

Unfit candidates to the Constitutional Court of Ukraine

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On October 29 and October 30, 2019, the All-Ukrainian Congress of Judges [will be held](#). Delegates will select three judges to the Constitutional Court.

The Council of Judges [shortlisted](#) 16 candidates to take part in the last round. Delegates of the Congress have to make the choice among them.

The Constitutional Court makes life-defining decisions for the country. Judges of this court decide whether the law is consistent with the Constitution of Ukraine.

Judges of the Constitutional Court have made the number of doubtful decisions during recent years. Namely:

- allowed Yanukovich to [usurp the power](#);
- [cancelled the law](#) on illicit enrichment, and as the result, the NABU [was forced](#) to close 65 criminal proceedings;
- made the [decision](#) in favor of Zaporizhzhya Ferroalloy Plant, which belongs to the oligarch Igor Kolomoyskyi. As the result, [the state could lose 7 billion UAH](#). And the NABU lost the right to terminate corruption agreements through court.

In most cases judges of the Constitutional Court [were](#) politically dishonest and dependent people.

The Constitutional Court consists of 18 judges elected for the period of 9 years. 6 judges are selected by the President, the Verkhovna Rada and the Congress of Judges.

According to the Constitution, **the judge of the Constitutional Court should be the person who has high moral qualities and is the lawyer with recognized level of competence.**

Non-governmental Organizations analyzed all candidates to positions at the Constitutional Court from the All-Ukrainian Congress of Judges and found 14 persons who did not meet the criteria of integrity. Therefore, they are not worthy to be judges of the most important court of the country.

The following indicators were used to assess candidates. They may indicate of their bias or dishonesty:

- involvement in criminal offenses;
- involvement in human rights abuses;
- inconsistency between the lifestyle and the declared income, unclear origin of assets, involvement in non-criminal corruption offenses;
- involvement in doubtful decisions or actions of authorized persons to perform functions of the state or

- local self-government;
- relationship with political parties (movements) or politicians or anti-Ukrainian attitude;
- non-compliance with the professional ethics standards.

At least 9 candidates out of 16 have a mismatch between their lifestyle and official income. For example, a head of the Appellate Court of Volyn region owns a land plot of more than 25,000 sq.m. He built a [luxury house](#) on this land and lowered its price. Another candidate, a judge from Appellate Court of Kherson region, lives in a house that was bought by his old mother, and then gifted by her to his family. The market cost of the house is at least twice higher than the value declared by a judge.

Supreme Court judges, who applied to the Constitutional Court, Oleksandr Prokopenko and Olena Sytnik, also have integrity issues. Prokopenko privatized state apartment on the name of his mother while Sytnik initiated the same procedure. According to the Ukrainian legislation, judges are granted with the apartment for the time of service but cannot privatize it.

WHAT'S NEXT?

NGOs call delegates of the All-Ukrainian Congress of Judges not to support any of these unworthy candidates.

Only decent persons are worth to be judges of the Constitutional Court. Those persons whose reputation is not tarnished by doubtful decisions in corruption cases. Those persons who have no mismatches in declarations between what they had earned and purchased. Or those persons who do not conceal their luxurious assets because they cannot explain its origin.

Moreover, we appeal to all bodies that appoint judges to the Constitutional Court, namely the President of Ukraine, the Verkhovna Rada and the Congress of Judges with the request. Stop to appoint politically dependent people with doubtful reputation to the Constitutional Court. Judges of the Constitutional Court must be judges with excellent reputation, high moral and professional qualities, who were selected in open competition.