

Ukrainian authorities trying to falsify amendments to the Code of Criminal Procedure with regards to NABU

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The Ukrainian authorities are falsifying amendments to the Code of Criminal Procedure with regards to NABU. The Presidential Administration together with the Parliament are preparing to withdraw from the final text of the draft law #6232 an adopted clause that prohibits the Prosecutor General's Office to transfer unfinished cases against Yanukovich's allies to NABU.

The draft law was adopted by the Parliament on October 3, 2017 as part of the judicial reform, but it is not yet signed by the President.

Effective Code of Criminal Procedure provides that the PGO investigates corruption related cases, opened before the establishment of NABU, for two years from the moment when NABU became operational. This term expires in the beginning of December, 2017. Transferring old cases from the PGO to NABU will allow the authorities to shift on the latter the responsibility for failure to bring to justice allies of Yanukovich. In addition, it will overload NABU with old cases and thus will limit its capacity for effective new investigations.

To prevent this scenario, AntAC together with MPs Olena Sotnyk and Oksana Syroyid initiated an amendment for the second reading of the draft law #6232. The amendment #176 for the Chapter 4 of the draft law abolished time limitation for PGO's powers to investigate cases they opened before NABU creation. This left no opportunity for the PGO to transfer old cases to NABU. This amendment was adopted by the Committee on Legal Policy and Justice on July 10, 2017 and offered for adoption on the plenary as part of the draft law. It was not considered separately on the plenary session and was not rejected; neither this clause was mentioned, rejected or reformulated in second decision of the Committee regarding respective draft law.

The draft law #6232 was adopted in full on October 3, 2017, based on the recommendation of the Committee. The respective clause was part of the draft law, since it was offered by the Committee and was not rejected on the plenary.

However, on November 9 AntAC received final text of the draft law #6232, disseminated by the President's Administration, which does not include the amendment on PGO investigations. This is the clear falsification.