

National Police's actions regarding drawing up administrative reports on corruption-related offences are not regulated

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The authority to draw up reports on committing corruption-related administrative offences is restricted to the officers of the National Agency for Corruption Prevention (NACP) and the National Police. Meanwhile the Security Service of Ukraine (SBU) and the Prosecutor's Office (PGO) were deprived of the right to draw up such reports under the similar articles due to the launch of NACP and coming into force of the Law "On Corruption Prevention". However, the lawmakers kept such right to the Police for unexplained reasons.

The activities of NACP are regulated by the procedures of holding the inspections that have strict instructions on establishing circumstances of committing the offence and guaranteeing the observance of the rights of the subject of offence.

In particular, NACP draws up reports on violation of the financial control requirements based on the full verification of the electronic assets declaration of an individual empowered to perform functions of the state or the local government (Decision of NACP No. 56 of 10.02.2017). In the course of the verification:

- NACP makes a public decision to start the verification stating the corresponding grounds;
- a subject of declaration is informed about the fact of verification launch;
- a subject of declaration has option to submit additional documents and explanations to prove his/her position in the course of verification;
- performance of verification period is limited;
- NACP makes grounded public decision based on the verification results.

The actions of the National Police officials regarding drawing up administrative report under the same article are not regulated, which means a called to account individual does not have the same guarantees of his/her rights.

Moreover, in contrast to NACP, the National Police has no authority to send inquiries to the companies, institutions or organizations that are obligatory for processing and aimed at establishing circumstances of the administrative offence.

As a result, the authorities of the National Police to draw up reports on corruption-article administrative offences allow for abuse and exerting pressure on individuals empowered to perform functions of the state or the local government. We can cite the situations of calling to account Michel Terestchenko, Hlukhiv city Mayor, and Oleksandr Sienkevych, Mykolaiv city Mayor.