

The draft law is submitted by the People's Deputies,  
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## **Law of Ukraine on Anti-Corruption Courts**

### **Section I: General Provisions**

#### **Article 1: Scope of this Law**

1. This Law defines specific aspects of organization of anti-corruption courts, requirements to candidates for judge positions at anti-corruption courts, and specifics of selection, appointment, and status of judges of these courts.
2. The Laws of Ukraine "On Judiciary and Status of Judges" and "On High Council of Justice" will apply in issues which are subject to regulation by this Law unless contrary to this Law.

#### **Article 2: System of Anti-Corruption Courts**

1. Anti-corruption courts will be a part of a unified system of Ukrainian courts.
2. The system of anti-corruption courts will consist of:
  - (1) High Anti-Corruption Court;
  - (2) Anti-Corruption Chamber at the Criminal Cassation Court of the Supreme Court of Ukraine, hereinafter referred to as the "Anti-Corruption Chamber".

### **Section II: Organization of Anti-Corruption Courts**

#### **Article 3: High Anti-Corruption Court**

1. The High Anti-Corruption Court will:
  - (1) Administer justice as a first instance court in cases falling under to investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine according to the procedure set forth by procedural law;
  - (2) Analyze court statistics, research and summarize court practices, and provide a summary of court practices to the Anti-Corruption Chamber, National Anti-Corruption Bureau of Ukraine, and Specialized Anti-Corruption Prosecution Office.

2. There will be not more than 70 judges at the High Anti-Corruption Court.
3. An Investigative Judges Chamber, Appellate Chamber, and other chambers will be set up at the High Anti-Corruption Court by decision of this court judges meeting. The meeting of the High Anti-Corruption Court judges will set forth the number of members and appoint members of the court chambers.
4. An Investigative Judges Chamber will operate at the High Anti-corruption Court. Judges of this chamber will exercise powers of judicial control over observance of individual rights, liberties, and interests in criminal proceedings according to the procedure defined by procedural law. Judges of the Investigative Judges Chamber will not take part in consideration on merits of cases. Judges of the Investigative Judges Chamber who issued a determination may not participate in an appellate review of this determination.
5. The Appellate Chamber will operate at the High Anti-Corruption Court. Judges of this chamber will carry out the appellate review of this court's determinations which may be appealed pursuant to procedural law except for those by which a trial on merits has been completed.

Judges of the Appellate Chamber will not participate in criminal proceedings in the capacity of first instance court. Judges of the Appellate Chamber who were engaged in issuing a court ruling may not participate in an appellate review of this ruling.

**3.** In cases determined by procedural law, the Grand Chamber of the Supreme Court will review in cassation procedure judgments of the High Anti-Corruption Court which have come into force.

#### **Article 4: Chief Judge of the High Anti-Corruption Court**

1. The Chief Judge of the High Anti-Corruption Court will:
  - (1) Represent the court as a government authority in relationships with other government authorities, local governments, individuals, legal entities, other countries' authorities, and international organizations;
  - (2) Define administrative powers of Deputy Chief Judges of the High Anti-Corruption Court;
  - (3) Issue a corresponding order based on an act on appointing, transferring, dismissing a judge as well as in connection of termination of judge's powers;
  - (4) Advise the High Qualifications Commission of Judges of Ukraine, Selection Commission, and State Judicial Administration of Ukraine of vacant judge positions at

the court and have a vacancy announcement to this effect be posted on the judicial power's web portal within three days of the emergence of such vacancies;

- (5) Ensure implementation of decisions made by meetings of the High Anti-Corruption Court judges;
- (6) Organize maintenance and analysis of judicial statistics, researching and summarizing of court practices, informational-and-analytical support of judges for the purpose of improving the quality of justice administration;
- (7) Facilitate efforts to meet requirements with regard to maintaining qualifications of the High Anti-Corruption Court judges and raising their professional level.

#### **Article 5: Anti-Corruption Chamber**

1. For the purpose of reviewing verdicts and rulings of the High Anti-Corruption Court by which a trial on merits has been concluded, the Anti-Corruption Chamber to be set up under this Law will operate at the Criminal Cassation Court of the Supreme Court.
2. The Anti-Corruption Chamber will enjoy administrative autonomy within the Supreme Court and Criminal Cassation Court of the Supreme Court.
3. The Anti-Corruption Chamber will:
  - (1) Administer justice according to the procedure set forth by procedural law;
  - (2) Analyze court statistics, research and summarize court practices.
4. The Anti-Corruption Chamber will consist of not less than 30 judges. Members of the Anti-Corruption Chamber will be appointed according to the procedure set forth by this Law.
5. In cases defined by procedural law, the Grand Chamber of the Supreme Court will review in cassation procedure judgments of the Anti-Corruption Chamber of the Criminal Cassation Court of the Supreme Court which have come into force.
6. The Grand Chamber of the Supreme Court will not summarize court practices of the Anti-Corruption Chamber.

#### **Article 6: Secretary of the Anti-Corruption Chamber**

1. The Anti-Corruption Chamber will be headed by its Secretary to be elected for a four year tenure and dismissed by majority vote of the Anti-Corruption Court judges by secret ballot.
2. The Secretary of the Anti-Corruption Chamber will:
  - (1) Define administrative powers of the Deputy Secretary of the Anti-Corruption Chamber;

- (2) Organize the processes of maintaining and analyzing courts statistics at the Anti-Corruption Chamber, researching and summarizing court practices and ensure informational-and-analytical support of judges for the purpose of improving the quality of court proceedings;
- (3) Convene meetings of the Anti-Corruption Chamber judges; submit issues for consideration at the meetings, and preside at the meetings;
- (4) Advise the High Qualifications Commission of Judges of Ukraine, Selection Commission, and State Judicial Administration of Ukraine of vacant judge positions at the Cassation Court and have vacancy announcement to this effect be posted on the judicial power's web port within three days of the emergence of such vacancies;
- (5) Issue a corresponding order based on an act on appointing, transferring, dismissing a judge as well as in connection of termination of judge's powers;
- (6) Ensure implementation of decisions made by the meeting of the Anti-Corruption Chamber judges.

3. The Secretary of the Anti-Corruption Chamber will issue orders and instructions on matters falling under his/her administrative powers.

4. At a proposal of the Secretary of the Anti-Corruption Chamber, the meeting of the Anti-Corruption Chamber judges will elect the Deputy Secretary of the Anti-Corruption Chamber. In the absence of the Secretary of the Anti-Corruption Chamber, his/her administrative powers will be exercised by the Deputy Secretary of the Anti-Corruption Chamber. In the absence of the Deputy Secretary of the Anti-Corruption Chamber, these administrative powers will be exercised by a judge of the Anti-Corruption Chamber with the longest duration of service on the judge position.

#### **Article 7: Administrative Autonomy of the Anti-Corruption Chamber**

1. Orders and instructions of the Chief Justice of the Supreme Court and the Head of the Criminal Cassation Court of the Supreme Court will not apply to judges and staff of the Anti-Corruption Chamber.
2. Judges of the Anti-Corruption Chamber may not be elected to the Grand Chamber of the Supreme Court.
3. A judge of the Anti-Corruption Chamber may not be elected the Chief Justice or Deputy Chief Justice of the Supreme Court or the Head or Deputy Head of the Criminal Cassation Court of the Supreme Court or to any other administrative positions except for the position of the Secretary or Deputy Secretary of the Anti-Corruption Chamber.

### **Section III: Specific Aspects of the Status of a Judges of the Anti-Corruption Court**

#### **Article 8: Requirements to Candidates for a Judge Position at the High Anti-Corruption Court**

1. A citizen of Ukraine who is not younger than 30 and not older than 65, has higher legal education, is a competent man of integrity, possesses perfect knowledge of the state language, and meets one of the following requirements:

- (1) Has worked on the judge position for at least ten years;
- (2) Has an academic decree in law **or** has been a research fellow in the sphere of law for at least ten years;
- (3) Has at least ten year professional experience in the attorney capacity with regard to representation in court and/or protection from criminal charges;
- (4) Has ten year professional experience gained on a prosecutor position;
- (5) The duration of his/her service (professional activities) as specified by Items 1-4 of this part totals at least ten years,

will be eligible for a judge position at the High Anti-Corruption Court and Anti-Corruption Chamber.

2. A citizen who:

- (1) Has been recognized legally incompetent or partially incapacitated by court;
- (2) Has chronic mental or other diseases which preclude him/her from performing functions in justice administration;
- (3) Has an not expunged or not expired conviction,

may not be appointed a judge of the High Anti-Corruption Court or Anti-Corruption Chamber.

3. A person who is subject to a statutory ban on holding a relevant position will not be eligible for a judge position.

4. Nor will be eligible for a judge position a person who was dismissed from the judge position for breaking the oath, committing a major disciplinary offense, neglecting duties in a blatant or systematic manner which was incompatible with the judge status or revealed his/her inconsistency with job, breaking a ban on concurrent service, failing to confirm the legality of assets origin or because a guilty verdict with regard to this person had come into force unless a decision on dismissal was recognized as unlawful judicially or the guilty verdict of the court was reversed.

5. A person who was dismissed from the judge position based on qualification evaluation results will not be eligible for a judge position either.
6. For the purpose of this law, the terms listed below will have the following meaning:
  - (1) **Higher legal education** will mean higher legal education at the magister level (or comparable specialist level) received in Ukraine (except for higher legal education received at military educational institutions) as well as higher legal education of a corresponding degree received in other countries and recognized in Ukraine according to the established procedure;
  - (2) **Academic degree** will mean an academic degree in law obtained at a higher educational institution (university, academy or institute except higher military educational institutions) or research institution of Ukraine or at a similar higher educational or research institution of another country. An academic degree obtained at a higher educational or research institution in another country will need to be recognized in Ukraine according to a procedure set forth by law.
  - (3) **Academic service** will mean the duration of professional activities in the sphere of law on research fellow (or research-and-teaching) positions at a higher educational institution (university, academy or institute except for higher military educational institutions) or research institution of Ukraine or at a similar higher educational or research institution of another country.

#### **Article 9: Limitations on Transfers of Anti-Corruption Court Judges**

1. A judge of the High Anti-Corruption Court and a judge of the Anti-Corruption Chamber may not be transferred to a position at another court as part of the judicial disciplinary procedure or secondment.

#### **Article 10: Specifics of Judicial Self-Governance of High Anti-Corruption Court Judges**

1. Judges of the High Anti-Corruption Court will exercise judicial self-governance by means of meetings of the High Anti-Corruption Court judges, joint meetings of judges of the High Anti-Corruption Court and Anti-Corruption Chamber, and participation in meetings of judges of Ukraine.
2. The Chief Judge of the High Anti-Corruption Court will convene the meeting of the High Anti-Corruption Court judges on his/her own initiative or at the request of no less than one third of the total number of the High Anti-Corruption Court judges. The meeting of the High Anti-Corruption Court will be convened as a need might be but no less frequently than every third month.

3. The meeting of the High Anti-Corruption Court will be deemed competent should no less than two thirds of the total number of the High Anti-Corruption Court judges be present. Only judges of the High Anti-Corruption Court may vote. Staff members of the High Anti-Corruption Court, retired judges, representatives of public associations, journalists, and other persons may be invited to the meeting of judges.

4. The meeting of the High Anti-Corruption Court judges will:

- (1) Discuss matters associated with internal operations of the High Anti-Corruption Court or work of specific judges or court staff members and make decisions on these matters which are binding on the judges and staff members of the High Anti-Corruption Court;
- (2) Determine the workload of the High Anti-Corruption Court judges with allowance for their administrative and other duties;
- (3) Hear reports of judges holding administrative positions at the High Anti-Corruption Court and Chief of Staff of the High Anti-Corruption Court;
- (4) Request initiation of judicial disciplinary procedure with regard to an attorney, prosecutor, government official or local government official for taking an action or inactivity undermining the guarantee of independency of the High Anti-Corruption Court or a judge of this court;
- (5) Make decisions on setting up court chambers; determine the number of members and appoint members of court chambers;
- (6) Give consent for initiating a disciplinary case against a judge of the High Anti-Corruption Court;
- (7) Impeach credibility of the Chief of Staff of the High Anti-Corruption Court;
- (8) Approve the Regulation on the Staff of the High Anti-Corruption Court;
- (9) Elect delegates to the Congress of Ukrainian Judges by secret ballot.

5. The meeting of the High Anti-Corruption Court judges may resort with proposals on matters associated with activities of this court to government authorities and local governments which will be bound to consider such proposals within 15 days and respond on merits.

6. The meeting of the High Anti-Corruption Court judges will make decisions by majority votes cast by the judges who are present at the meeting by open ballot unless it has been decided to vote by secret ballot.

7. The responsibility for implementing decisions of the meeting of the High Anti-Corruption Court judges on behalf of the meeting will rest with the Chief Judge of the High Anti-Corruption Court or his/her deputy.

## **Article 11: Specifics of Judicial Self-Governance of the Anti-Corruption Chamber Judges**

1. Judges of the Anti-Corruption Chamber will exercise judicial self-governance by means of meetings of the Anti-Corruption Chamber judges and joint meetings of judges of the High Anti-Corruption Court and Anti-Corruption Chamber.
2. The Secretary of Anti-Corruption Chamber will convene the meeting of the Anti-Corruption Chamber judges on his/her own initiative or at the request of no less than one third of the total number of the Anti-Corruption Chamber judges. The meeting of the Anti-Corruption Chamber judges will be convened as a need might be but no less frequently than every third month.
3. The meeting of the Anti-Corruption Chamber judges will be deemed competent should no less than two thirds of the total number of the Anti-Corruption Chamber judges be present. Only judges of the Anti-Corruption Court may vote. Staff members of the Anti-Corruption Chamber, retired judges, representatives of public associations, journalists, and other persons may be invited to the meeting of judges.
4. The meeting of the Anti-Corruption Chamber judges will:
  - (1) Discuss matters associated with internal operations of the Anti-Corruption Chamber or work of specific judges or staff members of the Anti-Corruption Chamber and make decisions on these matters which are binding on the judges and staff members of the Anti-Corruption Chamber;
  - (2) Determine the workload of the Anti-Corruption Chamber judges with allowance for their administrative and other duties;
  - (3) Hear reports of judges holding administrative positions at the Anti-Corruption Chamber and Chief of Staff of the Anti-Corruption Chamber;
  - (4) Request initiation of judicial disciplinary procedure with regard to an attorney, prosecutor, government official or local government official for taking an action or inactivity undermining the guarantee of independency of the Anti-Corruption Chamber or a judge of the Anti-Corruption Chamber;
  - (5) Give consent for initiating a disciplinary case against a judge of the Anti-Corruption Chamber;
  - (6) Impeach credibility of the Chief of Staff of the Anti-Corruption Chamber;
  - (7) Approve the Regulation on the Staff of the Anti-Corruption Chamber;
5. The meeting of the Anti-Corruption Chamber judges will make decisions by majority votes cast by the judges who are present at the meeting by open ballot unless it has been decided to vote by secret ballot.



6. The responsibility for implementing decisions of the meeting of the Anti-Corruption Chamber judges on behalf of the meeting will rest with the Secretary of the Anti-Corruption Chamber or his/her deputy.
7. Judges of the Anti-Corruption Chamber will be participants to neither Supreme Court Plenum nor meeting of judges of the Criminal Cassation Court of the Supreme Court.
8. Judges of the Anti-Corruption Chamber may not be elected delegates to the congress of Ukrainian judges.

#### **Article 12: Joint Meeting of Judges of High Anti-Corruption Court and Anti-Corruption Chamber**

1. The joint meeting of judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be held to discuss joint practices of considering cases of certain categories and other issues as identified by such meeting. The joint meeting of judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be convened by the Chief Judge of the High Anti-Corruption Court or the Secretary of the Anti-Corruption Chamber on their own initiative or at the request of no less than one third of the total number of judges of the High Anti-Corruption Court or Anti-Corruption Chamber, respectively. The procedure for conducting the joint meeting of judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be set forth by such meeting.
2. The joint meeting of judges of the High Anti-Corruption Court and Anti-Corruption Chamber will make decisions by majority votes cast by the judges who are present at the meeting by open ballot unless it has been decided to vote by secret ballot.

#### **Article 13: Specifics of Judicial Disciplinary Procedure for Judges of Anti-Corruption Courts**

1. The Disciplinary Chamber of the High Council of Justice will open a disciplinary case against a judge of an anti-corruption court no sooner than it has received consent of the meeting of the High Anti-Corruption Court judges or meeting of the Anti-Corruption Chamber judges, respectively.

### **Section III:**

#### **Specific Aspects of Selecting and Appointing Judges at an Anti-Corruption Court**

## **Article 14: General Provisions on Selection and Appointment of Judges of Anti-Corruption Courts**

1. Judges of anti-corruption courts will be selected and appointed solely according to the procedure set forth by this Law.
2. A Selection Commission will be set up for the purposes of conducting a competitive selection of candidates to vacant judge positions at anti-corruption courts and determining the results of the competitive selection. The Selection Commission will administer the process of competitive selection of anti-corruption court judges according to the procedure set forth by Article 21 of this Law.

## **Article 15: Process of Selection Commission Formation**

1. The Selection Commission will consist of:
  - (1) Three persons to be appointed by the President of Ukraine;
  - (2) Three persons to be elected by the Parliament of Ukraine;
  - (3) Three persons to be appointed by the Minister of Justice of Ukraine.
2. Only individuals with an impeccable business reputation, high professional level, great moral qualities, public authority, and considerable experience in the sphere of preventing and counteracting corruption may be members of the Selection Commission.
3. Individuals who held civil service positions, were People's Deputies or local council deputies, worked (served) at structural units of the Prosecution Office, Ministry of Interior of Ukraine, police, Security Service of Ukraine, other law enforcement agencies, National Anti-Corruption Bureau of Ukraine, National Agency on Corruption Prevention during the last five years may not be members of the Selection Commission.
4. At least one person appointed by the President of Ukraine to the Selection Commission and one person elected by the Parliament of Ukraine to the Selection Commission must have at least ten year experience of working on a judge position.
5. A member of the Selection Commission will be elected or appointed for a four year tenure with a right to be re-elected or re-appointed.
6. The Selection Commission will be deemed competent should no less eight members of the commission have been elected or appointed.

7. Should the President of Ukraine fail to appoint or the Parliament of Ukraine fail to elect all members of the Selection Commission according to their quotas within three months of election by the Parliament of Ukraine or appointment by the President of Ukraine of the Selection Commission members, respectively, the Selection Commission will be deemed competent on the condition that seven members of the commission have been elected or appointed.
8. Should the Selection Commission become incompetent following dismissal or termination of powers of its member, an authority or official which/who has elected or appointed such member of the Selection Commission will elect or appoint a new member of the Selection Commission promptly but no later than 20 business days after the day of dismissal or termination of powers of such member of the Selection Commission.

#### **Article 16: Specifics of Appointing Members of the Selection Commission by the Parliament of Ukraine**

1. The Parliament of Ukraine will elect members of the Selection Commission from among persons nominated by Parliamentary factions (deputy groups).
2. For the purpose of electing a member of the Selection Commission by the Parliament of Ukraine, the Parliament Apparatus will post on the Parliament official web site a request for proposals on nominees for members of the Selection Commissions from Parliamentary factions (deputy groups).
3. Each Parliamentary faction (deputy group) may nominate only one person for election to the Selection Commission.
4. A Parliamentary faction (deputy group) will submit its proposal on a nominee for a member of the Selection Commission within 45 calendar days of the day of posting the request for proposals on the official web site of the Parliament. A Parliamentary faction (deputy group) will submit also documents evidencing that its nominee meets requirements set forth by Article 15 hereof together with the proposal. The responsibility of setting the list of such document will rest with the Parliamentary Committee which is responsible for preventing and counteracting corruption.
5. Information on the proposals of Parliamentary factions (deputy groups) and their nominees for members of the Selection Commission, together with copies of submitted documents, will be disclosed on the official web site of the Parliament on the next day following the day of receiving a proposal from a Parliamentary faction (deputy group). The document copies will be disclosed in compliance with the legislation on personal data protection.

6. The Parliamentary Committee which is responsible for preventing and counteracting corruption will consider Parliamentary factions' (deputy groups') proposals, determine whether or not proposed nominees meet the requirements set forth by Article 15 hereof based on the filed documents, and produce a relevant recommendation.

7. The Parliament will make a decision on appointing a member of the Selection Commission by majority vote of its constitutional composition. Should the Parliament need to elect more than one member of the Selection Commission such members will be elected by a single vote for a list of nominees.

### **Article 17: Specifics of Appointing Members of the Selection Commission by the Minister of Justice of Ukraine**

1. The Minister of Justice of Ukraine will appoint members of the Selection Commission based on recommendations from at least two governments of countries or international organizations which provided Ukraine with international technical assistance in the sphere of corruption fighting (hereinafter referred to as the "Representative Offices" for the purpose of this Article) during the last two years after enactment of this Law.

2. In order to obtain the said recommendations, the Minister of Justice of Ukraine will send a written request to a relevant Representative Office.

3. The Representative Offices will send a letter with a list of individuals whom they recommend to appoint members of the Selection Commission to the Minister of Justice of Ukraine.

4. The Minister of Justice of Ukraine will appoint the recommended individuals to the Selection Commission within ten days of receiving the relevant letter. The Minister of Justice of Ukraine may not appoint an individual to the Selection Commission who has not been recommended by any Representative Office according to the procedure set forth by this Article.

5. The Minister of Justice of Ukraine may reject individuals – nominees for the Selection Commission members – recommended pursuant to Part 3 of this Article on the sole ground of incompliance with the requirements set forth by Article 15 Part 3 of this Law. In this case, the Minister of Justice of Ukraine will send a letter to the relevant Representative Office justifying why a recommended individual does not meet the requirements of Article 15 Part 3 of this Law. The relevant Representative Office, in turn, will send a letter recommending another nominee for the Selection Commission who does meet the requirements of Article 15 Part 3 of this Law to the Minister of Justice promptly but no later than fifteen days after receiving the letter from the Minister of Justice of Ukraine.

6. Impossibility to appoint one of recommended individuals to the Selection Commission in the event defined in Part 5 of this Article will not preclude the Minister of Justice from appointing other individuals recommended by this Representative Office and meeting the requirements of Article 15 Part 3 of this Law to the Selection Commission.

#### **Article 18: Dismissing a Member of the Selection Commission**

1. A member of the Selection Commission will be dismissed on the following grounds:
  - (1) A member the Selection Commission tenders his/her resignation;
  - (2) A member of the Selection Commission does not meet the requirements set forth by Article 15 Part 3 of this Law.
2. The responsibility for making a decision of dismissing a member of the Selection Commission will rest with the Selection Commission.
3. In this case, powers of a member of the Selection Commission will be terminated effective the moment the Selection Commission makes a relevant decision.

#### **Article 19: Terminating Powers of a Member of the Selection Commission**

1. Powers of a member of the Selection Commission will be terminated in the following cases:
  - (1) The tenure for which he/she was elected (appointed) has ended;
  - (2) A guilty verdict against him/her has come into force;
  - (3) He/she is recognized as missing or declared deceased, legally incompetent or partially incapacitated;
  - (4) He/she has passed away.
2. Powers of a member of the Selection Commission will be terminated at the onset of a corresponding event.

#### **Article 20: Selection Commission Operation**

1. The Selection Commission will approve the rules of procedure for its operation at its meeting.
2. The meeting of the Selection Commission will be competent if no less than seven members attend the meeting.
3. A decision of the Selection Commission will be deemed made if no less than seven members of the Selection Commission have voted for it.

4. The mass media representatives and stakeholders will have a free access to meetings of the Selection Commission. The Secretariat of the High Qualifications Commission of Judges of Ukraine will ensure video- and audio recording and video broadcast of the Selection Commission meetings on the official web site of the High Qualifications Commission of Judges of Ukraine. Video- and audio records of the Selection Commission records including video- and audio records of interviews conducted by the Selection Commission pursuant to Article 28 of this Law will be accessible to the public on the official web site of the High Qualifications Commission of Judges of Ukraine.
5. Information on the time and venue of the Selection Commission meetings will be posted on the official web site of the High Qualifications Commission of Judges of Ukraine no later than 48 hours prior to the beginning of a meeting.
6. The Secretariat of the High Qualifications Commission of Judges of Ukraine will provide organizational support to the Selection Commission.
7. Members of the Selection Commission will work on a pro bono basis.

#### **Article 21: Procedure for Competitive Selection and Appointment of Judges to Anti-Corruption Courts**

1. Competitive selection and appointment of judges to anti-corruption courts will be administered according to the procedure defined by this Law.
2. A unified competitive selection process will be employed for the purpose of filling vacant judge positions at the High Anti-Corruption Court and Anti-Corruption Chamber.
3. The process of competitive selection and appointment of judges to anti-corruption courts will consist of the following stages:
  - (1) The High Qualifications Commission of Judges of Ukraine makes a decision on announcing competitive selection of candidates to vacant judge positions at anti-corruption courts;
  - (2) The High Qualifications Commission of Judges of Ukraine post an announcement about competitive selection of candidates to vacant judge positions at anti-corruption courts on its official web site;
  - (3) Individuals willing to become a judge at an anti-corruption court submit relevant applications and documents to the High Qualifications Commission of Judges of Ukraine;

- (4) The High Qualifications Commission of Judges of Ukraine checks whether or not applicants meet the requirements set forth by this Law;
- (5) The High Qualifications Commission of Judges of Ukraine makes a decision on admitting individuals meeting the requirements set forth by this Law as of the time of application to the competitive selection process and begins formation of their dossiers;
- (6) The High Qualifications Commission of Judges of Ukraine conducts a special check of the individuals admitted to the competitive selection process according to the procedure established by the anti-corruption legislation with allowance for specifics set forth by this Law and makes a decision on admitting individuals who have passed the special check to the qualification evaluation;
- (7) Candidates to the judge position at an anti-corruption court who have passed the special check and have been admitted to the next stage of the competitive selection process will sit for the qualification evaluation;
- (8) Based on qualification evaluation results, the Selection Commission will make a decision evidencing the capability of a candidate to the judge position at an anti-corruption court to administer justice at an anti-corruption court and assign ratings to the candidates;
- (9) The Selection Commission will make a decision on determination of the competitive selection results by which it will approve a list of candidates to the judge position at an anti-corruption court for the purpose of making appointments to a corresponding court;
- (10) The High Qualifications Commission of Judges of Ukraine will approve the competitive selection results determined by the Selection Commission and submit recommendations on appointing the candidates to the judge position to the High Council of Justice;
- (11) The High Council of Justice will consider recommendations of the High Qualifications Commission of Judges of Ukraine and approve a decision on filing a motion on appointment to the judge position with the President of Ukraine;
- (12) The President of Ukraine will issue a decree on appointment to the judge position.

## **Article 22: Announcing Competitive Selection of Candidates to Vacant Judge Positions at Anti-Corruption Courts**

1. The High Qualifications Commission of Judges of Ukraine will make a decision on announcing competitive selection of candidates to vacant judge positions at anti-corruption courts and post a relevant announcement on its official web site. The announcement should specify the timeframe for submitting document to the High Qualifications Commission of Judges of Ukraine which may not be shorter than a 30 day period beginning on the day of posting the announcement.

## **Article 23: Submission of Application and Documents by Individuals Willing to Become a Judge of an Anti-Corruption Court**

1. Individuals willing to become a judge of an anti-corruption court will submit the following documents to the High Qualifications Commission of Judges of Ukraine within the timeframe specified in the announcement:

- (1) Written application for participation in the competitive selection process;
- (2) Copy of the passport of the Ukrainian citizen;
- (3) Completed questionnaire form of a candidate to the judge position;
- (4) Letter of motivation describing motives to be a judge;
- (5) Statement of family relationships of a candidate to the judge position;
- (6) Copy of a diploma (together with annexes) of higher legal education received in Ukraine; copies of documentary evidences of higher legal education received overseas together with copies of documents evidencing recognition in Ukraine; copies of documentary evidences of academic degree and/or title (if any);
- (7) Copy of the service book and service records (if any);
- (8) Medical certificate issued by a health institution with an opinion on the capability to work on a position associated with performance of functions of the state;
- (9) Written consent for collection, storage, processing, and use of information on a candidate for the purpose of evaluating his/her readiness to work on the judge position;
- (10) Consent for undergoing the special check pursuant to law;
- (11) Declaration of a person authorized to perform function of the state or local government according to the procedure set forth by anti-corruption legislation;
- (12) Copy of the military ID (applicable to servicemen or reservists);
- (13) Statement of undergoing the check defined by the Law of Ukraine "On Lustration";
- (14) Declaration of integrity of a candidate to the judge position;
- (15) Documents evidencing compliance with one of the requirements set forth by Article 8 Part 1 Items 1-5 of this Law.

2. An individual willing to become an anti-corruption court judge may specify in the application at what particular anti-corruption court he/she prefer to hold a vacant position.

3. The Secretariat of the High Qualifications Commission of Judges of Ukraine will post applications and documents submitted by individuals willing to become an anti-corruption court judge on the official web site of the Commission. These documents are open for the public access except for:



- (1) Information on the place of residence or stay, individuals' birth dates, numbers of their telephones or other communication means, e-mail address, taxpayer ID numbers, passport series and numbers, military ID numbers, property locations (except for oblast, raion, city/village), vehicle registration numbers, health information;
- (2) Any information or data on underage children except for information on property, property rights, assets, other items which are subject to declaration and owned by individuals in question according to their declarations of a person authorized to perform functions of the state or local government to be submitted by candidates to the position of anti-corruption court judge.

#### **Article 24: Checking Compliance with Requirements to Candidates to the Position of Anti-Corruption Court Judge**

1. Based on submitted documents, the High Qualifications Commission of Judges of Ukraine will check individuals who have submitted applications for participation in the competitive selection process with a view to find out whether or not they meet the requirements set forth by Article 8 of this Law.
2. The High Qualifications Commission of Judges of Ukraine will make a decision on admitting individuals meeting the requirements to candidates to the position of an anti-corruption court judge to the competitive selection process and begin formation of their dossiers according to the requirement of the Law of Ukraine "On Judiciary and Status of Judges".

#### **Article 25: Conducting the Special Check of a Candidate to the Position of an Anti-Corruption Court Judge**

1. The High Qualifications Commission of Judges of Ukraine will conduct the special check of candidates to the position of an anti-corruption court judge pursuant to provisions of the Law of Ukraine "On Preventing Corruption" according to the procedure and with allowance for specifics set forth by this Law.
2. For the purpose of conducting the special check the High Qualifications Commission of Judges of Ukraine will send requests for checking relevant information on individuals admitted to the competitive selection process to authorized agencies within three business days of making a decision on admittance.
3. Should an authorized agency specify in its reply that a candidate for the position of the anti-corruption court judge may not pass the special check, then such agency must substantiate its decision and provide information confirming such substantiation. If the authorized agency

fails to substantiate that the candidate may not pass the special check the authorized agency will be deemed to have confirmed that such candidate may pass the special check.

4. The High Qualifications Commission of Judges of Ukraine will prepare a certificate with results of conducting the special check based on the received information.
5. Individuals and legal entities may send information on candidates to the judge position to the High Qualifications Commission of Judges of Ukraine.
6. Should in the process of conducting the special check information be received which may evidence that a candidate for the position of an anti-corruption court judge does not meet the requirements of this Law the High Qualifications Commission of Judges of Ukraine will consider this information at its meeting and invite the candidate in question to such meeting. The candidate to the position of an anti-corruption court judge may familiarize him/herself with this information, provide relevant explanations, refute or reject it. Following such consideration, the High Qualifications Commission of Judges of Ukraine will pass a reasoned opinion on disqualification of the candidate.
7. The High Qualifications Commission of Judges of Ukraine will admit candidates who have passed the special check to the qualification evaluation.

#### **Article 26: Qualification Evaluation**

1. The qualification evaluation will be conducted with allowance for the requirements defined by the Law of Ukraine "On Judiciary and Status of Judges" and specifics set forth by this Law.
2. The qualification evaluation will consist of the following stages:
  - (1) Taking an exam which is administered by the High Qualifications Commission of Judges of Ukraine;
  - (2) Studying the dossier and conducting an interview which is administered by the Selection Commission.
3. The Selection Commission will determine results of the qualification evaluation.

#### **Article 27: Taking the Exam**

1. The exam is the first stage of the qualification evaluation and major tool to determine whether or not a candidate qualifies for the position of an anti-corruption court judge by competency criterion.

2. The exam will be conducted by means of anonymous written practical testing intended to find out a candidate's knowledge and practical skills in application of the Ukrainian anti-corruption legislation including criminal and criminal procedural law, international legal acts on corruption prevention, practices of the European Court of Human Rights, and trial conduct.
3. The procedure for taking the exam and methodology for evaluation of candidates will be defined by a regulation to be drafted by the High Qualifications Commission of Judges of Ukraine and approved by the Selection Commission.
4. The High Qualifications Commission of Judges of Ukraine will conduct the exam in a room which is specially equipped for this purpose. Members of the Selection Commission, media representatives, and any stakeholders may be present at each state of the exam and evaluation of its outcomes. The progress of the exam will be recorded by video- and audio equipment.
5. Candidates for the position of an anti-corruption court judge who previously participated in a competitive selection of anti-corruption court judges and proved their capability to administer justice in an anti-corruption court in the qualification evaluation process may use the exam results they got at the previous competitive selection on the conditions that they took that exam no earlier than three year prior to the current competitive selection and that the exam procedure and evaluation methodology remained unchanged.
6. At the completion of the exam, the High Qualifications Commission of Judges of Ukraine will provide all materials associated with the exam results and assignments completed by the candidates for the position of an anti-corruption court judge to the Selection Commission.
7. The Selection Commission will determine the exam results which will be disclosed on the official web site of the High Qualifications Commission of Judges of Ukraine. The exam results, competed assignments, and general aptitude test results of each candidate will available to the public. Information on candidates' moral-and-psychological qualities determined by separate tests will be kept confidential.
8. Once the exam results have been determined, the Selection Commission will made a decision on admitting a candidate for the position of an anti-corruption court judge to the next state of qualification evaluation.

#### **Article 28: Researching Dossier and Conducting Interview**

1. The Selection Commission will research the dossiers of candidates for the position of an anti-corruption court judge in order to check whether or not they meet professional ethics and

integrity criteria. To this end, the Selection Commission will receive an unrestricted and direct access to the dossiers of candidates for the position of an anti-corruption court judge.

2. The Selection Commission may decide that it needs additional information on a candidate for the position of an anti-corruption court judge. In order to receive such information the Selection Commission may receive information and copies of documents and materials (including classified ones) concerning a candidate for the position of an anti-corruption court judge and his/her family members or next of kin from any persons being owners or managers of the requested information (documents, materials) free of charge. Such persons are bound to provide the requested information (documents, materials) within ten days of receiving the request.

3. Should the owner (manager) keep the requested information (documents, materials) in a machine readable form, the latter will be provided to the Selection Commission electronically (provided there is technical capacity).

4. The Selection Commission may **channel** requests and issue joint orders together with owners and managers of requested information.

5. A person who has received a request from the Selection Commission (except a government authority) may reject the request if the requested information (documents) contain(s) state, professional, pre-trial, bank or health secret. Such secret may be disclosed at the Selection Commission request by court ruling according to the procedure and on grounds set forth by law.

6. Should a need to send a request as specified in Part 2 of this Article arise, the Selection Commission may suspend the qualification evaluation process for a period needed to obtain the requested information.

7. In case of failure to provide the Selection Commission with requested information or in case of providing deliberately incorrect information the Selection Commission will demand that the High Qualifications Commission of Judges of Ukraine send a request for provision of correct information to entities which failed to provide information or provided deliberately incorrect information. Failure to provide information to the High Qualifications Commission of Judges of Ukraine or provision of deliberately incorrect information will result in holding guilty persons liable as established by law.

8. The Public Integrity Council may provide the Selection Commission with an opinion determining that a candidate is unfit for the position of an anti-corruption court judge by professional ethics and (or) integrity criteria. Such opinion will be attached to the candidate's dossier.

9. Individuals and legal entities may provide the Selection Commission with information on candidates for the position of an anti-corruption court judge. Such information will be attached to the dossier of a candidate in question by decision of the Selection Commission.

10. The Selection Commission will interview candidates for the position of an anti-corruption court judge who have been admitted to this stage of qualification evaluation. The interview consists in discussing results of the dossier research.

11. Based on results of the qualification exam, research of the dossier materials, and interview, the Selection Commission will make a separate decision on whether or not each candidate is capable to administer justice at an anti-corruption court. Should the Public Integrity Council has determined in its opinion that a candidate for the position of an anti-corruption court judge does not meet the professional ethics and integrity criteria, then the Selection Commission may make a decision that such candidate is capable to administer justice at an anti-corruption court only if no less than seven members of the commission support this decision.

12. The Selection Commission will assign ratings to candidates who have proved their capability to administer justice at an anti-corruption court on the basis of results of the dossier research and interviews and with allowance for the exam results.

#### **Article 29: Determining Results of Competitive Selection**

1. The Selection Commission will make a decision on determining the competitive selection results by which it will approve a list of candidates for the position of an anti-corruption court judge for the purpose of appointing them to a relevant anti-corruption court.

2. In the process of determining the competitive selection results, the Selection Commission may allow for information shown in the application according to Article 23 Part 2 of this Law.

#### **Article 30: Specifics of Appointment to Judge Position**

1. The High Qualifications Commission of Judges of Ukraine will approve the competitive selection results as determined by the Selection Commission and provide recommendations on appointing a candidate to the judge position or transferring a judge to the High Council of Justice.

2. The High Qualifications Commission of Judges of Ukraine may not reject approval of the competitive selection results as determined by the Selection Commission.

3. Following recommendations of the High Qualifications Commission of Judges of Ukraine, the High Council of Justice will approve a decision to submit a motion on appointment to the judge position or transfer of a judge to the President of Ukraine.
4. The High Council of Justice may not reject submission of a motion on appointment to the judge position to the President of Ukraine or reject approval of recommendation on transfer of a judge provided by the High Qualifications Commission of Judges of Ukraine.
5. The President of Ukraine will issue a decree on appointment to the judge position according to requirement of the Law of Ukraine "On Judiciary and Status of Judges".

### **Article 31: Challenging Decisions of High Qualifications Commission of Judges of Ukraine**

1. A decision of the High Qualifications Commission of Judges of Ukraine on approving the selection results may be challenged and reversed solely on the following grounds:
  - (1) The composition of members of the High Qualifications Commission of Judges of Ukraine which has made the decision in question did not have powers to make such decision;
  - (2) The decision is not signed by any member from the composition of the High Qualifications Commission of Judges of Ukraine which made the decision.

### **Section IV: Specific Aspects of Ensuring Operations of Anti-Corruption Courts**

#### **Article 32: Funding of High Anti-Corruption Court and Anti-Corruption Chamber**

1. Spending for the High Anti-Corruption Court and Appellate Chamber will be defined by separate lines of the State Budget of Ukraine.
2. The High Anti-Corruption Court and Anti-Corruption Chamber will be main manager of the State Budget funds with respect to funding their operations.

#### **Article 33: Requirements to Buildings in Which Anti-Corruption Courts Are Located**

1. The High Anti-Corruption Court will be located in a separate building(s). The High Anti-Corruption Court may not share a building with other courts.
2. The Anti-Corruption Chamber will be located in a separate building. The Anti-Corruption Chamber may not share a building(s) with the Supreme Court or other courts.

3. Official quarters of the High Anti-Corruption Court and Anti-Corruption Chamber will be equipped with modern means of security which ensure personal safety of judges and staff members of anti-corruption courts, safe keeping of documentation, and protection from unauthorized access.

4. For the purpose of ensuring openness and transparency of court proceedings, there should be a separate room in the High Anti-Corruption Court and Anti-Corruption Chamber which would enable public and media representatives observe a court session but preclude them from hindering the justice administration. If such room cannot accommodate all people willing to participate in the court session, the anti-corruption court staff will organize video- and audio broadcast of the court session in another room in the court building which is accessible to the public.

#### **Article 34: Provision of Anti-Corruption Court Judges with Employer-Rented Housing and Vehicles**

1. Judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be provided with employer-rented housing and vehicles as a need might be.

2. Judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be provided with employer-rented vehicles.

#### **Article 35: Safety Guaranteed for Anti-Corruption Court Judges**

1. Judges of the High Anti-Corruption Court and Anti-Corruption Chamber will be provided with the round-the-clock security service.

2. At the request of a judge, the round-the-clock security service will be provided to his/her family or household members.

3. At the request of a judge, his/her personal or employer-rented housing will be secured round the clock.

4. The security services to a judge and his/her family or household members will be provided by the Department of State Guard of Ukraine. It will also ensure security of the judge's housing.

5. The personal or employer-rented housing of a judge will be equipped with a security alarm system and alarm button for emergency calls to the police.

6. A judge and his/her family or household members will be provided with eavesdropping-proof communication means.
7. In case of a threat to the life or health of an anti-corruption court judge, his family or household members, the Department of State Guard of Ukraine will provide temporary safe lodging to such persons at the judge request.
8. The State will purchase life and health insurance policies for judges of the High Anti-Corruption Court and Anti-Corruption Chamber and their family or household members.

### **Article 36: Compensation of Anti-Corruption Court Judges**

1. The compensation of anti-corruption court judges will consist of an official salary.
2. The official salary of an anti-corruption court judge will amount to:
  - (1) 75 minimum wages payable to a judge of the High Anti-Corruption Court;
  - (2) 94 minimum wages payable to a judge of the Anti-Corruption Chamber.
3. A separate code of economic classification of expenditures will be assigned to spending for judges' compensation.
4. Compensation will be accrued effecting the day of adding a judge to the personnel plan of a corresponding anti-corruption court.

### **Article 37: Specifics of the High Anti-Corruption Court Staff**

1. The responsibility for organizational support of the High Anti-Corruption Court operations will rest with the staff of the High Anti-Corruption Court. The Chief of Staff will head the High Anti-Corruption Court staff. The Head of the State Judicial Administration of Ukraine will appoint the Chief of Staff of the High Anti-Corruption Court at the proposal of the Selection Commission which selects the Chief of Staff on a competitive basis pursuant to the Law of Ukraine "On Public Service" with allowance for specifics set forth by this Law.
2. The Head of the State Judicial Administration of Ukraine may not reject appointment of a person proposed by the Selection Commission to the position of the Chief of Staff of the High Anti-Corruption Court.
3. The Chief of Staff of the High Anti-Corruption Court will be dismissed by the Head of the State Judicial Administration of Ukraine on grounds defined by the Law of Ukraine "On Public



Service". The meeting of the High Anti-Corruption Court judges may impeach credibility of the Chief of Staff of the High Anti-Corruption Court which leads to his/her dismissal.

4. The Chief of Staff will appoint and dismiss staff members of the High Anti-Corruption Court. The appointments will be made based on results of competitive selection to be conducted according to the Law of Ukraine "On Public Service" with allowance for specifics set forth by the Law of Ukraine "On Judiciary and Status of Judges".

5. The legal status of staff members of the High Anti-Corruption Court is defined by the Law of Ukraine "On Public Service" with allowance for specifics set forth by the Law of Ukraine "On Judiciary and Status of Judges".

6. The meeting of the High Anti-Corruption Court judges will approve the Regulation on the High Anti-Corruption Court Staff. The structure and number of the High Anti-Corruption Court staff will be defined by the State Judicial Administration of Ukraine upon agreeing on with the Chief of Staff of the High Anti-Corruption Court within the established level of funding the court.

#### **Article 38: Specifics of the Anti-Corruption Chamber Staff**

1. A separate body of staff will provide organizational support to the Anti-Corruption Chamber operations. The Anti-Corruption Chamber staff will not be a structural unit of the Supreme Court staff. The Anti-Corruption Chamber staff will not be subordinated to the Supreme Court staff, and the Chief of Staff of the Anti-Corruption Chamber will not report to the Head of the Criminal Cassation Court of the Supreme Court.

2. Chief of Staff will head the Anti-Corruption Chamber staff. The Head of the State Judicial Administration of Ukraine will appoint the Chief of Staff of the Anti-Corruption Chamber at the proposal of the Selection Commission which selects the Chief of Staff on a competitive basis pursuant to the Law of Ukraine "On Public Service" with allowance for specifics set forth by this Law.

3. The Head of the State Judicial Administration of Ukraine may not reject appointment of a person proposed by the Selection Commission to the position of the Chief of Staff of the Anti-Corruption Chamber.

4. The Chief of Staff of the Anti-Corruption Chamber will be dismissed by the Head of the State Judicial Administration of Ukraine on grounds defined by the Law of Ukraine "On Public Service". The meeting of the Anti-Corruption Chamber judges may impeach credibility of the Chief of Staff which leads to his/her dismissal.

5. The Chief of Staff will appoint and dismiss staff members of the Anti-Corruption Chamber. The appointments will be made based on results of competitive selection to be conducted according to the Law of Ukraine "On Public Service" with allowance for specifics set forth by the Law of Ukraine "On Judiciary and Status of Judges".

6. The meeting of the Anti-Corruption Chamber judges will approve the Regulation on the Anti-Corruption Chamber Staff. The structure and number of the Anti-Corruption Chamber staff will be defined by the State Judicial Administration of Ukraine upon agreeing on with the Chief of Staff of the Anti-Corruption Chamber within the established level of funding chamber.

### **Section V: Final and Transitional Provisions**

1. This Law will come into effect on the day following the day of publication of this Law.

2.