

The judicial reform is unblocked: who has been nominated by the Council of Judges to the Ethics Council

25/10



On October 23, the members of the Council of Judges voted for questionable candidates to the Ethics Council, which will clean up the High Council of Justice. This is key part of the reform, as it directly ensures cleansing of the judicial system.

The Council of Judges selected the retired judge **Volodymyr Siverin**, judge of Kyiv Court of Appeal **Yuriy Tryasun**, and judges of the Supreme Court **Lev Kyshakevych** and **Tetyana Chumachenko**.

At least two candidates delegated by the Council of Judges to the Ethics Council have doubtful reputation and clearly do not meet the criteria of integrity.

For instance, **Yuriy Tryasun** [passed](#) “fake” qualification assessment in November 2016, which did not provide for participation of public and dismissal of dishonest judges. This assessment was passed at that time by all judges of courts of appeal in Kyiv.

According to the declaration of family connections of the judge in 2016, his brother Tryasun Pavlo Rostyslavovych has held the position of commander of the Special Purpose Police Unit Berkut in Kyiv region since at least 2012.

According to [information](#) of Nashi Groshi, in 2011 Pavlo Tryasun received award in the amount of 20,000 UAH to the Police Day in 2011. This is evidenced by Yanukovych's secret accounting data found in Mezhyhirya. The respective materials were published on portal YanykovychLeaks.

We should note that in 2016, Tryasun, as member of the panel of judges, [released](#) Berkut member Oleksandr Belov from custody. The latter had been accused of murder on Kriposnyi Lane in Kyiv on February 18, 2014.

He stated during the interview that the only motivation to send application for membership in the Ethics Council was wishes of his colleagues, who believe that Tryasun "is the candidate who can work in the Ethics Council".

During the interview the retired judge of the Eastern Economic Court of Appeal **Volodymyr Siverin** demonstrated his inability to logically formulate thoughts at the level appropriate for the judge. Here are some of his quotes from today's interview. Namely:

"There are many questions specifically about the Ethics Council. How can we evaluate employee of the HCJ, namely, to give some points 1,5, 10 or 20, or say worthy or unworthy, if you choose me, we will discuss with members of this Council and reach some compatible decisions";

"I am quite communicative person. I'm Gemini according to the horoscope. It speaks for itself. And I worked as the head of the board for 10 years. And we never had a fight. There were differences in thoughts, there were own opinions. But they ended with some agreements. Not agreements, but achievements of some thought. I believe that we are all human beings, but there are certain methods such as principledness, that means that apart from the fact that I can think and make concessions, but in my work I can choose principled position and insist on it and prove correctness of this position".

According to the [information](#) of the DeJure Foundation, the judge has repeatedly made arbitrary decisions. Moreover, the head of the court apparatus complained that, as Severin, as the head of the court, allegedly put pressure on court employees and encouraged them to make actions outside their authority. In particular, to interfere in the automated case distribution system.

For almost two months, the Council of Judges ignored the direct norm of the law. It hadn't delegate representatives to the Ethics Council, which blocked the judicial reform.

The High Council of Justice is obliged to form the Ethics Council until October 28, which will be able to start its work in early November.

"The judicial reform in Ukraine will happen. The mafia in mantles failed to disrupt cleansing of the system. They tried to avoid it so hard, even in violation of the direct norm of the law. Despite the fact that the Council of Judges has delegated questionable judges to the Ethics Council, the decision would be made by respected international experts. It would allow this body to fulfill its task, namely, to clean and qualitatively restart the High Council of Justice", the AntAC's expert Halyna Chyzhyk stated.

Earlier, international organizations that provide assistance to Ukraine in the field of the judicial reform and anti-corruption have already [delegated](#) experts to the Ethics Council. Delegated experts are the elite of the judicial and legal systems of the USA and the EU. For instance, they are judges of the Supreme Courts of the largest US states, the Prosecutor General of Estonia and the largest federal state of Germany, the Minister of Justice and the Minister of Internal Affairs of Slovenia.

The Ethics Council will evaluate integrity of all candidates to the HCJ, regardless of the appointment authority, namely, judges, lawyers, prosecutors, etc. The appointing authorities themselves will consider only those candidates who have successfully passed examination of the Ethics Council.

No decision of the Ethics Council will be considered adopted unless at least two international experts have voted for it, and the vote of international experts will prevail and be decisive in case of equal distribution of votes.

We should recall that today the High Council of Justice is the main body in the judicial system of the country. Virtually it has full control over appointment and dismissal of judges, their protection from unlawful encroachment and bringing to responsibility for violations [is concentrated](#) in hands of members of the HCJ. For instance, almost all judges who had banned peaceful assemblies and persecuted activists during the Revolution of Dignity kept their positions thanks to the HCJ. The HCJ also covers [KDAC judges](#) and puts pressure by disciplinary cases against judges of the High Anti-Corruption Court, or refuses to dismiss judges who lie in declarations, make arbitrary decisions or get drunk while driving.

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