THE KYIV INDEPENDENT

November 26 – December 2, 2023

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Despite Republican hesitance on Ukraine aid, red states reap economic benefits

We wrote about how aid for Ukraine benefits the U.S. economy. Nate Ostiller's article explains that specifically red, or conservative-leaning, states reap the economic benefits of aid for Ukraine, despite hesitation from Republicans to support Ukraine militarily.



Judicial reform in limbo as only few tainted judges are fired or convicted

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OPINION, WAR

Francis Farrell: Ukraine could still lose the war. Let's get some things straight

by Francis Farrell • November 28, 2023 • 11 min read



This November has been a particularly grim one here in Ukraine.

Over the past month, two media sensations in big Western magazines served as a sober wake-up call about the state of the war.

First, Simon Shuster's profile in TIME magazine on Ukrainian President Volodymyr Zelensky's "lonely fight" 20 months into the war, Zelensky's cool reception in Washington as U.S. support for Ukraine falters, and his apparent isolation from some of his highest-ranking officials who see the prospects of victory as increasingly faint.

The feature was a far cry from the heroic portrayal Zelensky was given in May 2022 by Shuster, who has consistently received deeper access to the Ukrainian leader over the full-scale war than any other journalist.

Then came an interview in The Economist with Ukrainian Commander-in-Chief Valerii Zaluzhnyi, who all but admitted that the war is at something akin to a stalemate, stuck in high-intensity positional fighting where liberating just a kilometer of mined, bombed-out Ukrainian land tends to cost hundreds of lives, thousands of shells, and millions of dollars worth of equipment.

In the aftermath of both pieces came more reports of tensions between Zelensky and Zaluzhnyi, stoked by the president's firing of Special Operations Forces Commander Viktor Khorenko, supposedly behind Zaluzhnyi's back.

This has all taken place on the backdrop of a worsening situation on the battlefield, as Ukraine's summer counteroffensive has culminated without achieving any major strategic gains, while Russia has retaken the initiative in the country's east.

I don't want to get into the politics of Zelensky's inner circle, or speculate on tensions between the president and military in the wake of Zaluzhnyi's column. What I do want to do is lay out some objective facts about where we are now in the war, why that is, and what we can expect in 2024 and beyond, if and if not Western support for Ukraine changes in scale or nature.

1. Zaluzhnyi is right. The front line across Ukraine has become static, and taking territory is becoming harder and harder for both sides.

As the war drags on and both sides transform how they fight, the traditional defender's advantage has thus far been amplified by the expansion of both sides' mobilized armies, the evolution of drone warfare, and, most importantly, the reinforcement and improvement of defensive lines with fortifications and minefields.

We didn't need Zaluzhnyi to tell us this: It has been obvious for months for anyone watching the war with a strong handle on reality. From Bakhmut, to Ukraine's summer counteroffensive, to the fierce Russian assault on Avdiivka, both sides' operations across 2023 show that the age of successful maneuver warfare in Ukraine is likely over, and will be for a long time until some big changes.

Zaluzhnyi's argument that a breakthrough can come through a technological upper hand also makes sense, but there is no silver bullet. Long-range missiles, better electronic warfare (EW) and counter-EW capabilities, and winning the drone war could all help Ukraine get the upper hand, but all of it needs to come together with continued conventional military support at scale.

Both require one thing: real commitment from the West to Ukrainian battlefield success.

2. The main reason Ukraine finds itself in this position is because it wasn't given the weapons it needed to change the game before the war settled into this positional tussle.

Here, I can't help but recall the bittersweet memories of last autumn when, just after the liberation of Lyman, Ukraine was on the brink of pushing onward to Kreminna and Sievierodonetsk, potentially causing another collapse in Russian defenses. Russia had only just begun a desperate

mobilization of its citizens and had not yet started to build the fortified defensive lines that became key to stopping Ukraine's counteroffensive.

Imagine if, back then, Ukraine had had long-range missiles, Western tanks, and more artillery, including the U.S. DPICM cluster munition shells that were only given this summer... Do I need to go on?

The West had so much time and yet, over the course of 21 months of the full-scale war, it never seemed to feel much sense of urgency. We have now reached a point where, because Ukraine wasn't given what it needed to win a short war, NATO countries are forced to hunt around the world for artillery shells and scramble to increase their own production to keep Ukraine afloat in a long one.

3. While it remains taboo to admit, it's now nearly impossible to deny that the West, in particular Washington, does not want a complete Ukrainian victory.

You only have to look at months and months of public statements, which are best summed up by the tired commitment to support Ukraine for "as long as it takes," echoed from Washington to Paris to Berlin. On U.S. Defense Secretary Lloyd Austin's Nov. 20 visit to Ukraine, the wording "here for the long haul" was chosen.

As long as it takes for what?

There's a reason Western officials don't talk about restoring Ukrainian sovereign territory to its 1991 borders. The idea of Ukraine truly defeating Russia and threatening to return all occupied territories, including Crimea, is at the core of the West's fear of escalation and possible nuclear use by Russia.

This fear is not completely unfounded. Yes, every Ukrainian victory has been a hit to Putin's ego, and yes, every new Western system delivered to Ukraine makes him seethe a little inside. However, these "red lines" are nothing compared to the prospect of him losing everything: the war, Crimea, and his legitimacy as an empire-building tsar. Only at that point does the nuclear threat become real, but it is Ukraine that would be in danger, and Ukraine that is ready to take that risk.

4. The West's unwillingness to empower a Ukrainian victory is no clearer than in the issue of providing long-range missiles.

Long-range missiles may not be wonder weapons that will quickly cripple Russia's war effort on their own, but they sure are a good indicator of political will.

The main culprit here is, of course, the U.S.-built ATACMS, which can be launched right out of the same HIMARS and M270 systems that Ukraine received last year. Ukraine has since then publicly begged for ATACMS, the long-range version of which could strike any target in Ukraine's occupied territories, including strategically key airfields and the Black Sea Fleet.

"We think the Ukrainians can change the dynamic on the battlefield and achieve the type of effects they want to push the Russians back without ATACMS," then-U.S. Undersecretary of Defense for Policy Colin Kahl said in January, adding that they are not needed for targets "directly relevant to the current fight."

This was not a line of argument but an open lie.

Ukraine finally received the older, shorter-range version of the ATACMS in October (these have a stated maximum range of only 165 kilometers and carry cluster munitions rather than a single high-explosive warhead) and immediately put them to good use. Ukraine's Oct. 17 attack on Russian airfields in occupied Luhansk and Berdiansk reportedly destroyed at least nine Russian military helicopters and damaged up to 15 more. These were, of course, the very same helicopters that had hammered Ukrainian forces to great effect over four months of the counteroffensive.

Then there is the German Taurus, which flies even further than ATACMS and can carry a 480-kilogram dual-stage warhead, perfect for destroying the illegally-built Crimean Bridge between the occupied peninsula and the Russian mainland. German Chancellor Olaf Scholz has openly admitted his fear of Ukraine using these missiles against the bridge, and it wouldn't be a stretch to suggest that Washington has the same qualms about the long-range ATACMS.

5. Ukraine's war effort depends most of all on Washington, where bipartisan support for Ukraine is openly faltering in Congress, and a presidential election could bring it all down.

Again, we return to the question of time. How much weight can phrases like "for as long as it takes" or "for the long haul" hold in a democratic country with elections in just a year's time? What about when you add the fact that the clear favorite to win the opposition nomination is an open Putin sympathizer who actively campaigns against military aid for Ukraine? The return of a character like Donald Trump to the presidency would not only threaten the U.S. democracy but could also mean life or death for Ukraine.

6. Even if Western military support continues to trickle in, Ukraine cannot fight a war at this intensity on its own forever.

In an industrial-scale war like this, there are some resources that even the most generous of Western funding cannot replenish: people. For as long as Russia is able to keep throwing tens of thousands of men and hundreds of thousands of shells at Ukrainian lines, Ukraine will continue to lose its best people at an unsustainable rate.

Whether it's taking more and more Ukrainian men off to war, the constant need for basics like bulletproof vests and cars to be funded by civilians, or the many other immense social and economic strains that the country is currently under, things can't continue like this indefinitely.

The way Ukraine fought off Russia's attempt to take Kyiv, has struck back in successful counteroffensives, and remains in the fight against the immense Russian military machine is nothing short of unbelievable. No country should ever have to go through the campaign of total annihilation that Ukraine is standing against, but even Ukraine can't be expected to be able to withstand the pressure forever.

7. The high cost of war on both sides means eventual peace negotiations are not unthinkable, but discussions about them usually get everything wrong.

Talk of peace negotiations between Ukraine and Russia, often among those in the West opposed to continued military aid to Ukraine, usually goes down an enticingly simplistic causal path: reduce aid or cut it off completely → force Zelensky to "negotiate" → peace in Ukraine.

Why does a country at war go to the negotiating table?

If both sides are exhausted and have a strong mutual interest in ending hostilities, then perhaps a ceasefire can be agreed upon. But if a state-on-state war is developing to favor one side, the side losing might sue for peace, resigning themselves to giving up a lot – often humiliating themselves in the process – in the hope of avoiding losing it all. Read between the lines, and these arguments to pressure the Ukrainian leader to negotiate are really pushing for Ukraine to start losing the war.

This brings us to Russia. Barring total surrender, the end of the war is not Zelensky's choice alone – it can't happen without Putin, and for that, something major has to shift the battlefield in Ukraine's favor to force the Russian dictator to change course.

On the same day as Austin's visit to Kyiv, a tweet by the U.S. Mission to NATO said that Washington is "focused on setting conditions for a just, durable, and sustainable peace." The post generated plenty of angry backlash from Ukrainians, taking it as an admission that the U.S. would not support Ukraine until victory. The fact is, we knew that already, but the problem is that so far, even the "setting conditions" part is not being done. Dwindling arms supplies and internal political divisions set conditions not for a durable peace but instead for Moscow to be vindicated in its plan for victory.

8. Russia's mission to destroy independent Ukraine hasn't changed. Moscow has little left to lose, and its strategy of tiring out the West is slowly working.

"If Russia stops fighting, there will be no war, but if Ukraine stops fighting, there will be no Ukraine." This phrase was often repeated in the early months of the full-scale war, and the truth of it hasn't changed since. Nor have Russia's maximalist war aims in Ukraine. From official statements to propaganda narratives, Russia shows no signs of giving up on destroying an independent Ukraine.

The Battle of Kyiv was Russia's most humiliating defeat, but it hasn't stopped army recruitment advertisements from promising Russian soldiers the opportunity to soon be able to buy real estate in the Ukrainian capital. If the supply of shells to Ukraine slows to a trickle or dries up completely, Russia will almost certainly start marching forward. When it does that, for Ukraine, it means more Bakhmuts and Avdiivkas, more cities wiped off the earth, more torture chambers, more deported children, and thousands more soldiers' lives lost.

The question of time again looms. Sure, Ukraine may receive enough to hold the line against Russia over 2024, but what about 2025 or 2026? If, through a lack of equipment, ammunition, and personnel, the Ukrainian military's capacity to fight is eventually degraded enough, cities like Kharkiv and even Kyiv could once again come under threat of Russian occupation.

9. To end the war with an independent Ukraine, the West must provide honest answers to two questions.

The first question is, "What will you do to permanently stop Russia from wanting and being able to take more Ukrainian territory?" The answer should be obvious: to finally empower a Ukrainian victory by giving all available weapons systems that have so far been held back. Airpower, long-range missiles, more tanks, armored vehicles, mine-clearing equipment, drones, everything; Ukrainians have been calling for this since the very beginning.

But if complete victory is seen as neither possible nor desirable by Ukraine's partners, the next best thing would be setting conditions for Russia to want to negotiate, but that can only be achieved by putting pressure back on Moscow. There are few options left: either properly arm Ukraine for a more effective counteroffensive than last time or, perhaps, give Kyiv the long-range missiles to destroy the Kerch Bridge, the Black Sea Fleet and, with them, Putin's dream of a Russian Crimean paradise.

The second question is, "What incentive will you give to Russia to not quickly break any ceasefire deal and finish what they started?" This is the "just, durable, and sustainable" peace that Washington frequently refers to.

Yes, Western military aid to Ukraine must continue after the shooting stops, as Russia's military-industrial complex and society have now been put firmly on a war footing. That's the absolute minimum, but what really must be offered to Ukraine is NATO membership. Security guarantees are not enough – they have not worked in the past in the face of Russia's lack of respect for any signed piece of paper.

The world is changing, and without action, the barriers that once deterred countries from invading and conquering their neighbors all over the globe will continue to dissipate. That action must start with Ukraine, and it must start by not taking Ukraine's survival for granted.

Editor's Note: The opinions expressed in the op-ed section are those of the authors and do not purport to reflect the views of the Kyiv Independent.

US ASSISTANCE TO UKRAINE

Despite Republican hesitance on Ukraine aid, red states reap economic benefits

by Nate Ostiller • November 30, 2023 • 6 min read



Amid signs of a growing reluctance among U.S. Republicans to continue aid for Ukraine, proponents have been trying a new narrative – highlighting that a considerable amount of the money the U.S. spends actually goes toward the domestic defense industry, funneling jobs and investments back to the U.S.

A recent op-ed by Marc Thiessen, a fellow at the center-right think tank, the American Enterprise Institute, argued that it is "the best-kept secret" of the entire $68 billion U.S. endeavor to support Ukraine.

Citing one analyst, he said that as much as 90% of the money allocated by the U.S. for military aid for Ukraine has been spent domestically.

Thiessen and some of his colleagues from the American Enterprise Institute worked on a project to map where in the U.S. these funds have gone. In total, 31 states are producing weapons or military equipment for Ukraine, using money earmarked by Congress.

The U.S. Defense Department (DoD) has also weighed in, sharing its own infographics that illustrate the extent of the economic benefits of the revived domestic defense industry.

Although the DoD's estimates are not as striking as the unnamed analyst cited by Thiessen, they still show that the U.S. has received more than $27 billion in investments from Washington's military aid for Ukraine.

In addition, the funds have also provided $3.3 billion in direct industrial investments to improve the capacity of the domestic defense industry across the U.S.

"Across the board, the response of our U.S. industrial base to meet Ukraine's defense needs has been truly historic," said William LaPlante, undersecretary of defense for acquisition and sustainment.

Weapons for Ukraine, American jobs

A total estimate of the jobs created has not been made public, but a few examples are illustrative of the economic boon that the U.S.'s military aid for Ukraine has created at home.

Lockheed Martin, which produces the High Mobility Artillery Rocket Systems (HIMARS) prized by the Ukrainian military, received a contract from the Pentagon worth nearly $500 million in late 2022 to keep manufacturing the systems.

Local officials in Camden, Arkansas, where one of Lockheed's factories is located, saw the announcement as a significant economic opportunity for the town.

The state's Chamber of Commerce estimated that perhaps as many as 1,000 new jobs would be created as a result of the new contracts from Lockheed and other defense companies operating in Ouachita County, of which Camden is the county seat.

As the defense industry has grown, it has helped revitalize the town, which had been economically stagnating since other industries left. It was not the first time Camden saw growth from defense jobs- some 25,000 workers came to the town after a naval plant was opened there in 1944.

"Retail jobs follow manufacturing jobs, so the more manufacturing jobs that you have in a community, (the more) retail will soon follow," said Ouachita Partnership for Economic Development's executive director, James Lee Silliman.

The Camden story is not an isolated event– new contracts for domestic defense production have led to the creation of new factories and the expansion of existing ones, all circulating money back into the U.S. economy.

A more striking example is in Mesquite, Texas. Unlike Camden, there was no previous defense industry until the defense contractor General Dynamics announced the opening of a new factory in early 2024 to produce 155mm shells.

Mesquite, a suburb of Dallas with a population of around 150,000, invested more than $1 million to attract General Dynamics, and local officials hoped that the plant would usher in a larger wave of economic revival. Although housing projects continue to spring up around Mesquite, the downtown remains quiet, and boarded-up storefronts are a common sight.

Local officials believe that the plant, along with its high-paid jobs, will help jumpstart a larger growth of advanced manufacturing in the area, that will ultimately make Mesquite a more desirable place to live.

The partisan divide

The Biden administration and other proponents of U.S. support for Ukraine have increasingly sought to emphasize that the oft-cited narrative that the U.S. is "giving" money to Ukraine is simply not true.

Moreover, a considerable portion of the money has gone either to states that voted for previous President Donald Trump in 2020 or battleground states.

So far, the top recipients are Pennsylvania ($2.4 billion), Arizona ($2.3 billion), Arkansas ($1.5 billion), Texas ($1.4 billion), and Florida ($1 billion).

Texas, Florida, and Arkansas went for Trump in 2020, and Pennsylvania and Arizona narrowly voted for President Joe Biden.

Despite the clear economic benefits for constituents, many Republican politicians representing these states have voted against aid for Ukraine.

Lance Gooden, the Republican Congressman representing Mesquite, Texas, joined other Republican congressmen to publicly oppose aid for Ukraine.

Other prominent Republican politicians, such as Ohio Senator J.D. Vance, have voted against Ukraine aid even though Vance also decried the decline of the U.S. defense industry.

The M1 Abrams tank, which is being supplied to Ukraine, is produced at the General Dynamics plant in Lima, Ohio.

Across the board, poll after poll has found that Republicans think the U.S. is giving Ukraine too much money. A Gallup poll released in early November found that 62% of Republicans said the U.S. is doing too much to help, compared to only 14% of Democrats who think so.

Pocketbook issues

The U.S. electorate, still mostly in favor of support for Ukraine, has other issues in mind as the 2024 presidential election approaches.

An Ipsos poll released on Nov. 5 found that almost all Americans (97%) believed economic issues were their primary concern, followed by inflation, education, healthcare, crime, and gun violence.

Ukraine was towards the bottom of the list, with 28% believing it was "very important," lower than the war between Israel and Hamas (36%).

Amid the broader isolationist tendencies in the Republican party, the messages of defending democracy abroad, supporting our European allies, and standing up to Russia do not appear to be enough to motivate a majority of the Republican electorate to support continued aid to Ukraine.

Senate Minority Leader Mitch McConnell, a senior member of the Republican Party and proponent of U.S. support for Ukraine, has emphasized the economic benefit it brings to the country, including his home state of Kentucky.

"Our support to Ukraine is grinding down one of America's biggest strategic adversaries (Russia)," McConnell said in September.

He added that it is also "measurably strengthening the U.S. military, growing the U.S. industrial base, and supporting thousands of good-paying American jobs."

"The overwhelming majority of the money we have appropriated is being spent here in America. Right here in this country," the Republican leader in the Senate commented.

Even if voters are unconvinced by the moral and geopolitical arguments, the economic one could be the winning message.

As of the time of this publication, Congress has been deadlocked for months on a new spending package for Ukraine aid, which has been caught between infighting and wider budgetary debates.

Senate Majority Leader Chuck Schumer said on Nov. 26 that the Senate would consider a vote on the proposed $61 billion in military aid for Ukraine as early as Dec. 4.

JUDICIAL REFORM, WAR

Judicial reform in limbo as only few tainted judges are fired or convicted

by Oleg Sukhov • November 27, 2023 • 10 min read



On the tenth anniversary of the pro-Western EuroMaidan Revolution, the Ukrainian parliament approved the first reading of a bill that effectively destroys one of the key tools of the ongoing judicial reform, the Public Integrity Council.

The council is an independent civil society watchdog that assesses the integrity of judges and plays a key role in the reform.

The bill seeks to subordinate the watchdog to the High Qualification Commission, a judicial governing body, and make it effectively impossible for the council to assess judges' integrity.

The move to destroy the Public Integrity Council highlights the state in which judicial reform is 10 years after the start of the EuroMaidan Revolution, commemorated on Nov. 21.

Although formally several judicial reforms have been carried out, the changes appear to be mostly cosmetic. Few tainted judges have been fired and even fewer have been jailed.

Ukraine's most notorious judge, Pavlo Vovk, remains a judge on the payroll, even though his tainted court has been dissolved by the authorities. A corruption case against him is being considered by a court but the trial has been delayed and sabotaged, and its prospects are uncertain.

Another judge, ex-Supreme Court head Vsevolod Kniaziev, has also been charged with corruption. However, critics say his case is collapsing as several of his alleged accomplices still face no charges, and his bail has been cut several times.

Judges of the Supreme Court have been accused of entrenching corruption by appointing a tainted judge as Kniaziev's replacement.

A third judge, ex-Constitutional Court Head Oleksandr Tupytskyi, fled abroad in 2022 after being charged.

The Constitutional Court's fate hangs in the balance as several discredited members have been appointed to a panel that will vet candidates for future Constitutional Court jobs.

Ukraine's biggest judicial graft case

A key litmus test for judicial reform is the fate of Vovk, former head of the now defunct Kyiv District Administrative Court.

He has become a symbol of injustice, lawlessness, and impunity in Ukraine. In 2019-2020 he and other judges of his court were charged with usurpation of power, obstruction of justice, organized crime, and abuse of authority.

In audio recordings published by the National Anti-Corruption Bureau of Ukraine (NABU) in 2019-2021, Vovk is heard discussing numerous corrupt deals and giving illegal orders.

The case against Vovk and other judges of his court was sent to the High Anti-Corruption Court in June 2022.

Vadym Valko, a lawyer at the Anti-Corruption Action Center, told the Kyiv Independent that the defendants' lawyers had delayed the case for many months.

First, the court was unable to select judges to handle the case for months because of multiple recusals filed by lawyers. Even after the judges were selected, the case was stalled because Vovk and several other defendants initially refused to attend court hearings.

The court is currently considering a motion to close the case because the lawyers claim the deadline for submitting it to trial was missed.

One of the reasons for the delays is that Vovk still enjoys judicial immunity, and it is impossible to suspend, fire or arrest him without the approval of the High Council of Justice, the judiciary's main governing body.

The case could have been moved forward if the High Council of Justice had authorized Vovk's arrest or fired him, according to Valko and Mykhailo Zhernakov, head of judicial watchdog Dejure.

However, both the council and other government bodies have done their best to protect Vovk.

In 2020, the previous High Council of Justice unanimously refused to suspend Vovk and other judges implicated in his case. Since then, all members of the council have been replaced.

Several members of the council who made the decision on Vovk in 2020 were implicated in the Vovk case. In wiretapped conversations released by the NABU, Vovk mentioned their alleged involvement in his alleged corrupt schemes.

Former Prosecutor General Iryna Venediktova, now ambassador to Switzerland, refused to authorize an arrest warrant for Vovk and to let the NABU search Vovk's office or wiretap him.

In December 2022, the U.S. sanctioned Vovk "for soliciting bribes in return for interfering in judicial and other public processes."

The same month, Zelensky signed a bill to liquidate Vovk's Kyiv District Administrative Court.

Despite the liquidation of the court, Vovk still remains a judge. He keeps receiving a salary financed by Ukrainian taxpayers and has a legal right to be transferred to another court.

Firing corrupt judges

It has been impossible to fire Vovk and other tainted judges due to legislative hurdles for a long time.

In 2021, the High Council of Justice was stripped of its right to fire judges through disciplinary cases due to a law that created special disciplinary inspectors for this purpose.

Disciplinary inspectors have not been appointed since then.

Vitaly Tytych, an ex-head of the Public Integrity Council, believes that the delay with disciplinary cases was intentional and was part of the sabotage of judicial reform by the authorities.

"The disciplinary inspectors were a tool for delaying the reform. That's how they deceived our Western partners," he told the Kyiv Independent.

In February 2022, the High Council of Justice stopped working altogether when most of its members resigned. It resumed working only in January 2023 after the appointment of new members.

In September, parliament passed a bill allowing the council to consider disciplinary cases and fire judges before disciplinary inspectors are appointed. On Nov. 1, the High Council of Justice resumed considering disciplinary cases against judges, and now Vovk's dismissal is theoretically possible.

But Valko said that it could be possible to fire Vovk through a disciplinary procedure only if there are new disciplinary cases against him. The deadlines for old disciplinary cases have likely expired, he added.

Another procedure that could lead to Vovk's dismissal is qualification assessment, or vetting. It is carried out by another top judicial body, the High Qualification Commission.

In 2019, 34 judges of Vovk's Kyiv District Administrative Court did not show up for vetting at the commission, claiming that they were sick. The Vovk tapes document the judge's efforts to illegally sabotage and block vetting.

The vetting of judges was suspended in 2019, when the previous High Qualification Commission was dissolved. A new commission was only appointed this June.

On Nov. 13, the High Qualification Commission resumed the vetting of judges.

However, there are doubts about the commission's intention to cleanse the judiciary.

Earlier in November the High Qualification Commission overrode the Public Integrity Council's vetoes on two judges who the council says do not meet ethics and integrity standards.

One of them, Roman Koval, has arbitrarily banned video recording at a court hearing and failed to declare some of his assets, while his relatives regularly visited Russia in 2014-2018, according to the Public Integrity Council.

The other judge, Ivan Solovyov, has issued court rulings without being present at his court, which is illegal, made rulings in Russian in violation of the language law and failed to declare some of his assets, the Public Integrity Council said.

Koval and Solovyov denied the accusations of wrongdoing.

Corruption at Supreme Court

Another high-profile case, that against former Supreme Court chairman Kniaziev, is also facing obstacles.

In May, the NABU charged Kniaziev with taking a $2.7 million bribe.

The bail in the Kniaziev case has been reduced several times – from $3 million to $1 million.

The NABU said in May that several other Supreme Court judges had also taken bribes.

The judges include Iryna Hryhoryeva, Serhiy Storozhenko, and Zhanna Yelenina, according to the Anti-Corruption Action Center. They did not respond to requests for comment.

The numbers and series of the banknotes owned by these judges coincided with those received by Kniaziev as a bribe, Zhernakov and Valko said.

However, eventually the judges have not been charged, prompting speculation that law enforcement agencies are covering up for them.

Valko and Zhernakov said that the NABU allegedly did not have enough evidence to charge the judges.

"But if there is evidence (against the judges) and it has been hidden, then it's a big problem," Valko said.

The judges could claim that they got the money as part of a foreign exchange deal with Kniaziev, although it sounds improbable and absurd, according to Zhernakov.

Kniaziev's replacement as chairman of the Supreme Court, Stanislav Kravchenko, is also controversial.

According to the Public Integrity Council, he has violated ethics and integrity standards.

Kravchenko has failed to declare some of his assets and violated human rights in one of his cases, according to a 2015 decision by the European Court of Human Rights, the council said.

"The Supreme Court judges' response (to the Kniaziev scandal) was to choose a corrupt official as chairman," Zhernakov said. "Corruption is not a problem for them. The problem is to make sure that you don't get caught, like Kniaziev."

Kravchenko denied the accusations of wrongdoing in a comment for the Kyiv Independent.

Scandals at the Constitutional Court

The third high profile judge under investigation, ex-Constitutional Court Chairman Tupytskyi, was charged in 2021 with bribing a witness and obstruction of justice. He was also sanctioned by the U.S. that year.

He fled Ukraine after the beginning of Russia's full-scale invasion, Radio Free Europe/Radio Liberty reported in 2022.

The situation with Tupytsky epitomizes long-running controversies surrounding the Constitutional Court, which has been involved in many corruption scandals and obstructed key reforms.

Under pressure from civic activists and the West, the Ukrainian authorities passed a law on Constitutional Court reform in August.

According to the law, three representatives of the Ukrainian government and three experts nominated by international organizations will vet candidates for Constitutional Court jobs.

Additionally, there are six deputies who will replace them if they quit.

If the votes are split evenly (three to three), a second vote must take place, and the votes of the international experts prevail.

On Nov. 13, the vetting panel held its first meeting. However, there are great concerns about it.

The Council of Judges, a judicial self-regulation body, delegated to the vetting panel Yaroslav Romaniuk, who was the head of the Supreme Court under pro-Russian President Viktor Yanukovych.

Romaniuk supported Yanukovych's crackdown on EuroMaidan protesters in 2014 and has criticized Western-style judicial reforms.

Romaniuk has also issued an arbitrary ruling that constitutes "denial of justice," according to a 2015 decision by the European Court of Human Rights.

He does not comply with ethics and integrity standards, and his daughter's income does not match her assets, according to the Public Integrity Council.

The Public Integrity Council, as mentioned above, might soon lose its independence.

Another judge delegated by the Council of Judges to the vetting panel is Volodymyr Kuzmenko, who is implicated in the Vovk case. In the tapes from the Kyiv District Administrative Court, Vovk called him "our guy."

Meanwhile, experts delegated to the vetting panel by the parliament include Natalia Kuznetsova and Vasyl Shakun. They are members of an NGO created by controversial Yanukovych allies Serhiy Kivalov and Andriy Portnov.

The members of the vetting panel did not respond to requests for comment.

Zhernakov said that the Ukrainian members of the vetting panel were tainted and would try to make sure the Constitutional Court is completely controlled by the Zelensky administration. Zelensky's spokesman Serhiy Nikiforov did not respond to a request for comment.

Zhernakov also said that everything depends on the foreign members of the panel.

"I hope the international experts will cooperate with Ukraine's civil society," he said. "This is a key thing - it's necessary for them to know the local context."

However, in the past international experts have often approved tainted candidates for top judicial bodies and rejected the candidacies of anti-corruption crusaders and whistleblowers.

Another problem is posed by candidates for Constitutional Court jobs.

Constitutional Court candidates nominated by the Council of Judges include several candidates who do not meet integrity and ethics standards, according to Dejure.

The list of Constitutional Court candidates approved by the parliament includes two lawmakers from Zelensky's Servant of the People party – Oleksandr Kopylenko and Pavlo Pavlish. This violates the constitutional requirement on Constitutional Court judges' political independence, Dejure said.

Kopylenko and Pavlish did not respond to requests for comment.

"The government wants to take over the Constitutional Court," Zhernakov said.

OLIGARCHS

Watchdog: One of Kolomoisky's cases likely to be closed due to court ruling

by Oleg Sukhov • November 30, 2023 • 4 min read



One of Ukraine's biggest embezzlement cases – that against oligarch Ihor Kolomoisky – is likely to be closed due to a recent court ruling, according to the Anti-Corruption Action Center.

The ruling may become a death knell for Ukraine's long-running efforts to prosecute the flamboyant tycoon. Kolomoisky, who is currently under arrest, is also being investigated by the U.S. and Israel.

The High Anti-Corruption Court's appeal chamber on Nov. 28 ruled that the National Anti-Corruption Bureau of Ukraine (NABU) had missed the May deadline for completing the investigation.

It's one of the two cases opened in Ukraine against the oligarch.

This decision means that the case will most likely be closed either by prosecutors or by a court, Vadym Valko, a lawyer at the Anti-Corruption Action Center, told the Kyiv Independent on Nov. 29.

If the case is closed, its closure can be appealed, he added.

On Nov. 28, the High Anti-Corruption Court also rejected motions to freeze the suspects' assets and to impose bail and travel restrictions on them.

NABU charges

In September, the NABU charged PrivatBank's former owner Kolomoisky and his alleged accomplices with embezzling Hr 9.2 billion ($250 million) from PrivatBank.

Apart from Kolomoisky, the suspects include Oleksandr Dubilet, Lyudmila Shmalchenko, Yaroslav Luhovoy, Tetiana Yakymenko, and Nadiya Konopkina.

According to the investigation, the oligarch allegedly set up a scheme in 2015 to transfer funds from PrivatBank to an offshore company and increase his own share in the bank's capital.

For this purpose, the bank was obliged to pay over $250 million to the said offshore company under the pretext of allegedly repurchasing its own bonds at an inflated cost.

Part of the funds, amounting $12 million, were later transferred to five legal entities allegedly to facilitate the purchase, only to eventually end up in the personal account of Kolomoisky, the NABU said.

SBU case

The NABU case against Kolomoisky is separate from the Kolomoisky case opened by the Security Service of Ukraine (SBU) and the Economic Security Bureau (BEB).

As part of the SBU case, Kolomoisky was charged with fraud and money laundering and arrested in September. The SBU said that Kolomoisky had allegedly laundered over Hr 500 million ($13.5 million) in 2019-2020.

The Anti-Corruption Action Center says that the SBU and BEB knew that the NABU was preparing charges for Kolomoisky. The SBU case against the oligarch was opened in August, and it is unclear how the SBU and BEB could have gathered enough evidence in such a short period, according to the watchdog.

Lozovy amendments

The court decision and the potential closure of the NABU case became possible due to the controversial "Lozovy amendments," named after former MP Andriy Lozovy, who initiated them.

The amendments, passed in 2017, dealt a major blow to all criminal investigations by severely limiting the terms of investigation and setting strict deadlines for sending cases to trial.

Anti-corruption activists argue that the amendments aimed to save corrupt officials by hampering investigations against them.

Moreover, the amendments were adopted amid numerous procedural and legal violations, since the lawmakers were not given the final text to read and thus did not know what they were voting for, while some lawmakers were filmed voting for others, which is illegal.

The court ruling on Kolomoisky stems from different interpretations of the Lozovy amendments, Valko said.

Prosecutors and some other courts have argued that the Lozovy amendments do not apply if several cases are merged, and one of them was opened before the amendments were passed. However, the Anti-Corruption Court's appeal chamber disagreed with this interpretation.

Since 2017, anti-corruption activists have urged parliament to cancel the Lozovy amendments but the lawmakers have so far refused to do so.

"Kolomoisky will definitely thank Servant of the People MP Serhiy Ionushas, whose law enforcement committee is obstinately refusing to cancel the Lozovy amendments," Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, said on Facebook on Nov. 28.

Ionushas did not respond to a request for comment.

BELARUS WEEKLY, EASTERN EUROPE

Belarus Weekly: Putin attends the CSTO summit in Minsk, Armenia skips

by Maria Yeryoma and Teah Pelechaty • December 1, 2023 • 7 min read



Belarus hosts the CSTO summit, with the notable attendance of Russian President Vladimir Putin and the absence of Armenia's representative.

Ukraine imposes sanctions on Russian and Belarusian defense sectors for 50 years after the end of the war.

The OSCE designates Malta as the organization's head after Russia and Belarus veto Estonia's chairmanship.

The Belarusian Supreme Court rejects the son of former Belarusian presidential candidate Viktar Babaryka's appeal.

Belarus hosts CSTO summit, Armenia doesn't show

Belarus hosted the Collective Security Treaty Organization's (CSTO) summit on Nov. 23, with the notable attendance of Russian President Vladimir Putin and the absence of Armenia's representative.

The summit, chaired by Belarusian dictator Alexander Lukashenko and held in Minsk, focused on "current problems of international and regional security" and Kazakhstan's upcoming chairmanship on Jan. 1, 2024.

Among the other decisions made at the summit was approving Russian Colonel-General Andrei Serdyukov as the head of the CSTO's Joint Staff, allocating quota positions for the next three years, discussing further military cooperation, and developing the CSTO crisis-response system.

The CSTO is a military alliance consisting of Belarus, Russia, Kazakhstan, Tajikistan, Kyrgyzstan, and Armenia. Kyrgyz President Sadyr Japarov, Kazakh President Kassym-Jomart Tokayev, Tajik President Emomali Rahmon, and Russian President Vladimir Putin were in attendance.

Armenian Prime Minister Nikol Pashinyan did not make an appearance.

Belarusian Foreign Minister Sergei Aleinik acknowledged Armenia's absence, adding that "after the summit, the secretary-general of the CSTO will visit Yerevan."

Tensions between Yerevan and Moscow have been mounting as Russia failed to halt Azerbaijan's offensive against Nagorno-Karabakh despite deploying peacekeepers in the region since the last war in 2020. Last year, Pashinyan criticized the CSTO for refusing to support Armenia amid the conflict.

The rift between the two formal allies has been further manifested in Armenia's refusal to participate in CSTO maneuvers in Kyrgyzstan and the organization's ministerial meetings.

Lukashenko also addressed Armenia's absence.

"We will not hide the fact that we also discussed the situation in the Caucasus and the certain dissatisfaction of one of the CSTO members," Lukashenko said.

"We have come to the joint conclusion that there have always been problems, there are, and there will be problems. But if we are to solve these problems, we should do it at the negotiation table and not through unreasonable demarches."

Russian Foreign Ministry spokeswoman Maria Zakharova told Russian media that she saw Pashinyan's refusal to attend the summit as the latest in a "chain" of events.

"The West is obviously behind it," she said. "The West, whose plans in Ukraine have failed, is now gripping Armenia, trying to tear it away from Russia."

According to Armenian Deputy Foreign Minister Mnatsakan Safaryan on Nov. 23, Armenia is not considering leaving the CSTO despite Yerevan's decision not to attend the summit.

Ukraine sanctions Russian, Belarusian defense sectors

The Verkhovna Rada, Ukraine's parliament, approved sanctions on Russian and Belarusian defense sectors on Nov. 22.

The sanctions, which will also apply for 50 years after the end of Russia's war against Ukraine, ban cooperation with Russian and Belarusian defense enterprises and residents.

"We're talking about any technologies, innovations, or production related to the manufacture of weapons or means that can be used in the field of weapons," Ukrainian lawmaker Fedir Venislavskyi said.

Venislavskyi added that Ukraine's partners should impose similar restrictions on Russia and Belarus to maximize the impact on their economies as, despite Moscow and Minsk's claims, sanctions work.

"This will definitely contribute to our faster victory in the war," Venislavskyi said.

Last week, Ukrainian President Volodymyr Zelensky issued two decrees sanctioning 100 individuals and 37 entities, including the general secretary of the Union State of Russia and Belarus, Dmitry Mezentsev, and Belarusian Paralympic athlete Alexei Talai.

Lukashenko's regime, one of Russia's staunchest allies in its war against Ukraine, is complicit in assisting Moscow's aggression.

Malta to chair OSCE after Russia, Belarus vetoed Estonian candidacy

The Organization for Security and Cooperation in Europe (OSCE) agreed on Nov. 27 that Malta should take over the organization's rotating chairmanship after Russia and Belarus vetoed Estonia's bid.

Russia and Belarus vetoed Estonia's chairmanship on Nov. 21, a move that Estonian Foreign Minister Margus Tsahkna called "blackmail" and claimed was because they did not want a NATO member to hold the OSCE's next chairmanship.

Malta, while a member of the EU, is notably not a member of NATO.

The OSCE's chairmanship rotates each year, with the chosen state's foreign minister acting as the organization's chairperson.

With 57 states from across Europe, Central Asia, and North America, the OSCE is the world's largest regional security organization. Estonia was the EU's joint chairmanship candidate since 2020.

Belarusian Supreme Court rejects former opposition candidate's son's appeal

The Belarusian Supreme Court rejected the son of former Belarusian presidential candidate Viktar Babaryka's appeal on Nov. 28, keeping his eight-year politically motivated prison sentence unchanged.

Eduard Babaryka was charged with tax evasion, money laundering, helping organize "mass riots," and "inciting social hatred," among other charges in July. Eduard has rejected the charges, calling them politically motivated.

Eduard's father, Viktar, was considered one of Lukashenko's primary political opponents during the 2020 Belarusian presidential election. He is currently serving a 14-year sentence in Belarus.

Eduard and Viktar were arrested by Belarusian authorities in June 2020 while en route to file signatures in favor of Viktar's presidential candidacy – a move widely considered an attempt to take him out of the presidential race.

Viktar was hospitalized on April 27 with a collapsed lung and traces of severe beating. He has since gone missing. The European Parliament adopted a resolution on May 11 calling for his release.

Before joining his father's campaign staff in 2020, Eduard ran the crowdfunding platform Ulej, among other humanitarian projects, and funded the publication of a collection of Belarusian works by Nobel Peace Prize-winning writer Sviatlana Aleksievich.

Lukashenko's ascension to absolute power

The Spotlight segment provides readers with the historical context of contemporary events in Belarus.

Twenty-seven years ago, in November 1996, Belarusian dictator Alexander Lukashenko ascended to absolute power thanks to a fraudulent referendum and a failed impeachment.

Following a contested referendum in 1995, through which he seized control over Belarus' media landscape, overrode the country's Supreme Court rulings, and suppressed protests against Belarus' gradual integration with Russia, Lukashenko feared the Belarusian parliament would side with the people and oust him from power.

He held a second referendum in 1996 to consolidate his authority and transition Belarus into a super-presidential republic. The referendum, which was neither free nor fair, introduced a new "independence day," preserved capital punishment, and gave Lukashenko greater control over the legislature and judiciary.

The Belarusian parliament, however, rejected Lukashenko's referendum, and the then-head of the Belarusian Central Electoral Committee, Viktar Hanchar, refused to sign off on the referendum's amendments to the constitution.

Lukashenko fired Hanchar as a result, which the Belarusian parliament responded to by initiating Lukashenko's impeachment.

However, Russia intervened, sending a delegation to mediate the conflict between Belarus' executive and legislative branches. Despite the negotiations, Lukashenko went ahead with making the fraudulent referendum results legally binding.

The Organization For Security and Cooperation in Europe (OSCE), the EU, and the U.S. dismissed the referendum as illegitimate.

About the Kyiv Independent

The Kyiv Independent is Ukraine's award-winning English-language media outlet that provides trusted, on-the-ground information on Russia's war against Ukraine.

The Kyiv Independent was founded in November 2021 by a group of journalists who were fired from their newspaper by a local oligarch for defending their editorial independence. When Russia invaded Ukraine in February, the Kyiv Independent was a young media startup with very little resources. Yet within days of the start of Russia's war, it became the voice of Ukraine around the world, gaining millions of followers across various platforms. It has the biggest Twitter following among Ukrainian media outlets, by far. The Kyiv Independent continues to cover the war and provide locally-sourced news from Ukraine and the wider region.

Print this weekly issue and share our coverage with your friends and family. Help us bring independent journalism from Ukraine to more people around the world.

If you want to support our reporting, become a member of the Kyiv Independent or support us with a one-time donation.

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Suppport us **just once**



Our War Crimes Investigations Unit released their third documentary, "Faces of Torture,"

which is an investigation into the Olenivka POW camp in Russian-occupied Donetsk Oblast and the systemic torture and horrendous conditions Ukrainian prisoners were subjected to there.



Episode 36 of "This Week in Ukraine" is also about this new dark phase in Russia's war

Host Anastasiia Lapatina and reporter Francis Farrell discuss why there's once again a possibility of Ukraine losing the war, with your questions starting at 27:45.