

NABU exclusive jurisdiction

Background

NABU has exclusive investigative jurisdiction in cases of high-profile corruption, therefore, NABU alone is to investigate certain crimes committed by top officials. Should other law enforcement agency discover an offence falling under NABU jurisdiction the case is to be transferred to NABU. For more about NABU competencies please see: <https://nabu.gov.ua/en/competence>.

In exceptional circumstances, to protect evidence during the investigation into grave or especially grave crime, NABU director or deputy director can seize assets of bank accounts of individuals or legal entities for up to 48 hours.

There are numerous attempts of Security Service of Ukraine and National Police to interfere with NABU investigations and violate rules of investigative jurisdiction.

Timeline

The case regarding theft of funds allocated for internally displaced persons was sent to the court

14.02.2019

NABU detectives under the procedural guidance of SAPO prosecutors completed the pre-trial investigation in the criminal proceeding regarding theft of funds allocated for internally displaced persons (IDPs). On February 11, 2019, the indictment against the head of the Children and Family Service of Kyiv regional state administration was sent to Pechersk district court of Kyiv. [...]

Draft law on financial investigations bureau would undermine NABU's exclusive jurisdiction

15.03.2018

Draft law on financial investigations bureau (FIB) has been developed by the working group headed by the MP Nina Yuzhanina, the head of Parliamentary Committee on tax policy, upon assignment from the President of Ukraine. Draft law is not yet submitted, but was made public by Yuzhanina. Creation of financial investigations bureau is Ukraine's obligation according [...]

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. [...]

Attacks on NABU: chronology

26.11.2017

We are covering 3 fronts of attacks on NABU, which have significantly intensified within the last time: legislative threats; criminal and administrative cases against NABU; auditor selection with no competition. Attacks Startpoint In October NABU announced suspicions in corruption crimes to the son of Arsen Avakov, the Minister of Interior, as well as to [...]

Ukrainian authorities trying to falsify amendments to the Code of Criminal Procedure with regards to NABU

10.11.2017

The Ukrainian authorities are falsifying amendments to the Code of Criminal Procedure with regards to NABU. The Presidential Administration together with the Parliament are preparing to withdraw from the final text of the draft law #6232 an adopted clause that prohibits the Prosecutor General's Office to transfer unfinished cases against Yanukovich's allies to NABU. The [...]

Attack on NABU

13.04.2017

The Parliament in the first reading adopted draft law No.6220 dramatically limiting the investigative powers of NABU. The draft law was declined on 17 May.

Draft laws to destroy NABU

23.09.2016

MPs made several attempts to undermine the exclusive competence of NABU by suggesting draft laws that in one way or another allow interference into NABU's investigations, among others Draft Law No 5170 dated 23 September 2016 by Karpuntsov (BPP), Alekseev (BPP), Pomazanov (Narodny Front), Romaniuk (BPP), Drayuk (Narodny Front), Palamarchuk (BPP), Draft Law No 5170 dated 8 september 2016 by Karpuntzov (BPP), Melnychuk (BPP), Daft Law No 6220 dated 6 April 2017 by the group of MPs from the biggest factions.

Abuse of NABU jurisdiction

08.07.2016

The PGO systematically abuses the exclusive jurisdiction of NABU and starts the investigations of offences committed by top officials which fall under the competence of NABU. This may jeopardize the investigations as the cases may be further dismissed by the courts

Documents

We will also maintain NABU's exclusive authority to investigate acts of corruption involving significant amounts or committed by high-level officials.

Full doc:

IMF

We will maintain NABU's exclusive authority to investigate acts of corruption by high-level officials.

Full doc: https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEFP_TMU.pdf

IMF

"Looking ahead, we will maintain NABU's exclusive authority to investigate acts of corruption by high-level official" para 26

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

IMF

"The NAB will be able to investigate all high-level officials, including former Presidents (prior action)" par 32

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/022715.pdf>

IMF

"The agency (NABU) will have powers of asset recovery (freezing, seizing and executing confiscation orders of assets) related to its own investigations"

Full doc: <https://www.imf.org/external/np/loi/2014/ukr/042214.pdf>

Documents

OECD

Ensure strict compliance with exclusive jurisdiction of NABU and SAPO (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>