

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

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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 that for the Supreme Court in terms of judicial examinations and subsequent rating of the candidates by the HQCJ. This [procedure](#) is established by the High Qualification Commission of Judges.

However, number of shortcomings were identified in these procedures during 2017 Supreme Court competition, and following recommendations were made to avoid repeating the same mistakes:

- *lack of transparency in assessment of practical part of judicial examination* (development of a judicial decision). Written assignments of the candidates were not made public, while HQCJ's evaluation results contradicted regular statistical distribution, which caused public distrust and implied possible manipulations with assessment.

Recommendation: provide for public written assignments performed by each candidate.

- *application of loyalty test for psychological expertise of candidates*. As a result, candidates with strong orientation towards independence and non-conformists were underscored.

Recommendation: perform psychological expertise of a candidate based on the methodology that matches professional requirements towards a judge as independent professional.

- *unproportionally big share of subjective criteria in overall final rates of candidates*. Out of maximum 1,000 points, only 210 are distributed objectively (points for judicial examination and professional and/or scientific accomplishments). The rest, 790 points, including those for integrity and social competencies, are left for subjective judgments of the HQCJ members. In many cases during the Supreme Court competition candidates with negative opinions from the PIC, ended up receiving high points for integrity. Moreover, non-disclosure of points given to each candidate by each HQCJ member, leads to collective irresponsibility and appointment of candidates with questionable reputation and track record.

Recommendation: increase the share of objective scores in final rating of candidates; ensure disclosure of scores given to each candidate by each HQCJ member.

- *absence of final justification of points given to each candidates*. The HQCJ did not bother to publish justification for points they gave to each candidate, thus leaving final stage of the competition untransparent.

Recommendation: publish final justification of points and final rating for each candidate.

Most importantly, implementation of all abovementioned recommendations depends solely on the HQCJ and

does not require amendments to the law (as the law specifically authorizes the HCQJ to adopt qualification assessment procedures).

The competition was analyzed by the USAID-funded New Justice project, and following recommendations on how to improve respective weak points of the competition [were provided here](#).