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AGREEMENT BETWEEN THE PROSECUTOR AND THE ACCUSED ON PLEADING GUILTY IN CASES OF CORRUPTION-RELATED CRIMINAL OFFENSES: THE PUBLIC INTEREST ASPECT

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Abstract. The purpose of this article is to analyse the regulatory framework and judicial practice in Ukraine regarding the conclusion of plea agreements between the prosecutor and the accused in cases involving corruption-related criminal offenses. The article examines the provisions of current criminal and criminal procedural legislation governing the conclusion of such agreements, with particular attention to the circumstances that must be considered by the prosecutor when entering into a plea agreement. An important aspect discussed in this work is that a court decision to approve such an agreement should be evaluated through the lens of safeguarding public interests, which must be understood not merely as formal compliance with the law but more broadly, taking into account public opinion. This is particularly significant when concluding agreements in corruption cases, where public expectations are exceptionally high. Future research prospects may relate to balancing the recognition of transferring funds to state needs as a matter of public interest, as well as examining technical and practical issues concerning other mechanisms of recovering such funds through criminal law instruments, such as confiscation or special confiscation. The methods used in the study include: the method of system analysis (to examine judicial practice in conjunction with legal regulation and contemporary realities); the method of legal act analysis (to explore provisions of criminal and criminal procedural legislation governing plea agreements); and general scientific methods.

Key words: criminal proceedings, pre-trial investigation, corruption-related criminal offense, judicial review, High Anti-Corruption Court (HACC), judicial practice, judgment, prosecutor.

Introduction. In the context of war, the issue of combating crime seems to fade into the background; however, when it comes to corruption-related acts, the opposite occurs. Society is unwilling to tolerate manifestations that undermine the state's defense capability during this challenging time, and the demand for justice is extremely high.

Recent events have shown that Ukrainians continue to extend a degree of trust to anti-corruption bodies and expect effective cooperation from them at all stages of holding those responsible for corruption to account.

The purpose of this study is to examine one particular aspect of combating corruption in Ukraine – namely, whether the public interest is realized (observed) when concluding a plea agreement between the prosecutor and the accused in cases of corruption-related criminal offenses.

Since such agreements must be approved by a court–and in the case of criminal offenses under the jurisdiction of National Anti-Corruption Bureau of Ukraine (NABU), this refers to the High Anti-Corruption Court (Articles 33-1, 216 of the Criminal Procedure Code of Ukraine) – its practice will be the primary focus.

As Professor V. Tuliakov notes, Ukrainian judges today work under dual pressure:

1. Public demand for severity (martial law, corruption, violence) and increased judicial discretion (donations, service in the Armed Forces, volunteer activities);

2. European standards of proportionality, prohibition of automatic sanction enhancement, and predictability of punishment.

Tension arises between these two poles. A judge is often forced to explain not only what punishment he has imposed but also why he did not impose a harsher punishment (or, conversely, why he imposed a more lenient one) (https://www.facebook.com/share/17sH8dRS9n/).

Maintaining the balance between public expectations and judicial discretion is precisely the answer to the question of whether the public interest is realized (observed) when concluding a plea agreement between the prosecutor and the accused in cases of corruption-related criminal offenses.

The motivation for raising this question stems from the following information:

Under plea agreements concluded by prosecutors of the Specialized Anti-Corruption Prosecutor's Office (SAPO), 44 million UAH has been transferred for the purchase of FPV drones for Ukrainian soldiers.

This was reported by the SAPO press service on Telegram, as cited by Ukrinform:

"As a result of the concluded plea agreements in SAPO and NABU cases approved by the HACC, 44 million UAH has been transferred to the charitable foundation 'Sternenko Community' for the purchase of FPV drones for the Armed Forces," the statement reads.

Overall, according to the press service, during the last three years approximately 2.9 billion UAH has been transferred for the needs of the Defense Forces under agreements concluded by SAPO prosecutors (Ukrinform, 2023).

While by no means disputing the necessity of supporting the Armed Forces of Ukraine through all available means–and fully supporting this in substance–we must ask whether such monetary transfers, in this particular context, respond to society's demand for combating corruption, and whether such transfers risk becoming a form of "indulgence."

We emphasize at the outset that it is unlikely that all questions can be answered within a single article, but outlining directions for future research in this field is indeed feasible.

Regulatory and Conceptual Framework

The regulatory framework is primarily composed of the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine (CPC of Ukraine).

In the CPC of Ukraine, an entire chapter – Chapter 35, "Criminal Proceedings Based on Agreements" – is devoted to the issue of agreements. This study focuses only on those provisions concerning the notion of public interest, the procedure for determining it, and ensuring its observance.

A plea agreement between the prosecutor and the suspect or accused is provided for in Article 468 of the CPC of Ukraine.

According to Part 4 of Article 469 of the CPC of Ukraine, a plea agreement between the prosecutor and the suspect or accused may be concluded in proceedings concerning:

… 2) corruption-related criminal offenses and criminal offenses connected with corruption, provided that the suspect or accused discloses another person (persons) involved in the commission of any corruption-related criminal offense or an offense connected with corruption, and provided that the information about the commission of such an offense by that person (persons) is confirmed by evidence, and provided that the suspect or accused fully or partially (taking into account the nature and degree of the person's participation in the commission of the crime) compensates for the damage or harm caused (if such damage or harm was inflicted);

2-1) corruption-related criminal misdemeanours, non-serious or serious corruption crimes, as well as criminal offenses connected with corruption, in the absence of indications that these offenses were committed in complicity, as confirmed by the case materials, and provided that the suspect or

accused fully compensates for the damage or harm caused (if such damage or harm was inflicted) … (Verkhovna Rada Ukrainy, 2013).

In accordance with Article 470 of the CPC of Ukraine, among the circumstances that must be taken into account by the prosecutor when concluding a plea agreement, it is specifically required to consider: 3) the existence of public interest in ensuring a faster pre-trial investigation and judicial proceedings and in uncovering a greater number of criminal offenses; 4) the existence of public interest in preventing, detecting, or stopping a greater number of criminal offenses or other more serious criminal offenses.

The court, pursuant to Article 474 of the CPC of Ukraine, must refuse to approve an agreement if, among other grounds, the terms of the agreement do not correspond to the interests of society.

Despite the similarity between the term "public interest" in Article 470 of the CPC of Ukraine and "interests of society" in Article 474 of the CPC of Ukraine, it is evident that these concepts cannot be equated. The interests of society constitute a broader notion, whereas Article 470 concerns public interest in a specifically defined context. Therefore, when approving a plea agreement, the court must be guided precisely by the interests of society.

Before proceeding to the analysis of these concepts, it is also necessary to mention the relevance of Article 75 of the Criminal Code of Ukraine, since its current version raises many questions in society due to the possibility of releasing from serving a sentence with probation individuals who have committed corruption offenses. According to many, this is equivalent to effectively avoiding liability as such (a position often reinforced by certain media outlets), although probation is in fact one of the forms of criminal liability (Ostrohliad, 2021: 48).

In accordance with Article 75 of the Criminal Code of Ukraine, in criminal proceedings concerning corruption-related criminal offenses and criminal offenses connected with corruption, the court shall decide on release from serving a sentence with probation in the event of approval of a plea agreement, provided that the parties to the agreement have agreed on release from serving a sentence of imprisonment for a term not exceeding eight years or another, more lenient punishment, as well as agreed on release from serving the sentence with probation (Verkhovna Rada Ukrainy, 2001).

It is now necessary to clarify what is meant by public interest (the interest(s) of society) as a precondition for concluding a plea agreement.

According to the Scientific and Practical Commentary to the CPC of Ukraine, more general non-personified criteria that determine the possibility and expediency of concluding or initiating a plea agreement include the presence of public interest in ensuring a faster pre-trial investigation and judicial proceedings, uncovering a greater number of criminal offenses, as well as the presence of public interest in preventing, detecting, or stopping a greater number of criminal offenses or other, more serious criminal offenses (paragraphs 3 and 4 of Part 1 of Article 470 CPC). As a result, considering the practice of the European Court of Human Rights and the Recommendations of the Committee of Ministers of the Council of Europe on simplifying criminal justice, the initiation of a plea agreement by the prosecutor **should be an exception** (emphasis added) to the general rule and must be based on sufficient evidence of the person's involvement in the commission of the criminal offense. Moreover, the grounds provided in paragraph 1 of Part 1 of Article 470 CPC may be applied only cumulatively, and not treated as independent grounds capable of individually justifying the prosecutor's initiation of an agreement. That is, when deciding whether to initiate a plea agreement, the prosecutor must verify whether such initiation aligns with both the personified and non-personified criteria for the expediency of initiating a plea agreement as specified in Part 1 of Article 470 CPC. For example, a prosecutor cannot justify initiating an agreement on the basis of the need to uncover a greater number of crimes, since this would contradict the fundamental principles of criminal proceedings and the objectives of criminal justice as defined in Article 2 CPC. Given that the prosecution represents the interests of the state (Part 2 of Article 36 CPC), and it is the state's duty to prosecute crimes, impose

punishment, and rehabilitate offenders, the prosecutor should not be the first to demonstrate unwillingness to investigate a case or present evidence of the accused's guilt in court. The authority to initiate plea agreements should instead be an exception for specific categories of cases that clearly do not require a full judicial trial (Protocol.ua, n.d.).

As emphasized by L. P. Krasnopolska, the terms of a plea agreement must correspond to the interests of society. A criminal offense is a socially dangerous act for which the law provides criminal punishment. However, in criminal proceedings concerning certain offenses, the legislator allows the participants of the criminal-law conflict to resolve it by concluding an agreement. The participants conclude such agreements to ensure their own interests (the prosecutor – for procedural economy; the victim – for rapid and full compensation for damage; the accused – for reduction of punishment). If these interests conflict with public interests (for example, if the punishment agreed upon by the parties is significantly lower than the punishment that would likely be imposed upon the accused if the trial were concluded without a plea agreement), the court must refuse to approve the agreement (Krasnopolska, 2015: 173).

S. O. Kovalchuk emphasizes that in the scholarly literature, public interest is understood as certain benefits for society as a whole, without the satisfaction of which it is impossible to ensure its comprehensive, stable, and democratic development. These interests are recognized by the state, guaranteed by law, and their satisfaction is a prerequisite for the existence and development of society in general. According to paragraphs 3 and 4 of Part 1 of Article 470 of the CPC, when deciding whether to conclude a plea agreement, the prosecutor must consider such circumstances as the presence of public interest in ensuring a faster pre-trial investigation and judicial proceedings, in exposing a greater number of criminal offenses, and in preventing, detecting, or stopping a greater number of criminal offenses or other, more serious criminal offenses. At the same time, paragraph 2 of Part 7 of Article 474 of the CPC provides that the court shall refuse to approve an agreement if its terms do not correspond to the interests of society. It is evident that the legislator has assigned to the court the duty to determine the balance of interests in criminal proceedings. In particular, the conditions of a plea agreement will correspond to the interests of society when they comply with the requirements of current substantive and procedural law, and when the public interest in ensuring a faster pre-trial investigation and exposure of additional criminal offenses is proportionate to the public interest in achieving the objectives of criminal proceedings (Kovalchuk, 2024: 164).

P. Demchuk and A. Tkachuk also address the concept of public interest, noting that the mere acceleration of case consideration is not a sufficient ground for approving a plea agreement. The court must also assess a number of other factors, including whether the terms of the agreement correspond to the interests of society. When evaluating the public interest, it is necessary to establish a balance between the accused's interest in obtaining a lighter punishment and society's demand to receive something in return for such mitigation.

They further emphasize that judges of the High Anti-Corruption Court interpret the concept of public interest differently, since it is an evaluative category. Their practice diverges: some judges rely on the expectations of society, i.e., whether the decision they adopt will meet the demands of the public. Others rely on the need to resolve the case as quickly as possible with minimal expenditure of state resources, the need to uncover other criminal offenses, and other considerations. Such heterogeneity of approaches is a destructive factor in the process of approving plea agreements. Therefore, it is necessary to unify judicial practice in this regard, as the failure to ensure public interest is one of the main grounds on which the High Anti-Corruption Court often refuses to approve plea agreements (Demchuk & Tkachuk, 2023).

In their work, O. Harasymiv, O. Zakharova, and O. Riashko emphasize that the introduction of Chapter 35, "Criminal Proceedings Based on Agreements," into the CPC has undoubtedly significantly simplified the procedure for considering certain categories of criminal cases, reduced the dura-

tion of pre-trial detention, shortened overall procedural time limits for the consideration of criminal proceedings, and reduced the burden on the judicial and law enforcement systems. In practice, this institution has largely justified itself, and in general, the positive dynamics of the development of the plea agreement mechanism in criminal proceedings should be acknowledged (Harasymiv, Zakharova, & Riashko, 2021).

In contrast to this position, S. M. Mishchenko, Zh. M. Yelenina, and T. I. Slutska dispute the positive aspects of time-saving, noting that the materials of the proceedings indicate that the pre-trial investigation–despite the formal composition of the committed offenses and the admission of guilt by the suspect (accused) – is carried out in full, with the entire spectrum of investigative and search actions being employed. As a result, procedural time limits are not reduced, and the agreement in fact concerns only the measure of punishment, which will be examined in more detail below. Regarding public interest, they state the following: it is highly important to justify the balance between public interest and the private interest of the suspect or accused. In this case, the state's (society's) interest in imposing an appropriate punishment on the offender may be subordinated to the interest in increasing the efficiency of the pre-trial investigation. That is, in exchange for an agreed-upon punishment, the suspect (accused) should assist in exposing accomplices, disclosing the scheme of criminal activity, and so forth. Agreements in such cases, despite the fact that such arrangements are an optional (subsidiary) component of their content, do not correspond to the public interest in terms of their purpose, because they are directed exclusively at satisfying the private interest of the suspect or accused in mitigating punishment. For example, the Khmelnytskyi City District Court reasonably refused (on the grounds of non-compliance of the agreement with the interests of society and non-compliance with the requirements of the law) to approve a reconciliation agreement between the victim and the accused under Part 2 of Article 185 of the Criminal Code of Ukraine, because the parties, agreeing on a sentence with release from serving it on probation, failed to take into account that the accused had previously been repeatedly convicted of offenses considered to pose a high degree of danger to society (Mishchenko, Yelenina, & Slutska, 2014).

P. Demchuk and A. Tkachuk note that if one summarizes recent case law in high-level corruption cases, the court often considers the following circumstances when determining the existence of public interest:

— the nature and severity of the alleged offense;
— the accused's cooperation with the pre-trial investigation;
— the accused's disclosure of additional criminal offenses and perpetrators;
— the role and hierarchical position of the accused in cases involving complicity;
— the potential for encouraging other individuals to conclude similar agreements;
— full or partial compensation of damages by the accused.

An important factor they highlight is that since 24 February 2022, there have been cases in which judges take into account volunteering and support for the Armed Forces as circumstances that, in wartime, are directly connected to the well-being, stability, and security of Ukrainian society – that is, to the public interest. In their view, such circumstances may only be considered as personal characteristics of the accused when imposing punishment, because they are not directly related to the criminal proceedings or the evidence examined within them (Demchuk & Tkachuk, 2023).

This position is also referenced by other sources. For example, in the announcement titled "The Court Approved a Plea Agreement in the Case of an Odesa Lawyer's Influence on a Judge", it is stated that the court took into account "the existence of public interest, consisting in ensuring a faster pre-trial investigation and judicial proceedings; the making of a monetary contribution in support of the Armed Forces of Ukraine" (ADVOKAT POST, 2024).

The High Anti-Corruption Court, in some of its decisions, also points to the uncertainty of the concept of "public interest."

For example, it states as follows: the current criminal procedural law of Ukraine does not define the content of the category "public interest", since this is inherently an abstract concept, understood as society's attitude toward certain phenomena as a result of assessing them on the basis of established perceptions of their positive or negative nature. Analyzing the case law of the European Court of Human Rights (ECHR) (for example, the judgment of 27 June 2019 in "Svit Rozvah LLC and Others v. Ukraine" – application No. 13290/11; the judgment of 20 October 2011 in "Rysovskyy v. Ukraine" – application No. 29979/04), one may conclude that according to its well-established practice, the concept of "public interest" is interpreted broadly, and maintaining the necessary balance between public and private interests is an essential requirement of a democratic society and a component of the rule of law. Furthermore, an analysis of the ECHR judgments of 12 May 2005 in "Öcalan v. Turkey" – application No. 46221/99 (paragraph 168); of 23 November 2000 in "Former King of Greece and Others v. Greece" – application No. 25701/94 (paragraph 89); and of 25 March 1999 in "Iatridis v. Greece" – application No. 31107/96 (paragraph 55) indicates that the Court considers the following to be components of the rule of law: the balancing of an individual's interests with the interests of other members of society; the principle of proportionality; and the fair balance between the demands of the general (public) interest and the protection of fundamental rights of the individual (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 760/1279/19).

Although, in the subsequent analysis, the court's position in this decision essentially reduces to compliance with statutory requirements.

As we can see, there is no uniformity in the understanding of these concepts. In such a case, it is appropriate to refer to the Comprehensive Explanatory Dictionary of the Modern Ukrainian Language in order to outline the general understanding of "public interest."

Accordingly, "interest" is defined as something that benefits someone or something, or corresponds to someone's needs or aspirations (Busel, 2001: 501); whereas "public" refers to that which concerns society (Busel, 2001: 1417).

Thus, when defining the concept of "public interest" or "interest of society," two groups of factors should be considered: those that benefit society (which may include efficiency, saving resources, and achieving the overall objectives of criminal justice), and those that correspond to the aspirations of society (which today include, if not the complete elimination – since such a result is practically unattainable – then at least the reduction of corruption, including real punishment for at least some of the offenders).

Judicial Practice

To ensure the completeness of the analysis, it is also necessary to examine specific manifestations of the understanding of public interest in the decisions of the High Anti-Corruption Court.

A review of the last 50 judgments (as of 21 November 2025) revealed that in 33 of them agreements were approved (the figure may be higher, as some decisions are not available for review), and in most of the approved agreements Article 75 of the Criminal Code of Ukraine was applied – that is, release from serving the sentence with probation.

The following formulations appear rather frequently:

1. The terms of the agreement correspond to the interests of society. Approval of the agreement will allow for the swift completion of the judicial proceedings concerning the accused, thereby ensuring that the accused is held criminally liable for the committed corruption offense, with the imposition of a sentence of actual imprisonment. Concluding the agreement will fully contribute to achieving the goal, extremely important for society, of ensuring the inevitability of punishment for the committed crime" (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/10684/25).

2. References to ECHR case law are also often present. For example: "The criminal procedural law obliges the prosecutor, when deciding on the conclusion of a plea agreement, to take into account the existence of public interest in ensuring a faster pre-trial investigation and judicial proceedings,

in exposing a greater number of criminal offenses, and in preventing, detecting, or stopping a greater number of criminal offenses or other more serious criminal offenses (paragraphs 3 and 4 of Part 1 of Article 470 CPC of Ukraine).

In paragraph 87 of its judgment of 29 April 2014 in the case of 'Natsvlishvili and Togonidze v. Georgia', the European Court of Human Rights noted its support for the idea that plea agreements, in addition to providing significant advantages related to the speedy consideration of criminal cases and reducing the burden on courts, prosecutors, and lawyers, may also serve as an effective tool in combating corruption and organized crime when properly applied, and may contribute to a reduction in the number of imposed sentences and, consequently, in the number of imprisoned persons.

The Court considers that the conditions of the agreement, taking into account the seriousness of the offenses imputed and the punishment prescribed for their commission, correspond to the interests of society, which lie in ensuring the possibility of fair and expedited resolution of criminal proceedings within a reasonable time with minimal expenditure of state resources, as well as in reducing the workload on prosecution bodies and courts. Moreover, the conclusion of a plea agreement will encourage other suspects or accused persons to conclude such agreements with the aim of facilitating the conduct of criminal proceedings and obtaining for themselves an agreed punishment or release from serving it, which will contribute to the rehabilitation of the accused and prevention of new criminal offenses, as well as influence others by reinforcing the inevitability of criminal liability and fostering the rejection of corrupt behaviour (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/10421/25).

Although in this situation the "inevitability of punishment," when Article 75 of the Criminal Code of Ukraine is applied, will clearly not be perceived unambiguously.

3. It is now appropriate to provide several examples of voluntary monetary contributions as conditions for concluding plea agreements:

– During the court hearing, PERSON_6 confirmed that he had voluntarily undertaken the obligation to transfer funds in the amount of 100,000 UAH to support the Armed Forces of Ukraine through the Charitable Organization "Charitable Foundation 'Code of the Nation 47'" into its special account (providing the respective payment receipt dated 21 October 2025 confirming the actual transfer of these funds), and that he had additionally undertaken the obligation to ensure personally and/or through other persons the transfer of an additional 400,000 UAH to the Armed Forces of Ukraine via the same charitable organization within four months after the approval of the plea agreement. He indicated that he had a real ability to fulfil these obligations. Therefore, the court considers that this condition of the agreement is not unreasonably burdensome for this party to the criminal proceedings (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 760/1279/19).

– The court also takes into account the fact that the accused PERSON_4 and PERSON_5 voluntarily undertook the obligation to contribute 211,960 UAH each to an account opened by the Charitable Organization "International Charitable Foundation 'Come Back Alive'" to support INFORMATION_5, which, in turn, positively contributes to the implementation of state interests, especially under martial law (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/10401/25).

– In paragraph 5.2 of the judgment, concerning the compliance of the agreement's conditions with the interests of society, it is noted, in particular: The court also takes into account that under the terms of the agreements, the accused undertook to fully compensate the damage incurred by the state and by a private individual during the pre-trial investigation in this criminal proceeding, namely 40,000 UAH and 15,000 UAH respectively.

Moreover, in the event the agreement is approved, PERSON_7 undertook to transfer two vehicles belonging to him for the needs of the Armed Forces of Ukraine. Under the conditions of the full-scale military aggression by the Russian Federation, this indicates an additional public interest – namely, providing the Armed Forces of Ukraine with financial and material resources to strengthen their capacity to resist the enemy and to safeguard Ukraine's independence.

Thus, taking into account …the presence of such factors as the saving of procedural and material resources and the provision of financial support to the Armed Forces of Ukraine, the court concluded that the terms of the agreements correspond to the interests of society (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/10819/23).

– The court also takes into account that, in the event of approval of the plea agreement, the accused undertook to ensure the transfer of a significant sum to support the Armed Forces of Ukraine, namely a total of 2,000,000 UAH.

Under the conditions of the full-scale military aggression by the Russian Federation, this indicates an additional public interest–namely, providing the Armed Forces of Ukraine with financial resources to strengthen their capacity to resist the enemy and safeguard the independence of Ukraine (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/9232/25).

– In addition, public interest in this case is also ensured through the obligation set out in paragraph 8.3 of the Agreement and its subsequent fulfilment by the Suspect.

8.3. Within 30 days from the date on which the court decision approving the plea agreement enters into legal force, to make a contribution towards the partial compensation of the damage caused, in the amount of 200,000 (two hundred thousand) UAH, to the benefit of the state, using the following banking details: Recipient: HUK Kyiv Region/Bilogorod. rural/21080600; Account No. UA088999980313090102000010774; EDRPOU code 37955989 (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/9023/25).

– The testimony of PERSON_3 regarding the circumstances constituting the subject of proof in criminal proceeding No. 52023000000000068 makes it possible to ensure the prosecution of all accomplices and to take measures to initiate the issue of recovering damages in the amount of 128.2 million UAH. This, in turn, will contribute to restoring a fair balance in the distribution of material goods in the state.

…Moreover, the terms of the agreement provide for the obligation of the accused to compensate part of the damage caused by the criminal offenses in the amount of 54 million UAH (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/9343/25).

– 2. Regarding the compliance of the terms of the agreement with the interests of society

Under the terms of the Agreement, PERSON_5 undertakes the obligation to ensure the transfer of 50,000 UAH as charitable assistance to the Armed Forces of Ukraine (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/8039/25).

– 9. Regarding the compliance of the terms of the agreement with the interests of society.

The Court took into account that the defence of the accused PERSON_2 submitted a motion to the High Anti-Corruption Court requesting a change of the preventive measure from bail to personal recognizance, along with a request–supported by the sureties–to transfer the bail amount of 805,200 UAH to the needs of the Armed Forces of Ukraine.

The Court also took into account that the accused undertook the obligation, within 5 days from the date on which the judgment approving the agreement enters into legal force, to transfer funds in the amount of 4,000,000 UAH to the needs of the Armed Forces of Ukraine to the following details: IBAN NUMBER_2, recipient – CO “CF ‘STERNENKO COMMUNITY’” (EDRPOU 45778792), bank – JSC “UNIVERSAL BANK” (EDRPOU 21133352), MFO 322001, payment purpose: Charitable assistance for the Armed Forces of Ukraine. This is significant given the acute need to provide financial assistance to the Armed Forces of Ukraine for supplying the military with all necessary equipment and weapons, which will contribute to repelling armed aggression.

Under such circumstances, imposing this obligation on the accused and taking these facts into account by the prosecutor directly indicates the presence of public interest in concluding such an agreement.

Thus, it can be stated that the terms of the agreement correspond to the interests of society (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/7947/25).

– (3) Public interest in concluding the agreement:

– …The terms of the Agreement stipulate the accused's obligation to compensate damage caused by the criminal offense in the amount of 3,835,143.70 UAH by ensuring the gratuitous and unconditional transfer (alienation) of an apartment located at ADDRESS_1 into the ownership of the state, represented by the Main Intelligence Directorate of the Ministry of Defence of Ukraine.

Under such circumstances, PERSON_4 undertook the following obligations:

…(2) Financial support of the Armed Forces of Ukraine.

– PERSON_4 undertook to pay 750,000 UAH to the special account of the National Bank of Ukraine for the support of the Armed Forces of Ukraine (details: UA843000010000000047330992708, recipient – National Bank of Ukraine, recipient code – 00032106, purpose of payment – "Support for the Armed Forces of Ukraine") within 3 months from the date on which the court judgment based on this Agreement enters into legal force (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/4549/25).

– The Court also takes into account the voluntary obligation of the accused PERSON_6 to contribute 8,000,000 UAH to the special account opened by the National Bank of Ukraine to support the Armed Forces of Ukraine, which in turn positively contributes to the realization of state interests, especially under martial law (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 760/10894/18).

– The Court also considers the fact that, before the issue of approving the agreement was resolved, the accused transferred funds to support the Armed Forces of Ukraine: PERSON_4 – 10,000 UAH; PERSON_5 – 60,000 UAH; PERSON_6 – 240,000 UAH; PERSON_7 – 60,000 UAH (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/4967/25).

– The Court further considers that, in the event of approval of the plea agreement, the accused undertook to ensure that the sureties transfer the bail posted on their behalf to support the Armed Forces of Ukraine, namely 49,620 UAH each.

Under the conditions of full-scale military aggression by the Russian Federation, this demonstrates an additional "public interest" – providing the Armed Forces of Ukraine with financial resources to enhance their capacity to resist the enemy and ensure Ukraine's independence (Vyshchyi antykoruptsiinyi sud, 2025, sprava № 991/7017/25).

Thus, an interim conclusion may be drawn that treating the transfer of funds to support the Armed Forces of Ukraine as an element of "public interest" has already become an established practice of the High Anti-Corruption Court of Ukraine.

Conclusions. The conclusions that may be drawn from this study are as follows:

– As elements of public interest, the High Anti-Corruption Court takes into account the factors provided in Article 470 of the CPC of Ukraine: 3) the existence of public interest in ensuring a faster pre-trial investigation and judicial proceedings, as well as in exposing a greater number of criminal offenses; 4) the existence of public interest in preventing, detecting, or stopping a greater number of criminal offenses or other, more serious criminal offenses;

– Quite often, the achievement of the objectives of criminal justice, as defined in Article 2 of the CPC of Ukraine, is also identified as a component of public interest;

– The proportion of plea agreements among the total number of judgments – particularly those involving the application of Article 75 of the Criminal Code of Ukraine – can hardly be considered consistent with the interests of society at the current stage of combating corruption-related offenses;

– The judicial practice of recognizing the transfer of funds for state needs as a manifestation of public interest requires further study, in particular: surveying citizens to determine public opinion on this matter; examining alternative mechanisms for recovering such funds through other legal instruments, such as confiscation or special confiscation; analysing a larger number of judgments using analytical tools to answer unequivocally whether this practice may constitute a means of avoiding real punishment.

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