

NABU director and staff selection

Background

The director of NABU should be elected by a selection commission, which consists of nine members: three are delegated by the Parliament, three by the Government, and three by the President. Members of the selection commission must have an unblemished reputation, high professional and moral standing, including recognised public standing. The selection process is to be broadcasted online, while all the documents, including the asset declarations of candidates, are to be published online.

In August-September 2020, the Constitutional Court of Ukraine abolished the provisions on appointing of NABU director and found the appointment of Artem Sytnyk unconstitutional.

Timeline

The Anti-Corruption Committee of the Rada supported the draft law on changing the status of the NABU. We explain what this means

21.05.2021

The Verkhovna Rada Committee on Anti-Corruption Policy recommended adopting in the first reading draft law 5459-1, which should bring the Law on the NABU into line with the Constitution of Ukraine, eliminate gaps in the law and uncertainty regarding current director of the Bureau, which arose after last year's decisions of the Constitutional Court. The draft [...]

Zelensky's government has registered another draft law to dismiss Sytnyk: AntAC's analysis

16.03.2021

The Verkhovna Rada registered a new version of government draft law №5070 on the dismissal of the current director of the National Anti-Corruption Bureau Artem Sytnyk. According to the official website of the Verkhovna Rada, the Government revoked the previous version of the draft on March 15 and submitted a new one. According to the AntAC, the new [...]

The decision of the Constitutional Court does not compromise

NABU's activity. AntAC's analysis

18.09.2020

Yesterday, the Constitutional Court of Ukraine ruled regarding the unconstitutionality of some provisions of the Law on NABU in the case on the appeal of 50 MPs representing the Opposition Platform for Life and groups of influence of the oligarchs. Although MPs demanded that the entire NABU Law should be declared unconstitutional, the CCU declared only certain provisions of the law [...]

The decision of the Constitutional Court does not mean the automatic dismissal of the NABU Director. AntAC's analysis

30.08.2020

Today, on August 28, it became known about the decision of the Constitutional Court of Ukraine, which declared unconstitutional the presidential decree appointing Artem Sytnyk for the position director of the National Anti-Corruption Bureau. This decision does not mean the automatic dismissal of the NABU director. The meaning of the Court's decision The Court finds that the president, in [...]

Illegal attempt to dismiss NABU director

07.02.2020

Legal analysis of the illegality of recent attempts to dismiss NABU director (file) On February 5, 2020, MPs started collecting signatures to dismiss NABU director Artem Sytnyk from office. As of February 6, 2020, they gathered already 165 signatures. However, this is a sham process because the procedure of the dismissal of the director of the [...]

Failed Attack: Parliament wanted to dismiss Sytnyk

08.12.2017

On December 6 a dangerous draft law #7362 that puts law enforcement bodies under political control was registered in the Rada. It offers to give the Parliament and the President a right to dismiss NABU Director upon administrative charge in corruption. The draft law allows the President or the Parliament to dismiss NABU Director upon [...]

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 [...]

Appointment of NABU director

16.04.2015

The President appointed Artem Sytnyk as the director of NABU

Selection of NABU director

07.04.2015

The Commission shortlisted two candidates for the selection by the President

Commision started the work

25.12.2014

The Commission started the work. 116 candidates applied. The civil activists constantly controlled the work of the Commision and prevented the attempts of the Presidential Administration to intervene the process.

Parliament nominates members of selection commission of NABU

21.12.2014

The Parliament nominated Yevheniy Nyshchuk, Viktor Musiyaka, and Giovanni Kessler.

President nominates members of selection commision of NABU

20.12.2014

The President nominated Yaroslav Grytsak, Refat Chubarov, and Yevgen Zaharov.

Cabinet of Ministers nominates members of selection commision of NABU

20.12.2014

The Cabinet of Ministers nominated Yosif Zisels, Oleksandra Yanovska, and Yuriy Butusov.

Civil Activists Suggest Accelerating the Selection of NABU director

09.12.2014

Civil activists made a public list of candidates to the Commission for the selection of the Director of NABU and appealed to the Parliament, President and Government to fulfill the law and nominate worthy members

of the commission

Documents

MFA

For management positions in anti-corruption institutions the selection should, in addition, be conducted by a depoliticised selection commission with adequate procedures and selection criteria.

Full doc:

IMF

“Institutional and operational independence from any external influence will be guaranteed and realized, in particular, through appropriate procedures for appointment; term limits and dismissal of the head of the agency; the power to recruit and dismiss its own staff”

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/072115.pdf>

IMF

“To guarantee the professional integrity of staff, the NAB Law ...will ensure that applicants and holders of positions at the NAB consent to having thorough background checks performed (criminal records, analysis of disclosures of assets beneficially owned and of potential conflicts of interests) beyond those required for all public servants”.

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