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PARLIAMENT IN TIMES OF WAR

High-profile Layoffs

A series of high-profile officials have been dismissed in Ukraine over the last couple of months:

- May 31, 2022: the Verkhovna Rada approved the dismissal of the Commissioner for Human Rights, Lyudmyla Denisova
- July 18, 2022: the Minister of Social Policy Maryna Lazebna was dismissed
- July 17, 2022: President Zelensky published two decrees on the removal of the Head of the Security Service of Ukraine and on the suspension of the Prosecutor General of Ukraine
- July 19, 2022: the Verkhovna Rada followed by voting to dismiss the Head of the Security Service and the Prosecutor General

While the dismissal of the Minister of Social Policy took place according to a standard procedure (voluntarily), the dismissal of the other three officials was a source of controversy and debates in Ukraine.

Two of the vacated positions are already filled. On July 1 (a month after the dismissal of Lyudmyla Denisova), the Chairman of the Verkhovna Rada Committee on Human Rights, Dmytro Lubinets, was appointed to the position of Human Rights Commissioner of the Verkhovna Rada of Ukraine. At the meeting of the Verkhovna Rada on July 19 (the day after the dismissal of the previous minister), Oksana Zholnovich was appointed to the position of Minister of Social Policy.

Lyudmyla Denisova, the Human Rights Commissioner of the Verkhovna Rada of Ukraine was dismissed following a no-confidence vote in the Verkhovna Rada. The



procedure for expressing no-confidence was introduced by Bill No. 7269 (details below), adopted a few weeks before Denisova's release from office. At the same time, before this law's entry into force, Part 1 of Art. 10 of the Law "On the Legal Regime of Martial Law" prohibited the termination of the authority of the Commissioner during martial law. This fact became the source of controversy.

Ever more so was the procedure for the dismissal of the Head of the Security Service of Ukraine and the Prosecutor General of Ukraine, Ivan Bakanov. Bakanov is a childhood friend of President Zelensky. He held this position for almost three years (since August 29, 2019, the day Zelensky gained a majority in the Verkhovna Rada). According to the official announcements of the President and his Office, Bakanov was fired because of a large



number of traitors in the Security Service of Ukraine. On July 19, the President also changed the leadership of the offices of the Security Service of Ukraine in 6 regions: 25% of all regional offices. Earlier, several heads of regional offices were also dismissed, some of them stripped of their ranks and/or detained on charges of treason.

On July 17, the President published a video message in which he talked about the large number of traitors in the Security Service of Ukraine. He referenced 60 employees of regional branches of the Security Service of Ukraine and the Prosecutor's Office, who remained in Russian-occupied territories and collaborated with the invaders. On the same day, the decree "On the removal of Ivan Bakanov from the duties of the Head of the Security Service of Ukraine" was published (removal, not dismissal¹). The decree referred to Art. 47 of the Disciplinary Statute of the Armed Forces (Failure to perform official duties that led to human casualties or other serious consequences). The Constitution of Ukraine says that the Head of the Security Service of Ukraine is appointed and dismissed by the Verkhovna Rada upon a proposal by the President of Ukraine. Legal experts criticized this decree of the President, as in their opinion Art. 47 of the Disciplinary Statute cannot be applied to such a high political position as the Head of the Security Service of Ukraine, whose procedure for appointment and dismissal is established by the highest act - the

¹ It is hard to translate all the nuances of the differences between "усунути" (here translated as "remove") "звільнити" (here translated as "dismiss"). The first is more about a specific position within the organization, and the second is about exclusion from the organization in general (like being fired from a job).

Constitution of Ukraine. On July 18, the President submitted a proposal to dismiss Ivan Bakanov to the Verkhovna Rada, and on July 19, the Verkhovna Rada voted to dismiss Bakanov.

In a video message from July 17, Volodymyr Zelenskyi also reported on treason among the employees of the Prosecutor's Office. With this fact, he justified the decree "On the suspension of Iryna Venediktova from the post of



Prosecutor General" (not dismissal, but suspension). This decree is also based on Law No. 7269 (the same one on the basis of which Ludmyla Denisova was dismissed). The Constitution of Ukraine establishes that the Verkhovna Rada gives its consent to the fact that the President appoints and dismisses the Prosecutor General. In addition, the Verkhovna Rada can express no-confidence in the Prosecutor General and thus dismiss her. Similar to the situation with Ivan Bakanov, legal experts criticized this presidential decree. On July 19, the President published a decree "On the dismissal of Iryna Venediktova from the position of Prosecutor General", and the Verkhovna Rada dismissed her from the corresponding position. This procedure also caused criticism, albeit somewhat less. Art. 42 of the law "On the Prosecutor's Office" establishes three grounds for the dismissal of the Prosecutor General: 1) a personal statement of the Prosecutor General, 2) a submission by a disciplinary proceeding or the High Council of Justice, 3) non-payment of alimony. None of these grounds were fulfilled. It is unclear what motivated the move to dismiss the Prosecutor General according to such a procedure, given that the Verkhovna Rada could express its no-confidence in her (which does not require the presence of special grounds).

Therefore, in all three cases, the dismissal of top officials did not follow the established procedures, but in line with a new Law No. 7269 that was passed in April.

Bill No. 7269 on the functioning of local self-government during the period of martial law was registered on April 9. Initially, it concerned local self-government and the redistribution of powers at the local level under martial law. On April 21, it was adopted in the first reading. At the second reading, amendments introduced two new procedures:

- *During the period of martial law, the President of Ukraine may make a decision to suspend an official from his position, the appointment and dismissal of which are within his [the President] authority.*
- *During the period of martial law, the Verkhovna Rada of Ukraine may make a decision on the dismissal of an official from a position, the appointment to*

which and the dismissal from which are attributed to the powers of the Verkhovna Rada of Ukraine ... in the event of expressing no confidence in such an official.

The first procedure was applied in the case of the Prosecutor General, and the second in the case of the Commissioner for Human Rights.

These new procedures expand the powers of the President and the Verkhovna Rada. Some legal experts consider them unconstitutional as the exclusive list of the powers of the President and the Parliament is established by the Constitution and the new law cannot be in contradiction with the Constitution. This can pose threats to the legitimacy and bring potential risks for future appointees to these positions.

Background on the weekly update on activity of Ukraine's Verkhovna Rada

Ukraine's democratically elected officials continue to perform their duties while enduring Russia's unprovoked and horrific invasion. These briefing notes provide the latest information about the legislative activities of the Verkhovna Rada.

Weekly briefing notes are prepared by the Parliamentary Centre and the Agency for Legislative Initiatives under the Parliamentary Accountability for the Security Sector (PASS Ukraine) project, funded by the Peace and Stabilization Operations Program of Global Affairs Canada.

The analysis included in this note is based on media reports and information obtained from the Verkhovna Rada and other legislative bodies.

This note is for information only and is not meant to convey opinions regarding policy decisions in the Verkhovna Rada's sole purview. The contents of this note do not necessarily reflect the views of PASS partners or Global Affairs Canada.

Every attempt is made to ensure the accuracy of all information, acknowledging the fluid humanitarian and security situation, the disruption of the flow of information and organized disinformation.

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