

Supreme Court abolished HQCJ's restrictive regulations on operation of Public Integrity Council

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On September 19 the Cassation Administrative Court of the Supreme Court of Ukraine recognized as unlawful and abolished provision of the Rules of Procedure of the High Qualification Commission of Judges on additional requirements and pre-conditions for consideration of negative opinions of the Public Integrity Council.

These provisions were introduced by the HQCJ back in December 2017 and allowed to neglect without consideration the negative opinions of the Public Integrity Council on judicial candidates if the HQCJ considered such opinions as lacking proper and reliable evidence (judgement on what is proper and reliable evidence was left at the HQCJ's discretion).

However, the law on judiciary does not allow for any pre-conditions for consideration of the PIC opinions.

This decision of the HQCJ undermined the role of the Public Integrity Council in selection of judges and caused PIC's decision to suspend its participation in qualification assessment of judges.

The Casation Criminal Court partially upheld the lawsuit from the Public Integrity Council and abolished respective provisions of the HQCJ's Rules of Procedure as unlawful. Full decision of the Court is not yet available.

However, the decision is not yet final, as the HQCJ has a right to appeal it to the Grand Chamber of the Supreme Court.

It shall be noted that likewise with the PIC, the law does not give the HQCJ an authority to establish any additional regulations or requirements towards decisions of the Public Council of International Experts, that shall be created for selection of anticorruption judges.