

# Fake reduction of KDAC's powers: how Zelenskyi did the judge Vovk a favour

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*The President Volodymyr Zelenskyi [was asked](#) to immediately submit to the Verkhovna Rada the draft law on liquidation of Kyiv District Administrative Court. The petition received a required number of votes and Zelenskyi [instructed](#) to begin consultations with the High Council of Justice.*

*The same HCJ that covers the head of KDAC Pavlo Vovk. He is suspected of creating criminal organization and other crimes that were [heard](#) by the NABU in his office. However, the HCJ does not want to dismiss or even suspend such valuable employee, and Vovk even allows himself to ignore hearings in the High Anti-Corruption Court and run away from detectives of the NABU. After all, it is also impossible to detain him without a permission of the HCJ.*

*After consultations with such Vovk-friendly HCJ Zelenskyi submitted to the Verkhovna Rada the draft law No.5067, but not regarding the liquidation of KDAC, as required by the public. Zelenskyi decided to simply limit the powers of this court a little, however, not to hurt interests of Pavlo Vovk.*

*I will explain why Zelenskyi's draft law is deception that only preserves Vovk's justice.*

## What does Zelenskyi propose to do with KDAC?

The source of Pavlo Vovk's power is a unique jurisdiction of KDAC. Due to its location in the capital, KDAC has jurisdiction over all cases on lawsuits to central authorities, such as the Cabinet of Ministers, ministries, the NAPC, the NABU, the tax and fiscal services, the National Bank, and so on.

In mid-February this year, the press service of the Presidential Office loudly [stated](#) that Zelenskyi was initiating reduction of KDAC's powers. Few days later, the text of regarding [draft law](#) appeared on the website of the Verkhovna Rada, which does provide for transfer of some part of cases from KDAC to the Supreme Court as the court of first instance.

Detailed analysis of provisions of this draft law makes it clear that there is no question of weakening KDAC. Namely: they plan to transfer minor cases to the Supreme Court, while Pavlo Vovk still keeps powers to blackmail Members of Parliament and the President, cancelling decisions of central authorities and covering up officials from responsibility and, in general, to do whatever he wants.

In particular, the draft law No. 5067 provides for amendments to the Code of Administrative Procedure of Ukraine, according to the content of which **complaints against normative-legal acts** of the Cabinet of Ministers and other central executive bodies are considered by the Supreme Court as the court of first instance.

For instance, such documents as the Procedure for selecting declarations for full inspection approved by the NAPC or the Procedure for conducting competition for holding civil service positions approved by the Cabinet of Ministers will be appealed immediately to the Cassation Administrative Court within the

Supreme Court and appeals will be transferred for consideration to the Grand Chamber of the Supreme Court.

However, complaints against **decisions, actions or inactions** of the same bodies remain within the jurisdiction of KDAC which still can:

- cancel the nationalization of Privatbank or other decisions of the NBU that are important for the country's economy;
- [prohibit](#) ministers to work and [reinstate](#) officials accused of corruption;
- cover up officials, who lie in declarations or use it to [blackmail](#) them, from responsibility.
- [cancel](#) the orthography and [prohibit](#) the renaming of the Russian Orthodox Church and so on.

Thus, almost all important cases actually remain in KDAC, and the Presidential Office simply fools us by announcing the reduction of powers of the court. Moreover, Zelenskyi is also trying to deceive the International Monetary Fund with this draft law.

The [Memorandum](#) with the IMF, that was signed last June, provides for transfer from KDAC to the Supreme Court of exemplary cases, in particular, nationwide cases, cases that exceed predetermined threshold, or have significant impact or harm to the country.

It is obvious that decisions of the National Bank are nationwide, but the presidential draft law does not mention their transfer to the Supreme Court for consideration, as well as other important cases.

So, if Members of Parliament vote for the draft law №5067 in this form, they will not only preserve power of Pavlo Vovk, but also jeopardize future cooperation between Ukraine and the IMF.

There should be no illusions that the draft law can be improved by amendments before second reading: it is necessary to amend other articles of the Code of Administrative Procedure, and the Rules of Procedure of the Verkhovna Rada of Ukraine prohibit to do so after the first reading.

So, today all responsibility for the content and quality of the draft law lies on Members of Parliament and the Minister of Justice, who represents the draft law in the Verkhovna Rada.

### **What is there to do?**

Transfer of cases from KDAC to the Supreme Court cannot replace the liquidation of KDAC, which has rotted down to the bone, and therefore neither reduction of powers nor ritual dismissal of several judges can be limited here.

Ukraine must fulfill its international commitment and ensure transfer of important cases for consideration to the Supreme Court. It is also necessary to immediately liquidate KDAC, transfer those cases that remain within the jurisdiction of the court to another district administrative court or even several courts.

These are temporary measures, that are created to protect country from arbitrariness of KDAC judges and threats to the national security and sovereignty, that can bear their actions. The long-term solution is to create separate specialized court to consider important administrative cases, which should include only honest and professional judges.

Our most important task remains qualitative restart of the judiciary, namely the High Council of Justice and the High Qualification Commission of Judges. After all, thanks to these bodies Pavlo Vovk and other judges of KDAC still remain in their positions.