

MPs submitted alternative draft laws on anticorruption court

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On Tuesday, January 16, the Parliament plans to include presidential draft law on anticorruption court No 7440 to the agenda of current session of the parliament. If the voting on this issue is successful, the parliament may try to adopt the draft law within next few weeks.

Analysis of drawbacks of the presidential draft law [is provided here](#). The draft law does not correspond to [key recommendations](#) of the Venice Commission from October 2017.

In the meantime, already 5 alternative draft laws on anticorruption court are submitted for consideration of the parliament. The draft laws mostly differ only with regards to composition of the body that selects or participates in selection of anticorruption judges.

- draft law 7440-1 submitted by Valeriy Pysarenko, Vidrodzennya group. The draft law provides for international participation in selection of anticorruption judges though creation of special selection commission of the High Qualification Commission of Judges (16 people) and international nominees (4 people to be selected by the High Council of Justice). The draft law also sees the high anticorruption court as a first instance court and offers to create appeal instance as a chamber in the Supreme Court (with new judges to be selected)
- draft law 7440-2 by Sergiy Kaplin, which does not provide for any international involvement in selection of anticorruption judges. This draft is similar to the presidential, with the only difference: instead of the Council of international experts it envisages the Public integrity council as the only advisory body for selection of anticorruption judges.
- draft law 7440-3 by Olena Sotnyk, Victoria Voitsitska and others. The draft law offers to establish high anticorruption court as first and appellate instance. However, it also does not comply with an important recommendation of the Venice Commission regarding crucial role of international donors in selection of anticorruption judges. The draft law offers to select anticorruption judges through the special selection panel, created by the High Qualification Commission of Judges of judges, law practitioners, experts of international anticorruption organizations, where Ukraine is a member, and experts of international technical assistance projects in the field of fighting against corruption. The HQCJ is given full discretion in creating this special selection panel, while candidates does not have to be nominated by the international donors.
- draft law 7440-4 by Igor Lutsenko, offering to select anticorruption judges through the special selection panel of anticorruption experts, scientists, attorneys of Ukrainian citizenship. The panel has to be created by the High Council of Justice.

However, there are little chances for any alternative draft law to be adopted in the first reading.

The civil society, including AntAC, Ttransperency International Ukraine and the Reanimation Package of Reforms, issued a [statement](#) requesting the President to withdraw his draft law and to immediately submit another draft based on the Venice Commission recommendations.

According to the Rules of Procedure of the Parliament, the President can only withdraw the draft law while it is not included in the agenda of the session; afterwards consent of the parliament is

required for such a withdrawal.