

# Anticorruption court establishment

## Background

Between 2014 and 2017, Ukraine's judicial system was unable to timely administer justice in corruption related crimes, especially those falling under the jurisdiction of NABU. Specialised anticorruption courts are required to comprehensively and quickly prosecute criminal cases against top officials.

Starting from September 5, 2019, the High Anti-corruption Court is functioning and hears the cases.

## Timeline

### **Whom and for what the High Anti-Corruption Court sentenced in two years of work?**

08.09.2021

by Vadym Valko, originally published on ZN.UA Two years ago, on September 5, 2019, the High Anti-Corruption Court (HACC) began its work. During this time, the enemies of the HACC tried to liquidate it using the odious Constitutional Court and smeared it by naming it "the NABU's punitive machine", and its judges were persecuted by [...]

### **Attempt to destroy the High Anti-Corruption Court: what you should know about connection between the judge of the CCU and disgraced KDAC Anti-corruption refor**

21.11.2020

Originally published on Liga.net Ukraine is under threat while judges of the Constitutional Court of Ukraine and other subjects of the NABU cases, whom the Court granted an indulgence, celebrate the collapse of cases against them. For the fourth week in a row, Ukraine has been in constitutional crisis due to the decision of the Constitutional Court [...]

### **Opposition Platform For Life wants to destroy the HACC with the help of the Constitutional Court**

10.10.2020

by Vadym Valko originally published on Ukrainska Pravda “Two courts already belong to us. Namely: the Constitutional Court and District Administrative Court” Pavlo Vovk, head of KDAC, May 29, 2019 This week the Grand Chamber of the CCU will consider the appeal of 49 Members of Parliament regarding the unconstitutionality of the High Anti-Corruption Court. The vast majority of signatories are MPs from [...]

## **Member of Parliament, King of the Contraband and Construction Baron: Whom the Anti-Corruption Court is pursuing and what it has achieved during 100 days of its work**

20.12.2019

The High Anti-Corruption Court, which has been established against political will and thanks to two years of efforts of civil society, international partners and politicians, started its work only on September 5 this year. Launch of the court was not easy. This was unprecedented procedure of selecting judges with assistance of international experts, search for premises that meet standards of judiciary, recruiting [...]

## **Odesa Court Fully Acquitted Mayor Trukhanov in the Case of the Kraian Factory**

12.07.2019

Malynovskyi District court of Odesa fully acquitted Gennadiy Trukhanov, City Mayor of Odesa, and his associates charged with seizure of 92 million UAH when the City Council purchased the buildings of the Kraian factory at an overstated price. Passing such a decision by the court, despite the Mayor's Office purchasing buildings at the price 43 [...]

## **Judges of the High Anticorruption Court are appointed**

12.04.2019

On April 11, the President signed the decree on appointment of 38 judges to the High Anti-Corruption Court (HACC). The Anti-Corruption Court should start its work before the beginning of summer. All cases regarding top corrupt officials will be transferred to it, even if they are already considered in ordinary courts. In general, international experts [...]

## **The HQCJ decision on anticorruption court competition is in jeopardy as the mandate of three HQCJ members is challenged**

05.04.2019

On April 4, 2019, the Ombudsman Lydmila Denysova issued a decree on appointment of a new member of the High Qualification Commission of Judges Mykola Sirosh instead of Tetiana Veselska. The decree was not published even on official web-site, where the only information on results of the competition for new HQCJ member is available. According [...]

# **District Administrative Court may return questionable candidates in the competition to the High Anti-Corruption Court**

22.02.2019

Taras Zayets, vetoed by international experts candidate to the High Anti-Corruption Court, tries to invalidate the ban. He wants to return to the competition as well. This became known from the judicial authority portal. Taras Zayets filed two lawsuits to scandalous District Administrative Court of Kyiv. The first lawsuit concerns the abolition of rules of [...]

## **What is the court which suspended Suprun famous for?**

08.02.2019

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

## **Taras Shevchenko: The judge who suspended Ulana Suprun**

06.02.2019

Taras Shevchenko, the Centre for Democracy and Rule of Law for Ukrainska Pravda Today, District Administrative Court of Kyiv has forbidden Ulana Suprun to perform duties of the Minister of Health of Ukraine. Such a decision was made by the court by partially satisfying the appeal by the Member of Parliament Ihor Mosiychuk. I [...]

## **Presidential candidate Zelenskyi fully supports the High Anti-corruption Court**

02.02.2019

On January 30, 2019, the Central Election Commission of Ukraine registered Volodymyr Zelenskyi as a candidate for the position of the President of Ukraine. It is very important that one of the key promises of Zelenskyi included in the program is to fully support the work of anti-corruption bodies (for instance, National Anti-corruption Bureau of [...])

## **The Public Council of International Experts has set brand new standards in vetting Ukrainian judges**

25.01.2019

On January 21-24 the Public Council of International Experts held four more hearings jointly with the High Qualification Commission of Judges to interview and ban questionable candidates for the High Anticorruption Court. With the first one on January 18, five joint hearings were held so far in total, where 47 candidates were considered. Two more [...]

## **Supreme Court abolished HQCJ's restrictive regulations on operation of Public Integrity Council**

21.09.2018

On September 19 the Cassation Administrative Court of the Supreme Court of Ukraine recognized as unlawful and abolished provision of the Rules of Procedure of the High Qualification Commission of Judges on additional requirements and pre-conditions for consideration of negative opinions of the Public Integrity Council. These provisions were introduced by the HQCJ back in [...]

## **The High Anticorruption Court: amendments to the assessment procedures are needed**

07.09.2018

As of September 7, 37 candidates applied for positions of anticorruption judges. The call is open by September 14; however, it is expected that most of applications will come in the last days. In the meantime, procedures for the assessment of judges urgently require amendments. Competition for the HACC shall follow the same procedure as [...]

## **Judge who passed successfully qualifications assessment caught taking bribe**

30.08.2018

On April 24, 2018 judge of the Court of Appeal of Cherkasy region Volodymyr Ponomarenko passed qualifications assessment and was recognized as honest by the High Qualification Commission of Judges. The Commission confirmed his ability to execute justice with a high score. Since May he receives salary totalling to more than 100,000 UAH (around 3,700 USD) [...]

## **The Commission of Judges advised international organisations to coordinate nominations to the Council of International Experts**

10.08.2018

On Tuesday, August 7, the Head of the High Qualification Commission of Judges Serhii Koziakov stated that the HQCJ advised international organizations, eligible to nominate experts to the Public Council of International Experts, to coordinate nominations among themselves. The Public Council of International Experts will participate in the selections of anticorruption judges. Koziakov also confirmed that [...]

## **HQCJ started formation of Public Council of International Experts: threats**

20.07.2018

The High Qualification Commission of Judges (HQCJ) officially started formation of the Public Council of

International Experts (PCIE). On July 17 the HQCJ filed requests to 14 international organizations for nomination of experts for the PCIE. The Commission claims the list of 14 organizations has been provided by the Ministry of Foreign Affairs and includes: [...]

## **The Rada fixed the appeals problem, but we are waiting for the final text**

13.07.2018

On July 12 the Parliament adopted draft law No.7441 on amendments to the law on judiciary with regards to creation of the anticorruption court. The Parliament passed two amendments that fix the appeals problem, created by previously adopted law on the Higher Anticorruption Court (HACC). Namely, the Rada adopted the clause on transferring all cases [...]

## **Options how to fix the issue with the appellate procedure in top corruption cases**

29.06.2018

Adopted law on the high anticorruption court (HACC), although establishing fair guarantees for independent selection of anticorruption judges, contains a major loophole. All current high-profile corruption cases will be heard by ordinary appeal courts even after the HACC is launched. The law provides, that every case filed to ordinary first instance court should go to [...]

## **The European Parliament voted to support new MFA for Ukraine, conditioned on anticorruption deliverables**

14.06.2018

European Parliament informs that a €1 billion macro-financial loan to help Ukraine cover part of its external financing needs in 2018-2019 was approved by Parliament on Wednesday, June 13. €1 billion loan to cover an external financing gap in 2018-2019 To be disbursed in two instalments over 2.5 years, provided Ukraine takes certain policy measures Parliament [...]

## **The Venice Commission did not demand controversial provision of anticorruption court law**

13.06.2018

After the law on anticorruption court was published, there turned out to be a provision that contradicts prior agreements with the international partners. Thus, the law envisages that appeals on NABU cases, consideration of which started in the ordinary first instance courts, will be heard in the regular appellate courts circumventing the Appeals Chamber of [...]

## **The law on anticorruption court diverted appellate procedure**

13.06.2018

The appeals in NABU cases, which are heard in the first instance courts, will be considered by the ordinary appellate courts instead of the anticorruption court. Such a clause appeared in the published text of the law. This amendment neither was voiced by the Head of the Committee on legal policy and justice Ruslan Kniazevych at the plenary before voting in the second reading, [...]

## **Rada voted for the anticorruption court draft law**

07.06.2018

On Thursday, June 7 with 315 votes the Parliament adopted the long-awaited draft law No7440 on anticorruption court. This is a huge step forward for country's anticorruption reform! Simultaneously, this draft law No7440 does not actually establish the anticorruption court, but rather describes it. For the actual launch of the court, according to the Constitution, after [...]

## **Anticorruption court updates as of May 26**

26.05.2018

On Monday, May 21, Rada Committee on Legal Policy and Justice adopted the draft law on the Anticorruption Court for the second reading. The Committee head Ruslan Kniazevych announced that agreements on most of the disputable issues were resolved, apart from a key one – crucial role of the international experts in the selection of [...]

## **How Poroshenko uses the Committee to block the anticorruption court draft law in the Rada**

11.05.2018

May 10, 2018, 12:05 Desperately trying to delay creation of the anticorruption court while saving face before the international partners, Poroshenko has been abusing the tactics “me not guilty”. The President keeps promising one new date after another to adopt the law on the anti-corruption court and then puts the onus on the MPs. First, [...]

## **The High Qualification Commission of Judges may recommend a lifetime appointment for judges who persecuted Maydan**

04.05.2018

On May 7 the High Qualification Commission of Judges (HQCJ) will consider recommending a lifetime appointment for 98 judges. All these judges were appointed for the first 5-year term during Yanukovych presidency without any open competition; now they went through qualification assessment and the HQCJ is to decide whether they are fit for lifetime judicial [...]

## **First month of the qualification assessment of judges**

27.04.2018

The High Qualification Commission of Judges (HQCJ) is now in the middle of qualification assessment of acting judges. The assessment was introduced as a part of judicial reform in order to reexamine acting judges and to clear judicial system of those with poor human rights records, unjustified assets and/or those having engaged themselves in political [...]

## **EU-Ukraine Parliamentary Association Committee Seventh Meeting**

20.04.2018

18-19 April 2018 Strasbourg FINAL STATEMENT AND RECOMMENDATIONS pursuant to Article 467(3) of the Association Agreement The seventh meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Strasbourg on 18-19 April 2018, and was co-chaired by Mykola Kniazhytskyi on behalf of the Verkhovna Rada of Ukraine and Dariusz Rosati on behalf of [...]

## **Ukrinform interview: Artem Sytnyk, Director of the National Anti Corruption Bureau of Ukraine**

20.04.2018

Original text The “K” Directorate [anticorruption directorate - trans.] of the Security Service of Ukraine sees all our requests for tapping and uses that to hinder our work. April 17, 2018 2:06 pm After the establishment of NABU, the country witnessed unprecedented arrests of top officials. Today some of them fled the country, and cases [...]

## **Anticorruption court draft law: amendments submitted, Venice Commission experts not yet invited**

23.03.2018

By March 15 MPs submitted proposals for amending the draft law on the anticorruption court for the second reading. At least three factions (Narodnyi Front, Batkivshchyna, Samopomich) and several groups of non-faction MPs offered to introduce veto powers for the Council of International Experts, rejecting the right of the High Qualification Commission of Judges to [...]

## **High Qualification Commission of Judges eases the methodology of qualifications assessment**

16.02.2018

On February 13 the High Qualification Commission of Judges amended the Methodology of qualifications assessment. Clause 46 envisages that the information that was provided in the opinion [of the Public Integrity Council] is to be taken into account by the HCQJ while deciding on scores for specific criteria.

However, it is also mentioned that the HQCJ is not [...]

## **NABU arrested Odesa mayor Hennadiy Trukhanov, court released him without bail**

16.02.2018

Odesa mayor Hennadiy Trukhanov was detained by NABU on February 14. He is suspected in embezzlement of ~6,5 million USD. AntAC has gathered publicly available facts about Trukhanov's bio, assets, family, close associates, criminal investigations against him etc: <https://pep.org.ua/en/person/9983>. On February 15 the court released Trukhanov without bail, upon personal guarantees of the Poroshenko's Block MP Dmytro [...]

## **NABU intensified its attack on corruption in 2017 — Artem Sytnyk**

16.02.2018

From the very start of investigations, the Detectives of the National Anti-Corruption Bureau of Ukraine (NABU) and the prosecutors of the Specialized Anti-Corruption Prosecutor's Office (SAPO) have exposed more than 300 persons allegedly involved in the corruption crimes. Also 107 cases have already been sent to court. This was stated by the NABU Director Artem [...]

## **Olena Halushka for EU Observer: Ukraine's fight against corruption has started to work**

14.02.2018

BRUSSELS, 12. FEB, 17:32 Ukraine's anti-corruption reform seems to be a struggle of "two steps forward, one step back." Ukrainian society and the international community were outraged by the severe pressure exerted over Ukraine's newly established National Anti-corruption Bureau (NABU) in late autumn/early winter. Attacks intensified right after detectives from NABU served a few notices [...]

## **Courts eased preventive measures for NABU defendants**

09.02.2018

Over the week the courts eased preventive measures in a number of cases brought by NABU: – judge Buran, accused of receiving a 18,5 thousand USD bribe, who shot at NABU detectives during a detention operation. He was released under house arrest on February 6 and now can influence on the investigation. The judge was the last accused [...]

## **ACC corruption survey highlights creation of anticorruption court as #1 priority for business**

02.02.2018



Kyiv, January 29, 2018 The American Chamber of Commerce in Ukraine presents the results of its annual Corruption Perception Survey. The latest survey was conducted anonymously for the fourth year in a row among representatives of member companies of the American Chamber of Commerce in Ukraine. The results of the survey are based on the [...]

## **International Monetary Fake: tale of anti-corruption court and failed special operation of Presidential Administration**

02.02.2018

Serhii Sydorenko, The European Pravda \_ Wednesday, 31 January 2018 Five presidents have changed since Ukraine's independence, and out of those five – and we are not being ironic here --Petro Poroshenko was the only one, who led the country to making some serious steps towards the fight against corruption. Yet, it is for [...]

## **International involvement in the selection of anticorruption judges does not threaten state sovereignty**

19.01.2018

On January 19 the parliament failed to include presidential draft law No7440 on anticorruption court (as well as four alternative draft laws) in the agenda of the parliamentary session. MPs from the Opposition Block, Radical Party and Vidrodzennia group did not vote for these draft laws. According to the rules of procedure of the Parliament, [...]

## **Anastasia Krasnosilska: Why Poroshenko's Anti-Corruption Court Is a Sham Proposal**

19.01.2018

Ukrainians want corrupt public officials to go to jail. It didn't happen in 2014, 2015, 2016, or 2017. In July, a Kyiv court released Roman Tymkiv, the head of a state-owned military plant, on bail. Tymkiv was accused of embezzling \$1 million by supplying the Ukrainian army with used tank engines for the price of [...]

## **Olena Halushka: Ukrainian society, West will have to push even harder for reform in 2018**

18.01.2018

There is little chance that the political environment will improve in 2018 for strong reform and a strong fight against corruption, as politicians are becoming consumed by the 2019 presidential and parliamentary elections. At the same time, in the next two years, Ukraine will need to repay more than \$3 billion in debt to the [...]

## **Kyivpost: Poll shows most Ukrainians consider fight against corruption unsuccessful**

13.01.2018

The overwhelming majority of the population of Ukraine (80 percent) consider the fight against corruption in the country to be unsuccessful, while 46 percent regard it as a complete failure, according to a sociological survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation along with the Razumkov Center's sociological service. According to the results of the [...]

## **CSOs: President's draft law on anti-corruption court contradicts recommendations of the Venice Commission**

27.12.2017

Civil society experts consider the President's draft law on High Anti-Corruption Court as the one that does not comply with the Venice Commission's opinion and does not provide for the independence of anti-corruption judicial proceedings. Draft law No. 7440 submitted by President Petro Poroshenko for parliamentary consideration on December 22, 2017 contradicts the main recommendation [...]

## **President's draft law on anticorruption court neglects Venice Commission recommendations**

26.12.2017

On December 22 the President submitted to the Parliament the draft law No7440 on anticorruption court. This draft law does not meet key recommendations of the Venice Commission. Though some recommendations of the Venice Commission were taken into account (establishment of a separate High Anticorruption Court (HACC) with national jurisdiction and an independent appeal instance [...])

## **Anticorruption court updates**

15.12.2017

On December 15 the President of Ukraine promised to submit to the Parliament his draft law on the anticorruption court. However, he once again conditioned submission of his draft law on decision of the Parliament to withdraw the draft law #6011 on the anticorruption court. Previously for three times the Parliament unsuccessfully considered withdrawal of this [...]

## **Parliament dismisses Anticorruption Committee Chairman Yegor Soboliev**

08.12.2017

On its sitting on December 6 coalition of 12 Poroshenko's, Narodnyi Front's and Oppoblock's MPs pulled through the Anticorruption Committee the decision on initiating dismissal of Soboliev from the position of the Committee's Chairman allegedly because he failed to organise the work of the committee. In fact, they

sought for a pretext to pass a no-confidence motion against Soboliev – MPs [...]

## **Top international anticorruption experts call to ensure maximum independence of Ukraine's anticorruption agencies**

02.12.2017

International Anti-Corruption Advisory Board (IACAB) calls to ensure maximum independence of anticorruption agencies and to secure them from groundless attacks as well as to launch the specialized anticorruption court as quickly as possible. It is stipulated in the first IACAB report that provides conclusions and recommendations set to increase the efficiency of Ukraine's anticorruption agencies. [...]

## **25 Notorious Judges Will Administer Justice In New Supreme Court**

14.11.2017

On November 11 113 future judges of the new Supreme Court took the oath. 25 of them do not meet integrity criteria: possess unjustified assets, were engaged in cases recognized as political persecution or violated human rights as confirmed by the European Court of Human Rights. Profiles of these judges: ADMINISTRATIVE CASSATION COURT Will adopt final [...]

## **Two finalists of Supreme Court competition released Pukach, executor of assassination of Gongadze**

10.11.2017

Two finalists of the Supreme Court competition Serhiy Slynko and Stanislav Kravchenko released Oleksiy Pukach from custody in 2003. They changed a pre-trial measure for him from custody to a written undertaking not to leave the town, which allowed him to flee and hide until July 2009. In 2013 Pukach was found guilty of the murder [...]

## **IMF announced prior actions for the next tranche**

03.11.2017

On November 3, 2017, IMF Resident Representative in Ukraine announced 4 prior actions for the next tranche: adoption of the draft law on privatisation; establishment of the anticorruption court; gas prices adjustment; land reform. Mr Goesta Ljungman mentioned establishment of NABU as one of most important reforms that are implemented. Ukrayinska Pravda

## **Kyivpost: Court releases Avakov's son without bail**

02.11.2017

Kyiv's Solomyansky Court on Nov. 1 released Interior Minister Arsen Avakov's son Oleksandr, ex-Deputy Interior Minister Serhiy Chebotar and IT firm Turboseo's CEO Volodymyr Lytvyn, suspects in a graft case,

without bail and imposed travel restrictions on them. On Oct. 31, the National Anti-Corruption Bureau arrested Avakov, Chebotar and Lytvyn. National Guards and police were brought to [...]

## **Authors of the draft law No6011 on anticorruption court initiated its withdrawal. President keeps shifting responsibility**

20.10.2017

Authors of the draft law No6011 on anticorruption court initiated its withdrawal. By doing this, the MPs followed recommendation of the Venice Commission and opened the way for the President to submit his draft law on anticorruption court. According to the Rules of Procedure of the Parliament, since the draft law is already included into [...]

## **EU insists on separate anticorruption court, will help select judges**

13.10.2017

The European Union insists on the need to create a separate anticorruption court in Ukraine and is ready to help in selecting judges, according to a letter sent by the EU Delegation to Ukraine in response to the Ukrainian news outlet Europeiska Pravda's request about the EU's position on the anti-corruption court after the Venice [...]

## **Venice Commission: Ukraine has to establish anticorruption court, judges to be selected with international involvement**

07.10.2017

Venice Commission invites the President of Ukraine to submit a revised draft law on anticorruption courts to Parliament, based on its recommendations. It states that the only way forward in the fight against high-level corruption in Ukraine is the prompt establishment of a high specialised anticorruption court, as foreseen in the Law "On the Judicial [...]

## **High Council of Justice green-lights 25 out of 30 dubious Supreme Court candidates**

29.09.2017

On September 29 the High Council of Justice made public the list of 111 judges to be appointed by the President as new Supreme Court Judges. After additional evaluation of 120 candidates nominated by the HJCJ, the HCJ disqualified 2 candidates and put on hold decision on 7 more candidates for unlimited period of time. [...]

## **Anticorruption court and Ukrainian Constitution: nothing**

## **extraordinary**

29.09.2017

Many politicians oppose the idea of the separate anticorruption courts, arguing that creation of extraordinary and special courts is prohibited by the Constitution. Nevertheless, the Constitutional court as well as economic and administrative courts of general jurisdiction have been functioning for many years in our country. Numerous specialized judiciary function in Germany, the US; and in [...]

## **Ukraine sold eurobonds: no more miracle making?**

22.09.2017

The news that the Government of Ukraine sold 3 billion USD Eurobonds with a 7.375% annual yield causes mixed feelings. On one hand, this is the confirmation of the right direction Ukraine's economic reforms are moving to. On the other hand, this is far not the cheapest money Ukraine can get: thus, interest rate of [...]

## **Closing Stage of the Supreme Court Competition - update as of Sept 14**

14.09.2017

On September 14 the High Council of Justice started reviewing the shortlist of candidates to the new Supreme Court, which was offered by the High Qualification Commission of Judges. According to its schedule, the HCJ will complete a review by September 25, and then will proceed with voting. Before consideration started, the HCJ members filed 52 [...]

## **Closing Stage of the Supreme Court Competition - update as of Sept 8**

08.09.2017

The High Council of Justice announced that it will start considering candidates for the new Supreme Court on September 14 and plans to finish by September 25. The HCJ informed that it will follow its regular procedure for consideration of candidates on judicial positions. Participation of the Public Integrity Council is not guaranteed. As we stated earlier, we [...]

## **NABU investigates officials for notorious “Rotterdam+” coal price, courts block the investigation**

08.08.2017

NABU investigates possible abuse of powers by officials of the National Commission for Regulation of Energy Sector (NCRES) in establishing coal prices using the so-called “Rotterdam+” formula in the interests of energy producers. This price allows power generating companies to sell energy for a price as if the coal for its generation has been transported [...]

## **Lviv regional court of appeal cancelled detention of a co-organizer of 'Onyshchenko's gas fraud scheme'**

26.07.2017

On July 19 the Court of Appeal of the Lviv region ruled to cancel a preventive measure in the form of detention for Valeriy Postnyi. He is one of the co-organizers of Onyshchenko's gas fraud scheme. According to investigation, between January 2013 and January 2016, the companies controlled by the MP Oleksandr Onyshchenko, together with [...]

## **Court cancelled dismissal from job of accounting chamber head, suspected in power abuse**

26.07.2017

In November 2016 NABU and SAPO issued and handed a notice of suspicion for abuse of power to Roman Mahuta, the Head of the Accounting Chamber, a body empowered to control the use of the state budget funds. On June 9 the court changed preventive measure for Mahuta from house arrest to the release upon [...]

## **Request to Venice Commission to assess draft laws on anticorruption courts sent**

23.06.2017

On June 23 the Speaker of the Parliament announced decision to request the Venice Commission opinions on the draft law #6011 on anticorruption court and on the draft law #6529 on anticorruption judicial specialization. This step allows to postpone consideration of the draft law. The next session of the Venice Commission is scheduled for the beginning [...]

## **International donors presented their vision of anticorruption courts**

16.06.2017

Experts of international donors presented joint vision of establishment of the anticorruption court for Ukraine. The vision was developed by the informal working group and offered for consideration to the Council on Judicial Reform under the President of Ukraine as well as to the Parliamentary committees on judiciary and the Parliamentary anticorruption committee.

## **Harmful draft law on anticorruption courts registered**

31.05.2017

On May 31 MP Sergiy Alekseev (Poroshenko bloc) submitted to the Rada draft law #6529 on anticorruption specialization of judges in ordinary courts. According to the draft law, before new anticorruption judges are selected all courts must designate existing judges for consideration of corruption cases.

# Draft law on anticorruption courts registered

01.02.2017

The group of MPs submitted to the Parliament the draft law #6011 on anticorruption courts.

## Law on judiciary adopted

02.06.2016

The Parliament adopted the Law “On Judiciary and the Status of Judges”. The law provided for establishment of High anticorruption court. However, it did not envisaged any precise status of such a court or the procedures of selection of its judges.

# Documents

## IMF

We will operationalize the High Anti-Corruption Court (HACC) as established under Law 2018/2447, to ensure that corruption cases are adjudicated by judges with specialized skills and high integrity. The six members of the Public Council of International Experts (PCIE) have been appointed by the High Qualification Commission of Judges (HQCJ) from the nominations submitted by international organizations according to the criteria established in the Law. We will ensure that the entire process for assessing the candidates’ practical skills and integrity, and their selection is transparent and consistent with the Law on the Judiciary and the Law on the HACC, including that the qualification evaluation is centered on anonymous written tests and a case study, and with publication of the methodology for assessment, the criteria used for the qualification evaluation, and the grades received by candidates for each test. The members of the PCIE and the HQCJ are provided, bound by confidentiality and sufficiently ahead of any interviews and assessments, with the same access to information on candidates. By end-April 2019, following nomination by the High Council of Justice, at least thirty-five anti-corruption judges with impeccable reputation and relevant professional skills will be appointed to the HACC in line with law 2018/2447, and with rules of procedures guaranteeing the objectivity and transparency of the process

Full doc: [https://bank.gov.ua/en/file/download?file=ENG\\_SBA%2005122018%20LOI\\_MEFP\\_TMU.pdf](https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEFP_TMU.pdf)

## MFA

Progress in making the High Anti-Corruption Court of Ukraine operational in line with the law “On the High Anti-Corruption Court” notably by (a) making significant progress with the selection of qualified and independent judges for this Court (at least submission by the High Qualification Commission of Judges of Ukraine to the High Council of Justice of the recommendations on the appointment of candidates for judge according to the results of the competition), and (b) ensuring that the Court has the financial resources to conduct its mission as prescribed by the law.

Full doc: [https://ec.europa.eu/info/sites/info/files/economy-finance/mou\\_protocol\\_version\\_eu.pdf](https://ec.europa.eu/info/sites/info/files/economy-finance/mou_protocol_version_eu.pdf)

## MFA

In the draft 2019 budget to be submitted to the Parliament of Ukraine by 15 September 2018, the Ukrainian government will include an amount for the High Anti-Corruption Court of Ukraine that is appropriate for its effective and independent functioning. The Ukrainian authorities will also launch the processes of selection of members of the Public Council of International Experts and of judges of the High Anti-Corruption Court of Ukraine (MFA first instalment)

Full doc: [https://ec.europa.eu/info/sites/info/files/economy-finance/mou\\_protocol\\_version\\_eu.pdf](https://ec.europa.eu/info/sites/info/files/economy-finance/mou_protocol_version_eu.pdf)

## IMF

“To ensure that prosecution of acts of corruption by senior officials receives a specialized and prioritized judicial response, we will operationalize the anticorruption court established by the June 2016 Law on the Judiciary, consistent with the European Convention of Human Rights and other standards of the Council of Europe. To this end, by mid April 2017 we will submit relevant legislation to parliament, and we expect this legislation to be adopted by parliament by mid-June 2017 . This legislation will include provisions to ensure budgetary autonomy and adequate security of the anticorruption judiciary framework and establish the selection process for anticorruption judges” (structural benchmark) para 26

Full doc: <https://www.imf.org/~media/Files/Publications/CR/2017/cr1783.ashx>

## IMF

“We will adopt a law ensuring the establishment of a specialized anticorruption court, as provided in the new law on the judiciary” (commitment) para 36

Full doc: <https://www.imf.org/external/np/loi/2016/ukr/090116.pdf>

# Documents

## Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. In the First Report under the Visa Suspension Mechanism, the Commission noted that in view of recent developments immediate actions needed to be taken in order to ensure full implementation and sustainability of past reforms in particular as regards the anti-corruption benchmark... The following areas need to be addressed:

- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, including by ensuring that the High Anti-Corruption Court swiftly becomes fully operational and that the Public Council of International Experts can adequately play its role in the selection process

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219\\_com-2018--56-report\\_en.pdf?utm\\_source=International+partners&utm\\_campaign=a379fd4597-EMAIL\\_CAMPAIGN\\_29\\_12\\_2017\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_2e2aa5132c-a379fd4597-82028643](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643)



The Commission furthermore notes that in the view of the international community, the only way forward in the fight against high-level corruption in Ukraine is the prompt establishment of a high specialised anti-corruption court (HACC), as foreseen in the Law “On the Judicial System and the Status of Judges” (LJSJ), whose judges are selected in a transparent procedure with international involvement (article 69).

Full doc: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)020-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)020-e)

The jurisdiction of the High Anticorruption Court and of the appeal instance should correspond to that of the National Anti-Corruption Bureau (NABU) and of the Special Anti-Corruption Prosecutor’s Office (SAPO) (article 73)

Full doc: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)020-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)020-e)

...the Venice Commission invites the President of Ukraine to submit his own draft law on anti-corruption courts – which should be based on the recommendations contained in the present opinion – to the Verkhovna Rada, in an expeditious manner. Draft law No. 6011 needs to be withdrawn to make such a legislative initiative possible (page 19)

Full doc: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)020-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)020-e)

## Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. However, in view of recent developments, immediate actions need to be taken in order to ensure full implementation and sustainability of past reforms, in particular as regards the anti- corruption benchmark. The following areas need to be addressed:

- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, in particular by setting up an independent and specialised high anti-corruption court in accordance with the Venice Commission opinion and Ukrainian legislation. In parallel, the independence and capacity of NABU and SAP must be ensured and reinforced, reversing current trends undermining their work.

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what--s-new/news/20171220\\_first\\_report\\_under\\_suspension\\_mechanism\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what--s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf)

## OECD

Establish without delay specialized anti-corruption courts insulated from corrupt and political influences which can fairly and effectively hear and resolve high level corruption charges. Select the judges through transparent, independent and highly trusted selection process which will guarantee integrity and professionalism (Recommendation 25, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan)

Full doc: <https://www.oecd.org/corruption/acn/ACN-Ukraine-Round-4-Monitoring-Report-ENG.pdf>