

# The committee decided on NABU auditor in violation of their procedure

06.06.2018

In spite of procedural violations on June 6 Rada Anticorruption Committee interviewed the candidates for NABU auditor position and recommended the Verkhovna Rada to consider at the plenary candidacies of Volodymyr Vasylenko and Thomas Firestone.

According to the procedure, approved in April, the Committee had to decide separately on the admission of candidates to the competition and the date of interviews. However, this was not done: date of the interviews was defined by the acting head of the Committee on his own, while the candidates were admitted to the competition and almost immediately interviewed during June 6 hearing.

Moreover, presence of the Opposition bloc MP Sergiy Dunayev, who usually misses the Committee hearings, was decisive for today's quorum. Dunayev himself is currently under the investigation by NABU regarding declaring false statements. Following request was filed to the Rada by the Prosecutor General. However, on June 6 Rada Committee on Rules of Procedure returned the request back to the Speaker allegedly because Andriy Parubiy did not hand Dunayev the copies of the request and some additional papers.

*It should be noted, that a negative audit finding is a legal basis for the extraordinary dismissal of Artem Sytnyk, incumbent Director of the Bureau, from his post, as well as state budget funding cutback of the independent law enforcement authority. The audit is to be held by the commission made of three representatives nominated by the Government, Parliament, and President of Ukraine.*

See also [technical assessment](#) of NABU as of March 2018, conducted by the team of independent experts.

## **For reference - short bios of the finalists:**

### ***Volodymyr Vasylenko, 81***

Human rights advocate, worked as a judge in the UNO international court and represented Ukraine in the UN Human Rights Council.

A few months ago, MP Oleh Liashko suggested him as a candidate for the position of the NABU auditor. Coincidentally, the MP's declaration information is currently being investigated by the NABU detectives. In 2015, he was delegated to the Constitutional Commission by the Decree of President Poroshenko, along with Mykhailo Buromenskyi, selected as the Cabinet of Ministers quota NABU auditor.

Curiously, if Vasylenko is delegated as auditor from the Parliament, two out of three members of the auditor commission will be human rights advocate.

It is noteworthy that Volodymyr Vasylenko's references come from "Ukrainian Legal Society" NGO, headed by Oleh Valeriyovych Bereziuk. The latter is also co-owner of another NGO - "All-Ukrainian Movement "Force of Law". This NGO is headed by former Yulia Tymoshenko Bloc MP Andrii Senchenko who in 2014 was deputy head a.i. of the President's Administration.

## ***Thomas Firestone***

American, former Assistant U.S. Attorney, Baker & McKenzie LLP partner. Has significant experience in the U.S. pre-trial investigation bodies and the U.S. Attorney Office: he spent 6 years at the Eastern District of New York where he prosecuted organized crime cases, with a focus on corruption- and money laundering-related Russian oligarchs and white collar cases. Served as the lead U.S. prosecutor in the extradition of Pavel Borodin, a Russian government top-official, to Switzerland to face charges of money laundering and embezzlement. Worked with Sergei Magnitsky. Currently he is persona non grata in Russia.

Thomas Firestone was recommended to the post of the NABU auditor by the U.S. Embassy, Transparency International Ukraine, a Ukrainian chapter of Transparency International, global anti-corruption NGO and Prague-based CEELI Institute dedicated to the development of the supremacy of law.