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The global coalition against corruption

Thumbs up for corruption: EU drops plans for independent court in Ukraine

Raphaël Kergueno · Monday, July 17th, 2017

19/07/17 – Update: in response to Ukrainian NGOs the European Commission has issued a letter clarifying the position of President Juncker on the need for progress in tackling corruption in Ukraine and the establishing of a judicial body with responsibility for corruption cases.

On July the 13th, European Commission President Jean-Claude Juncker announced in Kiev that the EU would waive its request for establishing an independent anti-corruption court. He was instead persuaded by Ukrainian President Petro Poroshenko's plan for a far less independent "anti-corruption panel" within the supreme court. The surprise announcement goes against long-standing calls by Ukraine's major NGOs for an independent judiciary body to tackle rampant corruption in the country.

The following is a statement by Transparency International Ukraine to the EU's new ambiguous position:

TI Ukraine opposes the creation of anti-corruption chambers instead of an independent anti-corruption court

Transparency International Ukraine strongly opposes the creation of anti-corruption chambers under existing courts. Ukraine is in need of an independent anti-corruption court. The chapter of the global network is certain that there are no good alternatives to the High Anti-Corruption Court and the system of independent anti-corruption courts in Ukraine.

Today, the President of the European Commission, *Jean–Claude Juncker,* said that he agrees "to create anti-corruption chamber as a part of the Supreme Court", and the Commission has already informed President Poroshenko that " we created an interim solution to the problem."

TI Ukraine is really surprised by the statement of Jean-Claude Juncker. The organization is certain that the Ukrainian authorities misled the European partners by convincing them that the creation of anti-corruption chambers instead of independent judicial institutions is a quick and effective solution to the problem of judicial system in Ukraine.

"Chambers in existing courts will be dependent and subject to the external control. They will not only fail to guarantee fair punishment in corruption cases, but will also become effective instruments in the hands of bribe-takers. It is expected that *the chambers will be formed, actually, by judges currently delaying and obstructing legal cases submitted by the National*

Anti-Corruption Bureau (NABU) and the Specialized Anti-Corruption Prosecutor's Office (SAP)," explained the executive director of TI Ukraine **Yaroslav Yurchyshyn.**

In addition, Ukraine has already developed a strong legal framework for the independent anti-corruption judicial system. Namely, the updated law "On the Judiciary and the Status of Judges" already envisages the launch of the High Anti-Corruption Court of Ukraine. Therefore, the law that has already been adopted should be implemented instead of finding ways to avoid it.

The key elements of the anti-corruption judicial system should be:

- Legal cases submitted by NABU and the SAP should be considered by the anti-corruption court only;
- An Independent Appeal Chamber should be established as a part of the High Anti-Corruption Court;
- Judge candidates must be elected in an open competition. International partners should form the majority of a collegial panel appointing judges;
- Anti-corruption judges shall be provided with a high remuneration. In addition, a sufficient level of security should be ensured for judges and members of their families.

Transparency International Ukraine calls on the Ukrainian authorities to stop playing an intricate game with the European partners and to focus on the launch of the anti-corruption court, as stipulated by law, taking into account the proposed key elements. Also, the organization urges the European partners to be consistent in their demands and not to make any concessions. After all, the consequences of such actions would not be the expected reforms but imitation and imitation only.

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