

Anticorruption court judges selection

Background

The selection of judges for the anticorruption courts require active involvement of international experts to underpin transparent and high-quality procedure.

Timeline

Attempt to destroy the High Anti-Corruption Court: what you should know about connection between the judge of the CCU and disgraced KDAC Anti-corruption refor

21.11.2020

Originally published on Liga.net Ukraine is under threat while judges of the Constitutional Court of Ukraine and other subjects of the NABU cases, whom the Court granted an indulgence, celebrate the collapse of cases against them. For the fourth week in a row, Ukraine has been in constitutional crisis due to the decision of the Constitutional Court [...]

Judges of the High Anticorruption Court are appointed

12.04.2019

On April 11, the President signed the decree on appointment of 38 judges to the High Anti-Corruption Court (HACC). The Anti-Corruption Court should start its work before the beginning of summer. All cases regarding top corrupt officials will be transferred to it, even if they are already considered in ordinary courts. In general, international experts [...]

The HQCJ decision on anticorruption court competition is in jeopardy as the mandate of three HQCJ members is challenged

05.04.2019

On April 4, 2019, the Ombudsman Lydmila Denysova issued a decree on appointment of a new member of the High Qualification Commission of Judges Mykola Sirosh instead of Tetiana Veselska. The decree was not published even on official web-site, where the only information on results of the competition for new HQCJ member is available. According [...]

District Administrative Court may return questionable candidates in the competition to the High Anti-Corruption Court

22.02.2019

Taras Zayets, vetoed by international experts candidate to the High Anti-Corruption Court, tries to invalidate the ban. He wants to return to the competition as well. This became known from the judicial authority portal. Taras Zayets filed two lawsuits to scandalous District Administrative Court of Kyiv. The first lawsuit concerns the abolition of rules of [...]

Supreme Court selection: Qualification Commission of Judges will consider disqualification of questionable candidates next week

08.02.2019

On February 12 the High Qualification Commission of Judges (HQCJ) will start plenary sessions for consideration of candidates to the Supreme Court who were negatively assessed by the Public Integrity Council (PIC). In general, out of 239 candidates 69 received negative opinions of the PIC. The procedure is as follows: the HQCJ panel considers each [...]

The Public Council of International Experts has set brand new standards in vetting Ukrainian judges

25.01.2019

On January 21-24 the Public Council of International Experts held four more hearings jointly with the High Qualification Commission of Judges to interview and ban questionable candidates for the High Anticorruption Court. With the first one on January 18, five joint hearings were held so far in total, where 47 candidates were considered. Two more [...]

Supreme Court abolished decision of the High Council of Justice to reprimand judge-whistleblower Larysa Golnyk

18.01.2019

The Grand Chamber of the Supreme Court ruled unlawful and abolished the decision of the High Council of Justice to reprimand the judge-whistleblower Larysa Golnyk. Previously, Golnyk was punished for the Facebook post in which she criticised her colleagues, who had supported illegal actions of the court president. Though the reprimand was cancelled, it nevertheless [...]

CSOs: Credibility of the anticorruption court is impossible without transparency of the competition

09.11.2018

The Anti-Corruption Action Center, All-Ukrainian Association AutoMaydan, DEJURE Foundation, Transparency International Ukraine welcome the selection of members of the Public Council of International Experts (PCIE). CSOs demand the High Qualification Commission of Judges to immediately provide appropriate working conditions for international experts and to adopt rules regarding transparency of the competition to the High Anti-Corruption [...]

Selections of anticorruption judges: HQCJ/PCIE joint sessions to be held during Christmas time

20.10.2018

The High Qualification Commission of Judges (HQCJ) plans to appoint six members to the Public Council of International Experts (PCIE) by the end of October. The HQCJ is currently holding interviews with the nominees. The HQCJ announced dates of judicial examinations for candidates to the High Anticorruption Court. They will pass tests on November 12 and [...]

Anticorruption court updates: 337 candidates applied

21.09.2018

As of September 20, the High Qualification Commission registered 337 candidates for the High Anticorruption Court, among whom 236 candidates applied for positions of trial judges and 101 – to the Appeals Chamber. However, the number of candidates will be reduced as the High Qualification Commission of Judges (HQCJ) will assess candidates on compliance with [...]

The High Anticorruption Court: amendments to the assessment procedures are needed

07.09.2018

As of September 7, 37 candidates applied for positions of anticorruption judges. The call is open by September 14; however, it is expected that most of applications will come in the last days. In the meantime, procedures for the assessment of judges urgently require amendments. Competition for the HACC shall follow the same procedure as [...]

Poroshenko appointed two more dubious judges for the Supreme Court

31.08.2018

On August 30 President Poroshenko appointed judges Slynko, Symonenko and Matsedonska to the new Supreme Court. Both Slynko and Symonenko received negative opinions from the Public Integrity Council; perspective of their appointment caused public outrage. Sergiy Slynko is known for confirming a guilty verdict for Yuriy Lutsenko in 2013 as a member of the judicial [...]

Judge who passed successfully qualifications assessment caught taking bribe

30.08.2018

On April 24, 2018 judge of the Court of Appeal of Cherkasy region Volodymyr Ponomarenko passed qualifications assessment and was recognized as honest by the High Qualification Commission of Judges. The Commission confirmed his ability to execute justice with a high score. Since May he receives salary totalling to more than 100,000 UAH (around 3,700 USD) [...]

UNIAN: Commission of Judges wants to close interviews with judicial candidates from the public

23.08.2018

The High Qualification Commission of Judges believes that transparency of the procedure for selection and appointment of judges leads to discreditation of the judicial system, as well as attacks on judges motivated by greed. The High Qualification Commission of Judges is considering the possibility to stop the procedure of conducting open interviews with judicial candidates. [...]

The Commission of Judges advised international organisations to coordinate nominations to the Council of International Experts

10.08.2018

On Tuesday, August 7, the Head of the High Qualification Commission of Judges Serhii Koziakov stated that the HQCJ advised international organizations, eligible to nominate experts to the Public Council of International Experts, to coordinate nominations among themselves. The Public Council of International Experts will participate in the selections of anticorruption judges. Koziakov also confirmed that [...]

HQCJ started formation of Public Council of International Experts: threats

20.07.2018

The High Qualification Commission of Judges (HQCJ) officially started formation of the Public Council of International Experts (PCIE). On July 17 the HQCJ filed requests to 14 international organizations for nomination of experts for the PCIE. The Commission claims the list of 14 organizations has been provided by the Ministry of Foreign Affairs and includes: [...]

The European Parliament voted to support new MFA for Ukraine, conditioned on anticorruption deliverables

14.06.2018

European Parliament informs that a €1 billion macro-financial loan to help Ukraine cover part of its external

financing needs in 2018-2019 was approved by Parliament on Wednesday, June 13. €1 billion loan to cover an external financing gap in 2018-2019 To be disbursed in two instalments over 2.5 years, provided Ukraine takes certain policy measures Parliament [...]

Rada voted for the anticorruption court draft law

07.06.2018

On Thursday, June 7 with 315 votes the Parliament adopted the long-awaited draft law No7440 on anticorruption court. This is a huge step forward for country's anticorruption reform! Simultaneously, this draft law No7440 does not actually establish the anticorruption court, but rather describes it. For the actual launch of the court, according to the Constitution, after [...]

Anticorruption court updates as of May 26

26.05.2018

On Monday, May 21, Rada Committee on Legal Policy and Justice adopted the draft law on the Anticorruption Court for the second reading. The Committee head Ruslan Kniazevych announced that agreements on most of the disputable issues were resolved, apart from a key one - crucial role of the international experts in the selection of [...]

How Poroshenko uses the Committee to block the anticorruption court draft law in the Rada

11.05.2018

May 10, 2018, 12:05 Desperately trying to delay creation of the anticorruption court while saving face before the international partners, Poroshenko has been abusing the tactics "me not guilty". The President keeps promising one new date after another to adopt the law on the anti-corruption court and then puts the onus on the MPs. First, [...]

The High Qualification Commission of Judges may recommend a lifetime appointment for judges who persecuted Maydan

04.05.2018

On May 7 the High Qualification Commission of Judges (HQCJ) will consider recommending a lifetime appointment for 98 judges. All these judges were appointed for the first 5-year term during Yanukovych presidency without any open competition; now they went through qualification assessment and the HQCJ is to decide whether they are fit for lifetime judicial [...]

First month of the qualification assessment of judges

27.04.2018

The High Qualification Commission of Judges (HQCJ) is now in the middle of qualification assessment of

acting judges. The assessment was introduced as a part of judicial reform in order to reexamine acting judges and to clear judicial system of those with poor human rights records, unjustified assets and/or those having engaged themselves in political [...]

International participation in selection of anticorruption judges and the sovereignty of Ukraine: legal aspects (brief)

24.02.2018

Background On December 22, 2017 the President of Ukraine submitted for consideration of the parliament draft law No7440 On the high anticorruption court. In contrary to explicit recommendation of the Venice Commission, the draft law offered internationally nominated experts only an advisory role in selection of anticorruption judges. Authorities claim that direct foreign participation [...]

High Qualification Commission of Judges eases the methodology of qualifications assessment

16.02.2018

On February 13 the High Qualification Commission of Judges amended the Methodology of qualifications assessment. Clause 46 envisages that the information that was provided in the opinion [of the Public Integrity Council] is to be taken into account by the HQCJ while deciding on scores for specific criteria. However, it is also mentioned that the HQCJ is not [...]

International Monetary Fake: tale of anti-corruption court and failed special operation of Presidential Administration

02.02.2018

Serhii Sydorenko, The European Pravda _ Wednesday, 31 January 2018 Five presidents have changed since Ukraine's independence, and out of those five – and we are not being ironic here --Petro Poroshenko was the only one, who led the country to making some serious steps towards the fight against corruption. Yet, it is for [...]

International involvement in the selection of anticorruption judges does not threaten state sovereignty

19.01.2018

On January 19 the parliament failed to include presidential draft law No7440 on anticorruption court (as well as four alternative draft laws) in the agenda of the parliamentary session. MPs from the Opposition Block, Radical Party and Vidrodzennia group did not vote for these draft laws. According to the rules of procedure of the Parliament, [...]

Anastasia Krasnosilska: Why Poroshenko's Anti-Corruption Court Is a Sham Proposal

19.01.2018

Ukrainians want corrupt public officials to go to jail. It didn't happen in 2014, 2015, 2016, or 2017. In July, a Kyiv court released Roman Tymkiv, the head of a state-owned military plant, on bail. Tymkiv was accused of embezzling \$1 million by supplying the Ukrainian army with used tank engines for the price of [...]

Olena Halushka: Ukrainian society, West will have to push even harder for reform in 2018

18.01.2018

There is little chance that the political environment will improve in 2018 for strong reform and a strong fight against corruption, as politicians are becoming consumed by the 2019 presidential and parliamentary elections. At the same time, in the next two years, Ukraine will need to repay more than \$3 billion in debt to the [...]

CSOs: President's draft law on anti-corruption court contradicts recommendations of the Venice Commission

27.12.2017

Civil society experts consider the President's draft law on High Anti-Corruption Court as the one that does not comply with the Venice Commission's opinion and does not provide for the independence of anti-corruption judicial proceedings. Draft law No. 7440 submitted by President Petro Poroshenko for parliamentary consideration on December 22, 2017 contradicts the main recommendation [...]

President's draft law on anticorruption court neglects Venice Commission recommendations

26.12.2017

On December 22 the President submitted to the Parliament the draft law No7440 on anticorruption court. This draft law does not meet key recommendations of the Venice Commission. Though some recommendations of the Venice Commission were taken into account (establishment of a separate High Anticorruption Court (HACC) with national jurisdiction and an independent appeal instance [...])

25 Notorious Judges Will Administer Justice In New Supreme Court

14.11.2017

On November 11 113 future judges of the new Supreme Court took the oath. 25 of them do not meet integrity criteria: possess unjustified assets, were engaged in cases recognized as political persecution or

violated human rights as confirmed by the European Court of Human Rights. Profiles of these judges:
ADMINISTRATIVE CASSATION COURT Will adopt final [...]

Two finalists of Supreme Court competition released Pukach, executor of assassination of Gongadze

10.11.2017

Two finalists of the Supreme Court competition Serhiy Slynko and Stanislav Kravchenko released Oleksiy Pukach from custody in 2003. They changed a pre-trial measure for him from custody to a written undertaking not to leave the town, which allowed him to flee and hide until July 2009. In 2013 Pukach was found guilty of the murder [...]

Authors of the draft law No6011 on anticorruption court initiated its withdrawal. President keeps shifting responsibility

20.10.2017

Authors of the draft law No6011 on anticorruption court initiated its withdrawal. By doing this, the MPs followed recommendation of the Venice Commission and opened the way for the President to submit his draft law on anticorruption court. According to the Rules of Procedure of the Parliament, since the draft law is already included into [...]

EU insists on separate anticorruption court, will help select judges

13.10.2017

The European Union insists on the need to create a separate anticorruption court in Ukraine and is ready to help in selecting judges, according to a letter sent by the EU Delegation to Ukraine in response to the Ukrainian news outlet Europeiska Pravda's request about the EU's position on the anti-corruption court after the Venice [...]

Venice Commission: Ukraine has to establish anticorruption court, judges to be selected with international involvement

07.10.2017

Venice Commission invites the President of Ukraine to submit a revised draft law on anticorruption courts to Parliament, based on its recommendations. It states that the only way forward in the fight against high-level corruption in Ukraine is the prompt establishment of a high specialised anticorruption court, as foreseen in the Law "On the Judicial [...]

Ukraine sold eurobonds: no more miracle making?

22.09.2017

The news that the Government of Ukraine sold 3 billion USD Eurobonds with a 7.375% annual yield causes mixed feelings. On one hand, this is the confirmation of the right direction Ukraine's economic reforms are moving to. On the other hand, this is far not the cheapest money Ukraine can get: thus, interest rate of [...]

Special selection procedures of anticorruption courts judges

01.02.2017

Draft law on anticorruption courts provide for the special procedure of independent selection of judges involving international partners.

Documents

IMF

We will operationalize the High Anti-Corruption Court (HACC) as established under Law 2018/2447, to ensure that corruption cases are adjudicated by judges with specialized skills and high integrity. The six members of the Public Council of International Experts (PCIE) have been appointed by the High Qualification Commission of Judges (HQCJ) from the nominations submitted by international organizations according to the criteria established in the Law. We will ensure that the entire process for assessing the candidates' practical skills and integrity, and their selection is transparent and consistent with the Law on the Judiciary and the Law on the HACC, including that the qualification evaluation is centered on anonymous written tests and a case study, and with publication of the methodology for assessment, the criteria used for the qualification evaluation, and the grades received by candidates for each test. The members of the PCIE and the HQCJ are provided, bound by confidentiality and sufficiently ahead of any interviews and assessments, with the same access to information on candidates. By end-April 2019, following nomination by the High Council of Justice, at least thirty-five anti-corruption judges with impeccable reputation and relevant professional skills will be appointed to the HACC in line with law 2018/2447, and with rules of procedures guaranteeing the objectivity and transparency of the process

Full doc: https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEF_P_TMU.pdf

MFA

Progress in making the High Anti-Corruption Court of Ukraine operational in line with the law "On the High Anti-Corruption Court" notably by (a) making significant progress with the selection of qualified and independent judges for this Court (at least submission by the High Qualification Commission of Judges of Ukraine to the High Council of Justice of the recommendations on the appointment of candidates for judge according to the results of the competition), and (b) ensuring that the Court has the financial resources to conduct its mission as prescribed by the law.

Full doc: https://ec.europa.eu/info/sites/info/files/economy-finance/mou_protocol_version_eu.pdf

MFA

In the draft 2019 budget to be submitted to the Parliament of Ukraine by 15 September 2018, the Ukrainian government will include an amount for the High Anti-Corruption Court of Ukraine that is appropriate for its

effective and independent functioning. The Ukrainian authorities will also launch the processes of selection of members of the Public Council of International Experts and of judges of the High Anti-Corruption Court of Ukraine (MFA first instalment)

Full doc: https://ec.europa.eu/info/sites/info/files/economy-finance/mou_protocol_version_eu.pdf

IMF

Building upon the experience with NABU and SAP, it is critical that the selection process is seen as independent and trustworthy by the public. In line with Article 33.2 of the Law on the Judiciary, specific requirements will be introduced in the proposed legislation to ensure that applicants to the position of anticorruption judges are not only of impeccable reputation, and have high professional qualities, but also possess relevant specific skills necessary to adjudicate criminal cases related to corruption. In this regard, the legislation will set out the procedure, including tests and tasks, for the assessment of the specific professional skills of applicants, which will be based on a transparent evaluation of candidates by the High Qualification Commission of Judges with the support from respected experts with recognized ethical standards and experience in anticorruption prosecution or adjudication, including potential engagement of experts with relevant experience in other countries. This procedure should be in line with the Ukrainian Constitution and the standards of the Council of Europe. The assessment of high integrity and ethical standards shall be conducted with the participation of the Civic Integrity Council as provided by the Law on the Judiciary. In line with Article 81 of the Law on the Judiciary, this selection process will ensure that for each available position, an applicant of impeccable reputation, relevant specific skills, and high professional qualities is timely selected by the High Qualification Commission of Judges, and presented by the High Council of Justice to the President of Ukraine for appointment by mid-January 2018 (benchmark).

Full doc: <https://www.imf.org/~media/Files/Publications/CR/2017/cr1783.ashx>

Documents

Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. In the First Report under the Visa Suspension Mechanism, the Commission noted that in view of recent developments immediate actions needed to be taken in order to ensure full implementation and sustainability of past reforms in particular as regards the anti-corruption benchmark... The following areas need to be addressed:

- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, including by ensuring that the High Anti-Corruption Court swiftly becomes fully operational and that the Public Council of International Experts can adequately play its role in the selection process

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643

...the Venice Commission would have a clear preference for more substantial amendments, namely for assigning the task of nominating Commission members to a non-political body such as the HQC - in its

capacity as judicial self-governance body which is already involved in the appointment procedure – subject to the role of international donors as discussed below. Another option would be not to create an additional body such as the proposed Competition Commission but, as a temporary measure pending completion of the judicial evaluation, to include experts proposed by international donors as supernumerary members of the HQC to participate in the selection procedure for judges in the anti-corruption courts and to **give them a crucial role in that procedure** similar to that envisaged for them in the Competition Commission by draft law No. 6011. (Article 47)

Full doc: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)020-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)020-e)

Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. However, in view of recent developments, immediate actions need to be taken in order to ensure full implementation and sustainability of past reforms, in particular as regards the anti-corruption benchmark. The following areas need to be addressed:

- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, in particular by setting up an independent and specialised high anti-corruption court in accordance with the Venice Commission opinion and Ukrainian legislation. In parallel, the independence and capacity of NABU and SAP must be ensured and reinforced, reversing current trends undermining their work.

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf