

MINUTES №1
OF THE MEETING OF THE PUBLIC COUNCIL OF INTERNATIONAL EXPERTS

Date of the meeting: December 19, 2024

Time of the meeting: 11:00

PRESENT:

Members of the Public Council of International Experts (PCIE):

1. Norman Aas;
2. Mary K. Butler (remotely via videoconference);
3. Robert Hein Broekhuijsen;
4. John J. O'Sullivan;
5. Jessica Lott Thompson;
6. Gabrielė Juodkaitė-Granskienė.

AGENDA:

1. Election of the Chairperson of the meeting.
2. Election of the Chairperson and Deputy Chairperson of the PCIE.
3. Adoption of the Rules of Procedures of the PCIE.

CONSIDERATION OF THE MEETING AGENDA

ISSUE NO.1:

Robert Hein Broekhuijsen suggested to elect John O`Sullivan, as the eldest member of the PCIE, to chair the meeting of the PCIE until the election of the Chairperson and Deputy Chairperson of the PCIE.

Voted:

“FOR” – unanimously, “AGAINST” – nobody, “ABSTAINED” – nobody.

Decided:

To elect John O`Sullivan, as the eldest member of the PCIE, to chair the meeting of the PCIE until the election of the Chairperson and Deputy Chairperson of the PCIE.

ISSUE NO.2:

John O`Sullivan suggested to elect Robert Hein Broekhuijsen as the Chairperson and Mary K. Butler as Deputy Chairperson.

Voted:

“FOR” – unanimously, “AGAINST” – nobody, “ABSTAINED” – nobody.

Decided:

To elect Robert Hein Broekhuijsen as the Chairperson and Mary K. Butler as Deputy Chairperson.

ISSUE NO.3:

Robert Hein Broekhuijsen suggested adopting Rules of Procedure of PCIE.

Voted:

“FOR” – unanimously, “AGAINST” – nobody, “ABSTAINED” – nobody.

Decided:

To adopt Rules of Procedure of the PCIE (Annex 1 to Minutes). In this regard, Rules of Procedure of the PCIE approved on 04.01.2019 shall be deemed invalid.

SIGNED BY:

Chairperson of the PCIE
Robert Hein Broekhuijsen

Rules of Procedure of the Public Council of International Experts

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Preamble

These Rules of Procedure regulate organizational issues and working procedures of the Public Council of International Experts (PCIE) established by the Law of Ukraine “On the High Anti-Corruption Court” (Law on HACC) to assist the High Qualification Commission of Judges of Ukraine (HQCJ) in the establishment of compliance of the candidates for the positions of judges of the High Anti-Corruption Court with the criteria prescribed in law. The purpose of the Rules of Procedure of the Public Council of International Experts (Rules of Procedure) is to set out the PCIE’s operating procedures, the evaluation procedures and methods to be applied, the evaluation criteria, and the sources of information to be used for the evaluation.

Section I. General Provisions

Article 1. Composition of the PCIE

1. The PCIE is composed of six members, nominated and appointed according to the procedure stipulated in the Law on HACC.
2. In the exercise of their functions, the PCIE members shall at all times act fairly, impartially, and independently.

Article 2. Governance of the PCIE

1. The PCIE is headed by the Chairperson and the Deputy Chairperson, who are elected by open voting of members of PCIE. The eldest member of the PCIE shall chair any meetings prior to the election of a PCIE Chairperson.
2. The PCIE Chairperson shall:
 - a. coordinate the work of PCIE members;
 - b. chair the meetings of the PCIE;
 - c. sign minutes of the PCIE meetings;
 - d. represent the PCIE in its relations with the HQCJ, State Judicial Administration of Ukraine (SJAU), and other bodies and organizations;
 - e. sign memorandums of cooperation with public authorities of Ukraine, and other organizations;
 - f. perform other actions within the powers prescribed by these Rules of Procedure or other legal regulations of Ukraine.
3. The PCIE Chairperson may sign correspondence sent on behalf of the PCIE.
4. In the absence of the Chairperson, the Deputy Chairperson performs the duties of the Chair on their behalf.

Article 3. Protection of personal data

1. The PCIE collects, stores, and otherwise processes the personal data of candidates for the position of judge of the High Anti-Corruption Court (HACC candidates) and other persons in accordance with the Ukrainian personal data protection legislation.
2. Personal data of the HACC candidates collected during the work of PCIE shall be stored in PCIE as long as the candidate participates in the competition for the position in the HACC and no longer than six months after HQCJ has established the results of the competitive selection of HACC judges.

Section II. Meetings and Decisions of the PCIE

Article 4. Official PCIE meetings

1. Official PCIE meetings are scheduled by the Chairperson, Deputy Chairperson, or three PCIE members. Quorum of the meeting shall be three of its members. Members may attend the meeting in person or remotely via videoconference.
2. The meetings are dedicated for:
 - a. approval of the Rules of Procedure or amendments thereto;

- b. election of the Chairperson and Deputy Chairperson or termination of their respective powers;
- c. requesting HQCJ to conduct a preliminary interview with HACC candidate;
- d. requesting HQCJ to convene a special joint meeting (SJM).

3. The operational languages of the PCIE are Ukrainian and English. The meetings are held in both Ukrainian and English, with simultaneous interpretation. The meetings are held openly, with live video recording and broadcasting in real-time on the official website of the SJA. The meetings may be broadcasted in social media.

Notice of the date and time of the meeting, as well as a draft agenda will be published on the official website of the PCIE no later than one day prior to the meeting.

4. The meetings shall be documented in the minutes. The minutes will be published on the official website of the PCIE and transferred to the HQCJ.

Article 5. PCIE decisions

1. Decisions of the PCIE must be approved by a minimum of four members, except for the decisions to request HQCJ to conduct preliminary interview and to request HQCJ to convene SJM, which are approved by a minimum of three members.

2. Procedural and organizational matters not regulated in the legislation or these Rules of Procedure shall be resolved by the PCIE decisions.

Section III. Assessment Procedure of HACC Candidates

Article 6. Assessment criteria

Assessment of eligibility of the candidate to HACC is based on integrity, knowledge, and practical skills criteria as defined by the Law on HACC.

Article 7. The information available to PCIE

1. The PCIE shall collect, verify, and analyse information on HACC candidates including information from government authorities and local governments, information received from individuals and legal entities, from the mass media, and civil society organizations, other sources, as necessary to exercise the PCIE's role and responsibilities.

2. The PCIE may ask HACC candidates to provide explanations, documents, or information for the purpose of assessing their compliance with the criteria of integrity, knowledge, and practical skills to consider cases within HACC's jurisdiction. Candidates must provide the PCIE with honest, clear, and complete answers to the questions raised. If requested by the PCIE, candidates must provide any and all documents, materials, or records as requested.

3. Each candidate shall have the right to review and comment on the material collected by the PCIE by submitting a request to the PCIE's official email address at least three days prior to the SJM. In response to a request for review, the PCIE will share the relevant material with the candidate via email. The PCIE may decide not to disclose information that may reveal its source.

4. Candidates are required to cooperate fully with the PCIE assessment process, and are required to provide clear, honest, and complete answers to all requests for information and documents by the PCIE. The PCIE may consider the candidates' compliance, cooperation, transparency, honesty, as well as the thoroughness, truthfulness and completeness of any answers or materials received from the candidates.

Article 8. Recusals

1. In the event that a PCIE member cannot be objective or impartial, that member will recuse themselves from the portion of the meeting dealing with that candidate.
2. HACC candidates may also file a recusal motion against a PCIE member on the above grounds. The recusal motion must be properly motivated and supported by concrete facts. The PCIE will consider the motion at its meeting in the presence of the PCIE member concerned. The PCIE member who is challenged with recusal has the right to provide explanations.
3. If a PCIE member is recused, they must:
 - a. Not access any information regarding the concerned HACC candidate;
 - b. Refrain from collecting or analysing information about the concerned HACC candidate;
 - c. Abstain from voting on the concerned HACC candidate; and
 - d. Absent themselves from any discussions involving the concerned HACC candidate.

Article 9. Preliminary interviews

At the request of at least three PCIE members, the PCIE may request HQCJ to schedule preliminary interviews with HACC candidates before the SJM interview. A candidate's failure to appear for the preliminary interview will not prevent the PCIE from convening a SJM with the HQCJ regarding that candidate.

Section IV. Final Provisions

Article 10. Publication of the Rules of Procedure

These Rules of Procedure shall be published online at the official website of the PCIE and submitted to the HQCJ.

Article 11. Support of the PCIE

At the request of the PCIE, additional experts and specialists from international organizations may be engaged to support its activities. Engaged experts and specialists shall protect personal data and confidential information relating to HACC candidates from unauthorized disclosure and other unlawful processing.

Article 12. Communication with the PCIE

All communications with PCIE will be conducted via email through the PCIE's official email address: pcie@court.gov.ua.