creating unisex clothes that emphasize the unity of Kyiv's right and left banks that the Dnipro River divides.

The shop offers hoodies, shirts, caps, shorts, and socks with "Left Bank Right Bank" as well as embroideries in the shape of the leaf of chestnut, a symbolic tree of Kyiv.

Prices for clothes start from Hr



A KyivNotKiev canvas bag by Ukrainian brand Inspired Bag.

500 per and can be found on the brand's website.

Kashtan cafe

Kashtan is both a cafe and a vintage

shop that sells Kyiv-themed clothes on Reitarska Street. The store sells vintage as well as new clothing from Ukrainian designers, vinyl record players, books and accessories.

The price for a T-shirt is Hr 350 which is available at Kashtan's website.

Pinning Kyiv

Denys Cherniavskiy and Maryna

Cherniavska, the founders of Pinat, a Ukrainian brand of enameled pins, believe that their pins are a tool for human self-identification.

"Do you know what the only drawback of the Kyiv Cake is? It ends very quickly! We solved this problem by creating this symbol of Kyiv in metal," say the founders of Pinat on their Instagram page.

Pinat's Kyiv-themed collection includes a metro token, a Kyiv pastry and a pink snail with coffee as a symbol of Kyiv's street coffee vehicles.

Pins are available on Pinat's Instagram page.

A book about modern Kyiv

The travel book "Awesome Kyiv" by Osnovy Publishing House is not your typical souvenir book about Ukraine's capital.

The book highlights Kyiv's history, culture, food, sports, nature and technology with engaging photos and interesting facts. The book does not have a single author but consists of contributions by various local experts. The creators wanted to show Kyiv not only from the typical touristic angle but want their readers to experience Kyiv from a local's perspective.

Osnovy Publishing House has been publishing travel books about Ukraine's largest cities since 2012 as part of its "Awesome Kyiv" series.

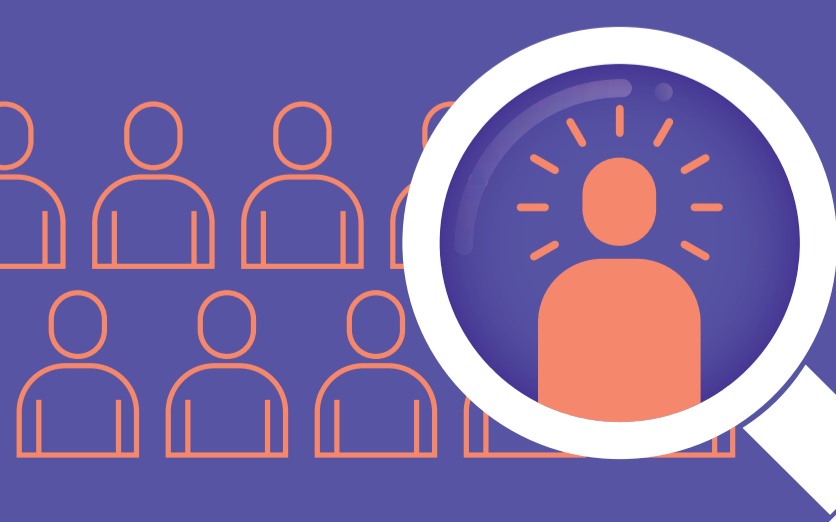
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