




# UKRAINIAN COURTS IN WARTIME

KYIV 2022





The publication was prepared with the financial support of the European Union. Its content is the sole responsibility of the EU Project Pravo-Justice and does not necessarily reflect the position of the European Union.

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A collection of stories prepared in course of a special project on the experience of Ukrainian courts during a full-scale war waged by Russia against Ukraine created by the EU Project Pravo-Justice in partnership with the State Judicial Administration of Ukraine

Kyiv 2022



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## FOREWORD

**Oleksii Salnikov,**  
*Head of the State Judicial Administration of Ukraine*

The constitutional rights of citizens to go to court cannot be restricted even during martial law; therefore, court operations cannot be halted under any circumstances.

Although our country has lived in an armed conflict for eight years, the year 2022 brought new grave and large-scale challenges. To address them, immediate action and urgent decisions were required.

Some territories of Ukraine were so quickly occupied by the enemy that the courts were unable to evacuate. There were situations when court operations were temporarily suspended in areas of active hostilities. Judges and court staff, like other civilians, were forced to flee to other regions of Ukraine in order to save their lives and the lives of their families.

As it was impossible for some courts to administer justice during martial law, the jurisdiction of cases pending in these courts was temporarily changed.

I am proud to say that in such an emergency situation, the courts' leadership has demonstrated and continues to demonstrate smooth and consistent work, making quality decisions on the administrative support of court operations.

Currently, we are working on resuming operations of the courts located in the territories that were temporarily occupied or that used to be in the area of active hostilities.

Almost every court in Ukraine has its own unique experience of arranging work during martial law. And all of them deserve to be documented because this is our heroic history.

For the very reason of exchanging experience, which we have not had until now, the Pravo-Justice II Project, together with the State Judicial Administration of Ukraine, translated this special project into life.

I am sure that this collection of stories from Ukrainian courts will be interesting and valuable for people in Ukraine and those abroad. Yet most importantly, I wish everyone in the world not to undergo the Ukrainian experience and not go through similar tragedies.

**Anna Adamska-Gallant,**  
***Key International Expert***  
***on Judiciary Reform, EU Pravo-Justice Project***

February 2022 drastically changed the life of every Ukrainian and of the entire country. Because of Russia's full-scale aggression, the judiciary faced unprecedented challenges that required immediate solutions. First of all, it was necessary to ensure that courts continue their operations during the war in order to guarantee access to justice for the citizens of Ukraine.

For courts that were not able to carry out their duties, the jurisdiction for case consideration changed. After all, a number of courts found themselves in temporarily occupied territories, such as the Donetsk Court of Appeal, or in the war zone, such as the Vuhledar City Court of the Donetsk region. 93 courts have been damaged or destroyed, and the territorial jurisdiction has been changed for 198 courts.

Despite this, the judiciary has demonstrated that it is ready to continue its operations even in tough wartime. Therefore, the EU Project Pravo-Justice arranged a number of thematic conferences "Courts in Wartime" so that court representatives could exchange their experience of arranging operations during martial law.

Moreover, the EU Project Pravo-Justice, together with the State Judicial Administration of Ukraine, created a special project – a series of publications "Courts in Wartime: Ukrainian Experience". After all, every incredible story of great sacrifice, heroism and courage shown by judges and court staff members should be documented and inspire colleagues not only in Ukraine, but in the whole world as well.

## EXPERIENCE OF RESTORING THE IVANKIV DISTRICT COURT OF THE KYIV REGION AFTER THE OCCUPATION

The rural settlement of Ivankiv was among the first ones to be invaded by the aggressor on February 24 from the Belarusian border. Tetiana Marchenko, Chief of Staff of the Court, shares the experience of the Ivankiv District Court of the Kyiv Region that was under occupation.

“From the first minutes of the offensive, we were in contact with the Court President, Natalia P. Slobodian,” says Tetiana Marchenko, Chief of Staff of the Ivankiv District Court of the Kyiv Region. “We immediately started informing the staff so that they could self-organise and collect documents. On February 23, we had held a meeting on arranging court operations and discussed the document entitled “Actions to Be Taken in Wartime”. The next day, this information turned to be very useful for organising the team’s work, as well as for saving our families. For example, we managed to hide cases in the court building and collect all the necessary documents.”

During the occupation, court staff actively transmitted information through existing communication channels about the movement of enemy equipment, namely on the number of units were passing through respective settlements. However, since March 5, Ivankiv has been entirely disconnected. There was no way to learn what happened to the relatives, team, or court building.

“On April 1, Ivankiv was liberated by the Armed Forces of Ukraine. I immediately visited each of our staff since there was a humanitarian disaster in the district: no electricity, lack of drinking water and food,” says the Chief of Staff of the Ivankiv District Court. “When our courtroom officer came across me, her first questions were: “Are you alive? Is everything good? When do we go back to work?” Having such warm relations and spirit of solidarity gave us the strength to endure everything we experienced, and fight on.”

According to Tetiana Marchenko, more than one month under occupation was the worst thing that happened to her during the war. Out of the 27 court staff members, only 5 stayed outside the district. All the rest lived through the occupation.





The building of the Ivankiv District Court of the Kyiv Region

## Resuming court operation

“We resumed working starting from April 21. Jurisdiction was restored. Now we are working full time and are trying cases. As of today, our Court President – investigative judge Natalia P. Slobodian has already opened 35 criminal cases – on terrorism, looting, and crimes committed by the Russian Federation in our district”, says the Chief of Staff of the Ivankiv District Court.

The team has been working hard to restore the court operations. Since there was no electricity, we had to look for generators. From the very first day of liberation from the occupiers, the Court President started actively looking for Starlinks, generators, and fuel.

“The staff would come and say: I can do this or that, even though it is not in their job description,” says Tetiana Marchenko. “Everyone would work hard enough for three or four people. Everyone is very motivated. We are delighted that our court has returned its jurisdiction. We hope that we can try all categories of cases in the nearest future because people constantly submit new cases.”

It is still impossible to send summonses as there are no postal services or mobile communications in some villages. Therefore, the court is working on alternative ways of communicating with the public. “We discussed it with the head of our post office that mail trucks drive to the settlements on certain days to deliver pensions. We plan to arrange work in such a way that, for example, our staff member could travel with them and deliver summonses. We are also considering any possibilities. We really want the cases to be tried and Ukrainians to be able to find justice in the Ivankiv court.

I am very proud of my colleagues in the judiciary. Our entire team, all Ukrainians have been doing a great job! We know how to fight, and we will undoubtedly stand strong. We believe in the strength of the Armed Forces!”

## HOW THE MAKARIV DISTRICT COURT OF THE KYIV REGION WITHSTOOD THE OCCUPATION AND RESUMED WORK AFTER THE LIBERATION

Active hostilities took place near Makariv, Kyiv region, from the very first days of the war. The village was under heavy enemy shelling. However, despite a tough time in the occupation and during active hostilities, Makariv was liberated by Ukrainian defenders. On May 6, 2022, the jurisdiction of the Makariv District Court of the Kyiv Region was already restored. Svitlana Holinko, Chief of Staff of the Makariv District Court, tells about how the court managed to withstand and resume work after the liberation.

Very active fighting took place near Makariv from the very first days. Since February 25, we have stopped going to work. The enemy struck the bridge. Our territorial defence units would not let anyone around there,” says Svitlana Holinko, Chief of Staff of the Makariv District Court of the Kyiv Region. “However, we copied the database to a flash drive on February 23. The Court President immediately created a working chat to keep in touch with the team. Therefore, organisational issues were addressed remotely through the chat.

According to her, the enemy started shelling the outskirts first and then continued with the intensive shelling of the centre of Makariv. Some of the court staff, especially those with kids, left immediately. However, many colleagues remained in Makariv. For example, a senior specialist stayed in Makariv to the last – until the enemy’s projectile destroyed his house. Unfortunately, Russian troops destroyed the homes of many staff of the Makariv District Court.

“It was terrifying. What else can one say here? Especially when the connection disappeared at some moment on the fourth day of the war. That’s why it was difficult to communicate,” says Svitlana Holinko. “The first days, when there was cellular communication, we tried to transmit data about the movement of enemy columns in the city centre. Colleagues living under occupation also transmitted information about the number of equipment moving around.”

The Chief of Staff mentions that colleagues from the Territorial Unit of the SJA in the Kyiv Region created a special Telegram channel where any information about the noticed military equipment of the occupiers could be sent to. The channel was created to record the enemy’s aggression in Ukraine, alongside the movement of enemy equipment and all the damage caused by the war, while also informing the community, including the international one (link).

Because of the occupation of the territory of the Kyiv Region by Russian troops, on March 6, 2022, the territorial jurisdiction of the cases of the Makariv District Court was changed to the Radomyshl District Court of Zhytomyr region.

“We were constantly worried about the court building: whether it remained intact or was destroyed. We worried about our people who lived in the city centre. Two judges stayed in Makariv for a long time. We could not get in touch with them. Then our Court President arranged measures to look for them,” says Svitlana Holinko. “Colleagues from the Territorial Unit of the SJA in the Kyiv Region would constantly check who left and who stayed since the lack of connection was a huge problem.”

The Chief of Staff recalls the senior specialist going to a hospital, which was located near the road where the occupiers stayed. Although it was very dangerous to be there, that was a place where one could try to get a cellular signal.

“Many thanks to our colleagues from the Territorial Unit of the State Judicial Administration who undertook much of our work; for example, some accounting processes. People who left worried about how to cover their needs, how to pay for rent, because not all of them had free housing for internally displaced persons,” indicated Svitlana Holinko.

When Makariv was liberated, the court staff were not able to immediately return to the court. Demining lasted for about a week. The mayor of the town asked to wait for some time before returning. When it was possible, the Court President, the Chief of Staff, and several other staff members came to inspect the court premises and assess the amount of work needed. Then the Court President purchased some plastic film because all the windows on the facade were damaged because of the bombing. We closed the windows and started cleaning inside the building.

It took several weeks to get rid of the “ruskij mir” consequences. Electricity supply was restored, Internet access was returned, and all necessary databases on the server were updated.

“We lived through a lot of fear and hatred towards the enemy,” says Svitlana Holinko when remembering what happened.” However, I would like to thank our staff, as well as the Territorial Unit of the SJA with whom we constantly kept in touch. They displayed a lot of sympathy, and in these difficult times, any word of support means a lot. The Head of the Territorial Unit called and asked if we needed any help. It was very kind and felt very thoughtful.”



The building of the Makariv District Court of the Kyiv Region after the occupation

On May 6, the jurisdiction of the Makariv District Court of the Kyiv Region was restored.

“I am happy it is quiet here now, and we can get to work and administration of justice. Although we are still scared, we need to work, rebuild our country, and, most importantly, judge those scumbags who caused so much trouble and brought so much grief to our country. I am sure they will suffer a well-deserved punishment, while Ukraine will endure and prosper,” says Svitlana Holinko.

On May 11, after the court resumed its work, Chairman of the Council of Judges of Ukraine Bohdan Monich, Head of the State Judicial Administration of Ukraine Oleksii Salnikov, and Head of the SJA Territorial Unit in the Kyiv Region Svitlana Shevchenko paid a working visit to the court. During the visit, the Head of the Bucha Regional Administration, Mykola Liashenko, expressed appreciation to Chief of Staff Svitlana Holinko for her selfless work.

## EVACUATING DONETSK COURT OF APPEAL FROM BAKHMUT AND RESCUING IT FROM MARIUPOL

The Donetsk Court of Appeal was the only court located in three cities – Donetsk, Mariupol, and Artemivsk. Because of the occupation of Donetsk, the court moved to Bakhmut (Artemivsk), while the part of the court located in Mariupol continued its work. Natalia Misko, the Chief of Staff, tells about the beginning of the war, the evacuation of the court from Bakhmut, and the rescue alongside tragic stories of colleagues from Mariupol.

“On February 23, I held a meeting with the assistants and heads of structural units of the court, where we discussed in detail the Evacuation Procedure envisaged in the order of the Court President. In addition, we discussed the evacuation plan and further actions with those responsible for arranging and implementing measures to prepare and transport court cases and documents to the evacuation sites,” – says Natalia Misko.

Those responsible received packages for court cases and documents. It was decided that the employment record books and personal files should be handed over to all the judges and court staff so that everybody could keep theirs on their own. Since there had been no similar practice or official explanations yet, the management did it at their own risk.

“On February 24, at about 5 in the morning, I was woken up by loud volleys. The first one to call was the Court President, who said, “The war has started.” We immediately contacted all judges and all heads of units and decided to evacuate court cases and documents immediately,” recalls the Chief of Staff of the Donetsk Court of Appeal.

### **Departure from Bakhmut**

In accordance with the Evacuation Procedure, we collected all court cases and personal dossiers in Bakhmut into special bags with a description and took them away. In Mariupol, the cases were moved to a specially equipped room on the basement floor. All cases that were classified as “secret” had to be destroyed.

“Each staff member behaved very responsibly. No one refused to help, even those colleagues who were on vacation. Some staff were appointed to stay on duty. In Mariupol, some judges even heard cases on February 24. In Bakhmut, we also came to work on February 25, but later we had to switch to a flexible schedule and work remotely. As to Mariupol, since February 25, it was not only dangerous but unrealistic to continue working there.”

According to Natalia Misko, after March 9, they started moving the Donetsk Court of Appeal to another city. After consulting with the Court President, the Khmelnytskyi Court of Appeal was chosen. However, it was possible to evacuate cases and office equipment only from Bakhmut, since it was already dangerous to do so from Mariupol.

“Most of the staff from Bakhmut and their families evacuated to Khmelnytskyi. It was a quite complicated process. At that time, many drivers refused to provide services, as they worried that it was dangerous. Yet we managed to find transport and organise a well-coordinated process to get colleagues out. We also managed to evacuate on our own the cases and the server to continue working remotely,” says the Chief of Staff of the Donetsk Court of Appeal.

“We had a very warm welcome in Khmelnytskyi. The Court President, the Chief of Staff, and other colleagues helped our judges and staff members to find accommodation and supported them with some food packages (by the way, they are still doing so). We were very touched to experience such humanity and solidarity. The Court Security Service officers in Bakhmut protected the court building until it was possible, which is something we are extremely grateful for. These men showed true courage and resilience, remaining on their “front line”. They helped a lot with evacuating court cases, archives, multiple pieces of equipment, as well as with finding transport, loading things, etc.”

Natalia Misko says that it was not her first evacuation because, back in 2014, she was forced to leave Donetsk.

“I remember when terrorists took over the court in Donetsk, they wouldn’t even let us take our things. Therefore, I realised that we needed to take at least something while we still had time. After all, when the court moved from Donetsk, we had nothing. We wrote letters to the SJA asking for help and for the necessary logistics to be provided; however, these are all budget funds, and one understands that it is also a responsibility.”

## **Evacuation on the verge of death from Mariupol**

The Chief of Staff tried to convince her colleagues to temporarily leave Bakhmut in order to avoid a situation similar to the one in Mariupol. No one could even imagine that Mariupol could be turned into absolute hell.

“Those colleagues who moved from Donetsk in 2014 finally got corporate housing in Mariupol. But the aggressor destroyed almost everything. The enemy’s planes dropping heavy bombs would fly so low that one could see the pilots,” Natalia Misko says. “People would hide in cold basements without food or water. One family was hiding in a sewer pit. When people were leaving the city, they had to walk dozens of kilometres. People were living through tragedies; they were losing their loved ones. Unfortunately, Anastasia Kostomanova, a court staff member, perished under the rubble of her house; her father saw it all. She left behind her little son Sashko. One judge went missing. There is no information about her, although we keep searching for her as much as we can.”

The Chief of Staff says that the judges of the Donetsk Court of Appeal have been collecting funds to help the military since the very first days of the war. In particular, while still in Bakhmut and Mariupol, they bought and handed over food, hygiene goods, etc., for the defenders to the front line. It was very difficult to do that in Mariupol under continuous enemy fire. Today, judges keep actively responding to requests from the military on the front line; and we have already managed to transfer portable radio stations, repeaters, monitors, thermal imagers, tablets, laptops, and more.

The Chief of Staff, together with the Court President, had been checking on daily basis the list of those who could make it from Mariupol and those who still needed help. Leaving the city was very difficult, almost impossible. Since the night of March 1, there has been no communication with Mariupol, and then people found themselves in an information vacuum. They found the Internet connection randomly, called and asked how to leave. The occupiers neither allowed humanitarian aid into the city nor organised a “green corridor” out of the city to evacuate civilians. Those who still managed to leave the city had to go through hell.

“When you hug a colleague who made it from Mariupol (after two weeks under continuous aerial bombing) with her children, you feel so happy and realise how drastically people’s values changed. One doesn’t care about material things anymore. One only wants their relatives, loved ones, friends, and colleagues to be alive, healthy and safe.”





The destroyed building of the Donetsk Court of Appeal in Mariupol

## Resuming court operations

Currently, the court works remotely. Many cases are being heard.

“The team is eager to work. Work helps to distract, so we even develop some projects for the future. Our team is amiable and supportive. We are grateful to every judge for their support and financial assistance to the court staff and members of their families who found themselves in a complicated situation, deprived of their homes, personal belongings, and savings. There were cases when family members of our staff were in urgent need of money for medical treatment. We couldn’t stay away, of course, so the necessary amount was collected within a very short period. This is a real miracle,” says Natalia Misko.

Until February 24, the Donetsk Court of Appeal covered 24 district courts. Today, there are 12 courts left; the Supreme Court changed the jurisdiction of the remaining courts to Dnipro.

“The war brought us far from our relatives, and the war made us closer to them. The war took our loved ones from us. The war brought back to us those we never imagined we could love so much. The war showed us all how strong we could be. I understand that this is not only Ukraine’s war. This is a world war against evil, but it just so happened that it is taking place on our land.

I genuinely believe that we will return home thanks to our Armed Forces of Ukraine, who defend and fight in inhumane conditions for our state. I don’t doubt it for a minute.”

## EXPERIENCE IN GETTING PREPARED THE VINNYTSIA COURT OF APPEAL AND ASSISTANCE TO COURTS FROM THE AREAS OF HOSTILITIES

How were the courts getting prepared for the war, and how do the courts located far from active hostilities operate these days? What can be done to help colleagues from the regions where the situation is complicated? Natalia Korol, Chief of Staff of the Vinnytsia Court of Appeal, elaborates on this and more.

“Unlike those courts that, unfortunately, came under shelling and occupation from the first days of the war, we had time to adapt. Since 2014, none of my colleagues has been indifferent to civil protection issues. Therefore, before February 24, 2022, a number of measures regarding security issues had already been implemented,” says Natalia Korol, Chief of Staff of the Vinnytsia Court of Appeal.

In particular, it comes to equipping some basic shelter. The Vinnytsia Court of Appeal was built in 1957. A part of its basement could have been used as a basic shelter.

“Alongside technical efforts, we took measures to legalise our basic shelter. It was examined by the Emergency Department of the Vinnytsia City Council and has been officially registered. The relevant information has been posted on the website of the Vinnytsia City Council,” says Natalia Korol. There were two exits on the premises. Up to 120 people could stay there. It is equipped with places for rest, bathrooms, centralised water supply, drainage, ventilation, backup artificial lighting, means of communication, and first aid kits.

According to Natalia Korol, regulatory measures had been taken even before February 24. “We all have a standard plan for ensuring the continuity of the court operation, which the State Judicial Administration of Ukraine approved. Based on this plan, we have developed our own. There is also an emergency response plan, which has been agreed upon with the representative of the Vinnytsia City Council. In the case of an emergency or war, actions for the evacuation of the population or documents shall be agreed with the local council representatives.”

Civil protection measures were put in place in the Vinnytsia Court of Appeal some time ago based on the order issued by the Court President. The said order provided for approval of the regulations on the evacuation commission



The building of the Vinnytsia Court of Appeal

and on the emergency commission. The description of duties of the heads and deputy heads of these commissions, as well as actions to be taken in the event of emergencies and hostilities in respect of any premises of the Vinnytsia Court of Appeal have been developed and approved.

“After the martial law was introduced, based on plans for continuity of the court operation already in place, the Court President’s order “On Measures to Be Taken in the Vinnytsia Court of Appeal in the Event of Evacuation” was developed,” says Natalia Korol. “There is an agreement reached among the Court Presidents about where we can evacuate. All measures have been elaborated thoroughly. They also cover personal data security and confidential information.”

All judges and court staff members were familiarised with the operating procedure to be followed in the Vinnytsia Court of Appeal. Therefore, in the event of aggravation of the situation, the staff have an idea about how they should proceed.

The court has also developed and familiarised the team with the measures aimed at saving information on the server, accounting data, registering time sheets of staff, and paying salaries.

“What is very important is communication. From the first days of the war, we began to receive messages that could spread viruses and were a threat to our information and communication systems,” says the Chief of Staff of the Vinnytsia Court of Appeal. “We immediately contacted colleagues from the cyber police. They explained how to recognise viruses and recommended installing special software, which we started using to check all e-mails. We have also provided an alternative channel for receiving mail in case a virus damages our system.”

Natalia Korol says that the court staff contacted the representatives of the regional and local prosecutor’s offices, received new safe boxes from them, and also established communication with the State Enforcement Office units and lawyers and agreed that the exchange of information would be carried out exclusively through e-mail channels.

Today, most court sessions are held via video conference. Therefore, the Vinnytsia Court of Appeal staff made special arrangements to have a separate connection with the remand facility. “We lent our equipment so that all criminal cases that are being heard by video conference do not fail due to bad connection because we have a large caseload.”

The measures taken at the Vinnytsia Court of Appeal allow communication with colleagues from critically affected regions while also sheltering staff and securing court documents from other regions.

“We maintain communication with colleagues, share templates of documents, provisions, job descriptions, algorithms of actions or measures,” says Natalia Korol. “I understand that court staff in critical situations cannot dedicate their time to drafting documents. If necessary, we will be happy to share the template the same as we have already done before. Therefore, we encourage everybody to contact us. The main task for all of us is to protect our lives and health and to work for our victory.”

## **PAINFUL HISTORY OF THE OCCUPATION, LIBERATION, AND PROMPT RESUMING OF OPERATIONS OF THE IRPIN CITY COURT OF THE KYIV REGION**

The Irpin City Court had been under enemy fire since the very first week of the full-scale aggressive war. What happened next was the tragic occupation of Irpin, which became known worldwide. Tetiana Sholkova, Chief of Staff of the Irpin City Court of the Kyiv Region, tells us how the Court Team got through that difficult period and could resume their work.

“The war started”, I heard these words from my relatives on February 24, 2022 early in the morning. I didn’t want to believe the terrible news, it seemed fake. It was Thursday, a working day, so I had to go to work. I was in tears on the way to the court because of what I saw: crowds queuing near pharmacies, ATMs, and groceries; there was panic all over around,” says Tetiana Sholkova, Chief of Staff of the Irpin City Court of the Kyiv region.

However, despite the disturbing morning, almost all court staff and judges showed up at their workplaces because the court should work even under martial law.

“The news that Ukraine has been attacked, regular sounds of explosions and aviation prompted us to make organisational decisions in the state of emergency,” says Tetiana Sholkova. “In this regard, the meeting of judges was urgently convened, and a decision was made to limit the consideration of cases to urgent trials only. The duty roster for 24-25 February 2022 was prepared and published on the court’s official website to inform citizens. It was decided to hand out personal files and employment record books to the court staff.”

### **Hostilities and rescue of the Team**

On February 25, Friday, the Court President was supposed to be on duty, according to the roster. However, he was no longer able to leave Hostomel for the court, as part of the road to Irpin was under fire. There was a real threat to the life and health of the court staff because of explosions, shelling, and blowing up a bridge in settlement of Romanivka. Therefore, it was decided that no one should come to work.

Staff of the Court Security Service remained to guard the court premises. Even during the most active period of hostilities in the city, being in the basement of a neighbouring building, Court Security Service staff informed the court management about the state of the court building when there was a connection. The courthouse used to be military barracks. Therefore, there were fears that the building might not stand.

“This is how the disturbing three-month story of the separation of our team starts. I didn’t want to leave the city; it seemed that everything was about to end peacefully through the negotiations between the Heads of State. However, things started going south in Irpin. On February 27, active hostilities broke out in the city, which made our hearts pound and our blood run cold,” says the Chief of Staff of the Irpin City Court of the Kyiv Region.

All judges and court staff managed to flee Irpin. Only one staff member stayed in occupied Bucha all the time, but fortunately, everything turned out well for her.

“My family and I stayed in the basement of a multi-story building for more than a week, with no proper conditions for living and unstable mobile and Internet connection. On March 3, we were about to make the first attempt to leave the city in an organised convoy of cars, but no permission to leave was given at the end. Fortunately, we managed to leave on March 4. Fourteen hours on the road flew by in the blink of an eye – and finally, my family was safe,” says Tetiana Sholkova.

## **Work of the Court in Wartime**

On March 3, the Court President held a meeting of judges online. Since martial law was imposed in the territory of Ukraine on February 24, and there was a real threat to the life, health and safety of visitors, court staff, and judges because of active hostilities, it was decided to introduce special modalities for court operations. The administration of justice was temporarily suspended in the Irpin City Court of the Kyiv Region. The territorial jurisdiction of the Irpin City Court was changed to the Pereyaslav-Khmelnytskyi District-in-City Court.

“From March to May, the court staff were declared off. My deputy and I worked remotely. Kudos to the entire team of the Territorial Unit of the State Judicial Administration of Ukraine in the Kyiv Region for the wages being timely accrued and paid to the Court staff. After all, many remained without any personal belongings or livelihood.



The building of the Irpin City Court of the Kyiv Region after the occupation

Mutual assistance, support, being ready to help in any situation – this is all about our big family – the courts of the Kyiv Region and the Territorial Unit of the State Judicial Administration of Ukraine. The leadership of the Territorial Unit of the SJA of Ukraine in the Kyiv Region initiated creating a joint Telegram channel which was available at any moment; any extraordinary situation has been addressed promptly by applying joint efforts; not to mention sympathy and support shared within our community,” says Tetiana Shovkova going back in the memories.

Ukrainian troops returned Irpin under their control on March 28. After, there was a “mopping-up” period. The mayor of Irpin advised the citizens against returning home because it was dangerous – the city was mined, and there was no water, electricity, or gas supply.

## **Restoration**

On April 29, some judges, court staff, the Court Security Service officers, and the Deputy Head of the Territorial Unit of the State Judicial Administration of Ukraine in the Kyiv Region, Volodymyr Masovets, came to Irpin for the first time to clean the courthouse that withstood. However, the building was damaged: the windows were broken, the premises and the equipment were harmed to various extents because of explosions and looting, which gave rise to the criminal proceedings.

“We are very grateful to the Territorial Unit for being quick with installing windows, most of which were damaged, restoring electricity and Internet connection while also updating the database of the court’s automated document management system. That contributed even more to our determination to resume the work of the Court as soon as possible,” noted Tetiana Shovkova.

On May 20, 2022, the Irpin City Court regained its territorial jurisdiction.

“A civil servant is not just some position; it first and foremost means responsibility for the profession one has chosen. Therefore, when the issue of returning to the workplace arose, almost all the staff went back to work, regardless of the many personal problems each of them faced after the occupation of Irpin. They should be praised for this, because our strength is in unity and joint work.”

On May 23, on the occasion of the restoration of administration of justice, the Irpin City Court was attended by Chairman of the State Administrative Court of Ukraine Oleksii Salnikov; MPs Serhii Demchenko and Maksym Dyrdin; President of the Kyiv Court of Appeal Yaroslav Holovachev; Adviser to the Chairman of the SJA of Ukraine Ivan Balaklytskyi; Head of the Territorial Unit of the SJA of Ukraine in the Kyiv Region Svitlana Shevchenko; Deputy Head of the Court Security Service Oleksandr Balanda, and Deputy Mayor of Irpin Andrii Kravchuk together with Head of Bucha District Military Administration Mykola Liashenko.

“I cannot state that we are working now as we used to. I would be rather not true, because there is a threat of another invasion, air alarms; there is a lot to be worried about,” says the Chief of Staff of the Irpin City Court. “However, one should be inspired with the example of our city, which is rising from ashes after being devastated and heavily shelled, but not broken, and is coming back to life, and keeps flourishing, no matter what. We do believe in our victory and continue to administer justice. Everything will be Ukraine!”



## **E-COURT AND THE EXPERIENCE OF SETTING UP REMOTE OPERATIONS OF THE LUHANSK DISTRICT ADMINISTRATIVE COURT**

The Luhansk District Administrative Court located in Sievierodonetsk was under heavy fire from the first day of the war. Because of the hostilities, evacuating was difficult, but the court was able to arrange remote operations from Dnipro. Tetiana Smishlyva, President of the Luhansk District Administrative Court tells how all of this was possible under extraordinary circumstances.

“Situation was already tense on the eve of a full-scale offensive. We met with the team on February 22 and discussed our course of action. Even then, we made a plan and tried to stock up on drinking water and medicine. Of course, we were hoping that there would be no full-scale invasion. However, on February 24, an acquaintance from the border area called me and said that the place where they lived was under shelling. At 7 a.m., I was at work. And around 10 a.m., Sievierodonetsk was already under fire,” says Tetiana Smishlyva.

In such a situation, the President of the court decided to temporarily suspend court operations to ensure the safety of staff and participants in the proceedings until the circumstances get clear. After all, the courthouse basement was not shelling-proof. Moreover, a military installation was located nearby. Because of it, enemy fire was even more likely. Therefore, the court would also be exposed to risk.

### **Evacuating from Sievierodonetsk under fire**

“I gathered the team; we distributed employment record books and personal files to all court staff members. After that, we collected the most important documents in the court and took them out of the premises. As back as in the evening of February 24, the shelling intensified. Recalling the year 2014, the court building in the city of Luhansk was captured quite fast, but then they managed to take out the documents because there was no such shelling,” the President of the Luhansk District Administrative Court says.

The part of Sievierodonetsk where the court was located was shelled every day, and as back as March 3, there was no electricity at all. Therefore, it was impossible to hold court sessions on the court premises from a technical point of view, what to speak of safety.

“I told the staff to focus on evacuating themselves and making their safety their priority, and I stayed in Sievierodonetsk almost until the end of March. However, because of constant shelling, no electricity and no heating, it was no longer possible to be in the city. The cell phone reception kept disappearing. The dwelling where I lived was hit several times. By that time, almost all the judges had already evacuated, so I also decided to go to Dnipro; it was the place where most of the judges and staff had already moved,” – says Tetiana Smishlyva.

The President of the court constantly communicated with all staff. From the very first day, she created a general chat that all judges and court staff members joined. In the chat, everyone made a roll call and informed if someone had fled. Therefore, the President of the court had information on where all the personnel were located.

“Territorial Unit of the Court Security Service in Luhansk region helped us; some Court Security Service staff members still remained in Sievierodonetsk,” Tetiana Smishlyva recalls. “On March 31, we were taking out the server, several computers, laptops, judges’ robes and documents related to the main activities of the court in a corporate car. Unfortunately, a Court Security Service staff member was injured during the evacuation (fortunately, he has been treated and has already recovered). Therefore, there was a decision to suspend the evacuation because of security issues since the area where the court is located was constantly shelled.”

After the relocation, the court President talked with the Head of the Territorial Unit of the SJA of Ukraine in the Dnipro region about whether there are available premises for the court to be evacuated to. There were no available premises. Then she asked the President of the Dnipro District Administrative Court, who promised to allocate an assembly hall to host the court.

“I still hoped we would be able to take out certain documents, but it was impossible to do this because of active hostilities that were getting closer and closer to the city of Sievierodonetsk every day. The enemy was shelling the houses in the city every hour,” remembers Tetiana Smishlyva.

## **E-Court and remote work**

“After we evacuated to Dnipro, I asked Mykhailo Smokovych, President of the Administrative Court of Cassation within the Supreme Court, whether it will be possible to use the e-court that we were already using. Since 2018, we have scanned all case files and uploaded electronic copies to the “E-Court” system. Thus, all case files were available electronically, although we were unable to



The damaged building of the Luhansk District Administrative Court

take out paper copies. Therefore, we decided to start working remotely upon confirmation by the President of the Administrative Court of Cassation within the Supreme Court.”

Staff Members of the Luhansk District Administrative Court installed a server on the premises of the Dnipro District Administrative Court, and thanks to E-Court, we are able to accept claims, e-mail, and consider all court cases. After discussing everything with the judges and the court staff, Tetiana Smishlyva issued an order to resume court operations remotely, and on May 2 the court started working again.

“We have informed all the participants to the proceedings that the court resumed operations on our website,” says the President of the Luhansk District Administrative Court. “Some persons were obliged to register their e-mail addresses when the E-Court system became operational (lawyers, notaries, enforcement officers, municipal and state-owned undertakings, and all authorities). Thanks to this, we were able to receive claims, register them,

allocate them, and start processing cases. We also had the opportunity to receive claims by e-mail from individuals provided they have a qualified electronic signature.”

The court received clarification that if there are electronic copies of case or if cases were created electronically, if a paper copy of such files is lost, there is no need to recognise them as lost and they can be considered by the court.

“The Code of Administrative Proceedings of Ukraine stipulates that if a person submits documents in paper form, they are added to the case, but the Code does not oblige the court to print out documents submitted electronically. This is the future of our judiciary,” emphasises Tetiana Smishlyva. “We inform the parties in a timely manner about the progress of the case electronically. Sometimes there are certain peculiarities associated with remote operations, but we also find solutions to respond in time and communicate with the parties to the proceedings. Currently, the issue of holding open court hearings has already been resolved, and the parties or their representatives have the opportunity to participate in video conference mode, including outside the court. Therefore, justice has become even closer to our citizens and more accessible.”

Now the court leadership is working on concluding a lease agreement for our court to be stationed in a separate building. This will help create more workplaces for workers. They are also working on providing a dormitory for those court staff members who wish to rent housing in the city where the court is located.

“We have been working intensely for 4 months. Work helps us hold up,” says the President of the Luhansk District Administrative Court.

## **SURVIVING WHILE SURROUNDED BY THE ENEMY AND SELF-ORGANISATION OF THE SUMY DISTRICT ADMINISTRATIVE COURT**

The Sumy District Administrative Court is located near facilities posing increased danger, so it was under enemy attack from the first days of the war. When enemy forces partially surrounded the city, the court staff who lived near the area of active hostilities were staying in the air-raid shelter arranged in the court. Iryna Fetisova, Head of the Legal Support and Media Interaction Department, shares the survival experience, countering the aggressor and resuming court operations.

“The city of Sumy is located in the north-eastern Ukraine, with a population of approximately 260,000 people. Since the state border with the Russian Federation with the Sumy region is more than 500 kilometres long, from the first days of the full-scale invasion, settlements in our region restrained the advance of the Russian troops,” says Iryna Fetisova, Head of Legal Support and Media Interaction Department.

February 24, 2022, the morning when the aggressor invaded Ukraine, divided the lives of all Ukrainians into “before” and “after”.

“Someone was woken up by phone calls, hearing the terrible “it has begun”, someone already heard the sounds of explosions, but all the people in Sumy understood that this morning changed our lives forever,” – says Iryna Fetisova. “Everyone was so much afraid for their relatives, loved ones, and children; their hearts were filled with excruciating pain.”

Around 7 a.m., the court President and the Chief of Staff of the Sumy District Administrative Court informed the staff that they should stay home and get documents and other necessary things ready. On February 25, by order of the Court President, the administration of justice by the Sumy District Administrative Court was suspended.

“Employee record books and personal files were transferred to staff,” recalls the head of the legal support and media interaction department. “When the war broke out, high-profile and particularly complex cases pending before the court were moved to a safe place. A backup copy of the case management database and other local e-source databases was made. Seals and stamps were taken to a safe place.”

According to Iryna Fetisova, the Sumy District Administrative Court is located next to high-risk facilities. Among them is “Cadet Corps” State Military Boarding Lyceum named after I. H. Kharytonenko. Heavy fighting started there on February 24 and lasted for several days. It was there that the fire broke out, and it was from there that the whole city could hear the sounds of shelling. Fortunately, there were no children on the premises of the cadet corps at the time when the fighting was taking place.

“On February 25, Sumy was partially surrounded,” says the head of the legal support and media interaction department. “In those terrible days, the court staff who lived near the area of hostilities were forced to flee their homes and spent some time in the shelter in the court; there was heating, electricity, water, place to sleep, food and basic necessities there. Court staff actively transmitted information about explosions, movement and placement of enemy equipment via different communication channels.”

### **Resuming court operations and assistance in countering the enemy**

On March 2, the Ukrainian military pushed back part of the occupiers and was now positioned at the state border in the Sumy region. Therefore, when the situation stabilised a little, by order of the Court President dated March 18, 2022, special modalities of administering justice were introduced; the court started working remotely.

The Ukrainian military completely liberated the Sumy region from the Russian troops on April 8. According to the decision of the session of judges of April 29, the Sumy District Administrative Court partially resumed its operations.

“All this time, everyone was doing something. We understood that someone was fighting, but it was also necessary to secure the home front, so we organised respective activities,” recalls Iryna Fetisova. “Someone worked at the volunteer centre, someone cooked food for the military, someone made “Bandera smoothies” (flammable mixture in bottles), someone helped make body armour. Staff who were able to get to court continued working. On April 7, 26, and 28, court decisions that entered into force and writs of enforcement were handed out.”

On May 16, 2022, the Sumy District Administrative Court returned to its usual operating modalities. The court continues to carry out its activities provided there are no threats to the life and health of participants in court proceedings, judges and court staff.



The building of the Sumy District Administrative Court

“During air raid alarms, staff members and court visitors stay in the shelter; no visitors are received. Despite the massive shelling of the border areas of the Sumy region, our team continues working and believes in our victory,” Iryna Fetisova emphasises.

According to the Head of the Legal Support and Media Interaction Department, the issues that should be resolved at the legislative level cover making it possible for a court to administer justice in another region if the territory where the court is located in a combat zone and performing one’s official duties poses a danger to staff.

## DESPITE BEING DESTROYED, THE VUHLEDAR CITY COURT OF THE DONETSK REGION SEEKS TO RESTORE MODEL PRACTICES

The premises of the Vuhledar city court of the Donetsk region were utterly destroyed because of massive enemy shelling. Before the war, the court implemented a number of client-oriented court best practices – efficient operating modalities, access for persons with reduced mobility, and volunteer service made it an example for other courts. However, today most of these achievements have been lost. Olha Luniova, President of the Vuhledar City Court of the Donetsk region, shares how the team fled under shelling, how they supported each other and hope to resume court operations.

Since 2014, the court staff have had direct and immediate experience of the hostilities because the court is located between Mariinka and Volnovakha, very close to the area of active hostilities. Therefore, it was tough for the team to grasp that everything was happening again. However, it turned out that it was not just happening again, but it got many times worse.

Olha Luniova says that no one expected such severe destruction in Vuhledar. On February 24, the city suffered the first missile attack that killed civilians. Later, the shelling intensified, and now almost all buildings in the city are damaged. Schools, kindergartens, and residential buildings were destroyed. The courthouse was no exception since it suffered several massive attacks.

“When the first projectile hit the court, it hit the second floor, destroying the office, the corridor and the courtroom. The roof and all the windows in the building were broken, but the first floor still remained mostly intact. It was the first floor of the court that was most modernised, thanks to the fact that a project aimed at justice accessibility was implemented in cooperation with the UN Development Program in Ukraine. Before the war broke out, donor organisations spent a total of more than UAH 2 million to reconstruct the court,” says Olha Luniova. “It was a model building in Ukraine. However, its destruction cannot, of course, be compared to people dying and suffering injuries. Fortunately, none of the court staff was injured, we are in contact with all of them, and they all hope to start working again in the near future.”





The premises of the Vuhledar City Court of the Donetsk Region before the full-scale invasion

Part of the team was in the city that was being shelled; they had no water, electricity, or communication for a long time. The court management did everything possible to keep in touch with everyone, monitored who was still staying in the city and helped them to evacuate and find new housing.

The staff members who still remained in the city came back to the court several times, trying to save what survived the first hit. They were able to evacuate servers containing crucial information.

“Hoping to save what was left, Viktoriia Soldatova, Deputy Chief of Staff and Nataliia Tymasheva, cleaner took case files and equipment into the fortified cells designated for the accused (defendants) and convicts; these premises were located on the first floor,” says Olha Luniova. “One day, they came under fire and miraculously survived. The next projectile hit the first floor; the court turned into ruins. Even the trees around the house were destroyed, and later the locals started burying the dead in the courtyard.”

## **Tough Times for the Court Team**

“We lost the court building, but now one of the priorities is to keep the team together and help the court staff who lost their homes,” says the court President. “For example, we managed to get a grant from the American Council to provide humanitarian aid and send food and medicine to our staff members and colleagues from one of the courts in Mariupol. Some staff members got relocation aid.”

Court management is trying to find resources and opportunities to support staff who found themselves in a difficult situation. Serhii Muzykant, the Head of the Territorial Unit of the SJA of Ukraine in the Donetsk region, is also exerting efforts in this direction.

“Now the team cannot work, but everyone really wants to get back to work. They say, ‘We believe that we will rebuild everything, we will do our best to help.’ Everyone wants to come back home, work in their court, in their hometown. We have a team of enthusiasts, everyone has always been very motivated to work, implement initiatives and improve operating modalities, especially during the COVID-19 pandemic. However, at the moment, given the extraordinary situation, it is tough for the team,” the court President notes.

Olha Luniova emphasises that it is necessary to support colleagues. After all, they need to rent housing and start their lives from scratch.

“If we do not help people now, they will go abroad or look for a higher paying job. Therefore, I want to do everything to keep the team together to make sure that qualified staff with extensive experience are not forced to change their profession,” says Olha Luniova.

## TEAMWORK IN THE LENIN DISTRICT COURT OF THE CITY OF KHARKIV IN WARTIME

By virtue of coordinated teamwork, the Lenin district court of the city of Kharkiv managed to rearrange its operations in no time when the war broke out. Olena Bezborodova, Chief of the court staff is sharing how the court overcame the challenges of full-scale aggression and continuous shelling.

On the first day of the war, the court team did not understand what was going on. At the same time, almost all staff members came to work and continued working despite the roar of explosions. We had to rearrange our operating modalities. We managed to do it quite quickly thanks to active communication with the court staff.

“Even though I taught the course on behaviour in emergency situations and the fact that theoretically I was well acquainted with all critical situations, I did not know what to do,” says the Chief of Court Staff of Lenin district court of the city of Kharkiv. “The first thing we did promptly was to remove the documents containing staff members’ personal data from the court premises. Second, we decided to let everyone go home.”

According to Olena Bezborodova, the first three days were dedicated to rearranging operations. Communicating with colleagues and supporting each other helped the Chief of Staff focus and bring the entire team together. The fact that there were chats for staff to communicate had a positive impact on the team morale.

“In the next ten days, we were discussing whether we would go on considering cases or whether the jurisdiction would be changed. Eventually, we received information that the jurisdiction would be changed. Despite this, the team was still eager to work. 90% of those who stayed in Kharkiv went to work and were finalising the cases that had already been heard.”

Olena Bezborodova recalls that even those staff members whose remit did not cover working on cases tried to help their colleagues. Everyone was involved in this activity, even the court premises cleaners. Not only did colleagues help each other morally, but they explained what a case is made up of, how it is formed, what a cover letter should look like, and how some case-related arrangements should be made.

“It was such effective teamwork, everyone supported each other. No management was required. But in order for the team to work like this and to have joint responsibility, it was necessary to work with them in advance. After all, even the best staff member who does not feel joint responsibility can be ineffective when performing duties in a critical situation.”

According to the Chief of Court Staff of the Lenin district court of the city of Kharkiv, colleagues tried to establish contacts not only within their professional community, but with others, too. They involved their acquaintances in certain tasks, such as transporting case files.

“When we were transferring the cases to Poltava, there were no operating procedures yet. I had to try everything myself to have first-hand experience. However, this experience turned out to be positive thanks to the team taking an active part in all stages of this process. This made it possible to draw up a certain plan later on; I later shared it when other courts were transferring cases. This plan was mostly drawn up thanks to the team.”

Olena Bezborodova recalls that on May 23, the court sent a motion asking to resume the court’s jurisdiction, and 13 workers even came back from other regions, hoping to start working.

“This is an indicator of the psychological climate in the organisation, in particular, in court, even in spite of staff having extremely low salaries and the lack of adequate funding.”

Despite constant shelling, from time to time people come to work in order to support each other and finalise some work. After the explosion damaged the windows in the courthouse, everyone came together to put everything in order despite the shelling.

“Coordinated teamwork is the most important thing for administering justice in the future”, – emphasises the Chief of Court Staff of the Lenin District Court of the city of Kharkiv.



The building of the Lenin District Court of the City of Kharkiv

## NEW WORK FORMATS AND ACTIVE VOLUNTEERING OF THE SEVENTH ADMINISTRATIVE COURT OF APPEAL

The Seventh Administrative Court of Appeal, whose jurisdiction covers 4 regions (Vinnytsia, Khmelnytsky, Chernivtsi, and Zhytomyr), is located in Vinnytsia, so it was not under occupation or regular shelling. At the same time, the court was preparing for the challenges of war, and is currently actively using new work formats and participating in the volunteer movement. More details – in the story of Inha Havryliuk, the key specialist of the Department for Ensuring the Activities of the President of the Court and his deputy of the Seventh Administrative Court of Appeal.

### Preparing for work in extraordinary conditions

“Even in the pre-war period, the court took all the necessary preventive measures: an action plan was developed in case of emergency situations, the simplest shelter was arranged, which has everything necessary for people to stay there,” says Inha Havryliuk.

During the war, the Seventh Administrative Court of Appeal continued its regular work. The court management issued a number of organisational and administrative documents related to arranging the activities. In particular, by the orders of the Court President, changes were made to the working modalities, which are connected with the introduction of martial law.

“In the first days of the war, when the security situation was unstable and unpredictable, the court considered the issue of flexible work hours.” says the key specialist of the Department for Ensuring the Activities of the President of the court. “Also, in the first weeks, meetings with the team were systematically held, at which urgent organisational issues were resolved and priority tasks were determined. Thanks to coordinated, friendly and constructive communication in the team, we were able to optimise the institution’s activities and human resources significantly, and promptly respond to constant changes.”

Court management has developed measures to evacuate both court staff and documentation. They identified a reserved room and persons responsible for the evacuation, developed an evacuation plan and probable relocation schemes, quickly collected the necessary documentation. In addition, the court put in place organisational measures to ensure the safe operation of the secret regime agency.



The building of the Seventh Administrative Court of Appeal in Vinnytsia

“During the first weeks of the full-scale military invasion, the court staff, in cooperation with the Territorial Unit of the Court Security Service in the Vinnytsia region, took care of fortifying the court building. Cooperation was also established with service staff in case of emergencies related to military operations,” Inha Havryliuk recalls.

While martial law is in place, it was recommended to optimise court visits and give preference to video conferencing. In addition, the parties could initiate consideration of cases via written proceedings if there were grounds for it. At the same time, suspending the proceedings in cases connected with the mobilisation of the participants to the Armed Forces of Ukraine has become widespread.

“Of course, the period of martial law has made adjustments to the activities of the courts. In particular, judges and court staff members currently work in the usual mode, but if there are air raid alarms and the threat of a missile strike, they go to the simplest shelter arranged on the court premises”, says the key specialist of the Department for Ensuring the Activities of the Court President.

Court staff have developed a video instruction for authorisation in UJITS, the “Electronic Court” subsystem, using the “Diya. Signature” mobile application to provide citizens with access to justice. E-court features make it possible to fully participate in court sessions in video conference mode, as well as if parties are abroad.

### **War and active volunteer assistance**

“Four staff members of the court were mobilised. They are currently performing their military duty. In addition, from the first days of the war, the court staff was actively involved in arranging and providing humanitarian aid to all those in need: displaced people who passed through our city or found refuge in Vinnytsia, territorial defence, and military personnel. Food, medicines, and equipment were among the aid provided.”

At the same time, according to Inha Havryliuk, within the framework of cooperation with judges from the Netherlands, the Seventh Administrative Court of Appeal established collaboration with international partners to provide military hospitals.

“Also, judges of the Seventh Administrative Court of Appeal monthly donate 50% of their judicial remuneration to the Armed Forces of Ukraine.”

Other volunteer activities are also implemented. Thanks to the financial support of the judges of the Seventh Appeals Administrative Court, humanitarian aid was twice organised for the displaced people who currently stay in Vinnytsia. Also, as part of volunteering, the court helped one of the city military units to get necessary uniforms, and provided military personnel undergoing treatment and rehabilitation with food. Recently, the judges purchased and transferred to the front line a drone for the brigade named after Prince Kostiantyn Ostrozkyi. At the same time, judges continue to make personal donations for the needs of the army, displaced persons, etc.

“Thus, being, so to speak, on the home front, the Seventh Administrative Court of Appeal is involved in every possible way to make our common victory over the aggressor possible”, emphasises Inha Havryliuk.





