

Rada voted for the anticorruption court draft law

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On Thursday, June 7 with 315 votes the Parliament adopted the long-awaited draft law No7440 on anticorruption court.

This is a huge step forward for country's anticorruption reform!

Simultaneously, this draft law No7440 does not actually establish the anticorruption court, but rather describes it. For the actual launch of the court, according to the Constitution, after prior consultations with the High Council of Justice the President has to submit to the Parliament a short draft law with just one article "The High Anticorruption Court is established and based in Kyiv". This draft law should be submitted to the Parliament and approved as soon as possible.

Final text of the draft law is not yet published, we will update the analysis as soon it is done.

The draft law No7440 includes following provisions:

- 1) The Public Council of International Experts will consist of 6 persons. The experts should have an experience in law enforcement and judiciary abroad.
- 2) Participation of dubious candidates in the selection can be stopped by a joint decision of the High Qualification Commission of Judges and the Public Council of International Experts.
3 out of 6 members from the expert panel could initiate joint meeting with the HQCJ should they have concerns regarding certain candidates.
If at least 9 (out of 16) members of the Commission of Judges and 3 (out of 6) members of the Experts Council do not confirm candidate's eligibility for the integrity and professionalism criteria, he/she is excluded from the selection. Expert panel will have right to interview the candidates and will have access to the results of professional tests.
- 3) The competition is open to judges, scholars and attorneys. All extra eligibility requirements were removed.
- 4) Court's jurisdiction will be harmonized with the jurisdiction of NABU. There will be no possibility to transfer these cases to other courts.
However, those NABU cases consideration of which started before the establishment of the anticorruption court will stay in the same courts.
- 5) All anticorruption judges will be provided with a day-and-night security.
- 6) High Anticorruption Court will act as a first instance court for high profile corruption cases. The appeals to be considered by a separate appeal chamber of the same court, staffed with independent judges. The cassation appeals to be considered in the Supreme Court without a special selection of the anticorruption judges.

7) Minimal number of anticorruption judges for the Court to become operational is 35, 10 of which should be the judges of the appeal chamber.

However, the draft law might have a pitfall. Thus, it foresees that the experts can be nominated only by the international organizations with which Ukraine cooperates in the spheres of corruption prevention and counteraction based on the international treaties. It is unclear whether international organisations such as the OECD and the World Bank fall under this wording.