

Mobilisation Against Capture: Defending Ukraine's Anti-Corruption Agencies

August 2025

[transcription]

Emilia Kowalewska 00:01

Hello and Welcome to the Oxford Global Society's Podcast *Voices on Ukraine*. I'm your host, Emilia Kowalewska, Doctoral Fellow at the Oxford Global Society, OXGS, an independent Oxford-based think tank.

In recent years, Ukraine has made anti-corruption reform a cornerstone of its democratic transformation and its path toward European integration. Institutions like the National Anti-Corruption Bureau—NABU, and the Specialized Anti-Corruption Prosecutor's Office—known as SAPO, were created to investigate high-level corruption independently — free from political interference.

These institutions are not only vital for restoring public trust at home, but also for securing international support and demonstrating Ukraine's commitment to the rule of law during a time of war and reconstruction.

Emilia Kowalewska 00:55

But in July 2025, a new law passed by Ukraine's parliament threatened to dismantle many of these safeguards. What followed was a fierce public backlash, a retreat by the authorities, and a reminder of just how fragile anti-corruption progress can be.

To help us unpack what happened, why it matters, and what still needs to be done, I'm joined today by Violeta Khodarieva, Ukrainian expert in anti-corruption and criminal justice. Violeta has served as a recent member of the selection commission for the competition to fill the positions of Prosecutor, Deputy Head of Unit, and Head of Unit of SAPO, the Specialized Anti-Corruption Prosecutor's Office. I had the pleasure of meeting Violeta following her presentation at an anti-corruption Winter School for Ukrainian lawyers organized by the UCU Law School at the start of the year. It is a pleasure to be joined by you Violeta, thank you so much for your time.

Violeta Khodarieva 01:53

Thank you, Emilia. Hello, dear listeners. It's a great honour and pleasure to talk with you on such an important topic. I'm ready to answer all your questions and share my personal and professional thoughts regarding the events of July 2025 in Ukraine.

Emilia Kowalewska 02:12

Thank you, Violeta. So I wanted to ask you about what actually happened on July 22nd. We saw that the draft law No. 12414 was adopted. As I understand, the law was smuggled through under the guise of addressing missing persons? What was the bill originally supposed to do, and can you tell us about what actually happened?

Violeta Khodarieva 02:38

I would like to briefly outline the events that preceded the adoption of draft law No. 12414, subsequently enacted as Law No. 4555. These developments created the informational background and preconditions for legislative changes in the field of anti-corruption: the National Anti-Corruption Bureau, and the Specialized Anti-Corruption Prosecutor Office, as you mentioned before, mandated to investigate high level corruption cases, including those involving senior state officials, and even deputy heads of the presidential office.

Violeta Khodarieva 03:23

One of the latest proceedings concerned the former Deputy Prime Minister and Minister of National Unity, Oleksiy Chernyshov, considered to be part of the President's inner circle.

Violeta Khodarieva 03:37

On the morning of July 21, 2025, following a night shelling of Kyiv more than 70 urgent searches were conducted and the residences and offices of NABU personnel. These searches were carried out by the security service of Ukraine, the State Bureau of Investigation and coordinated by the Office of the Prosecutor General without prior authorization from an investigative judge. The security service of Ukraine publicly declared that these constitute an operation aimed at neutralising alleged Russian influence within the anti-corruption institution. Two NABU detectives were arrested on charges of high treason and aiding the Russian federation. On the same day, the State Bureau of Investigation issued formal notices of suspicion to three NABU employees in unrelated cases, including traffic accidents that had occurred as early as 2021.

Violeta Khodarieva 04:51

Simultaneously, the security service initiated an unscheduled inspection of NABU and SAPO regarding the safeguarding of state secrets. All of this unfolded while the heads of NABU and SAPO were on official business trips abroad. Against this backdrop, a legislative initiative emerged aimed at amending existing laws in a way that would curtail the procedural independence of NABU and SAPO. On July 22 early in the morning, telegram channels began reporting that parliament was preparing to vote on amendments that would destroy NABU. At 9 o'clock, a closed-door session of the parliamentary committee on law enforcement took place. On the agenda appeared the draft law amending the Criminal Procedure Code of Ukraine concerning the peculiarities of pre-trial investigation of criminal offenses related to the disappearance of persons under special circumstances during martial law. The committee recommended its adoption in the second hearing. However, in reality, the substantive provisions of the bill had been radically altered and no longer bore any connection to the original legislation's purpose. None of the members of parliament had prior access to the updated text of the draft law. It was uploaded to the official website of the Verkhovna Rada only immediately before the plenary vote.

Emilia Kowalewska 06:39

Thank you Violeta. And so from what you're saying, the democratic procedures appeared to be intact in some sense, but their substance was hollowed out. Would that be fair to say? And why were the amendments considered so damaging? Maybe you could recap what the fundamental problems were with the amendments.

Violeta Khodarieva 07:06

This law radically amended the Criminal Procedure Code and effectively nullified the achievements of Ukraine's anti-corruption policy in recent years.

Violeta Khodarieva 07:19

NABU and SAPO, it's not only a law enforcement body and prosecutor's body. This is a very serious step in the anti-corruption policy of Ukraine for the last 10 years. Formally, this concerned the regulation of pretrial investigations into cases of persons gone missing during martial law. However, entirely different provisions were inserted into the text, which provided the head of the Specialized Anti-Corruption Prosecutor's Office was effectively stripped of his powers. He stopped to exist as a head of the Prosecutor's Office in the Criminal Procedure Code. The Prosecutor General was vested with almost unrestricted authority, including power to issue written instructions to investigators and withdraw cases from them; directly oversee the work of detectives, investigators and prosecutors; change jurisdictions in cases under NABU competence; close NABU cases upon a motion from defence counsel; and even approve agreements in NABU proceedings. Additionally, amendments were introduced to the law on the Prosecutor's Office, which provided for the possibility to: first, dismiss prosecutors from their administrative position due to liquidation, reorganization of the prosecutorial body, or changes in its structure; dismiss a prosecutor, if he or she refused reassignment to another position after such reorganization; appoint prosecutors without an open competition, including individuals who had never previously held prosecutorial position. The only relatively positive provision was the restriction on conducting urgent searches without a court order. However, even this was incomplete as it failed to cover all categories of offenses, notably corruption crimes. Therefore, even this change cannot be considered effective in practice.

Emilia Kowalewska 09:45

Thank you. So it sounds to me like this was a step backwards that risked undermining really decades of reform, right, and undermining Ukraine's commitment to its European partners and accession process? Beyond the substance, which you so well explained to us, could you tell us more about the problems that you see with the way the law was initially adopted? In terms of democratic procedures and consultation, the way the law was prepared, the way the law was communicated— how do you see that process?

Violeta Khodarieva 10:35

The adoption of the law clearly violated parliamentary procedure as evidenced by the following. First, the bill was rushed through a lightning speed. From the moment the revised text appeared to its signing and publication, everything happened within a one single day. Before the second reading, the draft law was completely rewritten with entirely new provisions added that had never been discussed or reviewed during the first reading. In fact, it became an entirely different law. The committee meeting on the bill took place the same day, July 22, just a few hours before the plenary session. Members of parliament received the new text only minutes before the vote. Also, the rules of procedure require at least 10 days.

Emilia Kowalewska

Right.

Violeta Khodarieva

The speaker of the Verkhovna Rada signed the law immediately, even though the rules allow two days for Members of Parliament to challenge the results of a vote if procedural violations occurred. The last one, the public had no access to the text of the draft law, which meant there was no opportunity for public debate on its content.

Emilia Kowalewska 12:04

So no debate; no communication from the authorities; neither the MPs nor the public had access to the amendments before the vote from what you're saying.

As we know, there was a backlash against the bill. So could you tell us a bit more about that? Because from what I've read it seems that only the pressure of civil society and international partners actually forced the government to retreat. So could you tell us a bit more about how that pressure was manifest and what that tells us?

Violeta Khodarieva 12:39

As soon as information about the law and its content appeared, the public immediately began to speak out about all the violations and risks. Social media quickly filled with calls urging Members of Parliament not to vote for the bill. Think tanks and legal experts explained why the amendments were dangerous. While some members of parliament publicly appealed to their colleagues not to support the draft law, people anxiously followed the voting process—even watching unofficial lives streams of the parliamentary session on YouTube, provided by some of Members of Parliament—because now all the parliamentary sessions are closed. When it became clear that the law had received enough to votes to pass, society turned its attention to the last remaining safeguard: the president's right to veto. The heads of SAPO and NABU—back to Ukraine during all this time; dozens of civil society organizations; lawyers; as well as the representatives of the business community—all called on the President to veto the law arguing that it undermined the independence of anti-corruption institutions. Since the President did not sign the law during the day of July 22, social media began spreading calls for people together at a rally near the Ivan Franko Theatre in Kyiv—the closest accessible point to the Presidential office. Similar protests were also organized in other cities: Odesa, Dnipro, Lviv. Thousands of people across the country demanded that the President not sign the law. However, later on July, 22, he signed it. Despite this fact, the protests continued. Ukrainians were soon joined by international partners. Representatives of the European Union, allied countries, ambassadors of G7 issued statements of support. As a participant in these rallies, I can say that this was not only about the independence of SAPO and NABU. People felt that under the pretext of fighting traitors, the authorities were quietly trying to dismantle Ukraine's entire anti-corruption progress and undermine its path towards European integration.

Ukrainians are extremely sensitive to any attempts to put our European future at risk. It was precisely through the combined efforts of society, international support, that pressure on the authorities succeeded. On July 31, the President submitted a new draft law, No. 13533, which repealed all the dangerous amendments that threatened the independence of NABU and SAPO. And this special moment in the parliament was translated: it was the first online stream, official online stream in the Verkhovna Rada official website during the wartime the last several years.

Emilia Kowalewska 16:28

Oh, interesting! So it was recognized to be a momentous event.

Violeta Khodarieva 16:33

It was special voting from the Members of Parliament to decide to make this special meeting of Members of Parliament online open for all who want to see the results of working for this new Presidential law.

Emilia Kowalewska 16:59

Right. So that was two days later, right?

Violeta Khodarieva 17:02

Not two days, it was one week [...] and through all these days, the rallies were [on-] going. Every day people came to this square and asked to pass a new law, to change this horrible situation.

Emilia Kowalewska 17:28

This was one week after the passing of...

Violeta Khodarieva 17:32

Yes. The first law was signed and adopted on July 22. And the new law, which repealed all these amendments, was submitted on July 31.

Emilia Kowalewska 17:51

That's right: July 31st, the new law—Law No. 4560-IX—repealing the most dangerous provisions. So that's a very significant achievement from this bottom-up movement that you've described. Thank you so much. I imagine that that was a very momentous, interesting process to be a part of—also seeing the bottom-up mobilization of civil society and the protests that, as you mentioned, were dispersed across the whole country, but concentrated in Kiev and directed towards the presidential office.

What challenges do you see now? Some people have warned that traces of political manipulation remain. Some problems are still unresolved. This is also part of a wider process, I guess, that affects the structure of the Prosecutor General's Office and competences. So maybe you could tell us a bit about the weaknesses that are still there that you see?

Violeta Khodarieva 19:00

Unfortunately, the President's Law only partially fixed the situation. It dealt exclusively with SAPO and NABU. But many of problems introduced by the Law of July 22 remain in force for other prosecutors.

Violeta Khodarieva 19:20

As long as martial law continues, competitive selection for positions in the Prosecution Service has been cancelled. Now, anyone with a law degree can be appointed to the Prosecutor General's Office or Regional Prosecutor's Office without a transparent competition. The law weakens guarantees for prosecutorial independence. Any prosecutor can be dismissed simply by changing the structure or reorganizing a prosecution body. The Prosecutor General received even more powers. He can now request any case files for review, which effectively holds the investigation, and he may also issue direct instructions to investigators, bypassing the prosecutor in charge of the case. These changes contradict Ukrainians' commitments to the European Union in the field of the rule of law. In addition, a new requirement was introduced for all law enforcement officers and prosecutors to undergo a polygraph test, which could become a tool of psychological pressure, given the questionable reliability of this method. The Criminal Procedure Code reverted the old version of the article on urgent searches without a court order—a mechanism often abused by law enforcement agencies.

Emilia Kowalewska 20:56

And this was an amendment made to the Criminal Procedure Code as part of this law of 22nd of July?

Violeta Khodarieva 21:08

Yes, all of these amendments about the Prosecutor's Office. But this new amendment about polygraph test—it was a new amendment from this Presidential Law [of] 31 [July].

Emilia Kowalewska 21:25

So there are some aspects of that law that are still problematic as far as you can, as far as your analysis goes. Putting the recent events in the context then of the wider question of Ukrainian state capacity and prospects for state success, maybe you could comment on what you think needs to be done and the danger of Ukraine presenting a façade of reform without ensuring real institutional independence, because you've touched on so many details, right, that are still problematic, as well as those that were repealed. What steps do you see should be taken to avoid these kinds of problems in the future?

Violeta Khodarieva 22:19

I believe it is necessary to introduce legislative amendments that would ensure, first, transparent, competitive selection for all prosecutorial and administrative positions within the Prosecution Service, including the position of the Prosecutor General.

Violeta Khodarieva 22:38

Second, a fair procedure for instructing prosecution bodies, allowing prosecutors to continue their work, even when the institutional structure is changed. Third, limiting the powers of the Prosecutor General, so that he cannot arbitrarily withdraw case files, transfer them to other prosecutors for review or issue direct instructions to the investigators by passing the prosecutor in charge of case. Fourth, strengthening the role of prosecutorial self-government bodies, granting them greater authority to safeguard prosecutorial independence.

Violeta Khodarieva 23:23

And the last one: guaranteeing the participation of individuals subjected to urgent searches in court hearings where an investigative judge decides on the organization of such searches.

Emilia Kowalewska 23:40

The changes that you've outlined are the kind of changes that would restore transparent and competitive hiring, right? That's one of the issues. The other issue that you've mentioned is the unconstitutional dismissal mechanisms, right? Yes. And essentially underpinning these are kind of European standards for prosecutorial independence that you think need to be upheld. How important do you think such reforms are for consolidating public trust, but also the EU integration process and the rule of law itself?

Violeta Khodarieva 24:28

I believe that all these events which happened in July 2025 is a really great example, how important for Ukrainians [are] European values, how we are ready to protect them, how we are ready to fight for them, even with the most powerful officials of our country.

Violeta Khodarieva 24:55

And for us, this European integration is not only a dream. We are completely ready to do everything to follow and join the European Union. And as you see, in such a very prideful example that we as a Ukrainian society—I am not a representative of civil society, I am representative of professional society, too—and all we are ready to fight for clear, fair rules in our country which are related to

fighting of corruption too. And in this case, we go straightforward for our European integration goals, and all of these values we'll protect.

Violeta Khodarieva 26:00

Now, another side of all of this is that our request for NABU and SAPO becomes higher. Because as we protect their independence so intensively, we are waiting that they contribute to the anti-corruption fight in a huge way and will show... for all members of society really great results in this way.

Emilia Kowalewska 26:36

Wonderful. That's a really interesting point. So basically the mobilization has also helped increase identification of the population with these institutions and public expectation as to the effectiveness of these institutions going forward. And also, in this sense, probably increases...

Violeta Khodarieva 26:54

And you know even the director of NABU told in his interviews that he understands what a big responsibility is on him from all of these events which happened, because he understands what's the price to save this independence and how effective they need to be now and to show that everything was not like empty—empty trying to save their independence.

Emilia Kowalewska 27:39

Right, right. So really like the stakes have been raised. And from what you're saying, the backlash against the attempt to restrict the independence of these institutions has actually served to strengthen the institutions going forward as well as their visibility. Not just their visibility, but also kind of public interest and therefore transparency and accountability around the way they operate and function. That's been fascinating.

It's been fascinating to learn about the whole process, all these events. And also you've given us a wider context. Thank you so much for offering us your insights Violeta on this very important issue. It's been an absolute pleasure to talk to you, and I hope that we can hear your insights again in the future.

Violeta Khodarieva 28:29

Thank you, Emilia, for this nice conversation. It's really pleasant that abroad [there's] interest in our Ukrainian question, in everything which we do to join European Union integration process, and thank you so much for our conversation.

Emilia Kowalewska 28:58

Thank you and thank you to our listeners. You are listening to the Oxford Global Society Podcast. We hope you will join us again as we continue to explore institutional reforms and challenges shaping Ukraine's future and determining prospects for state success.