

The law #8490 allows to terminate investigations of high-profile corruption

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On September 18, the Parliament adopted the law [#8490](#) in full.

Presented as an initiative to protect businesses from pressure from the law enforcement bodies, the draft law also opens new opportunities for closing criminal investigations by investigative judges.

The law allows an investigative judge to close any criminal case where a notice of suspicion was not served within established terms. Moreover, request to close the case may come from any third party indirectly involved in the case. For example, any company or individual who was searched in the course of proceeding may request terminating the investigation if deadline for serving a notice of suspicion expired.

Applying to NABU cases, this law allows to close investigations that have no official suspects and have been lasting for more than 18 months by the date the law comes in force. By now NABU claims they managed to succeed in persuading the courts not to close cases, however, this law will create additional serious challenges.

Moreover, a decision of investigative judge to close the case most likely will not be subject to appeal (the law contains two conflicting provisions on possibility to appeal).

These provisions have some history. Deadlines for serving notices of suspicion in pre-trial investigation have been introduced to the Code of Criminal Procedure on October 3, 2017, by the clause known as [Lozovyi's clause](#). For grave crimes the deadline is 18 months. Previously there has been no such deadlines, which gave the investigation more opportunities. However, back in October the MPs attempted to take into account interests of investigation and provided that new deadlines would only apply to new cases (registered after the clause came into effect in March 2018). With the law #8490 these limitations are abolished and notorious clauses will be applied to all cases retrospectively.

It may be suggested that newly adopted law might be applied to such cases as the energy price Rotterdam+ (investigation goes on for 18 months exactly, no notices of suspicion served yet) or the one on Privatbank (also 18 months).