

High Council of Justice green-lights 25 out of 30 dubious Supreme Court candidates

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On September 29 the High Council of Justice made public the list of 111 judges to be appointed by the President as new Supreme Court Judges.

After additional evaluation of 120 candidates nominated by the HCJ, the HCJ disqualified 2 candidates and put on hold decision on 7 more candidates for unlimited period of time.

Among final candidates there are 25 people who previously received negative opinions from the Public Integrity Council. 15 of them failed to explain their assets, 4 – ensured impunity of the judges who persecuted participants of the Revolution of Dignity, 11 – participated in political persecutions directly and/or knowingly violated decision of the European Court for Human Rights and/or violated human rights as confirmed by the ECHR.

The final list of candidates is now forwarded to the President of Ukraine, who shall issue a decree on their appointment within 30 days. According to the law, the President is not granted with powers to reject candidates offered by the HCJ; the President, while introducing judicial reform, emphasized his ceremonial role in appointment of judges.

Below is detailed information on 25 questionable future Supreme Court judges.

Cassation administrative court

None of questionable candidates to this court was disqualified by the HCJ.

Moroz Larysa. As a member and rapporteur of judicial appellate panel adopted a decision to restore on their positions 5 judges who prosecuted participants of the Revolution of Dignity.

Saprykina Iryna. Prohibited peaceful protests in times of Yanukovych. In 2013 as a member of judicial appellate panel confirmed prohibition of direct action protests for unlimited number of third parties around Hostynnyi Dvir (historical object).

Prokopenko Oleksandr and Grytsiv Mikhailo. Both violated human rights and the decision of the European Court of Human Rights. In 2009 as members of judicial panel of the Supreme Court of Ukraine ignored decision of the ECHR (case “Yaremenko against Ukraine”). In 2015 the ECHR ruled that this decision also violated human rights and run against ECHR previous decision of 2008. Both acquired into private property state-owned apartments, which is an abuse of office for personal enrichment.

Yurchenko Valentyna. Restored on position a judge who prosecuted participants of the Revolution of Dignity. In 2016 as a member of judicial panel abolished decision on dismissal of such a judge, thus restoring him on judicial position.

Pasichnyk Svitlana. As a member of judicial panel confirmed prohibition of peaceful direct action campaign for NGO “Insight” (LGBT NGO) and any other organizations or individuals, which is an arbitrary application of prohibition of peaceful demonstrations.

Smokovych Mykhailo and Strelets Tetiana. In 2016 Smokovych as a head and Strelets as a member of judicial appellate panel bolished decision on dismissal of 5 judges who prosecuted participants of the Revolution of Dignity.

Zolotnikov Oleksandr. In December 2013 as a member of appellate judicial panel adopted a decision that confirmed prohibition of peaceful mass protest in Odessa and therefore is a subject to lustration. The judge also failed to indicate the information in his integrity declaration.

Cassation criminal court

Sergiy Slynko, Viacheslav Nastavniy. Both adopted politically motivated decisions and were involved in political persecutions: were members of cassation panels which adopted final verdicts against Yuriy Lutsenko, former Interior Minister and acting Prosecutor General (the CoE recognized the case as politically motivated); and against Pavlychenkos, who were recognized as political prisoners by the Parliament in 2014. Both are not eligible for appointment as judges according to the law on lustration.

In addition, judge Slynko provided false information in his integrity declaration, trying to hide the facts of his participation in political persecutions.

Stanislav Golubyskiy. As a member of the appellate judicial panel sentenced person for lifetime imprisonment without proper consideration of evidence against him, which was confirmed by the Ombudsman and the Ukrainian Helsinki Human Rights Foundation

Tetaina Shevchenko. Violated human rights and decision of the European Court of Human Rights. In 2009 as member of judicial panel of the Supreme Court of Ukraine ignored decision of the ECHR (case “Yaremenko against Ukraine”). In 2015 the ECHR ruled that this decision also violated human rights and ran against the ECHR previous decision of 2008.

Stanislav Kravchenko Provided false information in declaration of integrity, failing to report that he participated in adoption of decision that was considered as violating human rights by the European Court of Human Rights.

Cassation commercial court

None of questionable candidates to this court was disqualified by the HCJ.

Lyudmyla Stratiyenko. According to her asset declaration, the only source of her income is judge’s salary. At the same time she owns a house of 260,8 m2 and a land plot in the village Khotiv, situated near Kyiv, and an apartment of 101,4 m2 in Pechersk district. In addition, in 2014 she sold her car Toyota Rav4 (2008 year of release) and bought four times more expensive BMW X3 (2014 year of release). Her property does not correspond with income.

Bogdan Lvov. Acting as a Head of Higher Commercial Court he himself formed a panel of judges to consider a case in violation of the Law “On Judiciary and Status of Judges” which provides for automatic random assignment of judicial panels for consideration of each particular case. Consequently, because of the interference the Supreme Court of Ukraine ruled to cancel this HCC decision. Now Mr. Lvov is known to be a figure in criminal investigation of bribing and illegal influencing the judiciary (in this case

Grechkiivskiy, a member of the HCJ, is a suspect).

Svitlana Bakulina. PGO's special investigations department in the course of investigation of interferences into automatic system of courts document flow defined judge Bakulina as a member of a group of the High Commercial Court judges, who were regularly assigned to consider cases in violation of legislatively established procedures. The judge did not commit any actions to stop systemic violations of the law.

Larysa Rogach and Tetyana Drobotova. The judges did not commit any actions to stop systemic violations of the law. PGO's special investigations department in the course of pre-trial investigation of interferences into automatic system of courts document flow defined a group of the High Commercial Court judges, who were regularly assigned to consider cases in violation of legislatively established procedures. According to materials, in total there were more than 21,000 interferences.

In addition, judge Rogach participated in taking a number of dubious judgements, including the one that enabled Yuriy Ivanyshchenko to get a land plot in the national reserve fund for his luxurious estate, known as Mezhygiryia-2.

Igor Tkach. Demonstrates mismatch between his property (2 apartments, 1 land plot, 1 object of incomplete construction and 2,5 million UAH savings) and income. During three parliamentary convocations his wife worked as an assistant-advisor to a notorious MP Sergiy Kivalov, former Party of Regions member.

Inna Berdnik. Violated human rights and decision of the European Court of Human Rights. ECHR stated that the decision of the Supreme Court of Ukraine regarding ECHR decision in the case "Bochan v. Ukraine" in adoption of which judge Berdnik participated distorted ECHR's conclusions and can be treated as "gross arbitrariness" and "denial of justice".

Oleksandr Baranets. Judge Baranets banned video fixation of the court hearings on May 31, 2016 without passing a motivated judgement in violation of the Bangalore Principles of Judicial Conduct

Cassation civil court

Lesko Alla. As a member of the HCJ judge Lesko has not taken appropriate measures to ensure bringing the judges who prosecuted participants of the Revolution of Dignity to justice, as well as to analyze and assess the facts of systemic pressure imposed on Maydan judges. While considering a disciplinary case against Maydan judge Kytsyuk contrary to previous practices of the HCJ and personally her judge Lesko refused to allow a complainant to get familiar with materials of the case. Judge Lesko was regularly missing the deadlines of preparations and distribution to the parties the decisions of the High Council of Justice and disciplinary panel of the HCJ.

Nataliya Antonenko. Judge Antonenko together with her family declared their assets worth of 3,7 million UAH, including 4 land plots, two residential houses of 338,3 m2 and 89,9 m2, 2 apartments, cars Suzuki SX4 (2007 year of release) and Toyota Camri (2012). The candidate did not provide proofs of the official sources of income, enough to cover these assets.

Maryna Chervinska Demonstrates mismartch between assets and inclome. Has possession rights of the house, formally belonging to her son. However, her son, also a public servant at the time when the house was bought, did not receive enough official income to justify value of the house.

Natalia Liashchenko Demonstrates mismatch between assets and declared income. Owes 3 land plots of 7 000 square meters, two apartments in Kyiv of 150 square meeters, and a house of 300 square meters, owned by her husband, who is also a judge. Candidate declares salary as major course of income.