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ETHICS COUNCIL

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Kyiv

DECISION

No. 35

***On denial in admission
of candidate for the position of the member
of the High Council of Justice
Inna Oleksiyivna Khaidarova
to the interview***

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 considered the issue of admission of candidates for the position of the member of the High Council of Justice to the interview, 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 as of 1 December 2021 and No. 4 as of 9 December 2021 as amended pursuant to the Ethics Council’s Decision No. 4 of 26 April 2022,

has established:

The High Council of Justice has received documents of Inna Oleksiyivna Khaidarova for her participation in the competition for the position of the member

of the High Council of Justice. According to Article 8 of the Law of Ukraine “On the High Council of Justice”, a candidate for the position of the member of the High Council of Justice shall submit a list of documents set out in cl. 1 of this Article in order to participate in the procedure of selection (appointment) of members of the High Council of Justice.

Pursuant to Article 9¹(14) of the Law of Ukraine “On the High Council of Justice”, the Ethics Council shall carry out selection of candidates for the position 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.

Thus, one of the conditions for admission of a candidate to the interview is compliance of documents submitted by the candidate with requirements of the law.

Having considered documents submitted by candidate I. O. Khaidarova, the Ethics Council has established that the candidate has not submitted a declaration of the person authorized to fulfill functions of the state or local self-governance for the year preceding the year when the competition is announced (the candidate has submitted the declaration for 2020, in turn, she should have submitted the declaration for 2021) as stipulated by para. 14 of Article 8(1) of the Law of Ukraine “On the High Council of Justice”, as well as failing to submit a copy of the document which confirms a respective status (for judges, attorneys, and prosecutors) as stipulated by para. 14 of Article 8(1) of the Law of Ukraine “On the High Council of Justice”. Non-compliance of documents submitted by V. A. Tsilenko with requirements of the law “On the High Council of Justice” is confirmed with opinion No. 3802/0/9-22 of the Secretariat of the High Council of Justice as of 14 July 2022.

Thus, documents submitted by the candidate for the position of the member of the High Council of Justice I. O. Khaidarova do not comply with requirements of Article 8(1) of the Law of Ukraine “On the High Council of Justice”, which makes it impossible to admit this candidate to the interview.

Being governed by Article 9¹(14) of the Law of Ukraine “On the High Council of Justice” and Rule 3.2.5. of the Ethics Council’s Rules of Procedure, the Ethics Council

has decided:

To deny in admission of candidate Inna Oleksiyivna Khaidarova to the interview for the position of the member of the High Council of Justice.

Chair

(signed)

Lev Kyshakevych