



ЕТИЧНА РАДА

01601, м. Київ, вул. Липська, 18/5,
тел.: (044) 277-76-29, (044) 277-76-32
e-mail: ec@court.gov.ua

ETHICS COUNCIL

01601, Kyiv, Lypska St., 18/5,
tel.: (044) 277-76-29, (044) 277-76-32
e-mail: ec@court.gov.ua

16 March 2023

Kyiv

DECISION

No. 28

***On non-compliance of candidate
for the position of the member of the High Council of Justice
Oleksii Anatoliiovych Shevchuk
with the criteria of professional ethics and integrity
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, Lavly Perling, Volodymyr Siverin, Yurii Triasun, remotely by videoconference, having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Oleksii Anatoliiovych Shevchuk 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:

In accordance with Part 14 of Article 9¹ of the Law of Ukraine "On the High Council of Justice", the Ethics Council selects candidates for the positions of a member of the High Council of Justice in two stages:

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

2) interviewing the selected candidates and determining the list of candidates for recommendation to the bodies electing (appointing) members of the High Council of Justice.

The Ethics Council received copies of documents of Oleksii Anatoliiovych Shevchuk for participation in the competition for the position of the member of the High Council of Justice as nominated by the President of Ukraine.

With the Ethics Council's decision No. 3 as of 20 January 2023, Oleksii Anatoliiovych Shevchuk was admitted to the interview for the position of the member of the High Council of Justice.

Having studied the documents provided by Oleksii Anatoliiovych Shevchuk at the request of the Ethics Council, his written explanations, information received from open sources and from public organizations, information received from the National Agency for Corruption Prevention ("NACP") and the National Anti-Corruption Bureau of Ukraine ("NABU"), having interviewed him, the Ethics Council has established circumstances which raise reasonable doubts about the candidate's compliance with the criteria of professional ethics and integrity.

1. With respect to the failure of the candidate to confirm legality of sources of origin of funds used to construct a garden (cottage) house

In his asset declaration for 2021, the candidate specified that he was the owner of an unfinished construction object – garden (cottage) house in the village of Stari Bezradychi of Obukhiv district of Kyiv region. Upon the Ethics Council's request, the candidate informed that he started construction in 2020 and spent about USD 150,000 on that. The candidate pointed out that expenses on the construction were mostly covered by his wife's parents.

At the same time, according to information from the State Register of Individual Taxpayers income of his father-in-law during the period from 1998 to 2022 amounted to UAH 1 420 943, while that of his mother-in-law during the same period of time amounted to UAH 764 663 (before taxation). Upon the Ethics Council's request to explain the source of origin of funds of his parents-in-law spent on the house construction and to provide supporting documents, the candidate specified that the source of funds was their own savings accumulated during their entire life. According to the candidate, his wife's father used to work at different positions, did business. Besides, in 2021 the father of the candidate's father-in-law died and transferred some savings to him. As far as the candidate knows, payment for construction materials and construction works was done in cash.

During the interview, the candidate pointed out that the Ethics Council allegedly had not asked the candidate to confirm the sources of origin of income of his father-in-law. He added that his father-in-law was obliged to submit declarations and that he declared savings for the total amount of USD 100 000 in his declaration upon resignation.

According to cl. 1.3 of the Methodology, one of the indicators of the criterion of professional ethics and integrity is the absence of doubts regarding the legality of the sources of origin of the candidate's property. Sources of origin of the candidate's property are legal, in particular, in case there are no reasonable doubts to the contrary (cl. 1.3.7 of the Methodology). Besides, according to cl. 1.3.7.4 of the Methodology, if a candidate has received property free-of-charge into use, its previous owner (and current owner in case of transferring property

into possession or use) who has provided such property shall do that from legal income.

At the same time, the candidate did not provide the Ethics Council upon its request with any documents to confirm the sources of origin of funds of his parents-in-law which would allow them to invest USD 150 000 into the construction of the garden (cottage) house, while information from the State Register of Individual Taxpayers causes doubts that their taxable income during the period from 1998 to 2022 was enough to bear such expenses.

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of the legality of sources of origin of property (cl. 1.3.7 of the Methodology).

2. With respect to the candidate's failure to fulfill obligations regarding the improvement of his professional competence

According to the Unified Register of Attorneys of Ukraine, the candidate has been an attorney since 25.11.2010. According to para. 4 of Article 21(1) of the Law of Ukraine "On the Bar and Attorney's Activities", while performing attorney's activities, an attorney is obliged to improve his professional competence. According to cl. 16 of the Procedure of Improvement of Ukrainian Attorneys' Competence in the version as of 03.07.2021 adopted by Decision No. 63 of the Council of Attorneys of Ukraine as of 03.07.2021, all attorneys, information about whom is included into the Unified Register of Attorneys of Ukraine, shall continuously improve their professional competence (professional level).

According to cl. 20 of the aforementioned Procedure, all attorneys, except for attorneys specified in cl. 19 of this Procedure (attorneys, whose professional experience is less than 3 years) shall improve their attorney's competence at the level of 10 hours per year (10 points). Similar obligations were valid according to the version of this Procedure dated 21.09.2019.

Upon the first Ethics Council's request to provide copies of documents which confirm his fulfillment of respective requirements during 2020–2021, the candidate informed that this information was available in the Unified Register of Attorneys of Ukraine. Upon the second request, the candidate stated that he did not have this information in open access and gave the phone number of the Head of the Bar Council of Kyiv region to clarify respective information.

During the interview, the candidate stated that he improved his competence, in particular, was the lecturer of Legal High School form publication "Law Practice" where he gave lectures and held seminars. He stated that he obtained the respective certificate on improvement of his competence which was at the disposal of the Bar Council of Kyiv region.

Overall, the candidate did not provide the Ethics Council with any evidence to confirm that he fully or at least partially fulfilled the requirements of the aforementioned Procedure to improve his competence as the attorney. Besides, on 09.02.2022 upon the Ethics Council's request, the High Bar School of the National Bar Association of Ukraine informed the Ethics Council that the candidate did not fulfill requirements concerning the improvement of his competence in 2020–2021.

According to cl. 1.3.6 of the Methodology, one of the indicators of the criterion of integrity and professional ethics is compliance with ethical norms and demonstration of impeccable behavior in professional activities and personal life, which means 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.

In view of the above, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of compliance of ethical norms and impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

3. With respect to the use of documents by the candidate which pursue the purpose of misleading

The Ethics Council has established that on 09.02.2018 Law Firm “Barristers” headed back then by the candidate submitted a tender proposal regarding the provision of legal services to the State-Owned Enterprise “Enerhorynok”.¹ At the same time, most documents for the participation in the tender were signed by the candidate as the head of the law firm.

The law firm’s tender proposal was accompanied with a letter of references as of 05.02.2018 with respect to the high quality of services of one of the employees of the firm. This letter was signed by Head of CSO “Reanimation Package of Reforms” Dariia Kozii². At the same time, the letter used a recognizable logo of Reanimation Package of Reforms as the coalition of civil society organizations founded in 2014 (which was not registered back then as a legal entity) – an image in the form of a heartbeat line³.

In response to the Ethics Council’s questions about these circumstances, the candidate explained that he was the co-owner of corporate rights together with Dariia Kozii by 04.07.2018 in LLC “Law Firm “Shevchuk and Partners” (the candidate owned 10% of the charter capital). He pointed out that he did not know why she founded the civil society organization “Reanimation Package of Reforms”. However, he confirmed that he used her references in the tender proposal as lawyers of the law firm were allegedly helping her in her work in the civil society organization, which allowed her to evaluate their professional qualities.

¹ <https://prozorro.gov.ua/tender/UA-2017-12-22-004025-b>

² <https://public.docs.openprocurement.org/get/30b2f5f948ba49d79fce038ec8877ffb?KeyID=52462340&Signature=fllhcaiW7FiAaoVloZT3n3HNMTV9qWsdWXAMcpRWYKkWJqGZmw%252BNHe%252Bckd%2F1%2Fsfm0HALJFbnsigsHxuS2XrEhAw%253D%253D>

³ <https://rpr.org.ua/>

In response to the request to confirm that this letter of reference contained a recognizable and publicly well-known symbol (logo) of the Reanimation Package of Reforms as the coalition of civil society organizations, the candidate pointed out that such terminology as “recognizable” and “publicly well-known” is unprofessional, which is why it was not clear what he had to confirm or refute while answering this question.

At the same time, the fact that as of the moment of submission of this letter of reference, the candidate knew about the existence of the Reanimation Package of Reforms as the coalition of civil society organizations and its name (as well as highly probably about its symbol) is confirmed with one of his speeches⁴ published on 21.10.2017 at his personal website. The candidate mentions the following there:

“...There should exist an asset – public activists who will publicly tell that they are doing fine, they are cool, their draft laws are also cool, and everything they are lobbying is cool. Look who is now publicly lobbying for the NABU... Look – Liemienov – Reanimation Package of Reforms...”

Taking into consideration these circumstances, the Ethics Council believes that the candidate was aware of the fact that the attachment of the letter of reference from his colleague’s civil society organization with the name identical to that of the well-known coalition and with the similar logo to the one used by the coalition to the law firm’s tender proposal might give an impression to the addressee of this letter (customer) a false impression that the references were allegedly given by the coalition (persons affiliated with it). In view of this, he avoided giving a direct answer to the respective written question of the Ethics Council.

⁴ <https://www.shevchuk.org.ua/489-2/>

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of compliance with ethical norms and demonstration of impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

4. With respect to the candidate's dishonesty in the context of his registration of a trade mark

On 21.05.2018 the candidate submitted an application on registration of trade mark "Court Reporter". Later the same year persons affiliated with the candidate (employees of Law Firm "Barristers" which he headed) registered limited liability company (30.05.2018) and civil society organization (01.08.2018) with identical names.

At the same time, starting from December of 2017 journalist Iryna Salii published posts about court hearings and court decisions at website titled "Court Reporter" which was available at that time at the link of sud-report.org.ua, which is evident from her publications at her Facebook page in 2017 (for example, as of 29.12.2017⁵ and 25.12.2017⁶).

In response to the Ethics Council's question whether the candidate knew about the existence of this website while submitting the application on registration of trade mark "Court Reporter", the candidate stated that he did not know about its existence.

However, there are comments at Iryna Salii's personal Facebook page under her posts, which might show that the candidate was probably following her posts at least since August of 2017 (Annex 1). At the same time, one of the candidate's comments made in February of 2018 (i.e. three months before his

⁵ <https://www.facebook.com/iryna.salii/posts/pfbid033imNX4Y97BjDtzxRkmLqVQkzWkvfcE8aF1B6j5aM3JtjhiBWvL26VvpecgoSk1KI>

⁶ <https://www.facebook.com/iryna.salii/posts/pfbid02hqzbA2qTvbNHJja3msXpdqycoz6x5muJjMzaSUCGsWpCCTibUHKq6t8eeGp6re5pl>

submission of the application on registration of the trade mark) was made directly under the post in which Iryna Salii added a link to the website “Court Reporter” and her own comment concerning the publication (Annex 2).

According to cl. 1.3.2 of the Methodology, one of the indicators of the criterion of integrity and professional ethics is honesty, which means the presence of high moral qualities, truthfulness in professional activities and in everyday life.

The circumstances described above show that the candidate provided the Ethics Council with untruthful information that he did not know about the existence of Iryna Salii’s website “Court Reporter” as of the moment of his submission of the application on registration of the trade mark with the identical name.

In view of this, the Ethics Council has reasonable doubts about the candidate’s compliance with the indicator of honesty (cl. 1.3.2 of the Methodology).

5. With respect to the candidate’s unethical conduct in social media

On 11.02.2022 the candidate posted a post (Annex 3) at his Facebook page in which he used the following statements concerning the attorney and his clients due to the protest by his office:

“Post about drug addicts and their hilarious attorney Naiem...”

Radical drug addicts have decided to protest on Monday by the office of our team of attorneys!...

We will not allow marginals to come by our office and protest there because of our principled position and quality legal work...

We are hereby asking you, Mr. Minister, to personally control the pressure imposed by Naiem-Junior and his drug-dependent clients on professional attorneys”.

In response to the Ethics Council's question, the candidate explained that in 2022 attorneys of Law Firm "Barristers" were defending public activists who, as it turned out, had a conflict with Naiem. Defendants of the law firm believed that Naiem was allegedly covering drug trafficking. According to the candidate, Naiem did not like that the attorneys were defending such activists, which is why he decided to distract them from the case by means of organizing a protest by their office. During the interview, he also stated that protesters allegedly tried to burn his office down.

In connection with this post on 25.01.2023 the Qualification and Disciplinary Commission of the Bar of Kyiv region brought the candidate to disciplinary responsibility with its decision No. 22/2023 and applied a disciplinary sanction to him in the form of suspension of his right to engage in attorney's activities for the period of three months. During the interview, the candidate said that he challenged this decision to the High Qualification and Disciplinary Commission of the Bar. He added that he was aware of the complaint, but the Qualification and Disciplinary Commission of the Bar did not summon him to the meeting and did not ask him to provide explanations.

At the same time, according to para. 1 of Article 21(1) of the Law of Ukraine "On the Bar and Attorney's Activities", the attorney shall comply, in particular, with the rules of the attorneys' ethics while performing attorney's activities. According to Article 59 of the Rules of Attorneys' Ethics adopted on 09.06.2017 by the Reporting and Election Congress of Attorneys of Ukraine of 2017 (as amended on 15.02.2019), while establishing contacts and communicating in the social media, internet-forums and other forms of communication in the internet, the attorney shall display, in particular, inherent professional moderation, care, and politeness. Besides, the attorney shall behave with dignity and shall not resort to insults.

Moreover, according to Article 50 of the Rules relations between attorneys shall be built based on mutual respect, while according to Article 51 the attorney shall not use expressions concerning another attorney that would undermine the

latter's dignity and honor, harm his/her professional reputation, as well as impolite and degrading expressions.

The Ethics Council believes that the candidate failed to follow the above-mentioned ethical rules in his expressions aimed at another attorney and his clients in the above-mentioned Facebook post.

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of demonstration of impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

6. With respect to the candidate's unethical conduct during court hearings

The channel of project "Open Court" contains a fragment of a video recording⁷ of the candidate's participation in a court hearing of Pechersk District Court of Kyiv (24.10.2016, judge V. A. Pysanets). The video recording shows that the candidate submitted five recusals to the judge and called the police into the court hearing due to the fact that the judge was allegedly committing criminal offenses (adoption of an unlawful decision, interference with the defense attorney's activities). Besides, the video recording shows that the candidate used the following phrases while communicating with the judge:

"You are getting high either on your authorities or successes... (inaudible)";

"Do you even respect attorneys, the code? Or do you have your own code? Is it different from the one we have?";

"Tell me who ordered you";

"...Do you want to throw a code at me or what?";

"Don't you know what is recusal and what is motion?";

⁷ <https://www.youtube.com/watch?v=Y-Jxxs8OLCE>

“Do you even know the current legislation? Or should I quote it to you?”;
“...this person has committed two criminal offences, just now” (pointing at the judge);
“A court hearing is not being held, the police has arrived... the police has arrived because of the criminal offence being committed”.

With respect to these circumstances, the candidate explained that this case was purely political and was related to reprisal against a political refugee. The candidate believes that his statements were categorical, sharp, but within the boundaries of attorneys' ethics. The candidate believes that the illegal extradition of his client was prevented thanks to his position.

During the interview the candidate informed that he was outraged because of actions of the prosecutor and not the judge as the prosecutor intended to consider the case in the absence of the attorney. He pointed out that it was the only means how the attorney could respond to the violation committed by the prosecutor. He called the police during the break and they arrived during the court hearing.

At the same time, according to Article 44 of the Rules of Attorneys' Ethics the attorney shall be decent, behave with honor and dignity, displaying respect to the attorney's profession, while performing professional activities in court. The attorney shall not commit actions aimed at unjustified delay of the case consideration by the court.

Moreover, according to Article 45 of the Rules, the attorney shall be reserved and polite in relations with other participants of the judicial proceeding and respond to incorrect actions or statements of such persons in forms set out by the law, in particular, in the form of applications, motions, complaints, etc.

The Ethics Council believes that the afore-mentioned statements of the attorney addressed to the judge, as well as the calling of the patrol police to the ongoing court hearing, which had the intention of disrupting it, do not comply with the afore mentioned ethical rules.

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of demonstration of impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

7. With respect to the candidate's unethical behavior in the form of failure to appear to court hearings upon the court summons and failure to notify the court about reasons of such failure to appear

According to the text of rulings of the Appellate Chamber of the High Anticorruption Court under case No. 991/2608/20 at the disposal of the Ethics Council, the candidate was one of the defense attorneys of suspect D. K. Maltsev under criminal proceeding No. 52019000000001196 as of 21.12.2019. Within the framework of this proceeding the Appellate Chamber considered appellate complaints of 2 prosecutors of the Specialized Anti-Corruption Prosecutor's Office and defense attorney of suspect A. Yu. Levkovets against the ruling of investigative judge of the High Anti-Corruption Court on denial in selection of an interim measure for the suspect in the form of detention. At the same time, regardless of summons of the Appellate Chamber, the candidate failed to appear to a range of court hearings without valid reasons during 2020–2021 and did not notify the court about reasons of failure to appear.

Due to the systematic failure of the candidate to appear to court hearings the Appellate Chamber of the High Anti-Corruption Court repeatedly appealed (17.06.2021, 26.08.2021, 29.12.2021) to the Qualification and Disciplinary Commission of the Bar of Kyiv region with a request to consider the issue on disciplinary responsibility of the candidate. With Decisions No. 98 and 99 as of 28.09.2022 the Qualification and Disciplinary Commission of the Bar of Kyiv region closed two disciplinary proceedings regarding the candidate based on the court's requests due to expiration of the term for bringing him to responsibility. At the same time, the Qualification and Disciplinary Commission of the Bar of

Kyiv region established after all that the candidate repeatedly violated rules of attorneys' ethics as the candidate did not notify the court in advance about his inability to appear to court hearings, while reasons for his failure to appear were not serious. In particular, in its decisions the Qualification and Disciplinary Commission of the Bar of Kyiv region pointed out that the candidate violated the principle of decency while performing professional activities, according to which the attorney shall not commit actions aimed at unjustified delay of the case consideration by the court.

Besides, with Decision No. 78 as of 28.09.2022 the Qualification and Disciplinary Commission of the Bar of Kyiv region initiated a disciplinary case with respect to the candidate in connection with similar violations under the same case (failure to appear at a range of court hearings and failure to notify the court about inability to appear at them).

In response to the Ethics Council's question about the candidate's attitude towards these complaints and decisions, he stated that the defense tactics and strategy were agreed with the client under this case. In his opinion, the court has no right to interfere with the chosen defense methods. The candidate could not disclose other information as they constituted the attorney's secret. He added that his authority as the attorney ended further in this case which judges did not agree with, which is why they tried to pressure him by means of submitting complaints.

Upon the Ethics Council's request, the High Anticorruption Court provided evidence of sending respective summons to the candidate to his email address and mailing address (office at Mariia Pryimachnenko Boulevard). Besides, the court provided a copy of the candidate's application as of 28.09.2020, in which he confirmed that he knew about the hearing on consideration of appellate petitions under the case scheduled for 29.09.2020. At the same time, in this application, the candidate asked the Appellate Chamber to postpone the hearing under the case to an undetermined date and time as he stated that the agreement on the provision of legal aid between Law Firm "Barristers" headed by him and D. K. Maltsev was suspended because the latter had not paid for the attorney's services provided by

Law Firm “Barristers”. The candidate attached to this application a copy of notification sent to his client about suspension of the agreement without any evidence that he had sent it to him.

At the same time, during the interview, the candidate informed that he and D. K. Maltsev did not conclude an agreement on the provision of legal aid at all. In turn, it was concluded with O. R. Bakhmatiuk, but when the court received materials, this agreement was suspended, which is why the candidate did not have any obligation to represent the client in the court. At the same time, since the proceeding materials contained the respective agreement when they were transferred to the court, the court notified him about court hearings. The candidate stated that he did not receive an official summons to these hearings and learned about them ex-post. He pointed out that even if he had received them in a timely and proper manner, he would not have been obliged to appear to the hearings and to notify the court about these circumstances since it was not set out by the Criminal Procedural Code and he did not do that.

The candidate also stated that he challenged one of the decisions of the Qualification and Disciplinary Commission of the Bar (No. 98 as of 28.09.2022) and that the High Qualification and Disciplinary Commission of the Bar quashed it, having sent materials of the disciplinary case for new consideration.

At the same time, according to Article 42 of the Rules of Attorneys’ Ethics, the attorney shall comply with the requirements of the current procedural legislation and requirements of the Rules while performing the function of the defense attorney in court. Besides, according to Article 44 of the Rules, the attorney shall not commit actions aimed at unjustified delay of the case consideration by the court.

At the same time, Article 29 of the Law of Ukraine “On the Bar and Attorney’s Activities” sets out that the agreement on provision of legal aid shall be terminated with its proper fulfillment. This agreement may be terminated early upon mutual consent of the parties or terminated upon request of one of the parties based on conditions stipulated by the agreement.

Such form of termination of the provision of professional legal aid as termination of the agreement on the provision of legal aid is not stipulated by the Law of Ukraine “On the Bar and Attorney’s Activities”. In turn, para. 4 of Article 21(2) of the Law of Ukraine “On the Bar and Attorney’s Activities” stipulates that it is prohibited for an attorney to refuse to provide legal aid, except for instances set out by the law.

Having analyzed the rulings of the Appellate Chamber of the High Anticorruption Court, the aforementioned decisions of the Qualification and Disciplinary Commission of the Bar, and materials received from the High Anticorruption Court, the Ethics Council has reached a conclusion that the candidate intentionally ignored summons of the Appellate Chamber of the High Anticorruption Court, failed to appear to court hearings without a reason, which resulted in the delay in court consideration of appellate petitions and violation of rights of the proceeding participants to the case consideration during a reasonable term. In fact, the candidate indirectly admitted that, specifying in his explanations that he had agreed on such defense tactics with his client.

In view of this, the Ethics Council has reasonable doubts about the candidate’s compliance with the indicator of demonstration of impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

8. With respect to the candidate’s unethical conduct during communication with representatives of the garden cooperative “Riabyňa”

In October of 2022 the Ethics Council received a statement regarding the candidate’s actions from chair of the management board of garden cooperative “Riabyňa” Yu. V. Novosol. The notification stated that the candidate allegedly tried to put expenses on landscaping of the territory on the cooperative members which he had previously borne within charity activities and demanded that the cooperative members who could not reimburse a part of the expenses to him

transferred the cooperative land plots into ownership of his relatives. It also mentioned arbitrary installation of a barrier gate at the entrance to the cooperative territory by the candidate, forging of documents by attorneys who were friends the candidate regarding representation of the cooperative at other public authorities, candidate's threats to use weapons against residents of cooperative, conclusion of agreements with his own relatives on behalf of the cooperative (and the candidate was not authorized to do that), etc.

This statement was accompanied with a printout of the candidate's messaging history in Viber with the cooperative representative S. Chernysh, which shows that the candidate used rude obscenities targeted at the latter, pointing out that the attorney's ethics allowed him to do that, as well as threatening with the use of weapons in case there would be attempts to remove the barrier gate or approach the candidate and his family members.

Documents available to the Ethics Council show that the similar disciplinary complaint concerning the candidate has also been submitted to the Qualification and Disciplinary Commission of the Bar of Kyiv region, but the decision on opening or denial in opening of a disciplinary proceeding has not been adopted so far.

In response to the Ethics Council's request the candidate explained that he really lived on the territory of this cooperative and invested funds into landscaping there. However, according to the candidate, once a pro-Russian politician interfered with the cooperative's activities who tried to appropriate a part of the cooperative's territory, internal conflicts arose. Most members of the cooperative, including the candidate, did not support politician Yu. V. Novosol as the chair of the cooperative. In the candidate's opinion, the disciplinary complaint with respect to him was submitted because of these circumstances. He considers it to be unjustified as he acted not as an attorney in his communication with the cooperative representatives, but rather defended private property of his wife and the place where his son was growing up.

During the interview the candidate pointed out that it was necessary to distinguish between the attorney's behavior in private communication and in the process of fulfilling his attorney's activities. He emphasized that he followed the Rules of Attorneys' Ethics in public activities. At the same time, he denied having messenger Viber and messaging there with any of the cooperative representatives. Similarly, the candidate denied using obscene words with respect to the cooperative representatives, but he confirmed the warning to use a traumatic weapon used to shoot with rubber bullets against the cooperative representatives in case they entered the territory which was his private property.

The candidate also confirmed that the disciplinary complaint of the garden cooperative with respect to him was considered by the Qualification and Disciplinary Commission of the Bar and that the latter hesitated whether to initiate a proceeding under it as this complaint was not related to the candidate's activities as an attorney. At the same time, the candidate did not specify how he learned this information.

According to cl. 1.3.6 of the Methodology, one of the indicators of the criterion of integrity and professional ethics is compliance with ethical norms and demonstration of 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.

The Ethics Council believes that the content of the candidate's messages in Viber (use of rude obscene expressions and threats to use weapons) shows that he did not follow generally acknowledged moral norms of conduct in personal life.

In view of this, the Ethics Council has reasonable doubts about the candidate's compliance with the indicator of demonstration of impeccable behavior in professional activities and personal life (cl. 1.3.6 of the Methodology).

In view of the above mentioned reasonable doubts, considered both separately and cumulatively, being governed by Rules 2.3, 3.1, 3.2, 3.16.2 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 Oleksii Anatoliiovych Shevchuk 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

Annex 1
to the Ethics Council's Decision No. 29 as of 16.03.2023


<https://www.facebook.com/iryna.salii/posts/pfbid02UifiRv6eEkFiMQD2dqnZvf5HBqVfNUkd9hEPuQxYpm2ZokinvmEBXjCLd zxWJ22Tl>



Ірина Салій
28 серпня 2017 р. · 🌐


...

Думаю, Альоша далеко не єдиний із близького оточення Януковича, хто залишився в Україні і спокійно себе тут почував до пори до часу.





CENSOR.NET.UA


Прокуратура перевіряє причетність представника Януковича – Андрія Альоші до схем на "Укрзалізниці"


 Mikhail Slobodin та ще 14

Один коментар · 1 поширення

 Подобається

 Коментувати

 Поширити




Shevchuk Oleksiy ✓ · **Стежити**
Курує виробництво і постачання ізоляторів на Укрзалізницю. Без погодження нічого не поставляють . Prozorro не працює :)))

Подобається · Відповісти · 5 р.


Annex 2
to the Ethics Council's Decision No. 29 as of 16.03.2023

<https://www.facebook.com/iryna.salii/posts/pfbid0N8KmGN2jcRSW1nmuaiZCGUCBjZGmxj3hFsNWMRs1fePjLwb1wqin7z7p9Uj5Sd1el>





Ірина Салій
5 лютий 2018 р. · Київ · 🌐

Справа Без'язикова, звинуваченого у держзраді і участі у терористичній організації. Адвокат на знак протесту покинув засідання. Чекаємо суддів з нарадчої. Сторони обмінялись обіцянками скажитись один на одного. UPD Суд залучає Без'язикову державного адвоката. А Титича просить притягнути до дисциплінарної відповідальності.





SUD-REPORT.ORG.UA


Адвокат Без'язикова на знак протесту покинув суд
Новини про резонансні судові справи, корупцію та кримінал.

 Mikhail Slobodin та ще 27


27 коментарів 10 поширень


 Подобається

 Коментувати

 Поширити

Найвідповідніші ▾





Shevchuk Oleksiy  · **Стежити**

Це дисциплінарна відповідальність . А адвокат порушив конвенцію , оскільки залишив особу без захисту .
І це зробив добросовісний координатор Громадської ради доброчесності ...
Показати більше

Подобається

Відповісти

5 р.

  Ростислав Кравець відповів · 4 відповіді

Annex 3

to the Ethics Council's Decision No. 29 as of 16.03.2023

<https://www.facebook.com/shevchuk.okeksiy/posts/pfbid05gHbiQnbETZ7oB1WQgb29J7sWrwE48i7EoUR8F2setZRpWimXkWqSCeD4K2NGWaal>

Shevchuk Oleksiy · 11 лютий 2022 р. · 🌐

Пост про наркоманів та їх кумедного адвоката Найєма

Шановний пане **Денис Монастирський**

Радикальні наркомани вирішили пікетувати в понеділок офіс нашої команди адвокатів !

Офіс тих адвокатів , які сьогодні є прикладом фахової роботи і беруть під свій захист **Віталій Кличко** **Петро Порошенко** **Надія Савченко** **Gennady Korban** , бійців АТО , українських моряків , хакерів , постраждалих від злочинців , всіх людей , які потребують допомоги в скрутну хвилину

Ми дійсно будемо продовжувати захищати кожного від топового політика до громадянина , який просто потребує допомоги

Ми не дозволимо , щоб через нашу принципову позицію та якісну юридичну роботу до нас під офіс прибігали маргінальні елементи та мітингували

Сьогодні нашими адвокатами отримано погрози , які вже передані в поліцію , погрози з вимогою відмовитися від **Крістіан Ударов** та захисту хлопців , які зупинили наркотрафік . Саме це причина мітингу . Наша команда перекрила доступ до наркотиків підпільним клубам Києва

Хочу зауважити , що ніхто не змусить нашу команду відмовитися ні від **Крістіана** , ні від **Євгена Караса** , ні від інших хлопців

Ми дуже просимо Вас , пане Міністре взяти до особистого контролю тиск молодшим-Найємом та його наркотично залежними клієнтами на фахових адвокатах


Пане Голово ради адвокатів області **Петро Бойко** належне повідомлення направили

Пане голова секретаріату НААУ **Вадим Красник** належне повідомлення отримали

Ирина Венедиктова **Олег Кіпер** **Анастасія Товт** **Anna Levchenko** **Joseph Pintus** **Юрій Бутусов**

#Адвокат_Шевчук

11.02.2022



Госпа на могилі · 34 поділювачі

Закриття повідомлення

Доброго дня всім небайдужим з киянами! та особисто павільським громаді!

Госпа на могилі

Доброго дня всім небайдужим з киянами! та особисто павільським громаді!

Докілька днів тому, відомий рекетир та російський колабораціоніст **Крістіан Ударов**, відомий тим що під виглядом «патрістичних акцій» влаштовував напади на культурні заклади подолу, та виступав в Московському окотоні під прапором ДНР був заарештований після пограбування валютнообігівника.

Наказь злочинці не було покарано за законом оскільки його справою зайнялося адвокатське агентство **Валентин**. Бою відомо тим що вело справу антимайданіста **Толста**, **Ківи**, та вбивці **Катерини Ганасюк** - **Владислава Матієра**.

Наступного понеділку в 12:00 зберемося біля зовнього офісу на **Павильське** - **Помітуйте** - як би гостро в країні не стояло питання з поліцейським насильством, та безглуздям влади - це буде мітинг спрямований на зупинення діяльності **Валентин**! Вимогами: припинення діяльності колаборації, і покривальників ультраправих злочинності, а також справедливого суду і покарання для усіх цих відьмачиків!

Майте при собі павер-банк, чи заряджений з'єднаний з'єднаний зарядний пристрій, невеликий запас води. Повертайтеся до метро в компанії, у разі обшуку не дозволяйте поліцейським лезти всередину в кишені самостійно, не передавайте їм в руки особистих документів, знімайте все на камеру.

Всі бажаючі приділяти участь в організації виходу, пишуть + у коментарі до цього посту.

ГРАТИ РЕКЕТИРАМ!
ГРАТИ УДАРОВО!
ГРАТИ ТИТУШКАМ!
BARRISTERS - ВАЛІТЕ В РОСІЮ!
Білі на всіх виїздах, лише постріли!

24 коментарі · 32 поширення