



**APPLICATION OF
A GUILTY PLEA AMNESTY
AS THE MEANS OF STRUGGLE
WITH CORRUPTION
IN UKRAINE**



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CONCLUSIONS AND HYPOTHESES FOR VERIFICATION

Imperfections and unsystematic changes in the legislation on preventing and combating corruption do not provide grounds for exuding the corruption crimes into a separate system.

All parties of a corruption offense are responsible for it in accordance with the current legislation

But a separate amnesty mechanism for corrupt officials violates the basic principles of justice: non-compliance with the principle of legal equality, which consists in demanding the same position of all people before the law, and the prohibition of discrimination in law on any grounds

In Ukraine, there are institutions of sincere remorse, which provide for the possibility of spontaneous confession immediately after the commission of a crime and concluding an agreement with the investigation in the course of investigative and procedural actions. The procedure of sincere remorse provides for compensation for losses caused to the state, and substantial mitigation or release of the person from punishment

A number of experts believe that the possibility of a guilty plea amnesty is particularly inappropriate in a situation of war, when corruption, especially in matters related to the conduct of military operations, is perceived sharply negatively by society, and there are demands from society to increase the penalty for corruption crimes to life imprisonment



CONCLUSIONS AND HYPOTHESES FOR VERIFICATION

It is suggested that the possibility of a guilty plea amnesty may cause a negative public outcry, the reason of which is the problem of commercialization of justice.

An example of the case of Zlochevsky, who was able to avoid a real prison sentence for trying to pay a bribe of \$6 million to the National Anti-Corruption Bureau of Ukraine leadership. As a result of the agreement with the investigation, Zlochevsky paid the amount that became one of the largest donations to the Armed Forces of Ukraine in Ukraine

However, a number of experts believe that the verdict in the Zlochevsky case is in the public interest, since it contributed to the reduction of the trial in time, and therefore to the reduction of public spending on it, and, most importantly, provided considerable donations to the Defense Forces, which in a full-scale war is directly related to the well-being, stability and security of Ukrainian society

The lack of transparency of the verdict, which was unreasonably confidential and became known to the public only as a result of journalistic investigations, could be an important reason for the formation of public discontent, experts say. In general, the lack of transparency of government actions is one of the reasons for the possibility of corruption, corruption actions and ineffective fight against corruption



CONCLUSIONS AND HYPOTHESES FOR VERIFICATION

Experts believe that the progress made in the fight against corruption in recent years does not satisfy society, as it is too slow. They note the weakness of state anti-corruption institutions related to the specifics of their creation, post-soviet heritage, and personnel problems

The guilty plea amnesty, according to experts, recognizes the weakness of the state anti-corruption system, which is unable to fight corruption crimes, and creates the ground for new corruption actions

The result of the weakness of state anti-corruption institutions is the inefficiency of the work of anti-corruption bodies in the performance of their authority, the imperfection of regulatory legal acts and methodological recommendations, and the accusation of anti-corruption bodies in the formal performance of their tasks only for reporting to external institutions in order to receive an international assistance for Ukraine



CONCLUSIONS AND HYPOTHESES FOR VERIFICATION

Broad law enforcement credentials, material and technical support and a high level of salaries for employees of the National Anti-Corruption Bureau of Ukraine and National Agency for The Prevention of Corruption do not contribute to increasing the detection and investigation of corruption crimes at the highest level of government. Analysis of the Unified State Register of corrupt officials shows that most often the list of corrupt officials included officials of lower and middle levels of legislative, executive and judicial power for violating the requirements of financial control (late submission of declarations), conflicts of interest and bribery. Most often, the punishment of corrupt officials entered in the Register is a fine (86.3% of cases). 56% of all fines is 850 UAH

Experts consider the Institute of whistleblowers, which has recently started to work in Ukraine, to be a promising tool for fighting corruption; it already has a significant number of open criminal implementations, accused court sentences in corruption cases and the first payments of remuneration to whistleblowers. In particular, whistleblowers played a leading role in the Zlochevsky case, as well in the arrest of the chairman of the Supreme Court Knyazev

In the post-war state, according to the expert, the issues of a systematic fight against corruption may fade into the background before other urgent challenges of restoring the state's economy, and this time may be more appropriate for such an amnesty.



EXPERTS

As part of the pilot project, four experts – lawyers who face the corruption issues in their daily work were interviewed



EXPERT 1

Andrij, lawyer, human rights defender, journalist, public and political figure. Chairman of the AMAT Law Association



EXPERT 2

Denis, lawyer, owner of a law office



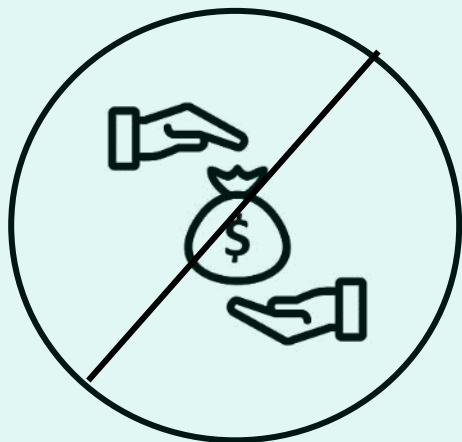
EXPERT 3

Tetiana, lawyer of the public organization "Anti-corruption Center"



EXPERT 4

Valentyn, lawyer of the public organization "Anti-corruption Center"



INSTITUTE OF SINCERE REMORSE



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The institution of sincere (effective) remorse provided by the legislation of Ukraine for all categories of criminally punishable criminal acts, including corruption crimes, an comprehensive list of which is defined in the Criminal Code of Ukraine.

Categories of criminally punishable acts are defined by the Criminal Code of Ukraine which is a normative legal act adopted by the Verkhovna Rada of Ukraine. Criminal Code establishes the grounds and principles of criminal liability, criminality and punishability of acts, grounds for exemption from liability and the degree of punishment depending on the severity of the crime.

Depending on the degree of severity, crimes are divided into crimes of minor, moderate, serious and especially serious crimes

Corruption crimes are intentional socially dangerous acts, the commission of which is associated with the personal usage of power, opportunities provided by official position, in order to obtain personal benefits contrary to the interests of the state and society.

The list of corruption crimes is defined in the Criminal Code of Ukraine

“We have already such institute. In fact, when a person who offered or a person who was offered a bribe, which is the one of the corruption components, voluntarily applies to the law enforcement agencies with a statement that such actions are taking place, then this person is released from criminal liability. But these institutions are not singled out for corruption, they are equally valid for any offenses.” *Expert 1*



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

SPONTANEOUS CONFESSION

Turning yourself in is an outdated legal term

Provides for the application of a person involved in any crime, with a personal voluntary, written or oral, confession about the crime committed, to a law enforcement agency before initiating a criminal case against him

Spontaneous confession provides full and voluntary compensation for material and moral damage caused as a result of illegal actions

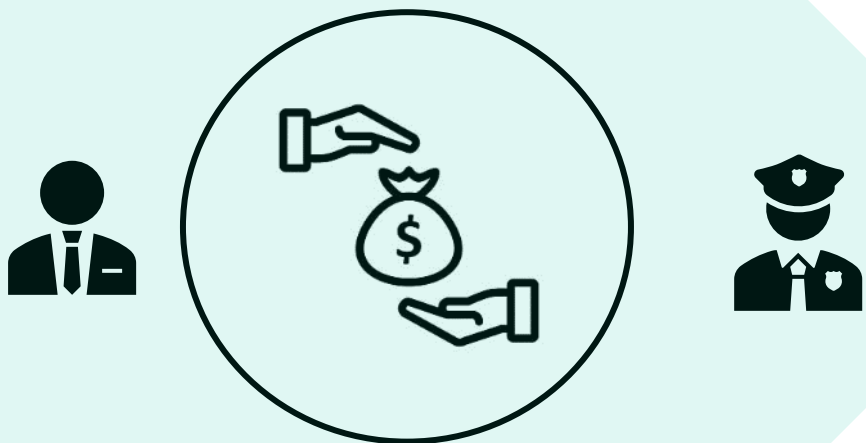
Spontaneous confession is a circumstance that mitigates or, in cases provided for by the law, excludes criminal liability and the initiation of criminal proceedings against the applicant

"The institution of sincere remorse is provided by the Criminal Code of Ukraine. A person who has committed a crime can come and report it, compensate for the damage caused by that crime and, accordingly, when brought to justice, this will be taken into account by the court, and in some cases this person can be released from liability if he has fully compensated for all losses, apologized to the victims, if any exist." Expert 1



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

SPONTANEOUS CONFESSION IN CASE OF A CORRUPTION CRIME



Under the current legislation, all its beneficiaries are responsible for a corruption crime: both the person who takes the bribe and the person who offers it

Both parties to a corruption crime have the opportunity to apply to the anti-corruption authorities with a report on the fact or intention to commit a crime, which will save the applicant from liability for a corruption crime, provided that the illegal benefits received are returned to the state

"In Ukraine, it is provided responsibility for both the person who offers a bribe and the person who takes a bribe. If this person, one of them, applies to law enforcement agencies with a corresponding statement about the incident, then this person is not responsible for the fact that this action will take place or occurred. For example, an official was given the appropriate money for certain results. If this official comes to the police or the National Anti-Corruption Bureau of Ukraine, brings money, and says that he was given a bribe here, then he will not be held responsible." Expert 1



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

NO SPONTANEOUS CONFESSION IN CASE OF A CORRUPTION CRIME

If the fact of a corruption crime is established by law enforcement agencies based on the presence of signs of a crime, a corrupt official must be brought to justice, in accordance with the current legislation, administrative, disciplinary, and criminal measures are applied to him

"If a person took a bribe and did not come to the law enforcement agencies, and, for example, after 2-3 days, law enforcement officers came to that person and said that he has taken a bribe, in this case he will already be responsible, because at that time he is not given the opportunity to confess." Expert 1

If officials of the relevant legal and official institutions, having information about a corruption crime, did not take appropriate measures in a timely manner, they may be held liable for non-performance of official duties

"In case of detection of corruption, anti-corruption measures should be taken; administrative, disciplinary and criminal liability is provided, a corrupt official should be brought. If a person who has become aware of officials who have not taken the appropriate measures provided for by law, this leads to the fact that this official can be held liable precisely for not fulfilling his official duties." Expert 1



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

AGREEMENTS WITH THE INVESTIGATION

In Ukraine, there is a procedure for agreements with the investigation, which provides for the confession, exposure of other participants in corruption actions, compensation for damage caused to the state and provides for a significant reduction in punishment, or, in cases provided for by law, excludes criminal liability

Agreements with the investigation are concluded on the facts of specific corruption crimes proved by the investigation

In order for agreements with the investigation to be effective, a corrupt official must understand the inevitability and severity of punishment so, the effective work of law enforcement and anti-corruption bodies in collecting evidence to expose crimes is essential

"We have the procedure of the agreement with the investigation upon the condition of the exposure of other participants and a guilty plea. For example, the case of the conviction of the Chairman of the Supreme Court. The lawyer, who is his friend, has made an agreement with the investigation. In this case, some amount of money was given as compensation, some amount of money was transferred to the front, and there is some kind of suspended sentence, maybe even no suspended sentence, I don't know for sure." Expert 2

"This procedure of the agreement with the investigation works, specifically for a specific crime, a person can admit his guilt and stop the criminal prosecution at any time. But in order to conclude this agreement, the state machine has to work, investigators and prosecutors has to work and collect conditionally enough evidence for person's understanding the inevitability of the punishment. For example, if he surrenders his accomplices, he can reduce his prison term." Expert 3



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

MOST CASES IN THE HIGH ANTI-CORRUPTION COURT END WITH RELEASE FROM CUSTODY

Most cases in the High Anti-Corruption Court end without imprisonment, but with the release of a corrupt official from custody and a probationary period. Such decisions are made as a result of agreements with the investigation, namely *"plea agreements"* and *"plea and cooperation agreements"*

"In the most cases on corrupt officials in the High Anti-Corruption Court, it happens that individuals are not responsible in the form of imprisonment. In some cases, they receive imprisonment with a probationary period, that is, in fact, the person is released when admitting his guilt, and is on probation, therefore, such plea agreements exist." Expert 1

The plea agreement provides for an agreement for the person in the recognition of the commission of a crime

The plea and cooperation agreement provides for an agreement in addition to admitting the commission of a crime, giving evidence against other persons



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

THE MECHANISM OF COMPENSATION OF THE LOSSES TO THE STATE AND DECISIONS ON THE PROPERTY OF A CORRUPT OFFICIAL ARE PROVIDED BY THE CURRENT LEGAL MECHANISMS

The agreement with the investigation and punishment in the form of a probationary period provides the return to the state budget of funds (these are the amount of bribes, fines, administrative and court costs) and property objects received by a person as a result of corruption actions

"At the same time, they pay the amount of damage caused by the corruption component, that is, the amount of bribes and fines. Illegally obtained property is transferred to the state income, and for today, this institution also works at such way." Expert 1



In the situation of a corruption crime, a person's property is seized within the framework of existing legal mechanisms. In the future, if the court verdict is guilty, full or partial confiscation of property is possible

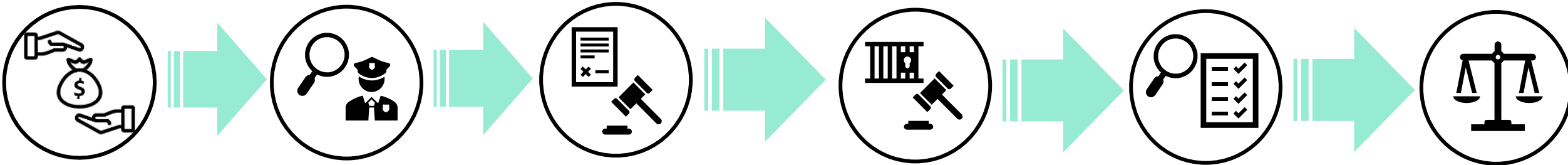
"What are these six months for? Why they have to return everything? This is not entirely clear for me. There is a corruption crime, there is a person's property, it is seized within a certain legal mechanism, everything is already taken away. If the case goes to court and the verdict is really guilty, then there may be confiscation of property or of half of the property exist." Expert 2

A person is recognized as convicted only during the probationary period, during which period he is monitored, and social and educational work is carried out by the authorized probation body at the place of residence. At the end of the probationary period, a person is considered not convicted



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

THE CURRENT LEGAL MECHANISM OF CRIMINAL PROCEEDINGS PROVIDES FOR LEGAL LIABILITY, PREVENTIVE MECHANISMS AND TAKES INTO ACCOUNT THE POSSIBILITY OF REMORSE



Corruption actions or involvement to corruption actions were carried out

Statement of the corruption crime; Start of investigative actions; Collecting of the evidence

Presentation of suspicion; Suspect status; Possible seizure of property

Possible precautions

- remand in custody
- house arrest
- surety
- without any preventive measure

Investigative actions; High-quality evidence base of the crime

Indictment; Court; Verdict; Possible confiscation of property

Spontaneous confession

The plea agreement
The plea and cooperation agreement



"No one forbids a person to come and say, for example, I committed a crime, I took a bribe or I committed some other illegal activity. This Institute exists, it is registered." Expert 1



MECHANISMS OF THE INSTITUTE OF SINCERE REMORSE

ACCORDING TO ALL THREE EXPERTS, THE PROCEDURES OF SPONTANEOUS CONFESSION AND THE PLEA AGREEMENT ARE SIMILAR TO A GUILTY PLEA AGREEMENT ON THE CONTENT AND THE CONSEQUENCES

"The same thing, in fact, only without the word "amnesty". I don't quite understand the difference between this amnesty and the agreements that are being concluded." Expert 2

"A plea agreement can be concluded. Then a sentence is provided, in which, perhaps, there is no criminal punishment of the person who committed the crime." Expert 3

In the fight against corruption, a plea agreement can be a systematic tool that allows to expose the large-scale corruption schemes and bring their participants to justice

"An agreement, but with exposure. If you expose someone, there are no questions to you, we start solve your problems. The people whom you expose to us, or the scheme that you expose, your help to the court, we are interested in it, and we draw up an agreement." Expert 2

The ability to reduce the severity of the inevitable punishment for each corruption episode proved by the investigation affects the willingness of a corrupt official to cooperate with the law enforcement system more fully

"So, he has been prisoning for 12 years, but he comes out of jail and is already going free." Expert 2



CAPITAL AMNESTY



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CAPITAL AMNESTY & GUILTY PLEA AGREEMENT

SUBSTITUTION OF THE CONCEPT OF GUILTY PLEA AGREEMENT BY THE CONCEPT OF CAPITAL AMNESTY

According to the two experts, the guilty plea amnesty is a well-known international experience, a mechanism for money laundering, which allows to the person to declare all income received before a certain date

Provides the submission of zero declarations. The zero declaration does not indicate information about the sources of receipt by the declarant of the objects of declaration, only the objects themselves and the corresponding amounts are given.

In some countries, capital amnesty is associated with the decriminalization of certain areas of economic activity

"Yes, this happened in many countries of the world, when corrupt officials were given the opportunity to declare their income, the so-called zero declarations, and pay taxes. This is one example of how the amnesty took place, and in some countries the amnesty was associated with the decriminalization of certain points. "Expert 1



VISION OF CAPITAL AMNESTY

A ONE-TIME TAX AMNESTY FOR CAPITAL WAS IMPLEMENTED IN ACCORDANCE WITH THE LAW OF UKRAINE NO. 1539-IX From 15.06.2021



The procedure for capital amnesty, submission of a voluntary declaration, subjects of submission and tax rates are regulated by the law of Ukraine “On amendments to the tax code of Ukraine for the stimulating the de-shadowing of income and improving the tax culture of citizens by introducing voluntary declaration of assets belonging to them by individuals and paying a one-time fee to the budget”, adopted on 15.06.2021

The law provides an amnesty of capital for a certain circle of individuals, they were able to voluntarily declare their shadow assets from September 1, 2021 to September 1, 2022, paying a fee for them.

The result of such actions is the legalization of declared assets

Persons who have the right to a one-time declaration, but have not used it, are considered to have notified the supervisory authority that they do not own assets from which taxes have not been paid as of the end date of the declaration period



VISION OF CAPITAL AMNESTY

THE CAPITAL AMNESTY: A SIGNIFICANT ECONOMIC EFFECT FOR THE STATE AND A CHANCE TO LEGALIZE ILLEGAL WEALTH, AVOID TAX AND OTHER PROBLEMS FOR THE CITIZENS

Paying additional tax revenues, fines and administrative fees to the state budget provides the state with a significant economic effect and the possibility of real GDP growth

Citizens get a chance to legalize illegal wealth, avoiding punishment

At the same time, if a person is included in the Register of corrupt officials, he is removed from it

Legalization of income is mandatory when civil servants go through the lustration procedure

"First of all, this would have an economic effect for the country, since the corresponding taxes would fall into the state budget and, secondly, it concerns the direct attribution to the created, for example, among other things, The Register of corrupt officials for the possibility of lustration in the future." Expert 1



VISION OF CAPITAL AMNESTY

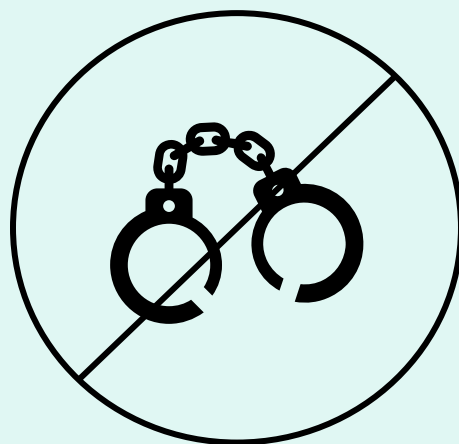
SUCCESSFUL IMPLEMENTATION OF A ONE-TIME TAX AMNESTY UNDER MARTIAL LAW

Submission of a "zero" one-time (special) voluntary declaration was possible by means of internet communication through the taxpayer's electronic cabinet, however, according to the expert, the implementation of this service was technically imperfect, and applicants could not file a declaration for a long time, sometimes during the months

"The launch of such programs as declarations is due to the fact that for months it was impossible to access to the program and formulate that declaration correctly." Expert 2

According to open sources, during martial law, assets worth more than UAH 1 billion were declared as part of the capital amnesty, which, according to some experts, indicates the readiness and desire of businesses to partner with the state. :

<https://www.epravda.com.ua/columns/2022/06/1/687682/>



GUILTY PLEA AMNESTY



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VISION OF GUILTY PLEA AMNESTY

DUBIOUS ATTITUDE TO GUILTY PLEA AMNESTY AS AN EFFECTIVE MECHANISM FOR COMBATING CORRUPTION

Offense



Existing features



Additional features

Corruption actions
Involvement in corrupt practices



Spontaneous confession

The plea agreement

Capital amnesty

GUILTY PLEA
AMNESTY



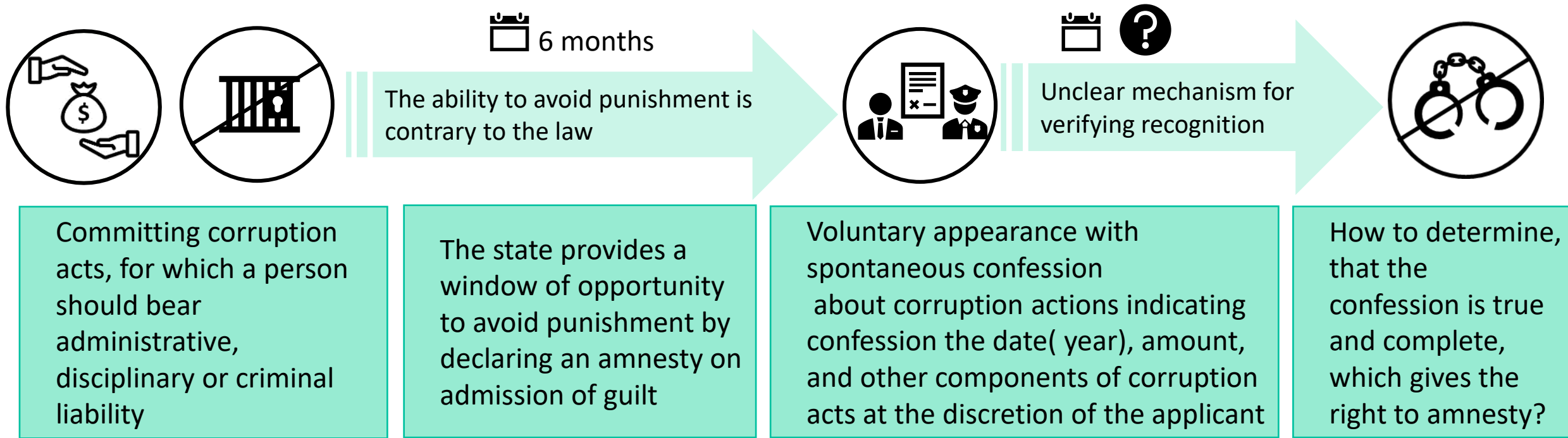
"Ukraine has all the conditions for eliminating the corruption, but is the issue of resistance to corruption being resolved?" Expert 2





VISION OF GUILTY PLEA AMNESTY

THE GUILTY PLEA AMNESTY DOES NOT TAKE INTO ACCOUNT MODERN UKRAINIAN REALITIES. IT HAS CONTRADICTIONS WITH THE CURRENT LEGISLATION AND DOES NOT HAVE SUFFICIENT LEGISLATIVE MECHANISMS



"First of all, this situation is torn off from the current Ukrainian realities." Expert 2

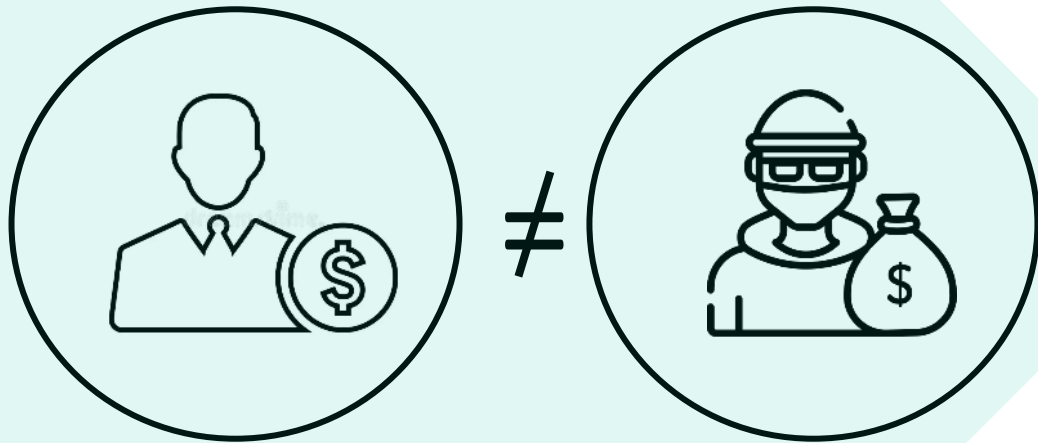
"This will lead to the fact that this person simply escapes responsibility and avoids this responsibility. If a fact of corruption is found, in accordance with the current legislation, proceedings of the relevant jurisdiction, administrative or disciplinary, or criminal, should be initiated, and the person should be held accountable, as provided for by law." Expert 1



VISION OF GUILTY PLEA AMNESTY

A SEPARATE MECHANISM OF GUILTY PLEA AMNESTY FOR THE CORRUPT OFFICIALS VIOLATES THE PRINCIPLES OF LEGAL EQUALITY, WHICH CONTRADICTS THE CURRENT LEGISLATION OF UKRAINE

Leveling the principle of equality before the law



Non-compliance with the principle of legal equality, which consists in requiring the equal rights of all people before the law

Non-compliance with the principle of prohibition of discrimination in law. Discrimination occurs when a person or group of people receives fewer rights, opportunities, or benefits than other members because of their characteristics

Non-compliance with Article 24 of the Constitution of Ukraine, which guarantees equal constitutional rights and freedoms and equality of citizens before the law

"Why a corrupt official is given the preference to repent? In this case he is the same as a robber. It is clear that he committed a crime, came, repented, returned the property that was stolen... Similarly, the person who committed the theft repented, compensated all losses, paid material losses that were caused, compensated for all legal costs that were incurred in this criminal proceeding, and this person in the future, taking this into account, may be given a less severe penalty or even released from punishment." Expert 1



VISION OF GUILTY PLEA AMNESTY

WEAKNESS OF THE STATE ANTI-CORRUPTION SYSTEM AND CREATING A BASIS FOR NEW CORRUPTION CRIMES

Maintaining a separate amnesty mechanism for corrupt officials, according to the experts, recognizes the weakness of anti-corruption state institutions that are not able to ensure compliance with the requirements of anti-corruption legislation

It is suggested that the amnesty may become an impetus for the activation of corruption offenses, since a proposed mechanism allows reducing the risk of punishment, admitting guilt at its own discretion and not incurring any responsibility, neither criminal, administrative, disciplinary, political, moral, nor ethical



"This is not a fight against corruption, it is, in fact, a substitution of concepts, when simply conditions are created under which, on the one hand, the law enforcement agency proves that it is not able to prove the existence of this corruption crime, and on the other hand, this person simply finds himself in such conditions in which it is easier for him to somehow disown the state, admit something there, and continue his life calmly." Expert 2.

"If someone gets rid of responsibility by admitting corruption, is this a safeguard for other participants, other corruption crimes, corruption actions? If someone commits acts of corruption and sees that someone else has admitted guilt and received an exemption from liability, they can also continue to act, expecting that they also, in extreme cases, admit guilt and will not bear any responsibility." Expert 2



VISION OF GUILTY PLEA AMNESTY

GUILTY PLEA AMNESTY IT DOES NOT TAKE INTO ACCOUNT THE CRIMINAL PSYCHOLOGY OF CORRUPTION AND DOES NOT CONTRIBUTE TO THE SYSTEMATIC PREVENTION OF CORRUPTION CRIMES

It was emphasized that in jurisprudence there is a classic thesis that it is not even the severity of punishment that prevents a crime, but the inevitability of punishment – this is the main preventive mechanism of any offense

"During the time of the Soviet Union, there was such a thesis that preventing the crime is not an understanding of the severity of punishment, but an understanding of the inevitability of punishment." Expert 2

The expectation of voluntary confession of a criminal who deliberately commits a serious criminal offense is often not justified

"I don't understand how it works. I don't see such a mechanism, I've never heard of it, because it's impossible. It is necessary to intimidate a person, it is necessary to say that with the basis of the investigation, we believe that you..." Expert 2



"Such an amnesty is not a good idea, because it is not a preventive mechanism. It is wrong to approach the understanding of the psychology of criminals, which, allegedly, should be in them, the desire, and not the incentive to confess. This is not a crime that is committed unconsciously. A person knows that he is committing a criminal activity. A crime can be stopped when a person knows that punishment will inevitably come." Expert 3



VISION OF GUILTY PLEA AMNESTY

PARTICIPATION IN A GUILTY PLEA AMNESTY OF HIGH-RANKING OFFICIALS INVOLVED IN HIGH-PROFILE CORRUPTION SCANDALS

The opinion was expressed that an important factor in the implementation of the guilty plea amnesty may be public attention to the top persons involved in high-profile corruption scandals, if they take part in the confession. But the expert believes that this is unlikely

One of the important reasons is the statute of limitations for some high-profile corruption crimes, according to which cases are closed, which excludes coverage of all corruption actions of a person in the past and contradicts the stated concept of amnesty

"I think that at first there should be examples, someone should do it, repent, as they say. Although it would be interesting to see this, but I do not think that anyone, especially from top officials, when there were previously the same corruption scandals that have already been closed due to the statute of limitations, how they will come with repentance to people and compensate for the losses that were caused to society and the state." Expert 1

According to the expert, the spontaneous confession concerning the past undisclosed corruption crimes both in the inner circle of the corrupt official and in the minds of many citizens of post-soviet countries will be perceived not as a manifestation of sincere repentance, but as a reason to doubt the mental health of the applicant



"The first thing that will be done to him is to send him for a psychiatric examination, because society will not perceive this as a manifestation of repentance in reality." Expert 1



VISION OF GUILTY PLEA AMNESTY

REFUSAL OF CORRUPT OFFICIALS TO RECOGNIZE THE FACT OF A CORRUPTION CRIME AND TRYING TO AVOID PUNISHMENT (FROM THE EXPERTS' OWN PROFESSIONAL EXPERIENCE)

In practice, corrupt officials usually do not recognize the fact of a corruption crime until the last moment and try to avoid punishment by using numerous opportunities and resources, including illegal ones.

According to the expert, most of the corrupt officials do not have a sufficient level of conscience, personal and civil virtues to repent to society of corruption offenses. However, it is possible that a certain number will prefer voluntary recognition in exchange for an amnesty

"In the most cases, I do not think that the consciences of certain individuals, as corrupt officials, have such a high level of virtues that this will lead to such repentance to society, although I do not exclude certain individuals who can do this." Expert 1

Influential corrupt officials have significant material, administrative and other resources to influence the course of the investigation and judicial authorities and actively use them to avoid punishment

"If we are talking about super official corruption, people fight to the last, delaying the process, using various tricks. Or they can avoid criminal liability in another way, because they have a super expensive advocacy, other resources, political influence, and the ability to use some other corruption schemes." Expert 3



VISION OF GUILTY PLEA AMNESTY

DEPENDENCE OF THE QUALITY OF IMPLEMENTATION OF THE GUILTY PLEA AMNESTY ON THE QUALITY OF WORK OF ANTI-CORRUPTION AND LAW ENFORCEMENT AGENCIES ON EVIDENTIARY EXPOSURE OF CORRUPTION CRIMES

To qualify for an amnesty, the recognition must be complete, verified and confirmed, only the victim's statement or the assumptions of the anti-corruption authorities are not enough to be sure of this, there must be a working mechanism for processing and verifying the data provided by the applicant

In any case, there is still enough space for agreements, and in case of dishonesty there are manipulations and abuses both on the part of corrupt officials and on the part of anti-corruption bodies, since it is difficult to collect the evidence base for each episode of corrupt actions. Sometimes, even if there are signs of a corruption crime, it is impossible to prove its fact in the legal field

"The promise of an amnesty does not remove responsibility from anti-corruption bodies. All the same, the investigative authorities should work and collect sufficient evidence." Expert 3

"If there is particular money, if someone is exposed on bribes, so called illegal benefits, this is one story, this is more or less obvious, but it is not always obvious. In other cases, it is not always possible to prove that some money is behind all this." Expert 1

"There are some particular things, there are particular corruption actions that are visible, which can be proved or whether it is difficult to prove, whether it is impossible to prove at all, and there are some agreements within this framework. It is impossible to calculate that for 10 years you earned an average of a million dollars a year, so how do they know that there was a million? There must be a specific fact, and an agreement is being reached on this specific fact. Otherwise, justice will not solve anything at all." Expert 2



VISION OF GUILTY PLEA AMNESTY

THE NEED TO DEVELOP AND ADOPT A LAW OF GUILTY PLEA AMNESTY BY THE VERKHOVNA RADA

The expert expressed the opinion that, despite on the significant conceptual shortcomings, both fundamental and technical, a guilty plea amnesty can be recognized by the Verkhovna Rada as an effective mechanism and an effective means of replenishing the state budget

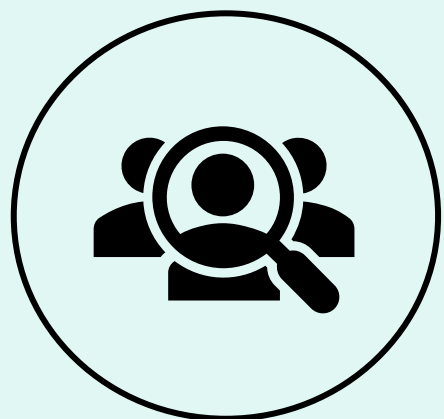
"If one day the Verkhovna Rada decides that this is an effective mechanism, it is realistic to introduce it into Ukrainian legislation and there will be no violations." Expert 3

In this case, a corresponding draft law of amendments to the law of Ukraine "On the application of amnesty in Ukraine" should be developed; existing fundamental technical and legal conflicts with current regulatory legal acts should be eliminated; and after that the newly created draft law should be adopted by the Verkhovna Rada and integrated into Ukrainian legislation



"The term "amnesty" that complies with the legislation of Ukraine means the unconditional removal of criminal liability in accordance with the Presidential Decree." Expert 3

In particular, the legal terminology should be revised, since the term "amnesty" is spelled out in Ukrainian legislation, has a different meaning and other implementation mechanisms than those provided for by the amnesty on guilty plea



ANTI-CORRUPTION POLICY OF UKRAINE



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ANTI-CORRUPTION POLICY OF UKRAINE

STRUCTURE OF ANTI-CORRUPTION BODIES OF UKRAINE: SUBJECTS OF POLITICAL DECISION-MAKING

Experts identify the following public authorities that form and implement anti-corruption policies

I. SUBJECTS OF POLITICAL DECISION-MAKING



VERKHOVNA RADA OF UKRAINE - Committee on preventing and combating corruption



CABINET OF MINISTERS OF UKRAINE - government officer for anti-corruption policy



PRESIDENT OF UKRAINE - National Council for anti-corruption policy

"We can name all three branches of government that exist. The legislative power, that is, the Verkhovna Rada of Ukraine adopts relevant laws that are designed to implement the fight against corruption in Ukraine and eliminate corruption factors that exist; the executive power, the Cabinet of Ministers of Ukraine, which directly creates and provides legislative projects, as well as implements through its bodies anti-corruption programs that were adopted at the legislative level. The President, in accordance with the Constitution of Ukraine, submits relevant legislative acts to the Verkhovna Rada, and immediately after their adoption, signs or vetoes them." Expert 2



ANTI-CORRUPTION POLICY OF UKRAINE

ANTI-CORRUPTION BODIES OF UKRAINE: SPECIALLY AUTHORIZED STATE STRUCTURES IN THE FIELD OF ANTI-CORRUPTION, OTHER RELATED STATE STRUCTURES

II. SPECIALLY AUTHORIZED ENTITIES IN THE FIELD OF ANTI-CORRUPTION



- NATIONAL ANTI-CORRUPTION BUREAU OF UKRAINE
- SPECIALIZED ANTI-CORRUPTION PROSECUTOR'S OFFICE
- THE SUPREME ANTI-CORRUPTION COURT
- NATIONAL AGENCY FOR THE PREVENTION OF CORRUPTION

"The most important thing now is that the Supreme Anti-Corruption Court was created and have already worked for a certain period of time. Its specialization in this category of cases is the National Anti-Corruption Bureau of Ukraine, which carries out pre-trial investigation in this area; and the Specialized Anti-Corruption Prosecutor's office, which provides procedural guidance on pre-trial investigation as representation of the prosecution in the High Anti-Corruption Court." Expert 1

III. OTHER STATE ANTI-CORRUPTION BODIES IN UKRAINE

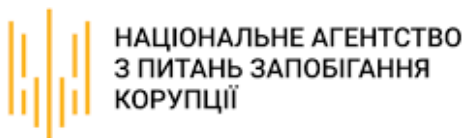
- Prosecutor's offices
- Security service of Ukraine
- State Bureau of Investigation
- Bureau of economic security of Ukraine
- Bodies of the National Police of Ukraine – investigative units and strategic investigation units

"In Ukraine, there is a prosecutor's office that represents the state prosecution both in the courts and provides procedural guidance to the police and relevant structures, which has now been created, which also perform their functions." Expert 2



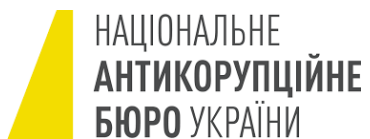
ANTI-CORRUPTION POLICY OF UKRAINE

POWERS AND RESPONSIBILITIES OF ANTI-CORRUPTION BODIES



НАЦІОНАЛЬНЕ АГЕНТСТВО
З ПИТАНЬ ЗАПОБІГАННЯ
КОРУПЦІЇ

National Agency for The Prevention of Corruption performs a preventive function, in particular, it performs a special check on the veracity of government officials declarations, checks the compliance of their expenses with the income declared in the declarations. If violations are detected, the case materials are transferred to the National Anti-Corruption Bureau of Ukraine



НАЦІОНАЛЬНЕ
АНТИКОРУПЦІЙНЕ
БЮРО УКРАЇНИ

National Anti-Corruption Bureau of Ukraine is the a law enforcement agency with broad law enforcement powers, responsible for preventing, detecting, stopping and disclosing corruption offenses. Its main task is to identify and investigate corruption crimes at the highest level of government



СПЕЦІАЛІЗОВАНА
АНТИКОРУПЦІЙНА
ПРОКУРАТУРА

Specialized Anti-Corruption Prosecutor's Office monitors compliance with the law during operational search activities, as well as investigations conducted by the National Anti-Corruption Bureau of Ukraine, supports the state prosecution in these proceedings and represents the interests of Ukrainians and the state in the courts in the process of considering crimes related to corruption



ВИЩИЙ
АНТИКОРУПЦІЙНИЙ
СУД

The Supreme Anti-Corruption Court mainly considers cases in which the preliminary investigation is carried out by the National Anti-Corruption Bureau of Ukraine on the basis of the procedural guidance of the Specialized Anti-Corruption Prosecutor's Office



ANTI-CORRUPTION POLICY OF UKRAINE

INDEPENDENT BODIES AND INSTITUTIONS INVOLVED IN THE FIGHT AGAINST CORRUPTION

Advocacy, *“which, as in every state governed by the rule of law, is an independent body that helps Ukraine be a state governed by the rule of law” (Expert 2)*

Mass media *“that conduct journalistic investigations and expose corruption” (Expert 2)*

Public Associations(NGOs), *“civil society bodies that directly exercise public supervision, including exposing corruption and focusing on certain problems that exist in public authorities.” (Expert 2)*



Separately, experts highlighted the recently established Institute of corruption whistleblowers in Ukraine, which they consider powerful and effective



ANTI-CORRUPTION POLICY OF UKRAINE

SUCCESSFUL INTERNATIONAL EXPERIENCE OF THE INSTITUTE OF CORRUPTION WHISTLEBLOWERS

An effective mechanism has been launched in Ukraine that allows every citizen to become a whistleblower of corruption and receive a reward in the amount of 10% of the amount of illegal benefits of the person whose corruption crime is being exposed



"I can say that this is really effective, and there is an institution of corruption whistleblowers in many countries of the world." Expert 1

Remuneration is paid in the event of an accused court verdict after the verdict comes into the force

Despite the fact that the Institute of whistleblowers has started working relatively recently, it already has a significant number of open criminal proceedings, accused court sentences in corruption cases and the first payments of remuneration.

"We have a completely new institution, when whistleblowers receive a reward, respectively, a percentage of the amount of illegal benefits that a corrupt official receives. For example, if it is a bribe taker, the whistleblower receives the corresponding percentage in the future of remuneration. And there are already examples when the remuneration was received by the relevant person only after the verdict comes into force, and now there are the first payments that the whistleblowers received." Expert 1

"Every citizen can be a whistleblower of corruption, and this institution is only now gaining momentum, growing. Citizens apply to the relevant competent authorities related to the revealed fact of corruption, and in the future these corrupt officials are really brought to justice." Expert 2



ANTI-CORRUPTION POLICY OF UKRAINE

THE FIRST MOST RESONANT EXPOSURE OF THE HIGHEST OFFICIAL IN THE JUDICIAL BRANCH OF GOVERNMENT FOR THE ENTIRE PERIOD OF ACTIVITY OF THE NATIONAL ANTI-CORRUPTION BUREAU OF UKRAINE AND SPECIALIZED ANTI-CORRUPTION PROSECUTOR'S OFFICE TOOK PLACE WITH THE ASSISTANCE OF CORRUPTION WHISTLEBLOWERS

According to the expert, the detention of the chairman of the Supreme Court Vsevolod Knyazev, at which the expert was present, was carried out with the participation of corruption whistleblowers, which is indisputable proof of the effectiveness of this institution.

"And I can say from my experience that in reality such institutions as whistleblowers of corruption are operating, and now we can see the high-profile cases with the well-known persons. In particular, as example, is the detention of the chairman of the Supreme Court of Ukraine. I was present at the detention as a lawyer who cooperates with the Regional Center for free legal aid." Expert 1

The rapid and powerful start of the Institute of whistleblowers gives reason to hope for its further effectiveness in exposing corruption components, schemes, and connections at the highest levels of state power, which will allow bringing corrupt officials from the circle of high-level officials to justice.

The expert notes that whistleblowers involve lawyers and advocates in their activities, in particular, as an advocate, he had to represent the interests of whistleblowers in the court



ANTI-CORRUPTION POLICY OF UKRAINE

FIGHTING CORRUPTION IN PUBLIC PROCUREMENT WITH THE PROZORRO SYSTEM IS AN EXAMPLE FOR MANY COUNTRIES

prozorro

Prozorro is an electronic public procurement system, an open online platform where state and municipal customers announce tenders for the purchase of goods, works and services, and business representatives compete at open auctions for the opportunity to fulfill these state orders.

Prozorro was created in Ukraine in 2016 after the revolution of dignity at the request of overcoming corruption in the field of public procurement, which by that time was as closed and corrupt as possible

"Everyone is already used to the fact that there is a need to make some kind of kickback from each budget payment." Expert 2

The expert believes that Prozorro is an exemplary systematic tool for overcoming corruption in the field of public procurement, as it meets the requirements of equality of all participants before the law, maximum transparency and accessibility of information for all interested parties, and the inevitability of a fairly rapid punishment for violating public procurement procedures.

"The situation that will overcome corruption has to be a system. These are working mechanisms which are an equality of all before the law, maximum transparency and inevitability of punishment for violations. An exemplary tool that is an example for many other countries is the PROZORRO system. It is based on a system of transparency, there is the most understandable mechanism for equality of all participants and maximum availability and transparency of information." Expert 3



ANTI-CORRUPTION POLICY OF UKRAINE

A UNIFIED STATE REGISTER OF PERSONS WHO HAVE COMMITTED CORRUPTION OFFENSES

The unified state register of persons who have committed corruption or corruption-related offenses (Register of corrupt officials) is a portal that contains information about all individuals and legal entities who have committed corruption offenses

<https://corruptinfo.nazk.gov.ua/>

НАЦІОНАЛЬНЕ АГЕНТСТВО
З ПИТАНЬ ЗАПОБІГАННЯ КОРУПЦІЇ

База знань НАЗК

ЄДИНИЙ ДЕРЖАВНИЙ РЕЄСТР
осіб, які вчинили корупційні або пов'язані з корупцією правопорушення

Головна сторінка Довідки Аналітика Пошук **Відкритий API**

СТАТИСТИКА РЕЄСТРУ **ВЕСЬ ПЕРІОД** ВИБРАТИ ПЕРІОД

47420
Всього записів у реєстрі

15694
за кримінальними правопорушеннями

29626
за адміністративними правопорушеннями

64
без зазначення категорії справи (внесені до 2019 року)

2039
за дисциплінарними правопорушеннями

рік	кількість справ, доданих за рік
2010	9
2011	1675
2012	4132
2013	3272
2014	2744
2015	2601
2016	2014
2017	2543
2018	4304
2019	5182
2020	5249
2021	6850
2022	2585
2023	1586
Джерело: НАЗК	44746

<https://www.epravda.com.ua/news/2023/10/3/705021/>

The National Agency for the Prevention of Corruption has been administering this Register since February 2019



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS



RESEARCH.UA



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

INSUFFICIENTLY EFFECTIVE ACTIVITIES OF ANTI-CORRUPTION BODIES IN UKRAINE

Experts believe that over the past 10 years, Ukraine has had an obvious positive trend in the fight against corruption, such as an improved anti-corruption legislation, established anti-corruption bodies and effective anti-corruption institutions, such as the Institute of whistleblowers, the public procurement mechanism has been significantly improved thanks to the Prozorro system, and a Register of corrupt officials is being maintained

"We can say that the dynamics are positive, because over the past 10 years, due to a large public demand and, to a certain extent, due to external pressure, Ukraine has made progress in the fight against corruption due to the change of many institutions, the introduction of new anti-corruption rules. We can say that it has become better, but not yet perfect." Expert 3

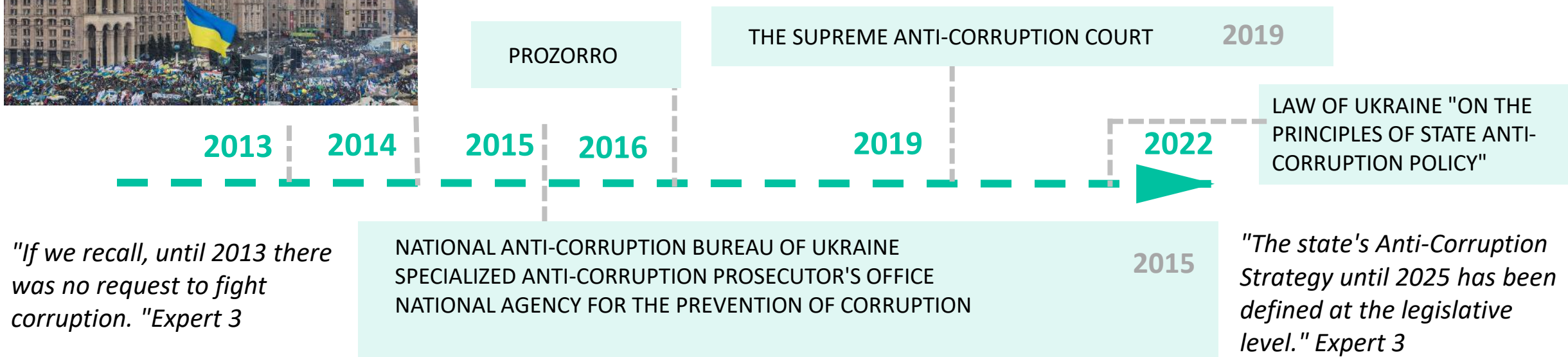
A significant part of anti-corruption innovations is based on the successful experience of fighting corruption in other countries

"We borrow it. The same institutions of whistleblowers, the same creation of appropriate anti-corruption bodies and, accordingly, the creation of legislation that allows this to work and effectively create the fight against corruption in Ukraine." Expert 1



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

CREATION OF THE UKRAINE'S ANTI-CORRUPTION INFRASTRUCTURE IN A SHORT TIME, UNDER INTERNAL AND EXTERNAL PRESSURE, OVERCOMING POLITICAL RESISTANCE



According to experts, in fact, half of Ukraine's anti-corruption infrastructure was created, firstly, to fulfill the request of civil society to fight corruption, and, secondly, under the pressure of the desire to get a visa-free regime with the EU as soon as possible in an extremely short time during 2014-2016

"We have two drivers, such as, an internal request and an external factor of the prospect of EU membership, and in fact, all anti-corruption reforms were carried out as a result of our Euro-Atlantic aspirations. In addition, there was a lot of political resistance, and state institutions turned out to be weak." Expert 3



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

PERSONNEL PROBLEMS

According to the expert, the weakness of state anti-corruption institutions is primarily due to personnel problems. It is noted that the structures do not have sufficiently competent managers and untrained specialists who are knowledgeable in general theoretical issues, have studied the necessary theses, tests, but do not have applied knowledge, skills, appropriate qualifications and experience

«НАЗК. По-перше, абсолютна некомпетентність людей, які там працюють. Абсолютно некомпетентний керівник. Не завжди розуміють запитання, прикладні, не загальні запитання. Не розуміють, про що взагалі запитують.» Експерт 2

Non-professional documents and guidelines, they have no practical benefits and contradict each other

"The documents that they allegedly have made. I had to come across their so-called methodological recommendations. They contradict each other. And when I ask them direct questions, they don't even understand what I'm talking about." Expert 2



Electronic services are imperfect, often fail, and do not work for a long time

"The registry and the database through which declarations are submitted do not work well, and a person cannot submit a declaration for months due to extra effort. Lots of other questions. In my opinion, this is completely unprofessional." Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

IMPERFECTION OF PERSONNEL SELECTION

According to the expert, the criteria for personnel selection were significantly influenced by the orientation towards Ukraine's international partners. Knowledge of English language, participation in the international organizations and projects, and civic engagement became priorities. Thus, people with another professional experience, without basic specialized education, who are familiar with the issues of preventing and overcoming corruption at the level of studying tests, have got into the anti-corruption structures

Sometimes personnel decisions were those that discredited anti-corruption bodies. But, the expert believes, it is precisely the need to coordinate the appointment of heads of anti-corruption structures with international partners who are not familiar with the biographies and professional path of candidates, has made such mistakes possible

The opinion was expressed that such appointments occur through non-transparent competitions, which indicates the imperfection of the system, which should be improved

"The participation of foreigners in these programs, in my opinion, also not only did not help, but on the contrary, people were chosen without the opportunity to test their professional knowledge, purely by some career twists and turns, the level of knowledge of a foreign language, with their participation in events in the third sector, such as public and non-governmental organizations." Expert 2

"I think that the representatives of the foreign countries who have taken part in the contest, the ambassadors of foreign states, were not interested in publicly admitting their mistake." Expert 2



"This is precisely because the moments are not fully realized. Sometimes it happens that people get into certain positions, even in anti-corruption bodies, through non-transparent elections and competitions." Expert 1



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

DISCREDITING PERSONNEL DECISIONS

The expert notes that personnel decisions regarding the leadership of the National Anti-Corruption Bureau of Ukraine (NABU) provided Ukrainian society with good reasons to consider this structure as corrupt and non-transparent. The head of the National Anti-Corruption Bureau of Ukraine, who close to the family of former President Yanukovich, was included in the Register of corrupt officials for participating in large-scale corruption schemes of the Yanukovich era, but he continued to head NABU; then he has started his job in the National Agency for the Prevention of corruption

The deputy head of the NABU was repeatedly involved in corruption scandals in the mass media and was accused by journalists of receiving illegal benefits for helping corrupt officials avoid punishment, but this did not affect his career as the head of the anti-corruption structure

"If the Head of the National Anti – Corruption Bureau was included in the Register of corrupt officials and continued to be the Head of the National Anti-Corruption Bureau, and after his dismissal started to work in the National Agency for the Prevention of Corruption, this is not profanity at all, everything that happens in the so-called anti-corruption programs?" Expert2

"I do not know this, but I absolutely believe that he solved various problems for money for the so-called corrupt officials. And the one who is in the Register of corrupt officials headed everything." Expert 2





EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

INSTITUTE OF VOLUNTARY REMOVAL FROM OFFICE IN UKRAINE

It is noted that in Ukraine the institution of voluntary removal from the post or resigns of the person who has involved in high-profile public scandals, including corruption, and widely disclosed in the media. As a rule, officials tend to hold on to the chair until the last moment, until the compulsory removal from office provided by the law

Compulsory removal from the post may be carried out when a person is suspected or accused of committing a crime only on the basis of a decision of the investigating judge

"This is a very complex issue that applies directly to every person, especially a corrupt official. And, unfortunately, Ukraine does not have a developed institution when a person involved in corruption scandals resigns. We see that some politicians, despite the fact that journalists write about them, do not even resign for the duration of the investigation. Therefore, an institution of forced removal from the post exists." Expert 1

"There are quite frequent conflicts when someone is suspected of something, and the person resigns. Someone can be suspected for a long time, but as long as there are no criminal proceedings, there is usually no political responsibility." Expert 2





EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

BARRIERS TO TRANSLATING WORLD PRACTICES INTO UKRAINIAN REALITIES

The newly created bodies formed their activities taking into account the experience of European and international practices, but, for various reasons, they did not have the opportunity to thoroughly investigate the possibilities and barriers of implementing these practices in Ukrainian realities, so, the expert believes that part of the fundamental theses of innovations did not work as good as expected

For example, the high salaries of the judges in The Supreme Anti-Corruption Court, officials and detectives of National Anti-Corruption Bureau of Ukraine and other anti-corruption structures failed to completely eradicate bribery in the system. According to the expert, if bribery is an element of the systemic behavior, it is very difficult to get rid of it

"The Supreme Anti-Corruption Court is also a corrupt institution. By the way, there are criminal proceedings involving judges of the Supreme Anti-Corruption Court, bribes to judges of the Supreme Anti-Corruption Court. It was coming to the surface." Expert 2



"I think that both the National Anti-Corruption Bureau of Ukraine and the National Agency for The Prevention of Corruption could probably be more effective if they were introduced more professionally, and the people, who got there were also more professional. Unfortunately, the theses that were laid down, a large salary for employees have not worked. Previous experience in law enforcement agencies, this is all probably not bad, but it definitely did not work in Ukraine as it should have worked." Expert 2

"The most basic corruption crime is bribery, bribery in the judicial system. For example, we were told for a long time that the problem will be solved by the salaries of judges, since they are low, and this was a problem. But when a judge has a salary of 2-3 thousand dollars, for Ukraine this is a fairly high level of salary not even for the legal system, he then takes a bribe of 100-200-300 dollars simply because he takes them systematically." Expert 3



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

THE SALARY LEVEL OF THE NATIONAL ANTI-CORRUPTION BUREAU OF UKRAINE DETECTIVES PREVENTS BRIBERY MORE THAN THE SALARY LEVEL OF NATIONAL POLICE DETECTIVES

Among the detectives of The National Anti-Corruption Bureau of Ukraine, as well as among the judges of The Supreme Anti-Corruption Court, cases of receiving illegal remuneration were recorded. However, there are significantly fewer such cases among the detectives of The National Anti-Corruption Bureau of Ukraine than among national police detectives, whose salary level is about four times less than that of NABU detectives

According to the expert, this situation leads to the fact that one of the areas of work of The National Anti-Corruption Bureau of Ukraine detectives is cases of bribery of their colleagues from the National Police.

According to another expert, the detectives of The National Anti-Corruption Bureau of Ukraine are distinguished from most law enforcement officers by their lack of professionalism and incompetence

"Because it is the level of salaries that should be met in such a way that a person is afraid of losing his position, which, in principle, is implemented in the relevant state authorities." Expert 1

"In fact, this leads to the situation that in the most cases it is the investigator who works in the police, is one of those whose cases considering the bribes are considered later by the detectives of The National Anti-Corruption Bureau of Ukraine." Expert 1

"It may be good for the sake of competition that this body exists, but the level of professionalism and competence is low." Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

INEFFECTIVENESS OF PRE-TRIAL INVESTIGATION AND INSUFFICIENT QUALITY OF MATERIALS OF CRIMINAL PROCEEDINGS IN THE NATIONAL ANTI-CORRUPTION BUREAU OF UKRAINE CASES

NABU detectives, despite their high salary and privileged position, according to the expert, demonstrate a low quality of work

NABU detectives easily get all the necessary procedural decisions regarding searches and wiretapping of suspects and lawyers, sometimes, the expert believes, that this happens contrary to the current legislation thanks to the assistance of The Supreme Anti-Corruption Court, which indicates the corruption of the investigative process.

The detectives of the National Anti-Corruption Bureau of Ukraine have the best among other law enforcement officers technical support, but the material and technical base and high salary, according to the expert, do not increase the level of their professionalism and the quality of pre-trial investigations, the cases "crumble" in the courts

"In particular, if we compare the salary of, for example, a NABU detective and the salary of a detective of the investigative police, we can see that their conditions are significantly different."
Expert 1

"The representatives of The National Anti-Corruption Bureau of Ukraine, so-called detectives. In my opinion, when they were taken, they were the most incompetent, most unprofessional law enforcement officers in this country. I take part every month in various searches that take place at the homes of lawyers, and I can see that they have the best tools, but they are the most unprofessional among the detectives." Expert 2

"Even though the law prohibits them, they get permits from their pocket anti-corruption court for absolutely all the procedural decisions that they need, and at the same time their level of professionalism does not increase."
Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

CAPTIOUS ATTITUDE OF THE WORLD'S ANTI-CORRUPTION BODIES TO THE EVIDENCE BASE

The expert admits that the effectiveness of the fight against corruption in terms of inevitable punishment for all corruption crimes in the United States and European countries is not extremely high. It is very difficult to collect an irrefutable evidence base for corruption crimes, and the prosecution authorities of legal states all around the world are cautious about the quality of evidence. Materials that do not have a 100% irrefutable evidence base, usually protected by high level lawyers, are difficult to be defend in the court. For this reason, convictions are sometimes passed only for certain fragments of corruption actions, without affecting all well known facts of corruption activities of suspects

"The example of Lazarenko, who spent more than 10 years in the United States prison, and who was convicted for some trifles, and not at all for what he was accused. Not even accused, but suspected. This proves that in the United States, the fight against corruption as a phenomenon is also not effective, and even in specific cases it is quite problematic."
Expert 2

"In cases that are considered by the Supreme Anti-Corruption Court, including those with the international assistance, I see that the level of preparation of the documents by European countries is also not very high. It can't be called professional. A formal approach that confirms bringing the case to court, but with completely different indicators that were at the beginning." Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

PREFERENTIAL CONCENTRATION OF THE PREVENTIVE FUNCTION OF THE THE NATIONAL AGENCY FOR THE PREVENTION OF CORRUPTION ON CIVIL SERVANTS AND LOCAL GOVERNMENT OFFICIALS OF THE LOWEST LEVEL

According to the expert, the preventive function of the National Anti-Corruption Bureau of Ukraine is mainly focused on special verification of the veracity of declarations of small civil servants, chairmen and accountants of village councils; current top officials do not often check the National Anti-Corruption Bureau of Ukraine

The level of educational activities of the National Anti-Corruption Bureau of Ukraine is very low

*"But for some reason, the NACP is engaged in periodically checking the declarations of accountants of village councils. I don't know, they check some other bullshit. Participates in some scientific events with zero level of efficiency and zero benefits."
Expert 2*



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

CONFLICT OF POWERS BETWEEN ANTI-CORRUPTION AND LAW ENFORCEMENT AGENCIES

According to the expert, there is a conflict of powers between the National Anti-Corruption Bureau of Ukraine and the Security Service of Ukraine, which duplicate each other, conducting the same cases. Duplication of the functions of several law enforcement agencies is not only ineffective, but, according to the expert, in some cases causes a violation of jurisdiction, other numerous violations of the norms of procedural law, and casts doubt on evidence obtained during a pre-trial investigation.

"I have a question whether it was necessary to create such a NABU, if the SBU had the same credentials and they had the opportunity to do the same. Now two organizations receive bonuses, check the boxes that as many as two organizations have detained 4 judges. This is also a question of the effectiveness of NABU, they simply duplicate what others could do, they do not compete with others, they just together complement each other, but in fact, they show their inefficiency." Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

THE LOW LEVEL OF PREPARATION AND DECLARATIVE NATURE OF DOCUMENTS NEGATES THEIR PRACTICAL BENEFITS

The opinion was expressed that the programs of The National Agency for The Prevention of Corruption are created unprofessionally, with the goal not so much to develop working programs to fight corruption, but to be able to report that the work is completed, because the world's attention is focused on the fight against corruption in Ukraine, and international assistance programs depend on it

"This was done completely unprofessionally, and not for to fight with corruption, but to convince the outworld that the fight against corruption in Ukraine exists." Expert 2

According to the expert, The National Agency for The Prevention of Corruption shows the low level of documents' preparation, producing a long, descriptive, devoid of practical content document flow, which only creates the appearance of work

"The process of creating evidence by NABU is a separate corrupt chain in order to justify the existence of these bodies. The visibility of work is created, and then this visibility of such work is considered in the courts for years." Expert 2



"And the level of preparation of documents in the NABU, in my opinion, is extremely low, although it is believed that they prescribe good consistent decisions, they are long. You read one verdict like a book but, in fact, it's just a continuation of what the detectives have written, and a consistent description." Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

MOST CASES IN THE SUPREME ANTI-CORRUPTION COURT DO NOT END WITH A DEPRIVATION OF LIBERTY

Corruption cases of high-ranking officials not brought to court, corrupt officials are exposed and released

Unfortunately, we can say that in some cases our fight against corruption at the highest level is very similar to National Geographic, we caught a corrupt official, showed him to the whole society by the media and released him." Expert 1

The charge of corruption is interpreted as political persecution, the accused get the opportunity to leave and stay abroad, so a certain number of cases in The Supreme Anti-Corruption Court are considered without the presence of the accused. According to the expert, the extradition of such persons is very difficult

"The majority of the cases of corrupt officials currently considering The Supreme Anti-Corruption Court, generally are considered without the presence of a suspect. They are hiding abroad in countries such as Austria, Germany, France, in the other European countries, in the United States, in the aggressor country... their extradition is very difficult, because each of them tries to demonstrate these cases not as corruption crimes, but as political persecution." Expert 1

A significant number of cases end not with imprisonment, but with the release of a corrupt official from custody and a probationary period



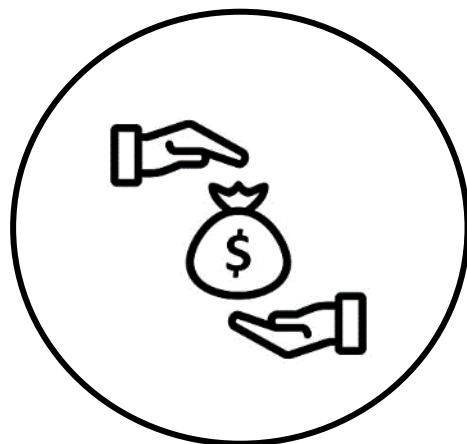
EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

FEATURES OF POLITICAL PERSECUTION

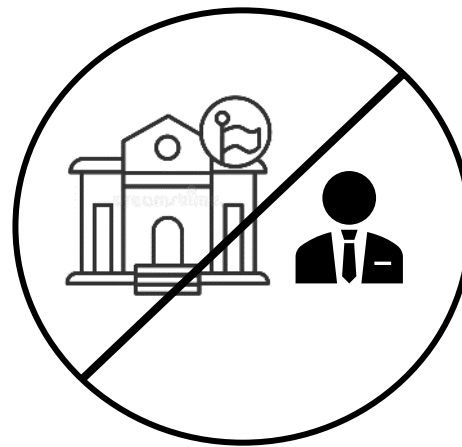
The algorithm of political persecution in Ukraine usually provides for responsibility for crimes committed under the previous government



Proximity to the current authorities



Unpunished corruption actions



Change of the government



The beginning of anti-corruption implementations

"It is significant that a close person to former President Poroshenko, the so-called Svinarchuk (Oleg Gladkovsky), whose charges were on the hundreds of millions, but political responsibility, in fact, came when the president was replaced."Expert 2



EFFECTIVENESS OF THE ACTIVITIES OF THE ANTI-CORRUPTION SYSTEMS

CORRUPTION CHARGES AS POLITICAL ORDERS

There are cases when anti-corruption bodies are used for political persecution and economic struggle against competitors in business, when from the very beginning the accusation of corruption was aimed at fulfilling a political order and had no real grounds

"Sometimes anti-corruption bodies are used for the purpose of the political struggle against opponents and political persecution. It happens that in reality we see this in certain scandals that have occurred regarding the detention of certain persons."
Expert 1

Since corruption is a very broad concept, unfair accusations of the corruption acts provide room for speculation and manipulation. According to the expert, narrowing of the definition of corruption to demanding or obtaining illegal benefits would make the algorithms of work clearer and reduce the ability to fabricate radically different cases with the same charge, which becomes a stigma on the biography of a person

"If this is an illegal benefit in extraordinary amounts, if it causes real harm to society, the state, this is one conversation. If these are some hypothetical, mythical things, just a political decision has been made, it should be so, and not otherwise. And then, after the fact, they determine if someone suffered from it. I am convinced that if someone demands illegal benefits, then this is full-fledged corruption, but everything else is various actions with a corruption element." Expert 2



SOCIETY'S REQUESTS

ЗАСТОСУВАННЯ АМНІСТІЇ ЗА ВИЗНАННЯМ ПРОВИНИ
ЯК ЗАСОБУ БОРОТЬБИ З КОРУПЦІЄЮ В УКРАЇНІ



RESEARCH.UA



SOCIETY'S REQUESTS

THE MOST URGENT DEMANDS OF SOCIETY IS VICTORY IN THE WAR AND THE NEED FOR A STATE GOVERNED BY THE RULE OF LAW

The results of a study of public opinion in recent years show that Ukrainians define war and the fight against corruption as the most relevant— *“corruption is the second front (expert 3)*

“The first is the war and everything connected with it, and the second is a very big demand for justice.” Expert 3

Citizens demand the equal rights for all members of society. Corruption embodies a sense of social injustice, which is very painfully perceived by Ukrainians. These are the limited opportunities, low standard of living, non-compliance with the rights of a significant part of society in contrast to excessive illegal wealth, arbitrariness, disregard for the law and impunity for corrupt officials

“There is a sense of a social inequality, the inability to get proper protection of rights and freedoms. From this, society formed a request that the politicians and the state can ensure both an appropriate standard of living and the same attitude towards all citizens.” Expert 3

It is noted that the level of corruption in Ukraine posed a threat to national security, since corruption was and remains one of the main tools of influence of the country-aggressor on the state institutions of Ukraine, paralyzed the work of government institutions, for example, the judicial system, leveled the effectiveness of the public procurement system



SOCIETY'S REQUESTS

NEW CORRUPTION FACTORS THAT ARE PAINFUL FOR CITIZENS AND THE AGGRAVATION OF PREVIOUSLY EXISTING ONES AS A RESULT OF THE WAR

New corruption factors are linked to the war, the most important reality for Ukraine, which requires an extraordinary level of funding for the country's survival. For corrupt officials, the war is a way to enrich themselves

Mobilization

Departure abroad for men of military age

Abuse of the distribution of humanitarian aid

"We see, for example, the same corruption scandals related to the relevant situations regarding the departure of Ukrainian citizens from Ukraine, especially men of military age, we see certain corruption scandals against individuals who are trying to avoid conscription." Expert 1

"Humanitarian aid. The country needs, there is an opportunity, there is a need. Why is humanitarian aid being stolen? Why is this such a complicated procedure? Why are there so many problems in this complex procedure? Because this is an opportunity to earn money." Expert 2

Numerous high-profile corruption scandals in the Ministry of Defense

Corrupt actions of law enforcement agencies around the Armed Forces of Ukraine

"There are not so many sectors of the economy in the country where money remained, and the highest level of the corruption is connected with the army, with its supply, everything around this issue is riddled with corruption. Law enforcement agencies are also focused not on solving any issues in various sectors of the economy, but they are all focused around the Armed Forces of Ukraine, mobilization into the Armed Forces, providing the Armed Forces, and so on. The same situation is with the humanitarian aid." Expert 2



SOCIETY'S REQUESTS

THE LACK OF A SYSTEMATIC STATE RESPONSE TO CORRUPTION AROUND THE ARMED FORCES OF UKRAINE AT ALL LEVELS IS PERCEIVED AS INDIFFERENCE TO THE FATE OF DEFENDERS AND CREATES NEW POTENTIAL RISKS IN THE FUTURE

It is suggested that there are cases of corruption schemes at the front, in which the leadership of the Armed Forces is involved

"There are even the special rates for a person who fights in the Armed Forces if he or she wants to leave a military unit for go home on vacation. That means that senior army staff should be involved in this corruption scheme." Expert 2

There are cases when the fact of death of a person was hushed up in order to receive his salary

"If a person died at the front, he can still be considered as alive during the months, and somebody can receive his salary at this time." Expert 2

У випадках каліцтва на фронті людина стає не тільки інвалідом, але й не отримує допомоги від держави, залишається на самоті зі своєю проблемою

"If a person was injured at the front, lost an arm or a leg, he loses almost everything. No one cares about him anymore." Expert 2

These facts, according to the expert, indicate the creation of systemic potential risks for the further development of corruption.

"This creates the potential risks for corruption. It seems to me that no one is even trying to resolve this issue at the state level. All prerequisites are being created for this corruption to continue and continue its work for years." Expert 2

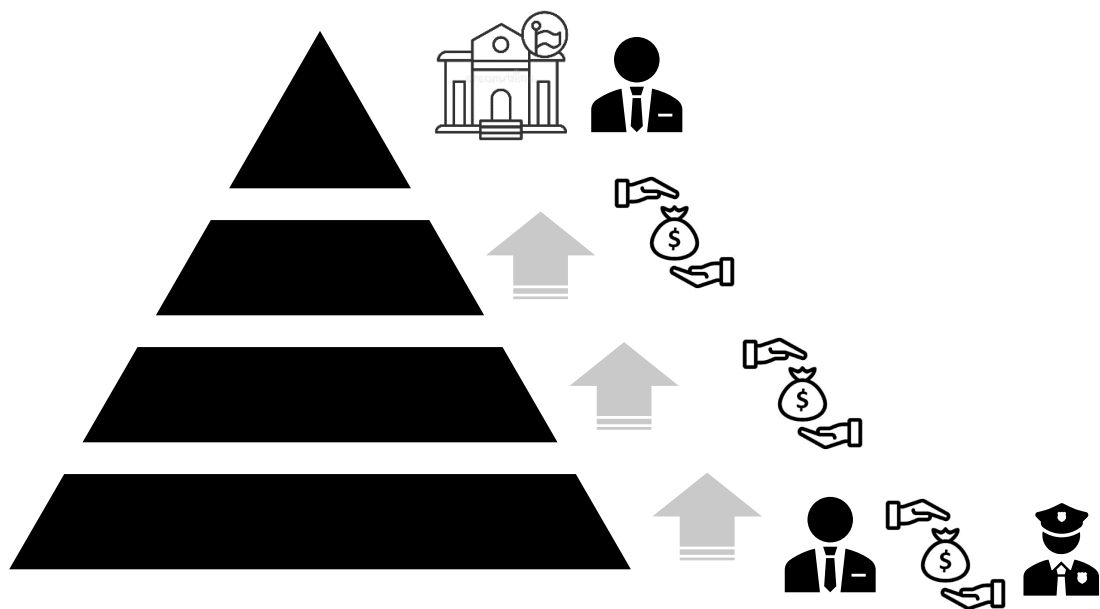


SOCIETY'S REQUESTS

RISK OF RESTORING OF THE CORRUPTION PYRAMIDS IN THE SYSTEM OF LAW ENFORCEMENT AGENCIES AND THE ARMED FORCES OF UKRAINE

The expert believes that there is a real risk of creating a new corruption pyramid in the system of the Armed Forces of Ukraine, similar to the one that existed in Ukraine during the Soviet Union.

*"I understand that this is a pyramid scheme, all these levies. It is possible that this is becoming more and more as a system."
Expert 2*



"Once upon a time in Ukraine, every traffic police officer who received a bribe of 100 hryvnias on the road had to bring part of these 100 hryvnias to his head. That head had to bring the part of his part to his head too, etc., and so on to the Minister of internal affairs. The minister of internal affairs bought his post." Expert 2



SOCIETY'S REQUESTS

GROWING PUBLIC INTOLERANCE TO THE CORRUPTION

REVOLUTION OF DIGNITY
THE BEGINNING OF AN UNDECLARED WAR



2014

"Before the start of a full-scale war, there was relative loyalty to the corruption crime, although certain corruption scandals confused people." Expert 2

"The war has greatly aggravated the rejection or negative perception of corruption on the part of society." Expert 3



24.12.2022

FULL-SCALE INTRUSION

INCREASING OF THE PUBLIC DEMAND TO FIGHT THE CORRUPTION

ACUTE REJECTION THE
MANIFESTATIONS OF
CORRUPTION

"Now, when it comes to the fact that corruption really hinders the front, when people see how the millions of hryvnias are being spent on the questionable projects, and the defenders are dying at the front at the same time, many people are raising money for the drones, for candles for the trenches, I think that people are very angry." Expert 2



SOCIETY'S REQUESTS

PUBLIC DEMAND FOR HARDER PUNISHMENT OF CORRUPT OFFICIALS



Верховний
Суд

Proposed amendments to the legislation on tougher punishment of corrupt officials during martial law, which were considered in the Grand Chamber of the Supreme Court of Ukraine and are supported by the public

Imprisonment of corrupt officials for a real term with the impossibility of applying a probationary period to them

Application of life imprisonment to corrupt officials

"Many of the society demand that changes and more severe punishments be made against corrupt officials. The Grand Chamber of the Supreme Court considered the impossibility of applying the probationary period specifically for corruption, for several corruption articles, and especially for corruption during the war. They demanded that even the imprisoning has be up to life." Expert 1



SOCIETY'S REQUESTS

THE GUILTY PLEA AMNESTY NOT ONLY DOES NOT FULFILL THE SOCIETY'S REQUEST FOR JUSTICE, BUT CONTRADICTS IT

According to experts, in modern realities, the idea of the guilty plea amnesty for corrupt officials will not be positively perceived by society and, on the contrary, may cause a negative public response.

In the public consciousness, an amnesty is not a safeguard against corruption, but an opportunity to avoid punishment for it

Corrupt officials are the rich people who received a wealth by the criminal means, deliberately deceived and robbed the state for a long time, should be punished, and not get the opportunity to pay it off

"It is impossible, because it is out of time. I don't see how this helps to fight corruption, or any other crimes at all. And how does it fulfill the society's request for justice? I don't see how this can convince people. People who deliberately cheat, break the law, steal money from the state budget, do they just deserve to pay off?" Expert 3

As an example, it was given a recent situation when Mykola Zlochevsky, the former Minister of Ecology during the presidency of Viktor Yanukovich, was able to avoid a real prison sentence by making an agreement with the investigation in the case of a case on six millions bribe.



PUBLIC OUTCRY OF THE ZLOCHEVSKY CASE



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THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

THE ZLOCHEVSKY CASE



Former Minister of Ecology during the presidency of Viktor Yanukovich, owner of one of the largest private gas producing companies in Ukraine BURISMA Mykola Zlochevsky was able to avoid a real prison term by making an agreement with the investigation in the case of a bribe of \$6 million.

The bribe was intended for the leadership of Specialized Anti-Corruption Prosecutor's Office and National Anti-Corruption Bureau of Ukraine to close criminal proceedings on suspicion of the ex-minister of involvement in the seizure of the stabilization credit funds of the National Bank of Ukraine issued to the Real Bank and the legalization of these funds.

In the case of a bribe, Zlochevsky has been wanted since June 2020, participating in trials only remotely; according to the mass-media reports, the ex-minister spends most of his time in the United Arab Emirates, Monaco or Switzerland

In the end, Zlochevsky pleaded guilty and agreed to an agreement with the investigation. According to the Specialized Anti-Corruption Prosecutor's Office, the prosecutor took into account the defendant's admission of guilt, the absence of material damage and the public interest in the speedy trial.



THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

THE TOTAL ECONOMIC EFFECT OF THE ZLOCHEVSKY CASE FOR THE STATE AND THE ARMED FORCES OF UKRAINE REACHED 1 BILLION UAH

In accordance with the agreement, the court found the former minister guilty of committing a criminal offense under Part 3 of Article 27, Part 1 of Article 369-2 of the Criminal Code of Ukraine, "Organization of abuse of influence". According to the court verdict, he was assigned to the agreed main penalty in the form of a fine in the amount of four thousand non-taxable minimum incomes of citizens (68,000 UAH), which is the maximum under the new article of the charge. In the beginning, this verdict was confidential and became known to the public thanks to journalistic investigations

(Source: <https://www.pravda.com.ua/articles/2023/10/18/7424574/>)

The media note that as a result of the agreement, the ex-minister paid the amount that became one of the largest donations to the Armed Forces of Ukraine . In particular, it was transferred:

- 174.1 million UAH for Special Operations Forces of the Armed Forces of Ukraine
- 600 million UAH for the project "Army of drones" of the UNITED 24 platform
- 31.4 million UAH for the help to the Armed Forces of Ukraine through the account of the National Bank

(Source: <https://www.radiosvoboda.org/a/news-zlochevskyi-uhoda-zi-slidstvom/32529887.html>)

In addition to Zlochevsky, three of his accomplices appeared in the case, all of them received suspended sentences, and paid fines and donations to the Armed Forces of Ukraine. The total amount of payments in the Zlochevsky case reached 1 billion UAH

"Thus, taking into account previous sentences and amounts that were confiscated by the state or paid by other convicts in this case, the total economic effect reached 1 billion UAH. All this money has already been directed to the needs of the Defense Forces!"(Yevhen Shevchenko, whistleblower in the Zlochevsky case, source:

<https://www.facebook.com/yevhenshevchenko9000>)



THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

ZLOCHEVSKY'S VERDICT AS A PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

The Zlochevsky case, according to the expert, was widely discussed in the media and social networks and caused a powerful negative public outcry. The main idea of the discussions is that money overcomes justice. According to the expert, if such phenomenon becomes widespread, it may cause misunderstanding and resistance from society



"We already have cases that caused a very large negative public response due to the fact that instead of bringing person to the criminal responsibility, the investigation agreed to a large, just large fine plus donation to the army from the former ex-minister. And, in fact, there was a very big negative response, because the person simply payed off the criminal prosecution. And if this will be a mass phenomenon, it will have a very negative impact on society in general." Expert 3

According to another expert, conscious citizens consider it unacceptable to violate the Constitution and the basic principles of justice, even to achieve socially significant goals. If you destroy others for the sake of some values, it will have negative consequences for the rule of law state

"I think that this is the legal awareness of citizens who do not want anyone in their country to violate the rules established by the Constitution." Expert 1



THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

ZLOCHEVSKY'S VERDICT, IS SUCCESS OR DEFEAT OF THE INVESTIGATION

There are the experts who believe that the decision on the agreement with Zlochevsky can hardly be named an unambiguous success of the investigation, but it is also not a "treason".

Zlochevsky was charged with transferring illegal benefits to an official who occupies a special position, but the investigation actually had no evidence of this, since Zlochevsky's accomplices directly transferred the bribe. To avoid the risks of Zlochevsky's acquittal in court, Specialized Anti-Corruption Prosecutor's Office

changed the qualification of the crime to "abuse of influence"

According to the new qualification of the crime, Zlochevsky was threatened with either a fine from 17,000 UAH to 68,000 UAH, imprisonment for up to two years or restriction of freedom for two to five years.

*"And we have many such examples when the scheme includes appropriate tops, but clerks are brought to justice."
Expert 1*

"He could get a maximum of two years in prison. Considering, according to various information, that Zlochevsky is either in Monaco or Switzerland, it is difficult to extradite him. Therefore, there is no 100% good solution in this case." Expert 4



THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

ZLOCHEVSKY'S VERDICT, IS SUCCESS OR DEFEAT OF THE INVESTIGATION

The expert believes that Zlochevsky's precedent will not open up for other wealthy top officials who have committed serious crimes and caused damage to the state, the way for a relatively soft exit from investigations of large-scale bribery or corruption, taking into account the the available income. Transactions are not possible when corruption crimes involve the application of serious damage to the state, which the expert does not see in the Zlochevsky case

"According to Zlochevsky, this became possible due to the absence of a serious crime and the lack of damage to the state. If we take the cases of Nasirov, Martynenko, Onishchenko, they talk about particularly serious crimes, damage to the state, and agreements with them are impossible there." Expert 4

In support of the court's decision, the verdict in the Zlochevsky case corresponds to the public interest, which is determined by the court as follows

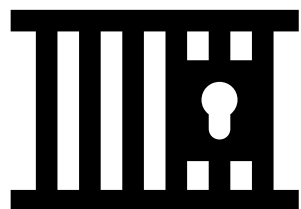
- reducing the time of the trial, and therefore reducing government spending on it (standard wording);
- considerable donations to the Defense Forces, which in the conditions of a full-scale war "is directly related to the well-being, stability and security of Ukrainian society"

"And I would like to note that now, due to the war and the difficult economic situation in the country, the priority in sentences is to conclude agreements with the accused and pay significant amounts to the budget in order to finance the Armed Forces of Ukraine. However, this mainly applies only to those criminal proceedings where no damage was caused to the state." (Yevhen Shevchenko, whistleblower in the Zlochevsky case, source: <https://www.facebook.com/yevhenshevchenko9000>)



THE PROBLEM OF COMMERCIALIZATION OF ANTI-CORRUPTION JUSTICE

AGREEMENTS WITH THE INVESTIGATION AS MAINTAINING A KIND OF BALANCE BETWEEN THE DESIRE OF A CORRUPT OFFICIAL TO MITIGATE HIS SENTENCE AND THE INTERESTS OF SOCIETY



DEPRIVATION OF LIBERTY
UP TO TWO YEARS OLD

RESTRICTION OF LIBERTY
UP TO FIVE YEARS OLD

FINE FROM 17 THOUSAND UAH
UP TO 68 THOUSAND UAH

UNCERTAIN TERMS OF
INVESTIGATION AND EXTRADITION

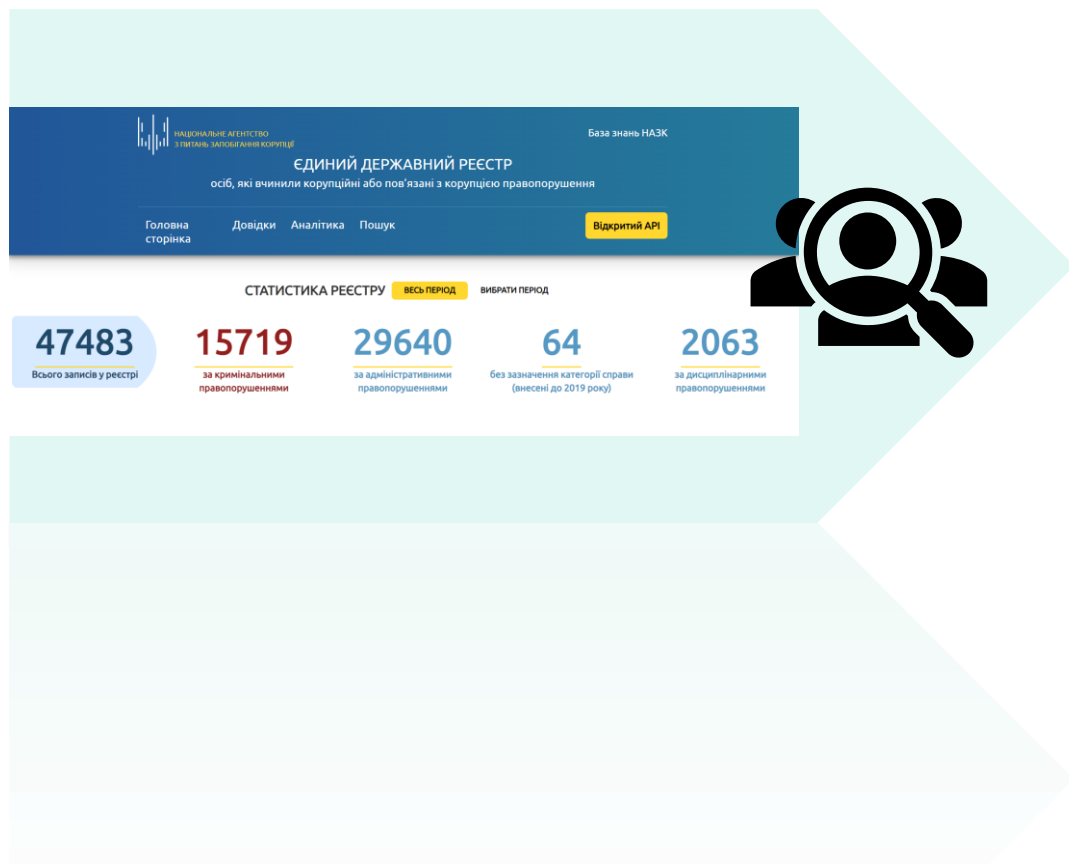


174.1 MILLION UAH FOR THE SPECIAL OPERATIONS OF
THE ARMED FORCES OF UKRAINE

600 MILLION UAH FOR THE PROJECT "ARMY OF
DRONES" OF THE PLATFORM UNITED 24

31.4 MILLION UAH TO HELP THE ARMED FORCES OF
UKRAINE THROUGH THE ACCOUNT OF THE NATIONAL
BANK





DIVERSITY OF CORRUPTION MANIFESTATIONS





DIVERSITY OF CORRUPTION MANIFESTATIONS

INTERPRETATION OF THE TERM "CORRUPTION"

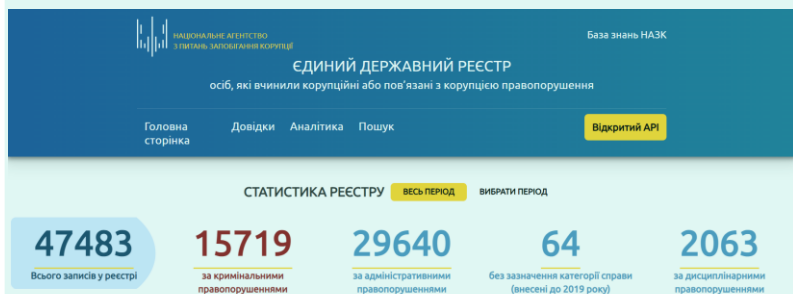
According to the expert, corruption as a social phenomenon covers a very wide range of corruption acts related to the misuse of official powers in order to satisfy personal interests or the interests of third parties. These acts are bribery, conflict of interests, non-declaration or late declaration of income, abuse of official position, etc.

"If someone in the village council voted for his relative, but he did not, according to the law, declare that he has a conflict of interest, this is also a corrupt activity. The register and database through which declarations are submitted do not work well, and a person cannot submit a declaration or submit it on time, then he is also a corrupt official. And an administrative protocol is drawn up, and a person is included in the Register of corrupt officials. Someone takes a bribe, someone gives a bribe. And there is someone who receives cash for renting state property, and it can be millions, this person is also a corrupt official. Corruption is a very broad concept." Expert 2



DIVERSITY OF CORRUPTION MANIFESTATIONS

UNIFIED STATE REGISTER OF CORRUPT OFFICIALS. LIST OF CORRUPTION OFFENSES



- Violation of financial control requirements
- Conflict of interest
- Offering benefits to an official
- Receiving benefits by an official
- Misappropriation or embezzlement of property (abuse of official position)
- Use of official position
- Official forgery
- Abuse of power
- Abuse of influence
- Others



DIVERSITY OF CORRUPTION MANIFESTATIONS

VIOLATION OF FINANCIAL CONTROL REQUIREMENTS, CONFLICTS OF INTEREST AND BRIBERY



OpenDataBot

Experts of the Ukrainian company Opendatabot, which provides access to state data from the main public registers for citizens and businesses, analyzed the content of the Unified State Register of corrupt officials as of October 2023 after the resumption of the register. Since the beginning of the full-scale intrusion, The Register of corrupt officials was unavailable, it was reopened on 28.10.2023. At the time of opening, the register contains 44.7 thousand cases of corruption and corrupt officials

(Source: <https://opendatabot.ua/analytics/corrupted-officials>)

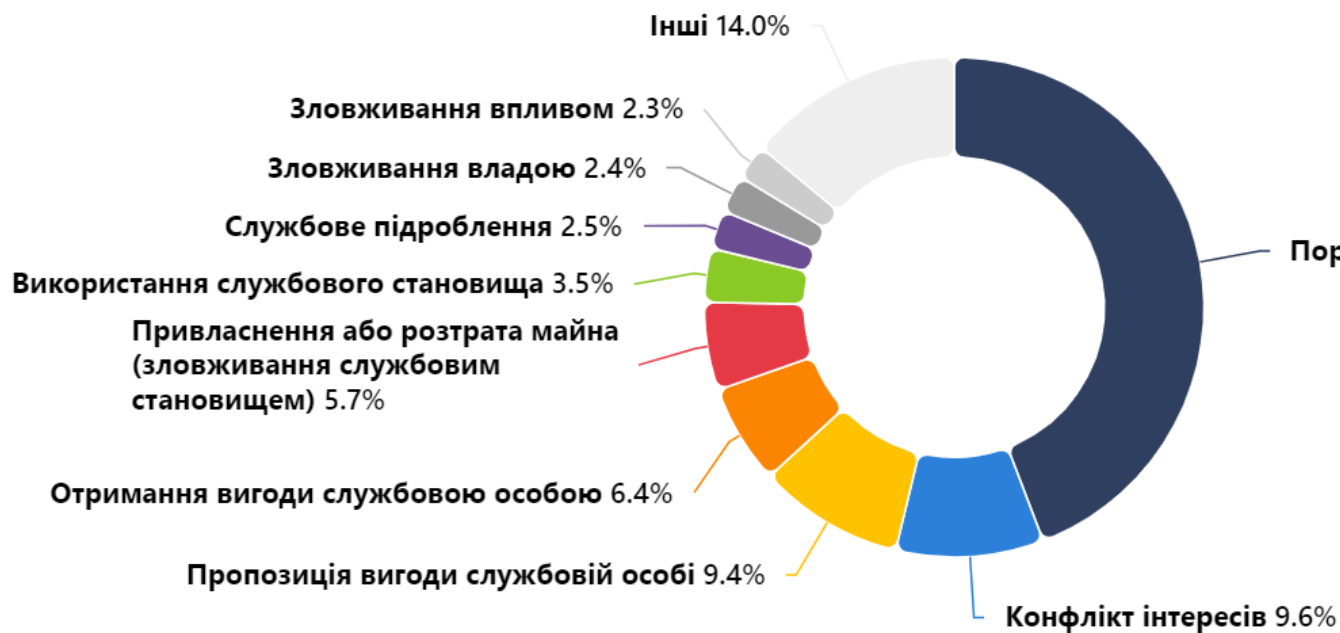
The experts concluded that:

- Most often, the list includes violations of financial control requirements, conflicts of interest, and bribery;
- Corrupt officials were mostly fined for detected violations. But there are also sentences with a real term behind bars and confiscation of property;
- Among corrupt officials, there are those who are included in the register two or more times due to the lengthy process of reviewing their actions in various court proceedings



DIVERSITY OF CORRUPTION MANIFESTATIONS

THE MAIN REASONS FOR GETTING INTO THE REGISTER OF CORRUPT OFFICIALS



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Classification of corruption crimes for the period 2010-2023

Total number of records : 48777

Violation of financial control requirements	21564
Conflict of interest	4663
Offering benefits to an official	4606
Receiving benefits by an official	3139
Misappropriation or embezzlement of property (abuse of official position)	2771
Use of official position	1691
Official forgery	1218
Abuse of power	1183
Abuse of influence	1119
Others	6823

Source: <https://opendatabot.ua/analytics/corrupted-officials>



DIVERSITY OF CORRUPTION MANIFESTATIONS

PUNISHING OF CORRUPT OFFICIALS



Experts note that the most common practice of punishments is combining several types of responsibility

In particular, we are talking about the imposition of a fine and confiscation, or a fine and deprivation of the right to hold certain positions.

Types of punishments for corruption crimes for the period 2010-2023

Total number of records: 39313

<i>Fine</i>	33908
<i>Deprivation and restriction of liberty</i>	3285
<i>Confiscation of property</i>	1377
<i>Deprivation of the right to hold certain positions</i>	499
<i>Warnings and comments</i>	244

Most often, persons involved in the register are fined, this is 33,908 cases of the register, while 56% (19,043 cases) have fines of 850 UAH. The second most common type of punishment is imprisonment, this is 3,285 cases, of which 346 provide for conditional imprisonment. Property confiscation closes the top 3, this is 1377 cases



DIVERSITY OF CORRUPTION MANIFESTATIONS

REASONS FOR POSSIBLE EXCLUSION OF PERSON FROM THE UNIFIED STATE REGISTER OF CORRUPT OFFICIALS

The presence of a person in the Register of corrupt officials has political and reputational risks, affects the ratings of politicians, public opinion, and harms the careers of civil servants and local government officials. This attitude applies to political forces and state institutions that represent certain individuals. However, the process of filling in the register, according to the expert, also has corruption components "negotiated-did not negotiate"

"The Register of corrupt officials and its content now, unfortunately, is not a real indicator of the fight against corruption in the country. Rather, it is an overlay of the probability "caught - not caught" on "negotiated-did not negotiate". Alexey Ivashkin, founder of OpenDataBot

Recording to the Register is traditionally used by opponents to discredit a person's reputation. However, in Ukraine, a situation turned out to be possible when a person listed in the Register of corrupt officials headed the National Anti-Corruption Bureau of Ukraine, which, according to the expert, is one of the indications of profanity of the anti-corruption system

"This means that National Anti-Corruption Bureau of Ukraine is a part of some big corruption scheme. National Anti-Corruption Bureau of Ukraine, which should fight this corruption. I believe that the National Anti-Corruption Bureau of Ukraine, Specialized Anti-Corruption Prosecutor's Office, and the Supreme Anti-Corruption Court are a big profanity." Expert 2



DIVERSITY OF CORRUPTION MANIFESTATIONS

REASONS FOR POSSIBLE EXCLUSION OF PERSON FROM THE UNIFIED STATE REGISTER OF CORRUPT OFFICIALS

Persons included in the Register of corrupt officials are on the list indefinitely. Now in Ukraine there are only a few reasons why a person can be excluded from this list

- Annulment of the verdict by a court ruling;
- Acquittal;
- Restoration of the missed time limit for appeal;
- Cancellation of a resolution or administrative document on a corruption offense

Also, on the basis of the submitted application, persons who have been directly involved in measures necessary to ensure the defense of Ukraine, protect the security of the population and the interests of the state in the situation of the military aggression of the Russian Federation against Ukraine since February 24, 2022 are excluded from the Register.

THANK YOU FOR YOUR ATTENTION

