

“Declarations Under Control” coalition: Parliament may cancel e-declarations for law enforcement and other state agencies

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On Monday, March 19, the acting Chair of Rada Committee on Corruption Prevention Yuriy Savchuk called for an urgent inclusion in Parliament’s plenary week agenda a draft law that is claimed to solve the procedure of submission of e-declarations for Ukrainian intelligence officers. However, under the guise of questions of defense capabilities of the country, this draft law in reality will cancel e-declarations for all law enforcement officers and let an extensive number of state bodies avoid any liability on the basis of these declarations.

The draft law No.8129 was submitted to the Parliament 5 days ago by the MPs of Poroshenko’s Block, Narodnyi Front and Liasko’s Radical Party.

“The bill is related to the defense capability of our state, namely, it is about the declaration of our intelligence officers”, – said Mr. Savchuk.

However, while talking about intelligence officers the draft law actually allows not to submit e-declaration to almost all law-enforcement officers and officials of other state bodies: the prosecutor’s office, the Security Service of Ukraine, the National Police, the State Bureau of Investigations, the National Anti-Corruption Bureau of Ukraine, the diplomatic service, the state forest protection, state protection of the nature reserve fund, the State Fiscal Service, the State Customs Service; military officers of the Armed Forces of Ukraine, the State Service for Special Communications and Information Protection of Ukraine and other military formations formed in accordance with the laws; ordinary and commanding members of the state criminal-executive service, the tax police, persons of the commanding staff of civil protection bodies and units, officials of other state bodies and local self-government bodies.

“The bill provides an opportunity to file declaration in paper form for our intelligence agents,” — said Savchuk.

However, the draft law not only suggests to file paper declarations instead of electronic ones, but also determines the procedure for keeping these declarations and access to them by transferring this function from the National Agency for Corruption Prevention to the named authorities themselves, and in fact prohibits the NACP to complete full verification of these declarations without the decision of the heads of these bodies.

That is, all of the above-mentioned bodies will submit paper declarations to themselves which nobody will ever see or be able to verify, and hence - to bring liable for false information.

Moreover, the draft law stipulates that full verification of such declarations may be carried out “after the

decision of the head of the relevant state body to change the level of secrecy, to cancel the decision to refer information about such person to state secrets". This is a corrupt provision itself, because it enables the head of the agency to decide whose declarations will be verified.

According to the draft law, such special regime of declaration is to be applied to the persons who «in accordance to the positions they occupy belong to the personnel of the intelligence agencies of Ukraine, who occupy positions of the secret staff (employees) of separate units (formations) in the state bodies carrying out operational searches, counterintelligence, intelligence activities, as well as individuals who claim to occupy such positions». In principle this provision should not be applied to all seat members of these bodies. Moreover, the Law On Corruption Prevention already contains a provision that financial control measures (in particular, submission and verification of declarations) of such categories of persons are carried out in a way that «makes it impossible to disclose their affiliation with the said bodies (formations)».

However, it was precisely this provisions that the Security Service of Ukraine (SBU) referred to when [classified their declarations](#). In fact, over the past year SBU was treating declarations of their staff precisely in a way that is described in this draft law. Apparently, after the court has legalized their decision, same practice can now be introduced for all law enforcement agencies. That is why the bill expands the list of categories of persons to which such a special terms for e-declarations can be applied by the inclusion of all the above-mentioned bodies.

"April 1 is the deadline for the next wave for submission of e-declarations, I urgently request inclusion of draft law No.8129 in the agenda for this plenary week so that the committee could consider it on Wednesday at its meeting, and to adopt a parliamentary decision on March 22," — Savchuk said.

If the Committee supports the draft law on Wednesday, the Parliament may vote for it as soon as on Thursday. We demand to stop the manipulation of the theme of war and defense in order to save corrupt officials from punishment. The draft law No.8129 has to be ruled as a such that does not comply with the anticorruption legislation and therefore not recommended for the adoption in the Parliament.

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