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ETHICS COUNCIL

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Kyiv

DECISION

No. 29

***On non-compliance of candidate
for the position of the member of
the High Council of Justice L. V. Orel
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 (remotely by videoconference), Deputy Chair of the Ethics Council Sir Anthony Hooper (remotely by videoconference), members of the Ethics Council: Yurii Triasun (remotely by videoconference), Volodymyr Siverin (remotely by videoconference), Robert Cordy (remotely by videoconference), Lavly Perling (remotely by videoconference), having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Liliia Vasylivna Orel 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 Decision No. 4 as of 9 December 2021 as amended pursuant to Decisions of the Ethics Council No. 1 as of 1 December 2021 and No. 4 of 26 April 2022, Methodology for assessing compliance of the candidate to 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 Decision of the Ethics Council No. 5 as of 9 December 2021 (hereinafter referred to as the Methodology),

has established:

According to Part 14 Article 9-1 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) conducting the selection of candidates based on the results of consideration of documents submitted by candidates, the results of a special audit and relevant information from open sources, and forming a 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 submitted by Liliia Vasylivna Orel for participation in the competition for the position of a member of the High Council of Justice for election by the the Congress of Representatives of Law Universities and Research Institutions.

Candidate Liliia Vasylivna Orel was admitted to the interview for the position of member of the High Council of Justice pursuant to the decision of the Ethics Council as of 21 December 2021.

Having studied documents provided by L. V. Orel upon the Ethics Council's request, his written explanations, information obtained from open sources and from public organizations, information received from the National Agency for Corruption Prevention and the National Anti – Corruption Bureau of Ukraine, as well as the results of the interview with Liliia Vasylivna Orel, the Ethics Council has established the following.

Pursuant to cl. 1.3.7.6 of the Methodology, the candidate shall comply with applicable requirements of financial control that are stipulated by the anticorruption

legislation, including with respect to timely submission of declarations, notifications about significant changes in the financial situation, notifications about opening of accounts with banking and financial institutions (including abroad) and provision of full and accurate information in assets declarations.

In Section III “Real Estate Objects” of the Declaration on Assets, Income, Expenses, and Financial Liabilities for a specific year, a person submitting the declaration shall indicate information about property which is owned, rented or is under some other right of use of the person submitting the declaration, as well as expenses on the purchase of such property or its use. The candidate shall provide the same information concerning his/her family members as well. L. D. Orel did not indicate such information, thereby violating these requirements.

Hence, in the process of evaluating the candidate the Ethics Council has established a range of circumstances that cause reasonable doubts about compliance of candidate L. V. Orel with the professional ethics and integrity criteria.

In particular, while evaluating candidate L. V. Orel, the Ethics Council has established that in her declaration for 2015 she indicated that her actual place residence was Vyshneve in Kyiv region. However, this declaration does not contain information about real estate objects under her right of ownership or use in Vyshneve in Kyiv region.

In her explanations upon the Ethics Council’s request, as well as during the interview L. V. Orel informed that she was registered in Ivano-Frankivsk in 2015, but she really indicated Vyshneve as her actual place of residence in the declaration by mistake as it was current as of the moment of submitting the declaration (30.11.2016).

In her declaration for 2017 L. V. Orel indicated Kyiv as the place of actual residence and registration. However, in the declaration for 2017 there is no information about real estate objects under her right of ownership or use in Kyiv.

Upon the Ethics Council’s request L. V. Orel explained that she again had inaccuracies in her declaration for 2017 and indicated Kyiv as her place of actual

residence by mistake as it was current as of the moment of submitting the declaration (07.09.2018).

Besides, according to information from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Associations, on 27.10.2015 L. V. Orel registered “ANA-LI” LLC with respect to which she was the founder and ultimate beneficiary owner. At the same time, L. V. Orel’s declarations for 2015 and 2017 contain no information about “ANA-LI” LLC in Section 9 “Legal entities, the ultimate beneficiary owner (controller) of which the person submitting the declaration/his/her family members is/are”.

In her explanations upon the Ethics Council’s request, as well as during the interview L. V. Orel pointed out that she did not indicate information in her declaration that she was the founder and ultimate beneficiary owner of “ANA-LI” LLC as she believed erroneously that it was not necessary to indicate this information in section 9 of the declaration in particular. She thought that she fulfilled all requirements of the anti-corruption legislation by declaring her corporate rights in “ANA-LI” LLC in Section 8 “Corporate Rights”.

In her declaration for 2020 L. V. Orel did not indicate real estate objects which her family members had under the right of ownership or use. In response to the Ethics Council’s question the candidate informed that her family members lived together with her in Kyiv. In her declaration for 2020 she did not indicate information about the registered place of residence of family members of the person submitting the declaration as required in cl. 2.2 of the Declaration as real estate objects were registered only in her name, which is why she erroneously decided not indicate other persons submitting the declaration in cl. 3 “Real Estate Objects”.

This way, in 2015-2017, 2020 candidate L. V. Orel did not provide complete and accurate information in her asset declarations, which causes the Ethics Council’s reasonable doubts about her compliance with cl. 1.3.7.6 of the Methodology, in particular, financial control requirements stipulated by the anticorruption legislation.

Besides, in line with cl. 1.3.4.1 of the Methodology the candidate fails to comply with the indicators of independence, honesty, impartiality, diligence, in

particular, in case when there are reasonable doubts that such candidate in the present or any past professional capacity has acted in line with requirements of the legislation, professional ethical rules (academic integrity requirements), other ethical norms regarding independence, honesty, impartiality, diligence. According to cl. 1.3.2 of the Methodology, honesty shall mean presence of high moral qualities, truthfulness in professional activities and in everyday life.

In her declaration of family ties candidate L. V. Orel did not indicate that her father was a deputy of Verkhovyna District Council of Ivano-Frankivsk region from 2015 to 2020. As the candidate explained in response to the Ethics Council's question, her father did not provide such information to her, which is why she did not indicate such information in her declaration of family ties.

In the Ethics Council's opinion, such circumstances cause a reasonable doubt about compliance of L. V. Orel with such indicator as honesty (cl. 1.3.2. of the Methodology).

Taking into consideration the total number of mistakes made by L. V. Orel while filling in the declaration, the Ethics Council considers such violations to be significant. The Ethics Council considers as impossible the candidate's explanations that she believed that she filled in the assets declarations correctly, as well as that she did not know that her father was a deputy as of the moment of filling in the declaration of family ties, as she could and had to take measures to find out information about all of these facts with a view to ensuring complete and accurate filling in of her declarations. This way, since the candidate made numerous mistakes while filling in the declarations and did not indicate complete and accurate information about her corporate rights, thereby failing to provide complete and accurate information in these declarations, the Ethics Council has reasonable doubts about the candidate's compliance with such indicator of the professional ethics and integrity criteria as diligence, honesty (cl. 1.3.2., 1.3.4. of the Methodology), as well as her compliance with cl. 1.3.7.6 of the Methodology – financial control requirements.

Thus, being governed by Rules 2.3, 3.1, 3.15.1, 3.2 of the Ethics Council's Rules of Procedure, Methodology for assessing compliance of a candidate to the position of the member of the High Council of Justice and members of the High Council of Justice with the criterion of professional ethics and integrity, 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 Liliia Vasylivna Orel 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