Draft

Submitted by the President of Ukraine

**LAW OF UKRAINE**

On High Anticorruption Court

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This law establishes the principles\basis for organization and operation of High Anticorruption Court, special requirements to judges of this court, and guarantees for their work\activity.

**Section І**

**GENERAL PROVISIONS**

**Article 1: The Status of High Anticorruption Court**

1. High Anticorruption Court is a permanently operating high specialized court in the court system of Ukraine.

2. High Anticorruption Court is a legal entity, has its stamp depicting the state emblem of Ukraine and its name inscribed.

**Article 2:** **Legal Framework for** **Operation of the High Anticorruption Court**

1. The legal framework for the operation of High Anticorruption Court is Constitution of Ukraine, Law of Ukraine "On the Judiciary and Status of Judges", this and other laws of Ukraine, current international Agreements of Ukraine made binding by the consent of the Verkhovna Rad (Parliament) of Ukraine.

**Article 3: The Task of the High Anticorruption Court**

1. The task of the High Anticorruption Court is to administer justice according to the principles and procedures of court proceedings defined by law for the purposes of protecting individuals, society, and the state from corruption-related crimes and ensuring court control over pretrial investigation of these crimes.

**Section ІІ**

**ORGANIZATION OF HIGH ANTICORRUPTION COURT**

**Article 4: The Authority of the High Anticorruption Court**

1. High Anticorruption Court shall:

administer justice as a trial and appellate court in criminal proceedings regarding crimes falling under its jurisdiction according to procedural law, as well as through exercising control in cases and in line with the procedure established by procedural law over observance of rights, freedoms and interests of persons in such criminal proceedings;

analyze court statistics, study and summarize case law in criminal proceedings falling under its jurisdiction, and inform the Supreme Court about the results of summarizing the case law.

2. Territorial jurisdiction of High Anticorruption Court covers all the territory of Ukraine.

**Article 5: Composition\members of the High Anticorruption Court**

1. The number of judges of the High Anticorruption Court will be defined according to the Law of Ukraine "On Judiciary and Status of Judges" with allowance for available funding of this court from the state budget of Ukraine. The number of judges of the Appellate Chamber of the High Anticorruption Court will be defined within the established number of judges of the High Anticorruption Court.

2. For the purpose of exercising the court control over respecting individual rights, liberties, and interests in criminal proceedings relegated to the investigative jurisdiction of the Higher Anticorruption Courts, investigative judges will be elected from among judges of this court for a one-year term. Investigative judges may not be elected for two terms in row..

3. A judge of the Appellate Chamber of the High Anticorruption Court may not be elected an investigative judge.

4. The number of investigative judges at the High Anticorruption Court will be defined, they will be elected, and the duties of a first-instance judge at the High Anticorruption Court will be discharged according to the procedures set forth by the Law of Ukraine "On Judiciary and Status of Judges" for defining the number of investigative judges, electing them, and discharging duties of a judge at local courts, respectively.

**Article 6: Chief Judge of High Anticorruption Court, Chief Judge of the Appellate Chamber of the High Anticorruption Court, and Their Deputies**

1. Chief Judge of High Anticorruption Court enjoys administrative powers stipulated by Law of Ukraine “On the Judiciary and Status of Judges" and this law.

2. Chief Judge of High Anticorruption Court has one deputy who exercise administrative powers prescribed by the Chief Judge of High Anticorruption Court.

3. If a High Anticorruption Court judge occupies the position of Chief Judge or Deputy Chief Judge of High Anticorruption Court it does not relieve him\her of the judicial duties envisaged by law and does not terminate his work in the respective judicial chamber or it does not relieve him of the duties of a secretary of a judicial chamber of the High Anticorruption Court.

4. The Chief Judge of the Appellate Chamber of the High Anticorruption Court will be elected according to the procedure and exercise powers envisaged by the Law of Ukraine "On Judiciary and Status of Judges".

**Section ІІІ**

**PROCEDURE FOR TAKING THE POSTION OF A JUDGE OF HIGH ANTICORRUPTION COURT**

**Article 7: Special Requirements to Judges at the High Anticorruption Court**

1. An individual meeting the requirements to candidates for the judicial position defined by the Constitution of Ukraine and Law of Ukraine "On Judiciary and Status of Judges" as well as additional requirements set forth by this Article may be a judge of the High Anticorruption Court.

2. In order to be appointed to the judicial position at the High Anticorruption Court, a citizen of Ukraine must be at least thirty five years of age, have substantial experience of carrying out professional activities in the area of law in counteracting and fighting corruption at international intergovernmental organizations or international judicial institutions overseas, possess knowledge and practical skills in applying modern international anticorruption standards and best international practices in the sphere of counteracting and fighting corruption and practices of the European Court of Human Rights and meet one of the following requirements:

(1) Have worked on a judicial position for at least five years;

(2) Have an academic degree in law and no less than seven-year experience of research activities in the area of law;

(3) Have no less than seven-year professional experience in the attorney capacity including experience of representation at the court and/or defense from criminal prosecution;

(4) Have no less than seven-year experience in the areas specified in Items 1-3 of this part.

3. For the purpose of Part 2 of this Article, the terms "higher legal education", "duration of professional activities in the area of law", "academic degree", "duration of research activities" will have the meaning defined in Part Six of Article 69 of the Law of Ukraine "On Judiciary and Status of Judges".

4. Listed below are categories of individuals who may not be appointed to the judicial position at the High Anticorruption Court:

(1) Individuals who during ten years preceding the appointment:

* Worked (served) at bodies of the Prosecutor Office, Ministry of Interior of Ukraine, National Police of Ukraine, State Investigation Bureau, other law enforcement agencies, Tax Militia, Security Service of Ukraine, customs authorities, National Anti-Corruption Bureau of Ukraine, National Agency on Corruption Prevention; National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes; Antimonopoly Committee of Ukraine, Accounting Chamber of Ukraine, central executive authority responsible for developing and implementing state tax and customs policies, central executive authority responsible for implementing state policies in the sphere of preventing and counteracting money laundering or terrorism funding;
* Held political or elected positions;

(2) Individuals who were members of the managerial bodies of a political party or were employed or contracted by a political party during the last five years;

(3) Individuals information on whom is entered in the Unified Register of Persons Who Committed Corruption-Related Offences;

(4) Individuals who were members of the managerial body or supervisory council of a legal entity information on which is entered in the Unified Register of Persons Who Committed Corruption-Related Offences;

(5) Individuals who were members of the High Qualifications Commission of Judges of Ukraine or High Council of Justice prior to enactment of the Law of Ukraine "On Restoring Trust to Judicial Power in Ukraine";

(6) Individuals who were members of the Inter-Agency Commission on Public Procurement Matters or tender committees which were set up by customers for the purpose of effecting state/public procurements prior to creation of the electronic procurement system pursuant to the Law of Ukraine "On Public Procurements";

(7) Individuals whose right to hold positions or carry out activities associated with performing function of the state or local government by court verdict is terminated by a court verdict which have come into force (except for rehabilitated individuals) regardless whether or not the such conviction is released or spent or individuals who were convicted for committing any willful crime regardless whether or not the such conviction is released or spent.

**Article 8: Competitive Selection for the Judicial Position at the High Anticorruption Court**

1. Candidates for the judicial position at the High Anticorruption Court will be selected on a competitive basis according to the procedure defined by the Constitution of Ukraine and Law of Ukraine "On Judiciary and Status of Judges" with allowance for the specifics envisaged by this Article.

2. Judges of the High Anticorruption Court may not be appointed by way of transfer of judges from other courts without competitive selection, application of a disciplinary sanction or secondment of judges to the High Anticorruption Court.

3. To be admitted to the qualification evaluation as part of the competitive selection for the judicial position at the High Anticorruption Court under special procedure, a candidate for the judicial position will submit to the High Qualifications Commission of Judges of Ukraine – in addition to the documents defined by the Law of Ukraine "On Judiciary and Status of Judges" – also documents evidencing compliance with the requirements specified by Parts 2 of Article 7 of this Law and a statement of a want of circumstances specified in Part 4 of Article 7 of this Law.

4. A Public Council of International Experts will be set up in order to assist the High Qualifications Commission of Judges of Ukraine with determination – for qualification evaluation purposes – of the compliance of candidates for judicial positions at the High Anticorruption Court with the professional ethics and integrity criteria including the legality of sources of origin of assets and correspondence of living standards of a candidate or his/her family members to reported incomes, adherence to ethical behavior standards, specifically moral standards, honesty, incorruptibility, conformity of the candidate's lifestyle to his/her status as well as the criteria of existence of substantial experience of carrying out professional activities in counteracting and fighting corruption at international intergovernmental organizations or international judicial institutions overseas and possession of the knowledge and practical skills of applying modern international anti-corruption standards and best international practices in the sphere of counteracting and fighting corruption and practices of the European Court of Human Rights. The Public Integrity Council, which is set up and operates pursuant to the Law of Ukraine "On Judiciary and Status of Judges" will not be engaged in the process of determining the compliance of candidates for judicial positions at the High Anticorruption Court with the criteria set forth by law for qualification evaluation purposes during a period when the Public Council of International Experts operates.

5. Should the Public Council of International Experts establish in its reasoned opinion that a candidate for the judicial position at the High Anticorruption Court does not meet the criteria specified in Part four of this Article, the High Qualifications Commission of Judges of Ukraine may make a decision confirming such candidate's ability to administer justice at the High Anticorruption Court on the condition that such decision is supported by no less than eleven members of the Commission.

6. Should two or more participants have the same rating position based on the qualification evaluation for the purpose of competitive selection of a judge at the Appellate Chamber of the High Anticorruption Court, the advantage will be given to the participant with a higher score for the practical assignment of the test completed as part of the qualification evaluation. And should two or more participants have the same score, the advantage will be given to the participant with a longer service on the judicial position at appellate and/or cassation courts. Should participants to the competitive selection of a judge at the Appellate Chamber of the High Anticorruption Court have equal duration service in the judge capacity at appellate and/or cassation courts or none thereof, the advantage will be given to the participant with a longer service on the judicial position; if the participants have the equal duration service on the judicial position, the advantage will be given to the participant with an academic degree; and should both participants have an academic degree or none thereof, the advantage will be given to the participant with a longer period of professional activities in the area of law.

Should two or more participants have the same rating position based on the qualification evaluation for the purpose of competitive selection of other judges of the High Anticorruption Court, the advantage will be given to the participant with a higher score for the practical assignment of the test completed as part of the qualification evaluation. And should two or more participants have the same score, the advantage will be given to the participant with a longer service on the judicial position. Should participants to such competitive selection have equal duration service in the judge capacity or none thereof, the advantage will be given to the participant with an academic degree; and should both participants have an academic degree or none thereof, the advantage will be given to the participant with a longer period of professional activities in the area of law.

7. At each stage of the qualification evaluation of candidates for a judicial position at the High Anticorruption Court and during evaluation of results of such qualification evaluation, the Secretariat of the High Qualifications Commission of Judges of Ukraine will ensure video- and audio recording and live broadcast of relevant sittings of the High Qualification Commission of Judges of Ukraine; and the Public Council of International Experts – on the official web sites of the State Judicial Administration of Ukraine.

8. During the processes whereby the High Council of Justice considers submission of a proposal on appointing a judge of the High Anticorruption Court to the President of Ukraine and makes a decision on a candidate for a judge position at the High Anticorruption Court, the Secretariat of the High Council of Justice will ensure video- and audio recording and live broadcast of relevant sittings of the High Council of Justice on the official web site of the High Council of Justice.

**Article 9: Public Council of International Experts**

1. The Public Council of International Experts will be set up for a six-year term by the High Qualifications Commission of Judges of Ukraine for the purpose of assisting it with preparing decisions on appointing judges of the High Anticorruption Court and serve as its subsidiary body.

2. The Public Council of International Experts will consist of no less than seven members to be appointed by the High Qualifications Commission of Judges of Ukraine solely at proposals of international organizations with whom Ukraine cooperates in the sphere of preventing and counteracting corruption according to international treaties of Ukraine.

3. Only individuals with impeccable business reputation, high professional and moral qualities, public authority, no less than five-year experience of implementing modern anti-corruption standards and best international practices in the sphere of counteracting and fighting corruption overseas or at international organizations may be members of the Public Council of International Experts.

4. Individuals falling under the scope of the Law of Ukraine "On Corruption Prevention" or not meeting the requirements defined in Article 7 Part 4 of this Law may not be members of the Public Council of International Experts.

5. Members of the Public Council of International Experts will be appointed for a two-year term and may not be re-appointed.

6. Members of the Public Council of International Experts will take part in its activities on a *pro bono* basis.

7. The powers of a member of the Public Council of International Experts of the High Anticorruption Court will be terminated early in the following cases:

(1) The Public Council member has tendered his/her resignation;

(2) The Public Council has put forward a proposal on early termination of the powers of its member;

(3) A court's guilty verdict with regard to him/her has come into force;

(4) The member has been recognized legally incapable or missing;

(5) The member turns out not to comply with the criteria set forth hereby;

(6) The member has passed away;

(7) The term defined by Part 1 of this Article has ended.

8. A decision on early termination of the powers of a member of the Public Council of International Experts will be made by the High Qualifications Commission of Judges of Ukraine. The latter will take measures to appoint a new member of the Public Council within ten days of making such decision.

9. The Public Council of International Experts will:

(1) Collect, check, and analyze information on candidates for judicial positions at the High Anticorruption Court;

(2) Provide information on candidates for judicial positions at the High Anticorruption Court to the High Qualifications Commission of Judges of Ukraine;

(3) No later than ten days prior to a meeting of the High Qualifications Commission of Judges of Ukraine which is supposed to confirm and not to confirm the capability of a candidate for a judicial position at the High Anticorruption Court to administer justice at this court, should there be relevant grounds, provide the High Qualifications Commission of Judges of Ukraine with an opinion on noncompliance of the candidate for the judicial position at the High Anticorruption Court with the criteria specified in Article 8 Part 4 of this Law. This opinion will be added to the dossier of the candidate for the judge position at the High Anticorruption Court.

(4) Delegate an authorized representative for participation in a meeting of the High Qualifications Commission of Judges of Ukraine devoted to the qualification evaluation of the candidate for the judicial position at the High Anticorruption Court;

(5) Take measures to protect personal data and information with a limited access which became known to the Public Council and its members because of exercising their powers.

10. For the purpose of exercising powers specified in this Article, members of the Public Council of International Experts will be provided a free access to open state registries.

11. A member of the Public Council of International Experts will be bound:

(1) To take part in the Public Council meetings in person and not to delegate his/her powers with regard to participation in the Public Council meetings to other individuals including other members of the Public Council;

(2) Not to use personal data and other information which he/she learned because of being involved in the Public Council activities for purposes other than discharging his/her duties as the Public Council member. Failure to comply with this requirement will lead to the liability envisaged by law;

(3) To opt out of participation in the process of preparing an opinion on non-compliance of a candidate for the judge position at the High Anticorruption Court with the criteria specified in Article 8 Part 4 of this Law if this member of the Public Council of International Experts maintains or maintained personal or business relationships with the candidate for the judicial position at the High Anticorruption Court, is related to cases which were or are considered by a judge being a candidate for the judicial position at the High Anticorruption Court and/or there are other circumstances which may affect the objectivity or impartiality of the member of the Public Council of International Experts when making his/her decision on the candidate for the judge position at the High Anticorruption Court.

12. The Public Council of International Experts will make a decision on providing the opinion on noncompliance of a candidate for the judicial position at the High Anticorruption Court with the criteria specified in Article 8 Part 4 Paragraph 1 of this Law by two thirds of the votes and on other issues – by majority vote of the Public Council Membership defined according to this Law.

13. The responsibility for organizational-and-technical support of activities of the Public Council of International Experts will rest with the State Judicial Administration of Ukraine. Activities of the Public Council of International Experts may be funded with engagement of international technical assistance.

**Section ІV**

**SPECIFICS OF THE STATUS OF JUDGES**

**OF THE HIGH ANTICORRUPTION COURT**

**Article 10: Additional Guarantees of Security of the High Anticorruption Court Judges**

1. Because of administering justice in criminal proceedings associated with corruption-related crimes, judges of the High Anticorruption Court will be provided supplementary guarantees of their personal safety and personal safety of their family members and their property security in addition to the guarantees defined by the Constitution of Ukraine and Law of Ukraine "On Judiciary and Status of Judges".

2. A judge of the High Anticorruption Court and, at his/her request – should such need arise, his/her family members will be provided with around the clock guarding services.

3. The housing of the High Anticorruption Court judge will be equipped with a security alarm system and panic buttons.

4. The responsibility for guarding the High Anticorruption Court judge and his/her family members as well as his/her housing will rest with the Court Security Service.

5. If there is a threat to the life or health of the High Anticorruption Court judge or his/her family members, the Court Security Service will ensure temporary placement of these individuals in safe locations at the judge's request.

6. Modern security equipment will be installed in office premises of the High Anticorruption Court which will guarantee personal safety of judges and safe keeping of documentation of the High Anticorruption Court and prevent an authorized access to the premises.

7. For the purposes of this article, the term "family member" will have the meaning provided in Article 1 Part 1 of the Law of Ukraine "On Corruption Prevention".

**Article 11: Monitoring Integrity the High Anticorruption Court Judges**

1. Listed below are measures which will be taken for the purposes of monitoring integrity of а judge of the High Anticorruption Court, finding out whether or not his/her and his/her family members' living standards conform to their incomes or whether or not the judge has a conflict of interests or whether or not there are signs of unlawful enrichment of the judge:

(1) Full check of declaration of individuals authorized to perform functions of the state or local governments which are filed by the High Anticorruption Court judges according to the procedure set forth by the Law of Ukraine "On Corruption Prevention"; the results of such check will be included in the judge dossier of the High Anticorruption Court judge;

(2) Monitoring of the lifestyle of the High Anticorruption Court judges and their family members at the request of the High Qualifications Commission of Judges of Ukraine, High Council of Justice, Public Integrity Council as well as based on information which has been received from individuals and legal entities, the mass media, and other open sources and evidences that living standards of individuals bound to file such declarations does not conform to the assets and incomes reported by them;

(3) Other measures of financial and other control and monitoring over compliance with the legislation in the sphere of corruption prevention as envisaged by law.

2. For the purpose of obtaining information on possible offences committed by a judge of the High Anticorruption Court, instances of unlawful influence on him/her, hidden motives for making court decision, judges of the High Anticorruption Court will undergo psycho-physiological testing with use of polygraph. Such testing consists in questioning which is unharmful for the life and health of an individual and involves the use of computer technical equipment designated for registration of psycho-physiological reactions. The examiner analyzes the pattern of the said reactions in response to psychological stimuli given in the form of multiple choice answers, subjects, charts, photos etc. This makes it possible to detect simulations and present registered results in analog and/or digital form.

3. The procedure for conducing the psycho-physiological testing of the High Anticorruption Court judges with use of polygraph will be approved by the High Council of Justice.

4. Results of the psycho-physiological testing of the High Anticorruption Court judge with use of polygraph may not serve a ground for initiative criminal or administrative proceedings. Instead, they will be used as information of the probabilistic nature in the process of qualification evaluation of a judges and in case of opening disciplinary proceedings against a judge.

5. Rejection of the High Anticorruption Court judge to undergo the psycho-physiological testing with use of a polygraph without proper health reasons will serve a ground for holding him/her disciplinary liable according to a statutory procedure and a serious neglect of judicial duties which is incompatible with the judge status or reveals his/her inconsistency with the job.

6. Results of the psycho-physiological testing of the High Anticorruption Court judge with use of polygraph will be included in the judge dossier. This is confidential information which is not subject to disclosure or a public access on the official web site of the High Qualifications Commission of Judges of Ukraine.

**Article 12: Improving the level of professional competence of judges of the High Anticorruption Court**

1. Along with the measures aimed at maintaining judicial qualifications provided for by the Law of Ukraine “On the Judiciary and Status of Judges”, conditions for meeting individual needs in personal professional growth, improving the level of professional competence in the issues of preventing and combating corruption, up-to-date international anticorruption standards and world practices in the field of preventing and combating corruption are created for judges of the High Anticorruption Court.

2. The judge of the High Anticorruption Court shall undergo mandatory training to increase qualifications on the issues of preventing and combating corruption regularly but no less than once a year.

3. The National School of Judges of Ukraine systematically organizes training for judges of the High Anticorruption Court to strengthen and update necessary knowledge, skills and abilities, training sessions on up-to-date international best practices in the field of preventing and combating corruption, including with engagement of representatives of international organizations and foreign educational institutions.

**Article 13: Providing housing conditions for judges of the High Anticorruption Court**

1. The government provides the judge of the High Anticorruption Court who does not have housing with corporate housing for the period of his/her tenure.

2. Corporate housing facilities for judges of the High Anticorruption Court are in state ownership. Housing facilities provided to the judges of the High Anticorruption Court for the period of their tenure shall not be excluded from the list of corporate and their disposal shall not be allowed.

Section V

SPECIFICS OF SUPPORT

OF THE HIGH ANTICORRUPTION COURT

**Article 14. Financial support of the High Anticorruption Court**

1. The High Anticorruption Court is the main holder of the State Budget of Ukraine in terms of financial support of its operations.

2. Expenditures for the maintenance of the Appellate Chamber of the High Anticorruption Court are set out in the State Budget of Ukraine in a separate line.

**Article 15. Requirements for the location of the High Anticorruption Court**

1. Judicial chambers of the High Anticorruption Court for administering justice in first instance are located within one locality/settlement. The Appellate Chamber of the High Anticorruption Court is also located within one settlement.

2. The Appellate Chamber of the High Anti-Corruption Court and judicial chambers of the High Anticorruption Court for administering justice in first instance cannot be located in one building.

3. The High Anticorruption Court, its chambers and staff cannot be housed in the same building with other courts, state bodies, their territorial and structural divisions, offices, local self-government bodies, institutions and organizations.

**Article 16. Organizational support of the operations of the High Anticorruption Court**

1. Organizational support of the operations of the High Anticorruption Court is provided by the staff of the High Anticorruption Court in accordance with the Law of Ukraine “On the Judiciary and Status of Judges”.

2. A self-dependent structural division is established within the staff of the High Anticorruption Court to provide organizational support of the operations of the Appellate Chamber of the High Anticorruption Court.

3. The Chairperson of the Appellate Chamber of the High Anticorruption Court oversees the efficiency of the operations of the self-dependent structural division which provides organizational support of the operations of the Appellate Chamber of the High Anticorruption Court, submits proposals on appointing a chairperson of this division to the position and approves his/her dismissal from the position, submits proposals on inciting or imposing a disciplinary sanction on him/her in accordance with law, and approves the draft regulation on such structural division and changes to this regulation.

Section VІ

FINAL AND TRANSITIONAL PROVISIONS

1. This Law comes into force the day following its publication, except for subpoint 2 of point 2 of this Section which comes into force since the day of the commencement of the operations of the High Anticorruption Court.

2. Amend the following legislative acts of Ukraine:

1) In article 172-8 of the Code of Ukraine on Administrative Offences (Vidomosti of the Verkhovna Rada of UkSSR, 1984, Annex to № 51, art. 1122):

а) in the title and par. one of part one the words «due to exercising office duties" should be replaced with words " due to exercising office or other established by law powers";

б) the note after words and numbers "mentioned in point 1" shall be supplemented with words and number "and subpoint “in” point 2";

2) in the Criminal Procedure Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2013, No 9 – 13, p. 88):

а) par.20, 22 and 23 of part one of Article 3:

shall read as follows:

“

“ 20) court of appellate instance – the respective court of appeals within the territorial jurisdiction of which the court of first instance is located (except for the High Anticorruption Court) that passed the appealed court decision and the Appellate Chamber of the High Anticorruption Court, regarding court decisions of the High Anticorruption Court”;

22) court of first instance –local court, which has the right to rule on verdict or pass the ruling on closing criminal proceedings and the High Anticorruption Court in criminal proceedings with regard to the crimes that fall under its jurisdiction in line with this Code,;

23) judge – Chief judge, Deputy Chief Judge, Justice of the Supreme Court, the High Anticorruption Court the respective appellate court, local courts that according to the Constitution of Ukraine on professional basis are authorized to administer Justice, as well as a juror;

б) In Article 31:

In Part 5

words "Criminal Cassation court" substitute with words "Cassation Criminal Court ";

part 12 shall have the following wording:

"12. Criminal proceedings in High Anticorruption Court shall be performed:

1) in court of first instance – collegially by a panel of three judges with at least one of them having at least five year experience of working as a judge;

2) in appellate instance – collegially by a panel of three judges with at least one of them having at least five year experience of working as a judge.

Criminal proceedings in High Anticorruption Court during a pretrial investigation shall be performed by one investigating judge, and in case his ruling is appealed against (in appellate instance) – by a panel of at least three judges ";

in Part Thirteen:

To add "(except for the High Anti-Corruption Court)" after "must administer criminal proceedings";

To supplement this part with the following paragraph 2:

"If the court composition envisaged by this article cannot be created at the High Anti-Corruption Court, criminal proceedings in the first instance will be administered by the appellate court whose jurisdiction comprises the city of Kyiv. In this case, approved court decisions will be subject to appellate review by the Appellate Chamber of the High Anti-Corruption Court".

в) in Article 32:

in part one:

- add the fourth sentence which reads as follows: “Effect of this paragraph does not apply to criminal proceedings that fall under the subject-matter jurisdiction of the High Anticorruption Court as stipulated in Article 33-1 of this Code”;

- add paragraph two which reads as follows:

“Criminal proceedings with regard to crimes committed in the territory of Ukraine and which fall under the subject-matter jurisdiction of the High Anticorruption Court are carried out by the High Anticorruption Court”;

in part three after the words “pre-trial investigation of which was conducted by the territorial branches of the National Anti-Corruption Bureau of Ukraine” add the words “(except for crimes that fall under the jurisdiction of the High Anticorruption Court in accordance with this Code)”;

г) in Article 33:

part one shall have the following wording:

“1. Criminal proceedings in first instance shall be carried out by local courts” “and the High Anticorruption Court”;

part two shall have the following wording:

“2. Criminal proceedings in appellate instance shall be performed by respective appellate courts and Appellate Chamber of the High Anticorruption Court”;

д) add Article 33-1 which reads as follows:

"Article 33-1: Subject-Matter Jurisdiction (Competence) of the High Anti-Corruption Court

1. The High Anti-Corruption Court will be competent to administer criminal proceedings with regard to corruption-related crimes envisaged by Articles 191, 262, 308, 312, 313, 320, 357, 410 of the Criminal Code of Ukraine should they be committed by abuse of power; Articles 201, 354, 364, 364-1, 365-2, 368-369-2 of the Criminal Code of Ukraine; other criminal proceedings associated with such crimes and combined with them in single criminal proceedings on the condition that the value of the subject matter (subject matters) or inflicted damage is 500 and more times as large as the minimum subsistence level for able-bodied individuals set forth by law as of the time of committing the crime (crimes).

2. Investigative judges of High Anticorruption Court shall exercise judicial control over compliance with rights, freedoms, and interests of persons in criminal proceedings with regard to crimes that fall under the jurisdiction of High Anticorruption Court according to part one of this article.

3. Other courts defined by this Code may not consider criminal proceedings with regard to crimes which are relegated to the competence of the High Anti-Corruption Court (except for cases envisaged by the paragraph two of Part Thirteen of Article 31 and Paragraph Seven of Part One of Article 34 of this Code)";

е) in Article 34:

in part one:

- in point 1 delete the word ‘territorial”

- in paragraph six after the words “as an exception, before the trial commences, criminal proceedings” add the words “(except for criminal proceedings that were filed for consideration to the High Anticorruption Court)”;

- add paragraph seven which reads as follows:

“If the accused or victim was a judge or court staff member of the High Anticorruption Court and criminal proceedings fall under the jurisdiction of this court, such criminal proceedings in the first instance are carried out by the court of appeals the jurisdiction of which covers the city of Kyiv and in this case the adopted court decisions are challenged within the procedure of appeals to the court of appeals determined by a panel of judges of Cassation Criminal Court of the Supreme Court of Ukraine”;

in part three:

words "panel of judges of the Supreme Court" shall be replaced by words "panel of judges of Cassation Criminal Court of the Supreme Court";

add paragraph two which reads as follows:

“The issue of referring criminal proceedings from the High Anticorruption Court to another court is decided by the panel of five judges of the Appellate Chamber of the High Anticorruption Court upon the proposal of the members of the court assigned for the consideration of criminal proceedings or upon the motion of the parties no later than within five days after such proposal or motion were filed, whereof a motivated ruling is rendered”;

є) in the first sentence of part seven of Article 100 after the words “within whose territorial jurisdiction the pre-trial investigation is carried out” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court – with an investigating judge of the High Anticorruption Court “;

ж) part two of Article 132 shall read as follows:

“2. A motion to apply the measures to ensure criminal proceedings based on a ruling of investigating judge is submitted:

1) to local court within the territorial jurisdiction of which the pre-trial investigation agency is located (registered) as a legal entity unless otherwise is provided by point 2 of this part. At which time, if actual location of a structural division of the pre-trial investigation agency is another than registered location of the pre-trial investigation agency as a legal entity, the submission and consideration of a motion to apply the measures to ensure criminal proceedings are carried out solely by an investigating judge of a local court according to the registered location of the pre-trial investigation agency as a legal entity;

2) in criminal proceedings with regard to crimes that fall under the jurisdiction of the High Anticorruption Court, – to the High Anticorruption Court”;

з) in paragraph one of part one of Article 184 after the words “within the territorial jurisdiction of which the pre-trial investigation agency is located (registered) as a legal entity” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – to the High Anticorruption Court”;

и) in part one of Article 192 add the second sentence which reads as follows: “In case of detention without a ruling on the consent to detain a person upon the suspicion in the commitment of a criminal offence which falls under the jurisdiction of the High Anticorruption Court, the mentioned motion shall be submitted to the High Anticorruption Court”;

і) in part two of Article 199 after the words “within the territorial jurisdiction of which the pre-trial investigation agency is located (registered) as a legal entity” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – to the High Anticorruption Court”;

ї) in part one of Article 201 after the words “within the territorial jurisdiction of which the pre-trial investigation agency is located (registered) as a legal entity” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – to the High Anticorruption Court”;

й) in the first sentence of part three of Article 244 after the words “within the territorial jurisdiction of which the pre-trial investigation agency is located (registered) as a legal entity” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – by an investigating judge of the High Anticorruption Court”;

к) in Article 247:

part one shall have the following wording:

“1. Consideration of motions, which according to the provisions of this Chapter is part of the powers of the investigating judge, shall be carried out by an investigating judge of the respective appellate court, within the territorial jurisdiction of which the pre-trial investigation agency is located (registered)” “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – by an investigating judge of the High Anticorruption Court”;

in part two:

- in paragraph one after the words “which carries out pre-trial investigation” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court is carried out by an investigating judge of the High Anticorruption Court (except for cases provided for by paragraph seven of part one of Article 34 of this Code)”;

- paragraph two shall read as follows:

“In such a case an investigator, prosecutor apply to an investigative judge of a relevant court of appeals which is the closest to the court of appeals within the territorial jurisdiction of which the pre-trial investigation is carried out or the High Anticorruption Court (and in case specified in paragraph seven of part one of Article 34 of this Code –court of appeals mentioned in paragraph seven of part one of Article 34 of this Code) with a motion to provide a consent to carry out covert investigative (detective) actions”;

л) in sentence three of part ten of Article 290 after the words “within the territorial jurisdiction of which the pre-trial investigation is carried out” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – by an investigative judge of the High Anticorruption Court”;

м) in part one of Article 306 after the words “are considered by an investigative judge of the local court” add the words “and in criminal proceedings with regard to the crimes that fall under the jurisdiction of the High Anticorruption Court, – by an investigative judge of the High Anticorruption Court”;

н) in part two of Article 334 after the words “local court” replace with the words “first instance court”;

о) in Section XI “Transitional Provisions” add point 20-2 which reads as follows:

“20-2. Since the day of commencement of the operations of the High Anticorruption Court:

1) investigative judges (except for investigative judges of the High Anticorruption Court) cease to accept for consideration motions in criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court, and first instance courts (except for the High Anticorruption Court) – indictments, motions to apply forced measures of medical nature and on relief from criminal liability in the mentioned criminal proceedings. Such motions and indictments are submitted within the established procedure in accordance with investigating judges of the High Anticorruption Court and the High Anticorruption Court;

2) courts of appeals (except for Appellate Chamber of the High Anticorruption Court) cease to accept for consideration appeals in criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court;

3) motions in criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court which were filed with investigating judges and have not been considered by the day of commencement of the operations of the High Anticorruption Court are submitted to the High Anticorruption Court for consideration within the established procedure by investigating judges of this court;

4) criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court the trial of which in courts of the first and appellate instances has not been completed by the day of commencement of the operations of the High Anticorruption Court are submitted to the High Anticorruption Court for consideration within the procedure established by this Code.”

5) court decisions in criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court adopted before the day of commencement of the operations of the High Anticorruption Court are challenged according to the rules on the jurisdiction provided for by this Code.

6) applications to review court decisions in criminal proceedings with regard to the crimes that, in accordance with this Code, fall under the jurisdiction of the High Anticorruption Court adopted by courts of first and appellate instances before the day of commencement of the operations of the High Anticorruption Court upon newly found circumstances are submitted to the High Anticorruption Court and considered by it within the established procedure.”

п) in the text the words "Appellate court of Autonomous republic of Crimea, appellate court of oblast, city of Kyiv and Sevastopol", "Appellate court of Autonomous Republic of Crimea, appellate court of oblast, city of Kyiv and Sevastopol " in all declanations shall be replaced by words “respective appellate court’ (in all cases with the respective ending);

3) in the text of Code of Administrative Adjudication (Vidomosti of Verkhovna Rada of Ukraine, 2005, № 35 – 36, № 37, Art. 446) words "Kyiv Appellate Administrative court" in all cases shall be replaced by words " Appellate Administrative court in appellate circuit that includes city of Kyiv;

4) second sentence of paragraph 2 of part 8 article 30 of Law of Ukraine "On High Council of Justice" (Vidomosti of Verkhovna Rada of Ukraine, 2017, № 7 – 8.page 50) after the words “upon the consent of a chairing person” add the words “(unless otherwise provided by law)”;

3. Within twelve months after this Law comes into force:

1) the High Anticorruption Court is formed within the procedure and with a membership determined by this Law;

2) a competition for positions of judges of the Appellate Chamber of the High Anticorruption Court and positions of other judges of the High Anticorruption Court is announced and carried out in line with the Law of Ukraine “On the judiciary and status of judges”, and judges of the High Anticorruption Court are appointed based on competition results.

4. Within a month after the law on the establishment of the High Anticorruption Court comes into force, the State Judicial Administration of Ukraine determines the number of judges of the High Anticorruption Court, including the number of judges of the Appellate Chamber of the High Anticorruption Court.

5. The day of commencement of the operations of the High Anticorruption Court with the membership determined by this Law is determined by decision of the meeting of judges of this court, which is published on the web-portal of the judiciary and “The Holos Ukrainy” newspaper.

6. The High Anticorruption Court starts its operations provided that at least two thirds of the total established by this Law number of judges of the High Anticorruption Court, including at least half of the total established by this Law number of judges of the Appellate Chamber of the High Anticorruption Court, are appointed based on results of a competition carried out in line with the Law of Ukraine “On the judiciary and status of judges” and this Law.

7. No later than in thirty calendar days after the judges of the High Anticorruption Court in the number mentioned in point 6 of this Section are appointed, the oldest judge of the High Anticorruption Court convenes the meeting of judges of the High Anticorruption Court to address the issue of determining the day of the commencement of the operations of the High Anticorruption Court, solve organizational issues of court operations and elect investigative judges.

If by the day of the commencement of the operations of the High Anticorruption Court investigative judges have not been elected, their powers shall be exercised by three judges of the High Anticorruption Court determined by drawing lots at the meeting of judges of the High Anticorruption Court. Judges of the Appellate Chamber of the High Anticorruption Court and the Chief Judge of the High Anticorruption Court, do not participate in such drawing lots.

8. The High Council of Justice has to approve the procedure of conducting annual psycho-physiological examination of judges of the High Anticorruption Court using a polygraph.

9. Propose to the President of Ukraine to submit in the established order the draft Law on creation of the High Anticorruption Court.

**The Speaker of the Verkhovna Rada of Ukraine**