



Prosecutor's Office of Ukraine
GENERAL PROSECUTOR'S OFFICE OF UKRAINE

30.12.2015 №19/2/6-310BKK-15

**To Director of the National Anti-Corruption
Bureau of Ukraine
Sitnik A. S.**

Dear Artem Serhiyovich!

Pursuant to abstract four of paragraph 1 of the Transitional Provisions of the CPC of Ukraine, criminal proceedings were initiated into the NABU, the investigation of which was carried out by investigators of the prosecutor's office.

At the same time according to the information available at the General Prosecutor's Office of Ukraine, in the proceedings transferred to the NABU, in fact the instigation is not conducted, notwithstanding the terms of the most of the proceedings are expiring: pre-trial investigation, chosen precautions, conduction of covert and open investigation procedures, permission to which is granted to the investigators by the judge.

I consider this situation extremely dangerous.

This attitude to investigation not only does not meet the objectives of criminal proceedings (ensuring prompt, complete and impartial investigation and trial), but also creates the conditions for their direct violation.

The CPC of Ukraine obliged the investigator to carry out procedural actions in a timely manner and the head of the pre-trial investigation body to organize the pre-trial investigation (parts 1 of articles 40 and 39 of the CPC).

Therefore, these persons are required to take all necessary measures to investigate the transferred criminal proceedings in accordance with the requirements of the CPC of Ukraine, including in terms of compliance with the "reasonable time" of the investigation.

The expectation in this case of the publication of the Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine on Criminal Proceedings Investigated by Investigators of the Prosecutor's Office" and efforts to assist it in "retransmission" of criminal proceedings are groundless.

At the time of the transfer of criminal proceedings to the NABU, the CPC of Ukraine was in force, which did not allow such an opportunity;

The Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine on Criminal Proceedings Investigated by Investigators of the Prosecutor's Office" did not make any reservations about the possibility of returning the submitted criminal proceedings, and then attempting to carry out such actions after the publication of the Law will be contrary to its norms, the provisions of the Constitution of Ukraine (Article 56) and the requirements of the CPC of Ukraine (Article 5) regarding the validity of the Law in time.

Considering the above mentioned, I would like to pay your attention to the procedural measures of investigations on the transferred criminal proceedings that need to be **duly conducted immediately** and within the required terms; and to part 6 of Art. 214 of the CPC of Ukraine on prompt notification by the investigator in writing of the head of the prosecutor's office about the initiation of the pre-trial investigation,

Se pravi, postopek se bo končal in nihče ne bo mogel dokazati mednarodne korupcije.

Vendar, NABU postopek zaustavi.