

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

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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 staff, threat of [overloading](#) with small cases and many other organizational issues.

Not all problems have been solved. Today, the court does not own decent premises. And the apparatus is not fully staffed. Judges and other employees are scattered at different locations, but the work is already humming.

More than 3,000 cases [have been filed](#) to the court since the beginning of its work. These are both numerous complaints, petitions and statements of participants of proceedings in the investigative phase, as well as transferred cases of the National Anti-Corruption Bureau from other courts. More than two and a half thousand cases have already been considered. There are already two sentences.

Currently the HACC has 140 cases on trial. They are considered now. Not all courts have transferred cases to the Anti-Corruption Court for consideration as the law requires.

It is noteworthy that defendants' attorneys often try to delay the process as much as possible during transfer of cases. They require to transfer cases through the Supreme Court, and some object consideration of the case at the HACC.

100 days of work of the court, which frightens subjects of corruption cases and their attorneys, have already passed. Thus, we have prepared first conclusions about its work.

When there will be sentences?

The court has already started to consider the most famous NABU cases of recent years. All of them are not simple. They contain hundreds of volumes of documents and await questionings of dozens of witnesses.

For instance, there are more than 200 volumes of evidence in the [case](#) regarding the head of the State Fiscal Service Roman Nasirov. The court has already [heard](#) the witness and began to examine documents. The two-years readings of charges [turned into](#) ten-minutes procedure in the HACC due to recent changes to the Criminal Procedure Code.

There are more than 200 volumes of documents and dozens of witnesses in the [case](#) of former Member of Parliament and energy curator Mykola Martynenko. The court has already heard the indictment and moved

on to the trial. At the same time, judges were forced to give Martynenko's attorneys time to get acquainted with materials of the case. **Узнать больше**

The defense of former MP decided to cheat and brought new attorneys into the case, who are allegedly not familiar with materials. Thus, Martynenko's defense chose the delaying tactic in the Anti-Corruption Court. However, during the consideration in Shevchenkivskiy court they demanded speeding up of hearings, especially when the HACC loomed on the horizon.

In general, attorneys have chosen standard methods of delaying the process in most resonant cases. These are dozens of meaningless requests, disqualification of judges, and sometimes prosecutors, failure to appear of defendants and defense lawyers.

It is interesting that when the court started to respond to attorneys' failure to appear by complaints to the disciplinary authorities, the latter were outraged. Such fierce response of the court was so unexpected for them that some representatives [pointed](#) to alleged declaration of war to attorney community. In fact, the attorney community itself failed to punish defenders for [violations](#).

After these initial hearings and delays, it became clear that it will take time, from months to a year, to make sentences in top resonant cases. However, we can get sentences in smaller cases, such as bribery, at the beginning of 2020.

At the same time, there are examples of time-consuming cases.

For instance, [the lie in declaration](#) of Odessa mayor Hennadiy Trukhanov, where the statute of limitations expires at the end of March next year.

That means that infamous mayor may not be punished of the offense because the court may not have time to make the sentence. Therefore, the consideration is already turning into challenge. Will the defense have enough time to delay the process? And will the court play into their hands? Trukhanov has even managed to [get sick](#), but he did not provide proper evidence of his health problems.

Awaiting fatal verdicts of the Appeal Chamber

Sentences of other courts were transferred for consideration to the HACC Appeal Chamber. In total, 10 sentences of other courts are being considered now. The consideration of separate sentences will be decisive for the practice of not only this court.

The case of Krayan plant

First of all, it concerns the [acquittal](#) of Trukhanov by Malynivskiy court in Odessa regarding the case of theft on the purchase of premises for the City Hall.

At that time, Odessa court [refused](#) to consider evidence against Trukhanov and his accomplices, and found most of them inadmissible. In addition, inadmissibility is proved by very dubious and sometimes absurd arguments. Moreover, in Odessa they [managed](#) to consider evidence that was not even present in the case.

The case of Firtash's ZTMC

The Appeal Chamber is considering another important [acquittal](#) in the case of Firtash's manager Volodymyr Syvak concerning fraud with investments in the state enterprise. Zaporizhzhya court, like Odessa court, refused to consider the case and found the evidence inadmissible.

The HACC's decision on these acquittals may serve as example of whether evidence will be recognized as inadmissible on formal grounds that do not have consequences. Arguments of the Appeal Chamber could also be the turning point in the practice of general courts.

High-profile cases at pre-trial investigation

Part of HACC hearings at this stage is closed, in particular, namely requests as search permits and covert procedures (wiretapping). In total, more than 2,000 requests, complaints and statements from parties have been sent to the Anti-Corruption Court. They are considered by 9 investigating judges every day.

Precautionary measures are considered in resonant cases in open hearings. Usually attention of journalists and public is attracted to such cases. Here, the Anti-Corruption Court has already distinguished itself by important decisions.

The case of Mykytas concerning apartments for the National Guard

In early October, former MP Maksym Mykytas [was announced](#) the suspicion of organizing the crime regarding seizure of property of the National Guard for the amount of almost 82 million UAH. It concerns [scandalous exchange](#) of unfinished construction of apartments for military officers in Pechersk in exchange for 65 apartments on outskirts of Kyiv.

At first, the HACC investigative judge Sergiy Moysak [selected](#) only bail in the amount of 5 million UAH for Mykytas, although prosecutors asked for detention and bail in the amount 300 million UAH. However, the appellate instance reconsidered the decision and abolished it.

Judges of the Appeal Chamber decided that the prosecutor's arguments [confirm](#) risks to Mykytas and [selected](#) detention for him with **bail in the amount of 80 million UAH**. So, the declassified "wiretapping" materials include Mykytas conversations with different people about the possibility of killing the witness and one of suspects in the case. Former MP was sent to the detention center from the courtroom, though after 3 nights he was released on bail.

The case of the Member of Parliament Yaroslav Dubnevych

The Parliament [stripped immunity](#) from current Member of Parliament Yaroslav Dubnevych this year. The Verkhovna Rada allowed to arrest him. According to the [investigation](#), Dubnevych is organizer of the crime regarding theft of 93 million UAH of Ukrzaliznytsya funds.

At first, the HACC [selected](#) only bail in the amount of 100 million UAH for Dubnevych. However, the HACC Appeal Chamber after reconsideration of this decision, [sent](#) Dubnevych into custody with bail in the amount of 90 million UAH, namely it chose more strict preventive measure. Dubnevych spent only one night in the detention center, though he complained that he did not know how to [find](#) such amount of money.

This is not the first time when the court made such decision regarding current Member of Parliament in NABU and SAPO cases. Earlier courts were famous for very "humane" attitude and they chose precautionary measures that did not meet actual circumstances of the case.

These cases were illustrative and demonstrated that the HACC Appeal Chamber was not going to "play to lose" with colleagues from the first-instance. In total, the Appeal Chamber abolished 14 out of 30 decisions of the first instance regarding the preventive measure.

The first months of work of the court look quite encouraging. But there are extraordinary challenges ahead. The society expects results in the form of sentences and effective consideration of cases regarding top corrupt officials. At present, the court has made little progress in considering the most resonant cases. Although one of reasons for its creation was the introduction of effective consideration of these cases.

But the workload in the form of new cases will increase with each month. Over time not only NABU cases will be added, but also civil [forfeiture](#) of unjustified assets, which MPs also gave to the Anti-Corruption Court.

Next year will be decisive in work of the court. It should show results in top cases. The society, journalists and international partners will closely monitor the consideration of these cases.

The state, in its turn, should provide decent facilities in the form of premises transferred for the court, and finally reform the High Council of Justice and clear the Supreme Court. After all, the latter two structures can quickly destroy any achievements of the Anti-Corruption Court.

[Anti-Corruption Action Center for the UP](#)