

SAPO head selection

Background

The head of SAPO, his deputies, as well as the heads and deputy heads of departments, are chosen by the selection commission. It consists of seven individuals chosen by the Parliament, and four individuals chosen by the Council of Prosecutors of Ukraine (as of 2015, the Council of Prosecutors has not yet been formed, thus these individuals were selected by the Prosecutor General). According to the legislation, acting in 2015, the selection commission was to shortlist at least two candidates for the head of SAPO and forward the list to the Prosecutor General for a final decision. Later on the legislation was amended and as of now the selection commission would have to choose only one person per position and pass their decision to the Prosecutor General for approval.

Members of the selection commission must possess an unblemished reputation, high professional and moral qualities, be widely respected and have considerable experience in preventing and fighting against corruption. Neither civil servants, nor politicians can work in the selection commission. As a result, Ukrainian MPs, members of local councils, military personnel, law enforcement officers, as well as members of political parties could not be appointed to the commission.

As the General Prosecutors' Office undergoes the reform starting autumn 2019, there is need to amend the procedure of SAPO head selection.

In 2020, the procedure of selection of new SAPO head started under the old procedure, raising the risk of politically controlled appointment.

Timeline

SAPO's head Selection Commission resumes its work

29.09.2021

On September 27, the Selection Commission of the SAPO head made the step towards unblocking the competition. They appointed the date of next stage (practical task) and approved its procedure. The task will be completed by two finalists on October 9. The practical task is the penultimate stage of the competition. It will be followed [...]

Selection of SAPO head stopped as the OP is not satisfied with leader of the competition

08.08.2021

After integrity interviews the competition for position of head of the SAPO was stopped again. The whole

week has passed since the completion of integrity examination phase, and the Competition Commission has not met to determine dates and details of next stages. The key reason for the pause is that the Presidential Office is clearly [...]

Dependable KDAC: how PO wants to use Vovk's services in order to have "their" person on the position of the head of the SAPO

15.06.2021

Originally published on UP Last week, the competition for the position of the head of the Specialized Anti-Corruption Prosecutor's Office, which is closely monitored by international partners of Ukraine, suddenly slowed down. Interviews with candidates were stopped due to the postponement of meetings of the competition commission. There are no explanations for the pause in official reports. [...]

The fight the SAPO Head: how tainted Parliament's Commission will push its sham candidates

30.04.2021

by Olena Shcherban, originally published on UP The competition for the most important position of the country's chief anti-corruption prosecutor is ongoing. The candidates have already passed a number of important stages, including tests of knowledge of the law and general abilities. According to the tests' results, there are 37 candidates left in the competition. The following [...]

How the head of the SAPO will be selected. Analysis of the Anti-Corruption Action Center

30.01.2021

by Olena Shcherban, originally published on Zn.ua On January 25, the process of selecting a chief anti-corruption prosecutor began. The Anti-Corruption Action Center has carefully analyzed approved rules of the competition, transparency and quality of which will determine fate of top-level investigations in next 5 years and support of the international community. Whether the Prosecutor General will [...]

The procedure for holding competition for the position of the head of the SAPO. Analysis of main stages

27.01.2021

On January 25, the process of selecting key anti-corruption prosecutor in the country began. The Anti-Corruption Action Center has carefully analyzed approved rules of the competition, transparency and quality of which will determine fate of top-level investigations in the next 5 years and support of the international community. The competition will not be simple and [...]

Selection of the main anti-corruption prosecutor: why delaying the competition may be beneficial to Zelenskyi?

22.12.2020

Originally published on Ukrainska Pravda on December 21, 2020 Back in September, the Verkhovna Rada appointed its quota to the Selection Commission for the selection of the head of the Specialized Anti-Corruption Prosecutor's Office. Then the Commission was given the opportunity to begin its work in full composition. This was preceded by the entire saga: the composition was [...]

CSOs demand the dismissal of Avakov's subordinate, member of the Selection Commission of the head of the SAPO, in order to ensure trust in the process

16.10.2020

On October 13, the first meeting of the newly established Selection Commission of the head of the Specialized Anti-Corruption Prosecutor's Office (hereinafter – the Commission) was held. At first meeting of the Commission, its members raised the issue of the legality of participation Oleksiy Drozd in meetings. He was delegated to the Commission by the [...]

Contrary to the law, the next SAPO's head will be selected by a police officer subordinate to Avakov

09.10.2020

Oleksiy Drozd, a member of the Selection Commission nominated by the Verkhovna Rada to select the head of the Specialized Anti-Corruption Prosecutor's Office (SAPO), is a police officer. This means that he cannot be a member of the Selection Commission due to a direct legislative prohibition. On September 17, using the third attempt the Verkhovna [...]

Voting on SAP: Verkhovna Rada with Zelenskyi's approval takes step towards abolishing of visa-free travel and cooperation with IMF

18.09.2020

Today, on September 17, on the third attempt the Verkhovna Rada voted on its representatives to the Selection Commission for the selection of the head of the Specialized Anti-Corruption Prosecutor's Office. MPs voted by 239 votes for the candidates nominated by the Servants of the People, OPZZh, Dovira and For the Future: all of them [...]

Dossier of SAPO head's selection commission: 6 out of 7 nominees do not comply with the law

18.09.2020

The Anti Corruption Action Centre analyzed the composition of the Selection Commission for the new SAPO head and we believe that at least 6 out of 7 nominees do not comply with the requirements of the law. They do not have an impeccable business reputation, high professional and moral qualities, and authority in society. Importantly, [...]

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17.09.2020

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Who will select Kholodnytskyi's successor from the Council of Prosecutors

17.06.2020

The Council of Prosecutors of Ukraine appointed its four representatives to the Commission for the selection of the head of the Specialized Anti-Corruption Prosecutor's Office (SAPO), as well as his deputies and other heads of departments. The Verkhovna Rada must appoint its representatives to the Commission by September 4. This was stated by the head of the Council of [...]

Kholodnytskyi's aquarium case - will the prosecutors' commission haul in "the big fish"?

20.05.2018

Anticorruption Action Centre. Original text: <https://www.pravda.com.ua/articles/2018/05/18/7180607/> Friday, May 18, 2018, 7:00 am In early April, a scandal broke out around Nazar Kholodnytskyi, head of the Specialized Anti-Corruption Prosecutor's Office (SAPO). It was caused by the published recordings of conversations from his office which are proof of alleged abuse and violations on the part of the [...]

Investigation against the Head of Special Anticorruption Prosecutor's Office: impact on NABU investigations

06.04.2018

Background In late March heads of the Prosecutor General's Office and the NABU announced investigation against the SAPO head Nazar Kholodnytskyi. Investigation was opened and is conducted by the PGO with participation of the NABU detectives. After the fact of tapping Kholodnytskyi's office became public, both officials submitted complaints against him to the Qualifications Disciplinary [...]

Changes of legislation on SAPO

18.02.2016

The Law on Prosecutor's Office was amended in order to make the procedure of selection of SAPO head more independent from the Prosecutor General. For instance, the selection commission chooses only one person per position and the Prosecutor General's role is limited to their appointment.

Head of SAPO appointed

30.11.2015

Nazar Kholodnytsky was appointed as the head of the SAPO.

Shokin changes his delegates for selection of SAPO head

06.11.2015

Due to the pressure of civil society and international partners, Prosecutor General Shokin had to recall few of his delegates to the selection commission due to their dubious reputation.

<https://antac.org.ua/publications/v-antykoruptsijni-prokurory-sune-kand-dat-scho-pohodzhuvav-orlam-zaharchenka-peresliduvannya-aktyvistiv-majdanu-po-vsij-krajini/> The selection commission shortlisted two candidates and forwarded the list to the Prosecutor General for choosing one and his appointment as the head of SAPO.

Parliament delegated representatives to select head of SAPO

17.09.2015

The Parliament delegated their representatives to the selection commission. Two of the selected members were preliminary supported by the civil society: <https://antac.org.ua/announces/hto-obere-pershoh-v-ukrajini-antykoruptsijnoho-prokurora/>

PGO delegated representatives to select head of SAPO

26.08.2015

The Prosecutor General delegated the representatives to the selection commission of the head of SAPO, however, all of the delegates were employed at the GPO, some of them had dubious reputation.

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

We will review the legal framework to improve the procedures for selection of SAPO officials

Full doc: <https://www.imf.org/~media/Files/Publications/CR/2020/English/1UKREA2020001.ashx>

VLAP

Ensure by the first quarter 2016 independence and integrity of the specialised anti-corruption prosecution office, including through amendments to the Law "On Prosecution" appropriate safeguards for the selection and dismissal of the office's leadership.

Full doc: <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

IMF

"Appointment of the head of the anti-corruption prosecutors and allocation of appropriate premises to the anti-corruption prosecutor's office. To ensure a timely, fair, and balanced appointment process, we will make the following amendments to the Law on Prosecutor Office: At least five members of the Selection Committee for the head of the Anti-Corruption Prosecutor Office and his/her deputies will be nominated by a decision of parliament, in order to eliminate the risks of challenging the results of the selection. These persons will be of impeccable reputation, high professional and moral qualities, and authority in the society; As an interim measure, until the qualification commission for prosecutors is established, no more than five members of the above-mentioned Selection Committee will be nominated by the general prosecutor; □ The Selection Committee will be chaired by a widely recognized and well-respected expert with rich experience in the prosecution of corruption, elected by parliament as an additional member of the committee; □ The committee will submit one candidate for each of the three positions (head and two deputies) to the general prosecutor; □ There will be no amendments to the Law on Prosecutor Office concerning the selection procedure for the head of the Anti-Corruption Prosecutor Office and his/her deputies, other anti-corruption prosecutors, and non-prosecutorial staff, other than the ones specified above, unless otherwise agreed with the IMF.(structural benchmark)" para 29

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

IMF

Shortcomings in the selection process for the leadership of the anti-corruption prosecution office such as the lack of objective track-record criteria for the nomination of the members of the selection committee and the candidates, highlighted the need for the relevant legal and institutional framework to be further improved in order to fully ensure the office's independence and integrity. To this end, the selection, appointment and dismissal procedures for the office's leadership and staff must follow stricter independence and integrity safeguards.

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

Documents

Visa Suspension Mechanism

In particular address persisting concerns with the independence and integrity of SAPO, including by ensuring a credible selection procedure for the next SAPO Head. Ensure that the appointment and dismissal of the all law enforcement agencies leadership takes place in strict accordance with the law.

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20200710_com-2020-325-report_en.pdf

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: - Re-establish the independence and credibility of the Specialised Anti-Corruption Prosecution

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