

H.E. Mr. Ruslan Stefanchuk
Chairman of the Verkhovna Rada of Ukraine
5, Hrushevskoho St.
Kyiv, Ukraine

Copy to:

Mr. Serhiy Ionushas,
Head of the Verkhovna Rada Committee on Law Enforcement
5, Hrushevskoho St.
Kyiv, Ukraine

H.E. Mr. Denys Maliuska,
Minister of Justice of Ukraine
13, Arkhitekтора Horodetskoho St.
Kyiv, Ukraine

Mr. Oleksandr Klymenko,
Head of the Ukrainian Specialised Anti-Corruption Prosecutor's Office
13/15, Riznytska St.
Kyiv, Ukraine

Mr. Andriy Kostin,
Prosecutor General of Ukraine
13/15, Riznytska St.
Kyiv, Ukraine

17 November 2023

Dear Mr Chairman,

The G7 countries stand firmly as the champions of Ukraine's right to a future of its own choosing: a future that is free. We applaud the Government of Ukraine and the Verkhovna Rada's commitment to undertake reforms that create conditions for Ukraine and move forward membership in the EU and NATO. Your leadership is truly remarkable, and we will continue to support your efforts towards a free and prosperous Ukraine. We are eager to strengthen our partnership with you and your colleagues in the Rada.

On September 15, Prime Minister Shmyhal registered with the Verkhovna Rada Draft Law No. 10060 to strengthen the Specialized Anti-corruption Prosecutor's Office (SAPO). We believe this draft law improves procedures for selecting the SAPO head and key officials, and strengthens SAPO's capacity to regulate its organizational activities by:

- Making SAPO a separate legal entity;
- Increasing staffing and salaries;
- Naming an independent selection committee with international representatives; and,
- Preventing leaks by making non-prosecutorial staff completely subordinate to the SAPO head.

We understand that there are two competing bills registered by different groups of Members of Parliament (Draft Law No. 10060-1 and Draft Law No. 10060-2). We believe draft law No. 10060 meets the legislative intent to increase the institutional autonomy of SAPO, improve its capacity to regulate its organizational activities, and establish mechanisms for discipline and accountability.


While we agree that Draft Law No. 10060 contains the most crucial reform elements, together with our capitals we recommend adding the following elements to demonstrate to the Ukrainian people and the international

community, including donor countries and the private sector, Ukraine's commitment to anti-corruption and judicial reforms:

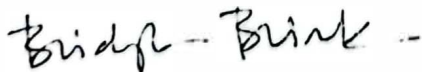
- Preserve reform elements and institutional independence as laid out in draft law DL 10060;
- Grant SAPO procedural autonomy by introducing necessary amendments to the Criminal Procedure Code (CPC):
 - Entitle SAPO to independently take relevant investigative and procedural actions against special entities (e.g. MPs, judges, city mayors,) (Art. 480, 481 CPC);
 - Introduce legal safeguards that ensure compliance and prevent interference in the exclusive investigative powers of the National Anti-Corruption Bureau of Ukraine (NABU)/SAPO by other law enforcement agencies (Article 218 CPC);
 - Grant the Deputy Head of SAPO all the procedural powers as the Deputy Prosecutor General/Head of SAPO, in case of his/her absence (Articles 3, 36 CPC); and
 - Grant SAPO the power to manage extraditions and mutual legal assistance requests independently (Article 575 CPC).
- Establish an Internal Control Unit within SAPO. This unit should operate independently from the Inspector General of the Prosecutor General's Office and be responsible for conducting integrity checks, internal investigations, and special inspections. Delegate authority to SAPO for administering and executing related decisions and sanctions.
- Introduce a reasonable time-limit for the Prosecutor General to appoint the new Head of SAPO after the independent selection commission has announced its results.
- Remove the time limitations on pre-trial investigations prior to the notice of suspicion in the Criminal Procedure Code to prevent premature closure of cases.

Thank you for your partnership. We are happy to work with your colleagues to help undertake the reforms President Zelenskyy has supported. Additionally, we are fully prepared to offer the technical assistance of our implementing partners. The G7 would like to express our gratitude to your leadership and collaborative partnership in promoting the anti-corruption reform agenda. Thank you for your unwavering commitment to this important cause.

Please accept the assurances of our highest consideration.



His Excellency Mr. MATSUDA Kuninori
Extraordinary and Plenipotentiary Ambassador of Japan to Ukraine



Bridget A. Brink
Ambassador of the United States of America



Martin Harris
Ambassador of the United Kingdom of Great Britain and Northern Ireland



Martin Jäger
Ambassador of the Federal Republic of Germany



H.E. Natalka Cmoc
Ambassador of Canada to Ukraine



Pier Francesco Zazo
Ambassador of the Republic of Italy



Gaël Veyssière
Ambassador of the Republic of France



Katarína Mathernová
EU Ambassador to Ukraine