

Failed Attack: Parliament wanted to dismiss Sytnyk

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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 new pretext: bringing him to administrative liability for a corruption-related offense (for example, failing to declare the conflict of interests or fraud in asset declarations on less than UAH 400,000). Currently NABU Director may be dismissed only after a guilty verdict in criminal case, confirmed by appellate instance. Simultaneously, the draft law #7362 does not foresee any possibility of appeal before a verdict in administrative case may serve as pretext for dismissal of NABU Director.

Administrative protocols can be drawn up by the National Agency for Corruption Prevention or the National Police and should be adopted by the court. Apart from political dependence of NACP, [previously we also drew the attention](#) to the risks of legislatively unregulated actions of the National Police regarding drawing up administrative reports on corruption-related offences.

Moreover, the draft law would empower the Rada to dismiss NABU director as a result of expressing him a no-confidence, which means pure political grounds for dismissal. 150 MPs, the President or the Cabinet of Ministers will be able to initiate consideration of this issue. Decision has to be adopted by simple majority of votes in the Parliament. The same additional dismissal procedure is also offered for the head of the SAPO, members of the NACP and the head of State Bureau of Investigations.

Also, the draft law expands the scope of issues that are subject to NABU audit, namely empowers the audit to check “legal nature of NABU under-cover activities and investigations, pre-trial investigations, observance of the rights and freedoms of individuals”. This provision gives auditors legal capacities of prosecutors or the court, who have powers to control whether NABU activities comply with the law.

The draft law was submitted by the Heads of both coalition factions – Poroshenko’s Block Artur Herasymov and Narodnyi Front Maksym Burbak. It was put for consideration to the Committee on the Rules of Procedure, headed by Pavlo Pynzenyk from the Narodnyi Front.

Due to quick, synergetic and straightforward reaction of foreign partners of Ukraine and civil society the draft law was withdrawn from Rada’s agenda for December 7. However, it is still in the Parliament, and therefore may come up at some point later on.