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ETHICS COUNCIL

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Kyiv

DECISION

No. 10

*On non-compliance of candidate
for the position of the member of the High Council of Justice
Ilias Enverovych Ramazanov
with the professional ethics and integrity criteria
for filling in the position of the member of the High Council of Justice*

The Ethics Council consisting of Chair of the Ethics Council Lev Kyshakevych, Deputy Chair of the Ethics Council Sir Anthony Hooper, members of the Ethics Council: Robert Cordy, Volodymyr Siverin, Lavly Perling, Yurii Triasun, remotely by videoconference, having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Ilias Enverovych Ramazanov with the criteria of professional ethics and integrity, according to the Law of Ukraine “On the High Council of Justice”, the Rules of Procedure of the Ethics Council adopted by the Ethics Council’s Decisions No. 1 of 01.12.2021 and No. 4 of 09.12.2021, as amended by the Ethics Council’s Decision No. 4 of 26.04.2022, Methodology for assessing compliance of the candidate for the position of a member of the High Council of Justice and sitting members of the High Council of Justice with the criterion of professional ethics and integrity adopted by the Ethics Council’s Decision No. 5 of 09.12.2021 (“the Methodology”),

has established:

According to part 14 Article 9¹ of the Law of Ukraine “On the High Council of Justice” the Ethics Council selects candidates for the positions of the member of the High Council of Justice in two stages:

1) selection of candidates pursuant to results of consideration of documents submitted by candidates, results of the special check and respective information from open sources, and formation of the list of candidates admitted to the interview;

2) conduct of interviews with selected candidates and determination of the list of candidates recommended to bodies which elect (appoint) members of the High Council of Justice.

The Ethics Council received copies of documents of Ilias Enverovych Ramazanov for participation in the competition for the position of the member of the High Council of Justice as nominated by the All-Ukrainian Conference of Prosecutors and admitted him to the interview with its Decision No. 46 of 16.11.2022.

Since September of 2020 Ilias Enverovych Ramazanov has worked as the head of the third procedural management unit of the first division on organization and procedural management under criminal proceedings of bodies of the State Bureau of Investigations of the Department on Organization and Procedural Management of the Pre-Trial Investigation of Bodies of the State Bureau of Investigations, Supervision of Its Operational Units and Support of Public Prosecution under Respective Proceedings of the Office of the Prosecutor General.

Having studied documents provided by Ilias Enverovych Ramazanov for participating in the competition, his written explanations and documents provided by him upon the Ethics Council’s request, information obtained from open sources and from civil society organizations, information received from the National Agency for Corruption Prevention (“the NACP”) and the National Anti-Corruption Bureau of Ukraine (“the NABU”), having conducted the interview with him, the Ethics Council has reached the following conclusions.

1. With respect to manipulation of the automated court cases distribution system

According to information from the official web-portal “Judiciary of Ukraine” and the Unified State Register of Court Decisions, on 08.11.2017 the candidate filed three administrative claims with Desnianskyi District Court of Kyiv against Livoberezhne Joint Division of the Pension Fund of Ukraine in

Kyiv. The subject matter of each of them was recognition of actions as unlawful, obligation to commit actions (accrue and pay long-service pension pursuant to the Law of Ukraine “On the Prosecution Service”).

The first claim (case No. 754/14659/17) was distributed on 08.11.2017 at 11:52:48 to judge Iryna Anatoliyivna Halas. With her ruling of 10.11.2017 the judge opened a proceeding under the case, and later with the ruling of 13.12.2017 she partially satisfied the candidate’s claim.

The second claim (case No. 754/14660/17) was distributed on 08.11.2017 at 11:58:38 to judge Oleh Vasylovych Hrehul. With his ruling of 09.11.2017 the judge left the claim without movement since the candidate had not attached a document on the payment of the court fee and provided to the claimant a term to eliminate this shortcoming – by 28.11.2017. On 13.11.2017 the candidate submitted an application to the court on leaving this claim without consideration, based on which the court returned the claim to the candidate with the ruling of 20.11.2017.

The third claim (case No. 754/14664/17) was distributed on 08.11.2017 at 12:14:15 to judge Nataliia Hryhorivna Taran. With her ruling of 09.11.2017 the judge left the claim without movement since the candidate had not attached a document on the payment of the court fee and provided to the claimant a term to eliminate this shortcoming – not later than within five days of receiving the ruling. On 13.11.2017 the candidate submitted an application to the court on leaving this claim without consideration, based on which the court returned the claim to the candidate with the ruling of 13.11.2017.

During the interview the candidate confirmed that all three claims were identical in terms of content. He explained his actions with the fact that some cases in courts were considered during a groundlessly long period of time, and while submitting the three claims he had the intention to prevent his case being sent to consideration to an unscrupulous judge. He also informed that he did not choose the judge as a result of his actions. He stated that on the following day he paid the court fee for submission of the claim and attached a respective proof to the case under which the claim had not been returned without consideration yet. Because of that the candidate, as he states, did not implement his intention regarding prevention of his claim getting for consideration to an unscrupulous judge.

According to cl. 1.3 of the Methodology, indicators for the criterion of professional ethics and integrity are, in particular, compliance with ethics norms and impeccable behavior in professional activities and personal life, i.e. persistent

compliance of the person with professional ethical and generally acknowledged moral norms both in professional activities and beyond them, which forms trust of the society in such person (cl. 1.3.6 of the Methodology), and honesty (presence of high moral qualities, truthfulness in professional activities and in everyday life – cl. 1.3.2 of the Methodology).

According to Article 11 of the Code of Professional Ethics and Conduct of Prosecutors adopted by the All-Ukrainian Conference of Prosecutors on 27.04.2017, with their integrity, principled position, competence, impartiality, and diligent fulfillment of professional duties prosecutors shall facilitate enhancement of the authority of the prosecution service and strengthening of the citizens' trust in it.

Moreover, according to Article 21 of this Code, a prosecutor shall avoid actions, statements, and conduct which might harm his reputation and authority of the prosecution service, cause negative public outcry.

The candidate's actions regarding submission of three identical claims to the court with some shortcomings (absence of the document which confirms payment of the court fee) and subsequent attachment of this document to one of the court cases is a well-known way to manipulate the automated court cases distribution among judges with a view to choosing a desired judge to consider the case. The Ethics Council is also hereby pointing out that similar actions committed by attorneys constitute a ground for bringing them to disciplinary responsibility. In view of this, the Ethics Council thinks that such actions of the candidate do not comply with the afore mentioned rules of ethics for prosecutors and harm reputation of the prosecution service.

Besides, the candidate's statement that he could not implement his intention to manipulate the automated court cases distribution is refuted by information from the court decisions under the other two cases. Hence, even though during the interview the candidate stated that two of the three claims were returned on the day following their submission, the rulings under cases No. 754/14660/17 and No. 754/14664/17 show that on the following day the claims under these cases were left without movement and not returned without consideration. Thus, the candidate could have attached the document on payment of the court fee to materials of any of the court cases and consciously chose a specific case and judge. On the third day following this he withdrew two other claims. This way, the candidate provided inaccurate information during the interview.

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with such indicators of the professional ethics and integrity criterion as compliance with ethical norms and impeccable behavior in professional activities and persona life (cl. 1.3.6 of the Methodology) and honesty (cl. 1.3.2 of the Methodology).

2. With respect to the apartment belonging to the candidate under the right of free-of-charge use

In line with the candidate's declarations, since 01.01.2016 he has had the right to use free-of-charge an apartment with the area of 124 sq. m. in Bucha of Bucha district of Kyiv region. In his written answers and during the interview the candidate reported that he specified the date of acquisition of the right of use by mistake and he meant 01.06.2015. According to the candidate, he has lived in this apartment since 2015 once he moved to Bucha from the Crimea. His wife's sister is the owner of the apartment.

According to the information from the State Register of Property Rights for Real Estate, the right of the ownership for this apartment was registered as of 07.04.2015. During the interview the candidate stated that the apartment was purchased for about USD 60,000 in the name of his wife's sister using funds belonging to her and her family. The candidate pointed out that he and his family members did not contribute their own funds to purchase it.

In response to the Ethics Council's request the candidate stated that his wife's sister was not employed and received income from the sale of goods on the market. The source of origin of funds used to purchase this apartment includes savings of her parents which they had accumulated while working abroad. Hence, during the period from 1975 to 2004 father of the candidate's wife worked in Uzbekistan as an instructor, head of the unit of a commercial disinfection enterprise, while her mother worked as a geography teacher. At the same time, the candidate did not provide any confirmation of sources of origin of funds of members of her wife's family.

The Ethics Council critically perceives such explanations of the candidate regarding sources of origin of funds used to purchase the apartment in Bucha as he did not confirm them in any way. In connection with this, the candidate did not provide confirmation of legality of revenues used to purchase the apartment by his wife's sister where the candidate has lived since 2015.

In view of this, the Ethics Council has a reasonable doubt about the candidate's compliance with cl. 1.3.7 of the Methodology, in particular, legality of sources of origin of property of the candidate and his family members, as well as correspondence of their lifestyle to their declared and legal income.

In view of the abovementioned reasonable doubts, considered both cumulatively and separately, being governed by Rules 2.3, 3.1, 3.15.1, 3.2 of the Ethics Council's Rules of Procedure, Methodology, Article 9¹ of the Law of Ukraine "On the High Council of Justice", Final and Transitional Provisions of the Law of Ukraine "On Introducing Amendments into Some Legislative Bills of Ukraine Regarding the Procedure of Election (Appointment) to Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", the Ethics Council

has decided:

to recognize candidate for the position of the member of the High Council of Justice Ilias Enverovych Ramazanov as non-compliant with the professional ethics and integrity criteria for filling in the position of the member of the High Council of Justice.

Chair

(signed)

Lev Kyshakevych