

# CORRUPTION IN UKRAINE: JUDICIAL STATISTICS

Odessablog (07.08.2017) – <https://odessablog.wordpress.com/> – As regular readers will know 2017 has followed the trend of 2016 and 2015 etc, as the point is made frequently, no big fish (not one) has been fried on the fires of corruption by way judicial verdict. Not a single high profile judge, not a single national household political name, nor any significant and influential “businessmen” have been found guilty and given a proportionate custodial sentence for corruption.

The chances of such a conviction and proportionate custodial sentencing for the during the remainder of 2017 are also slim – to be charitable regarding those chances.

The new reform relating to the Constitutional and Supreme Court are far from what they could have been if The Bankova (read President and Presidential Administration) was actually brave enough to release these institutions from its influence and allow genuine independence – but to be blunt, The Bankova is not remotely prepared to grant genuine independence to the judiciary (or the Prosecutor’s Office). That is not a situation that will change under the current leadership, nor it should be said, under any of the “old guard” political class regardless of political party – as and when, or if, they come to power.

Nevertheless, while all big fish remain un-fried and conviction-less, the minnows and the plankton, perhaps partly as a result of decentralisation and the increased opportunities that come with it, manage to continually get caught in corrupt acts and, in the [deliberate absence/delay](#) in creating an anti-corruption court, several thousand corruption cases are now effectively causing a bottleneck in the judicial system.

So, now for some H1 2017 statistics from the current head of the Supreme Court, Yaroslav Romanyuk *“In the first half of the year, 2237 indictments on criminal proceedings on corruption crimes were received by the courts, of which only 741 were considered.”*

The remainder, presumably, in a backlog together with other cases from previous years that remain, as yet, unheard. That said, the wheels of justice inevitably turn slowly even in far more efficient systems replete with far more judges and functionaries of far higher moral codes and group integrity.

Just how large the carryover into 2018 will be by the end of 2017 remains to be seen. Dozens of minnows and plankton are arrested for corruption on a daily basis as a quick glance across the regional media ably displays.

However, having been offered some numbers by the Supreme Court, it is perhaps necessary to look to the outcomes, statistically (if not at the standard of due process) of the 741 cases that reached the court in H1 of 2017.

Before breaking down the 741 cases, a reader should note that the numbers that follow don't add up – but they are nevertheless the figures cited by the Supreme Court – thus any inaccuracies are at least accurately stated.

There were 77 acquittals.

110 companies were closed as a result of judicial verdicts.

469 officials were found guilty of corruption. Of those 469 officials, 121 went to jail. 33 suffered some form of non-custodial punishment other than purely fines, and 265 were indeed fined.

To get behind the 469 number of officials found guilty of corruption, 101 were middle and lower grade civil servants and/or institutional functionaries. 58 were Ministry of Interior employees, (including police officers), 44 military officials or various ranks, 32 local government officials, 29 law enforcement officials (not police nor prosecutors), 19 city, town and village heads, 18 deputies of local government/local councils, and 13 employees of the State Fiscal Service.

Only 2 prosecutors, a single employee of the court administration (but not a judge) and a single member of the security services also feature

within that 469 number.

In short, all minnows and plankton. The bottom end of the plentiful corruption food chain.

So should a reader be dismissive? Is it all a matter of perception and subjectivity? Isn't any action better than no action?

Surely the food chain has been disrupted, even if it be the minnows and plankton that are the only ones to suffer judicial verdicts?

But are not minnows and plankton at the bottom of the food chain because they are plentiful, not particularly intelligent, and quickly reproducing, in order to keep the food chain ecology consistent?

It is difficult to discern what value, or indeed what \$ value, such a multitude of cases subject to the current bottleneck and that associated messaging sends among the regional and local institutions and establishment.

It is also unclear what the \$ value in fines and/or confiscated assets are. (Such statistics for H1 of 2017 are not easy to collate and or corroborate prior to arriving at an accurate answer.)

It is yet further unclear just what prevention message is being sent throughout this class of bottom dwelling criminal corruptioneers by way of delivered verdicts. Perhaps it is too soon to be able to answer that.

What is clear is that as and when the Ukrainian elite are eventually forced to fry some big fish and prey upon their own kind, frying only one or two (probably politically convenient) fish will be far from sufficient to shift the perceptions of the public. To shift public perceptions now, more than 3 years into the current mandates of this leadership, it will require a dozen or so large fish suppers, resulting in (proportionate) custodial sentences, for the national constituency to feel satisfied.

Casting the fishing net and opening a raft of corruption cases within the elite just prior to elections will not suffice (and also no doubt would be framed as political persecution). Custodial convictions (of proportionate severity) are required to change the public perceptions

before they enter the ballot box.

It is very unlikely to happen, and even with the slim chance it may, it is likely to be far too little and far too late as far as perceptions of the current authorities are concerned – so in the meantime, a reader, no differently from the Ukrainian constituency, will have to make do with a cursory glance at the corruption statistics via court cases and outcomes every 6 months or so.

Needless to say that the next statistics release is extremely likely to announce that the number of unheard cases stuck in a judicial bottle neck will continue to have grown significantly *vis a vis* those that are heard and verdicts (regardless of proportionality) are handed down.

In the meantime a reader is left to ponder whether these figures display the glass that is half full, or the glass that is half empty? Or is this a matter of the actual glass simply being an inappropriate vessel that will continue to be inappropriate following the disappointing judicial reforms?