

The court will consider AntAC's lawsuit against judge who refused to consider appeal against closure of Avakov's backpacks case

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On Monday, September 10, at 12.30, the Kyiv Court of Appeal (2a Solomyanska street) will consider the lawsuit of the Anti-Corruption Action Center regarding refusal of the judge Vadym Senin to consider the activists' appeal in the case of Avakov's backpacks.

On August 17, the AntAC filed the appeal to Solomyansky court against the decision of SAPO prosecutor Vasyl Krychun to close criminal proceeding against the son of the Minister of Internal Affairs Oleksandr Avakov and former deputy Minister Serhii Chebotar.

On August 22, the judge of Solomyansky court Vadym Senin [refused](#) to consider AntAC's appeal.

The judge [decided](#) that the appeal is not in jurisdiction of Solomyansky District Court in Kyiv, therefore activists should apply to another court.

According to Vitaliy Tsokur, AntAC's lawyer, **such a decision of investigative judge is illegal and biased**. The Criminal Procedure Code provides possibility of conducting judicial control over pre-trial investigation by investigative judge within territorial jurisdiction of the body of pre-trial investigation. In this case it is NABU, and accordingly – Solomyansky court of Kyiv.

“Judge Senin acted biased while making the decision to refuse the consideration of AntAC's appeal. However, earlier he had already considered appeals regarding decisions or actions of SAPO prosecutors”, said Vitaliy Tsokur, AntAC's lawyer.

Thus, for example, in July 2018, judge Senin [refused](#) to satisfy the attorney's appeal against decision of the head of the SAPO Nazar Kholodnytskyi to extend investigation period of the case.

That same month, he [refused](#) to satisfy the appeal of another lawyer against decision of SAPO prosecutor regarding closure of the case.

In June 2018, judge Senin [canceled](#) the decision of SAPO prosecutor to close the proceeding under attorney's appeal.

Moreover, judge Senin has already made similar decisions regarding inactivity of SAPO prosecutors. In particular, they concerned [reasonableness of the terms of investigation](#) in April 2018 and [failure to submit information to the Unified Register of Pre-trial Investigations](#) in March 2018.

At the same time, Svitlana Gorbatovska, the investigative judge of Solomyansky District Court of Kyiv, has considered similar appeal against closure of criminal proceeding regarding alleged illicit enrichment of the head of the National Land Forces Academy Pavlo Tkachuk. The case was closed by the first deputy head of the SAPO, Maksym Hryshchuk. She refused to satisfy the appeal, but later the Kyiv Court of Appeal

abolished her decision and the decision of SAPO prosecutor to close the case.

We should recall that in July 2018, SAPO prosecutor Vasyl Krychun [closed](#) the proceeding in the “case of backpacks” regarding two subjects, the son of Minister of Internal Affairs Oleksandr Avakov and former deputy Minister Serhii Chebotar due to the absence of “direct sufficient evidence”.

Both [are involved](#) in embezzlement of 14.5 million UAH on procurement of backpacks for the needs of the National Guard. Meanwhile, the third subject was left as the suspect, Volodymyr Lytvyn, who claimed himself [responsible](#) for the crime.

On July 13, NABU [filed](#) the appeal to SAPO head Nazar Kholodnytskyi and Prosecutor General Yuriy Lutsenko regarding the closure of criminal proceeding.

Kholodnytskyi refused to consider the appeal and [declared](#) the decision to close the proceeding legal. Lutsenko refused to consider the appeal in general.

The first court hearing [is scheduled](#) on September 11 in Kharkiv.