

# What is the court which suspended Suprun famous for?

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**On February 5, both Ukrainian society and the international community were outraged and shocked by the news that Kyiv District Administrative Court suspended acting Minister of Health Ulana Suprun from performing her duties. The court partly satisfied the appeal filed by MP Ihor Musiychuk (Radical Party). On February 15, the first court hearing regarding Mosiychuk's appeal per se will take place.**

*The decision was made by judge Karakashian. Activist Taras Shevchenko wrote about [his other scandalous decisions](#).*

Kyiv District Administrative Court has been infamous for a long time. It became the embodiment of unreformed Ukrainian Themis. This is the court where most of the disputes between citizens and the authorities take place.

No judge from this court was dismissed during the Presidential judicial reform. Moreover, Poroshenko had to liquidate the court, in general. He asked the permission of the High Council for Justice, received it, but then changed his mind at the last moment.

The Anti-Corruption Action Center collected the most resonant decisions of District Administrative Court of Kyiv.

## ***Reinstated Nasirov as the fiscal administration chief***

In December 2018, District Administrative Court reinstated in office former head of the State Fiscal Service Roman Nasirov. The court also ordered the Service to pay salary to Nasirov for "involuntary absence from work".

NABU suspects Nasirov of participating in the gas fraud scheme of MP Oleksandr Onyshchenko, which caused budget losses in the amount of 2 billion UAH (around \$75,000). In March 2017, the Cabinet of Ministers suspended Nasirov from office for the time of the investigation. On January 31, 2018, he was dismissed because of his dual citizenship.

The court reinstated Nasirov in office as the judges doubted his British citizenship. They did not recognize the letter from the British Embassy as an official confirmation for this fact.

## ***Allowed notorious "Berkut" police to disperse activists of the Maydan***

During the Revolution of Dignity, the judge Ablov issued the order that served the ground for notorious "berkut" police officers to disperse activists.

On December 9, 2013, it took 6 hours for Ablov to consider some individual's appeal and order "authorized persons" to unblock Khreshchatyk, Hrushevskogo and other streets. The decision came into force and on December 11, 2013, the police made the attempt to disperse activists at night.

The attorney of the Automaydan Roman Maselko wrote that two weeks after this decision Ablov received an apartment from the state, which he later sold for 9,1 million UAH. Ablov continues to administer justice.

### ***Covered up subjects of the "Avakov's backpacks" case***

On July 10, 2017 the same judge Ablov recognized the procurement procedure in the "Avakov's backpacks" as legal, thus legitimizing it. One of the procurement participants one year and half after the tender was held suddenly decided to appeal against it. Notwithstanding, this competitor failed to further appeal against Ablov's decision.

NABU investigated possible embezzlement of state funds in the amount of 14 million UAH (\$500,000) during the procurement of backpacks by the Interior Ministry for the National Guard. Nevertheless, in September 2018, another court, namely Chervonozavodskyi in Kharkiv, during consideration of the plea deal with a middleman in the criminal proceeding also examined this procurement. It found that the procurement, previously recognized by Ablov as legal, was based on forged documents and that backpacks were of poor quality.

### ***Recognized illegal actions of NABU in the "amber mafia" case***

On September 20, 2018, the judge Arsiriy approved the classified decision, by which he satisfied the appeal of MP Boryslav Rozenblat against NABU and the Prosecutor General's Office on the recognition of wire-tapping of him as a violation.

Rozenblat and his accomplices are suspected of receiving more than 300,000 USD for the preparation of draft laws and illegal influence on officials of various state bodies.

NABU organized one of the most comprehensive covert operations in history. Later the investigators published all audio and [video recordings](#) on which Rozenblat communicated with participants of the scheme. Detectives received court's permissions regarding Rozenblat's assistants and other persons. However, MP's wiretapping was unplanned.

The court recognized that NABU representatives "unreasonably committed actions regarding Rozenblat's persecution beyond the pale of related criminal proceeding and without complying with law requirements regarding the need to ensure parliamentary immunity" since they did not receive permission of the Verkhovna Rada.

It should be stressed that legality of agents' actions should be determined by the court in the course of the criminal proceeding, not by the administrative court.

Rozenblat himself was very pleased with this court's decision and called it "the important step towards his victory" in the case with NABU.

### ***Obligated NABU to disclose confidential memorandum with FBI***

The judge Karakashyan, who is considering the case against Suprun, in November 2018 recognized illegal

NABU's refusal to provide information regarding the content of the Memorandum of Cooperation with the Federal Bureau of Investigation (FBI). NABU stated the existence of the Memorandum and that its content was confidential and could not be disclosed. At the court's request, the Bureau provided part of the Memorandum on confidentiality of the document.

However, the court made the conclusion that confidentiality was established regarding disclosure of the very existence of the Memorandum and not its content. Therefore, since it is now known about its existence, there are no restrictions on the distribution of its content.

According to NABU, the letter of the FBI Legal Affairs Attache of the US Embassy stated that any public statements about the Memorandum content can only be made with the consent of NABU and FBI.

### ***Played into the hands of the Ministry of Defense in order to destroy evidence in the Trade Commodity case***

Investigation of NABU in the case regarding embezzlement of almost 150 million UAH (~\$5,5 million) during the procurement of fuel for army needs was based on the conclusions of the State Audit Service. It conducted an examination of the tender and the agreements. The Service in its decision made the conclusion that the Ministry of Defense procured petroleum products at Trade Commodity LLC with violations. Following Ministry's appeal, Kyiv District Administrative Court cancelled auditors' claims. Now the Ministry can use this decision in the criminal case to justify overestimation of the price.

According to the investigation, at the beginning of 2016, the Ministry of Defense organized the tender for the procurement of fuel. Trade Commodity LLC won. 14 contracts on fuel supply were concluded with it. Later, the Ministry of Defense and Trade Commodity concluded additional agreements, according to which the fuel price was unreasonably increased on average by 16% from the original. As the result, the state loss was almost 150 million UAH.

**[Based on the article for Ukrayinska Pravda](#)**