

# **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**

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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 Verkhovna Rada.

Article 8-1 of the Law of Ukraine on the Prosecutor's Office prohibits law enforcement officers to participate in the work of the Commission. Earlier, the National Academy of Internal Affairs [replied](#) to the written request of the Anti-Corruption Action Center that Oleksiy Drozd was the police officer delegated to this educational institution in accordance with the law. He receives financial support and other compensation payments in accordance with the Law of Ukraine on the National Police and other regulations.

As the National Police is the law enforcement body, this excludes possibility of participation of Oleksiy Drozd in the work of the Selection Commission.

During first meeting of the Commission, Oleksiy Drozd withdrew himself from discussions and decision-making due to doubts of other members of the Commission, but his further participation in procedures of the Competition remained unresolved.

Drozd himself stated during the meeting of the Commission that he met requirements of the law because he does not hold positions in the police. He also stated that he considered himself legally selected because the Verkhovna Rada selected him by its decision. When members of the Commission asked him about his special rank in the police, he answered affirmatively, and didn't specify what rank it was about.

However, we, as CSO, are convinced that such argument of Oleksiy Drozd does not hold water and looks like extremely formalistic substantiation of possibility of his further participation in the process.

Following the spirit and essence of legislation, the prohibition for law enforcement officers to participate in work of the Commission is envisaged in order to eliminate even the possibility of any influence or pressure on them, as well as to eliminate possible conflict of interests of their leadership. Moreover, the latter may be subjects of corruption investigations by the NABU/SAPO.

The facts that Oleksiy Drozd has a status of a police officer and special rank in the police, and receives monetary incentives, only confirm risks of his dependence from the leadership of the police.

Further participation of Oleksiy Drozd in the work of the Selection Commission imposes risks of distrust in its decisions and illegitimacy of the selection process. Moreover, his further participation creates risks of judicial appeal of results of the entire competition.

We should recall that the EU Delegation and US Embassy also has insisted on the transparent and impartial competition held by Ukraine. They [stressed](#) that further support of Ukraine would depend on the transparency of the process. The transparent competition is also the requirement for support of the International Monetary Fund.

**The Verkhovna Rada must dismiss Oleksiy Drozd from the Commission if he does not resign voluntarily. Otherwise, participation of this member of the Commission in the selection of the head of the SAPO will put into question results of the competition.**

**We also call on the Office of the Prosecutor General of Ukraine to provide its official position regarding this issue.**

NGO “Anti-Corruption Action Center”

NGO “Center for Public Monitoring and Research”

NGO StateWatch

NGO “Transparency International Ukraine”

NGO “Institute of Legislative Ideas”

All-Ukrainian Association “Automaydan”

Anti-corruption Headquarters