

# HIGH ANTI-CORRUPTION COURT



HIGH  
ANTI-CORRUPTION  
COURT

# High Anti-Corruption Court (HACC)

– a new specialized court in the justice system of Ukraine. It started operations on September 5, 2019.

Establishing HACC – a result of judicial reforms undertaken in 2016 and requirements set by Ukraine’s international partners. Jurisdiction of the court covers the entire territory of Ukraine.



## Our Mission

Administer justice based on the rule of law in criminal proceedings regarding corruption cases and related crimes, ensure that everyone has the right to fair trial and respect for human rights and freedoms.

## Our Values:

- ▶ Human rights and rule of law;
- ▶ Right to fair trial;
- ▶ Judicial independence;
- ▶ Right to appeal a court judgment;
- ▶ Transparency and openness of court proceedings.

HACC judges adjudicate criminal cases related to 23 crimes committed by specific individuals or if the damage inflicted exceeds UAH 1,051,000 as of December 1, 2019. The court predominately considers cases where the pretrial investigation was conducted by the National Anti-Corruption Bureau of Ukraine under the procedural supervision of the Specialized Anti-Corruption Prosecution Office.

# Cases Considered by the HACC

<p>Embezzlement of government assets through abuse of office</p>	
<p><i>CCU* Article 191</i></p> 	<p>Abuse of influence, power or office</p>
<p>Improper use of budget funds</p>	<p><i>CCU Articles 369-2, 364</i></p> 
<p><i>CCU Article 210</i></p> 	<p>Allocation of budget funds or loans without specification of designated use</p>
<p>Offer or provision of an improper advantage to an official and receipt of such advantage by the official</p>	<p><i>CCU Article 210</i></p> 
<p><i>CCU Articles 368, 369</i></p> 	<p>Bribing an auditor, notary, appraiser etc.</p>
<p>Theft, damage, misappropriation, extortion of documents, stamps, seals etc. through abuse of office</p>	<p><i>CCU Article 368-4</i></p> 
<p><i>CCU Article 357</i></p> 	<p>Violation of existing rules for circulation of drugs, psychotropic substances or analogs thereof through the abuse of office</p>
<p>Theft, extortion, misappropriation of weapons, explosives or radioactive materials through abuse of office</p>	<p><i>CCU Article 320</i></p> 
<p><i>CCU Article 262</i></p>	<p><i>*CCU – Criminal Code of Ukraine</i></p>

# HACC Structure

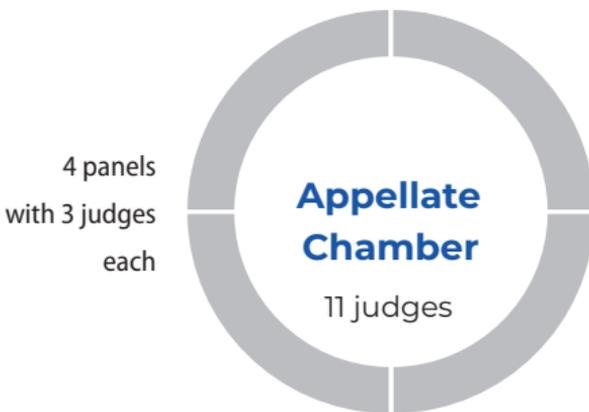
HACC consists of a first instance court and an Appellate Chamber. There are 38 judges overall.



**Investigative judges** exercise judicial control over the pre-trial investigation stage respecting the individual rights, freedoms, and interests of persons according to procedures set forth in the Criminal Procedural Code of Ukraine.

**Panels of judges** consider criminal proceedings based on the merits of the case.

The **Appellate Chamber** reviews judgments of the first instance court, including those of investigative judges.



# HACC Leadership

- ▶ **Olena Tanasevych** – Chief Judge
- ▶ **Yevgen Kruk** – Deputy Chief Judge
- ▶ **Danyila Chornenka** – Chief Judge of the Appellate Chamber

# Where is Justice Administered?

**The High Anti-Corruption Court is temporarily located in three buildings in Kyiv.**

- ▶ First instance court, where judges work in panels, is located at 41 Peremohy Prospekt.
- ▶ First instance court, where investigative judges work, is located at 41 Khreshchatyk Street.
- ▶ HACC Appellate Chamber is located at 4 Khrestovoy Provulok.



There are 18 courtrooms in the three buildings. They are equipped with modern glass boxes for accused/suspects held in custody, special audio-video recording systems capable of online broadcasting through a YouTube channel, and specially equipped rooms for questioning persons who are subject to special security measures.



# Statistics

from September to December 2019

During this period, the first instance HACC received:



criminal cases to be considered by panels of judges



motions, complaints, and requests to be considered by investigative judges

The HACC Appellate Chamber received:



motions related to the determination of jurisdiction



appeals against first instance court judgements



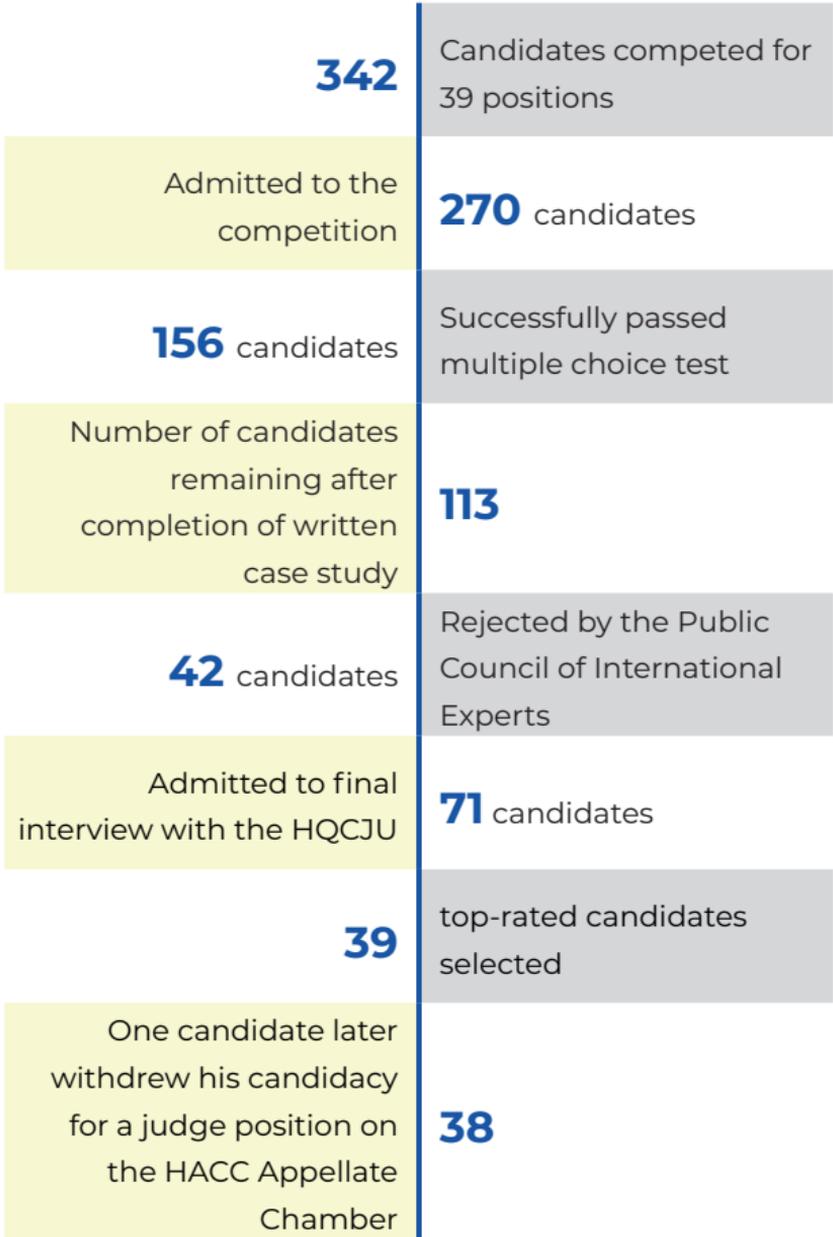
complaints against decisions of investigative judges

The High Anti-Corruption Court regularly conducts events for school children and students to raise their awareness about the activity of the court and its role within the justice system of Ukraine.



# How Were Judges Selected?

In August 2018, the High Qualifications Commission of Judges of Ukraine (HQCJU) announced a competition for selection of judges of the High Anti-Corruption Court.



## Who Are They?

Amongst the 38 HACC judges there are:

-  22 career judges,
-  13 attorneys,
-  3 academics.

The youngest judge is 34 years old, the oldest is 56 years old.

# Important Dates:

**March 1, 2018**

Parliament passed in the first reading the draft Law of Ukraine on the High Anti-Corruption Court.



**June 7, 2018**

Parliament adopted the law with a constitutional majority of 317 votes.

**June 11, 2018**

President signed the law.

**June 14, 2018**

Law entered into force.

**March 6, 2019**

High Qualifications Commission of Judges of Ukraine announced 39 winners, 38 of them became HACC judges.

**April 11, 2019**

President signed a Decree on the Appointment of HACC Judges.

## УКАЗ ПРЕЗИДЕНТА УКРАЇНИ №128/2019

Про призначення суддів Вищого антикорупційного суду

Відповідно до частини п'ятої статті 126, частини першої статті 128 Конституції України та статей 80, 81 Закону України "Про судуестрій і статусе суддів" постановляю:

1. Призначити на посади суддів Вищого антикорупційного суду:

БІЛОУС Івну Олександрівну,  
БІЦЮКА Андрія Володимировича,  
ВОРОНЬКА Володимира Дмитровича,  
ГАВРИЛЕНКО Тетяну Григорівну,  
ГАЛАБАЛУ Маріанна Васильовича,

**April 11, 2019**

HACC judges took the oath.



**September 5, 2019**

High Anti-Corruption Court officially started operations.



**September 22, 2019**

Amendments to the Law of Ukraine on the High Anti-Corruption Court entered into force, which more clearly defined the subject matter jurisdiction of the HACC.





**Olena Tanasevych,  
HACC Chief Judge –  
About changes the  
HACC is expected to  
bring to Ukraine**

“According to data presented at the XVII Extraordinary Congress of Judges, there are over 2,000 vacant judge positions in Ukrainian courts as of October 2019. This is more than 30% of the entire judiciary.

Under these extraordinary conditions, the prompt adjudication of corruption and corruption-related cases is quite challenging.

It is corruption that makes the grey economy possible and causes a widening of the gap between the rich and poor, moral decline, and general criminalization in all spheres of social life.

One thousand years ago, Chinese reformer Wang Anshi (1021–1086) identified two sources of corruption: bad laws and bad people. This formula still remains unchanged as comprehensive measures need to be taken simultaneously to overcome this dangerous social phenomenon: to improve laws and hold accountable people guilty of corruption.

The High Anti-Corruption Court is focused solely on adjudicating corruption and corruption-related criminal cases. Therefore, Ukrainian society expects us to adjudicate such cases promptly and according to the highest standards.”



**Yevgen Kruk, HACC  
Deputy Chief Judge –  
About his vision of the  
Court in five years**

“I see the High Anti-Corruption Court becoming an example of zero tolerance for corruption in five years. The court will entrench itself as a reliable guardian of rights and lawful interests of individuals and legal entities so that every offender is brought to justice and not a single innocent person is convicted.”



**Danyila Chornenka,  
Chief Judge of the  
HACC Appellate  
Chamber – On why  
she decided to  
become a HACC judg**

“The ultimate goal of my holding this office is to free this country from corruption. Our court must become an effective tool for attaining this goal.”

## Why we decided to become HACC judges



**Inna Bilous,  
HACC Judge-Speaker**

“For me, this is an opportunity to be involved in the process of making changes in our country and contribute to the important development of the rule of law state. Additionally, this is a unique opportunity to be directly engaged in the development of a new judicial institution with inherently new values.”



**Markiyan Halabala,  
HACC Judge**

“There is a proverb: *If you want something good to be done, do it yourself.* When submitting documents to the selection commission, I was being driven by a willingness to contribute to improving the quality of administration of justice and to use my professional experience and share the skills I gained while working in the non-government sector to this end. At the same time, working as a judge is a new professional horizon for me with new challenges and new opportunities.”



**Inna Kaluhina,  
HACC Appellate  
Chamber Judge-  
Speaker**

“I was driven by a desire to participate in a process of creating a new judicial institution, which would be capable of meeting public expectations for changes in the judicial system and counteracting corruption. I do believe that the results of our court’s activities will prevent corruption and contribute to the development of a society in which corruption just cannot exist. In my opinion, the efficient and transparent operations of the High Anti-Corruption Court as a new generation court should boost public confidence in the judiciary as whole.”

## **Changes that HACC is expected to bring to Ukraine**



**Olexiy Kravchuk,  
HACC Judge**

“With HACC in place, cases falling under its jurisdiction are expected to be adjudicated faster as this is a specialized court, and its judges were thoroughly vetted for the highest standards of integrity and professionalism and trained in handling specific categories of cases.”



**Kateryna Sikora,  
HACC Judge**

“As the Welsh lawyer, John A. Griffith wrote, *Judges are also lions under the throne but that seat is occupied in their eyes not by the Prime Minister but by the law and their conception of the public interest. It is to that law and to that conception that they owe allegiance. In that lies their strength and their weakness, their value and their threat.* The High Anti-Corruption Court must deliver justice in a fair, objective, and unbiased manner. Ukraine has all necessary resources to become an efficient, modern, and prosperous country. However, there is a major hindrance on this way – corruption. The HACC must ensure the inevitable punishment of those breaking the law and committing corruption crimes and that not a single innocent person is charged and convicted.”



**Valeriia Chorna,  
HACC Appellate  
Chamber Judge,  
Member of the Council  
of Judges of Ukraine**

“Establishment of the High Anti-Corruption Court is the test our country has to pass on its way of eradicating corruption and creating proper conditions for building a brand-new generation of judicial institutions, where a court of any specialization, jurisdiction or instance will be an anti-corruption court. I believe that it is our court that will be anti-corruption not only by its specialization, but also through a spirit of intolerance for corruption.”

## Vision of the Court in five years



**Vira Mykhailenko,  
HACC Judge-Speaker**

“I see the court as an authoritative and modern judicial institution. I also wish investigative judges were not so overburdened 😊 (currently, they receive an enormous amount of motions).”



**Viktor Nohachevskyi,  
HACC Judge-Speaker**

“I see HACC as a success story of positive changes in the country and a contributor to reduced corruption and improved welfare of the Ukrainian people”.



## First Instance Court

41 Peremohy Prospekt, Kyiv, 03057

+38(044) 585-2743 (Registry)

42-A Khreshchatyk Street, Kyiv, 01001

+38(044) 235-3214 (Registry)

✉ [inbox@vaks.gov.ua](mailto:inbox@vaks.gov.ua)

🌐 <https://hcac.court.gov.ua>

📘 <https://www.facebook.com/HACCUkraine/>

Press Service of the First Instance Court:

+38(044) 585-0725

✉ [open@vaks.gov.ua](mailto:open@vaks.gov.ua)

## Appellate Chamber

4 Khrestovy Provulok, Kyiv, 01601

+38(044) 280-3928, 288-9941 (Registry)

✉ [inbox@apvas.gov.ua](mailto:inbox@apvas.gov.ua)

🌐 [https://hcac.court.gov.ua/hcac/info\\_sud/info/](https://hcac.court.gov.ua/hcac/info_sud/info/)

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