



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**MINUTES No. 12  
of the session of the Advisory Group of Experts**

*The session has been held in remote mode using electronic video-conferencing*

*November 07, 2024*

*Start of session: 11:40 p.m.*

*End of session: 00:10 a.m.*

**Those present at the session of the members of the Advisory Group of Experts:**

*Oksana Vasylychenko, Aleš Zalar, Vasyl Shakun, Maureen O'Connor, Yaroslav Romaniuk, Hanna Suchocka.*

**Deputy members of the Advisory Group of Experts present at the session:**

*Richard Barrett, Marek Zubik, Thomas Griffith, Vitaly Makhinchuk.*

**Suggested agenda:**

**1. On adoption of the decision related to the compliance of candidates for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.**

- Deciding on the compliance of Hrytsenko Denys, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Denysenko Nataliia, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Kostenko Vladyslav, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Mediuk Serhii, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Prachuk Olena, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

- Deciding on the compliance of Soldatenko Oksana, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.
- Deciding on the compliance of Tkachenko Oleksandr, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities.

**2. On the adoption of decisions on granting or denying applications for self-recusal of members of the Advisory Group of Experts regarding the assessment of candidates for the position of judge of the Constitutional Court of Ukraine.**

**3. Miscellaneous.**

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes.

**Decided:** the suggested agenda is approved.

**Consideration of agenda items:**

**1. On adoption of the decision related to the compliance of all candidates for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar informed that, between October 22 and October 23, 2024, the Advisory Group of Experts conducted interviews with candidates for the position of judge of the Constitutional Court of Ukraine as part of the competition announced by the Congress of Judges of Ukraine on April 11, 2024. These interviews aimed to assess the candidate's compliance with the criterion of high moral qualities and refute any doubts regarding the high moral qualities of such candidates.



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Hrytsenko Denys, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Hrytsenko Denys, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that does not comply with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes

**Decided:** that Hrytsenko Denys, candidate for the position of a judge of the Constitutional Court of Ukraine, does not comply with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Denysenko Nataliia, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Denysenko Nataliia, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that complies with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “AGAINST”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “AGAINST”
- Hanna Suchocka: “FOR”

Total: “FOR” – 4 votes, “AGAINST” – 2 votes.

**Decided:** that Denysenko Nataliia, candidate for the position of a judge of the Constitutional Court of Ukraine, complies with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Kostenko Vladyslav, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Kostenko Vladyslav, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that complies with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes

**Decided:** that Kostenko Vladyslav, candidate for the position of a judge of the Constitutional Court of Ukraine, complies with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Mediuk Serhii, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Mediuk Serhii, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that does not comply with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes

**Decided:** that Mediuk Serhii, candidate for the position of a judge of the Constitutional Court of Ukraine, does not comply with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the assessment of Prachuk Olena, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Prachuk Olena, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that complies with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “AGAINST”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “AGAINST”

Total: “FOR” – 4 votes, “AGAINST” – 2 votes

**Decided:** in accordance with paragraph twenty of Section IV (subparagraph one) of the Law of Ukraine “On the Constitutional Court of Ukraine”, no decision was reached.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Heard:**

Ales Zalar, who said that, according to the paragraph twenty of Section IV (subparagraph one) of the Law of Ukraine “On the Constitutional Court of Ukraine”, during the transitional selection period, the Advisory Group of Experts shall take decisions by at least four votes from its members, of which at least two are nominated by international organisations or the European Commission for Democracy through Law. The candidate received four votes in favor, but only one of them was cast by a member proposed by international organisations or the European Commission for Democracy through Law.

This situation makes it impossible to reach a decision on assessing whether the candidate for the position of a judge of the Constitutional Court of Ukraine, Olena Prachuk, complies with the criterion of high moral qualities.

At the same time, according to the content of part five of Article 10-8 of the Law of Ukraine “On the Constitutional Court of Ukraine”, only those candidates who have received a “complies” grade from the Advisory Group on the high moral character criterion are evaluated at the next stage of the competitive selection. In view of this, the candidate for the position of judge of the Constitutional Court of Ukraine, Olena Prachuk, is not allowed to be assessed for compliance with the legal competence criterion.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шагун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)





**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that does not comply with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “AGAINST”
  - Aleš Zalar: “FOR”
  - Vasyl Shakun: “ AGAINST”
  - Maureen O’Connor: “FOR”
  - Yaroslav Romaniuk: “ AGAINST”
  - Hanna Suchocka: “FOR”
- Total: “FOR” – 3 votes, “AGAINST” – 3votes

**Decided:** in accordance with paragraph twenty of Section IV (subparagraph two) of the Law of Ukraine “On the Constitutional Court of Ukraine”, no decision was reached.

**Heard:**

Ales Zalar, who said that, according to the paragraph twenty of Section IV of the Law of Ukraine “On the Constitutional Court of Ukraine”, during the transitional selection period, the Advisory Group of Experts shall take decisions by at least four votes from its members, of which at least two are nominated by international organisations or the European Commission for Democracy through Law.

The candidate received four votes in favor, but only one of them was cast by a member proposed by international organisations or the European Commission for Democracy through Law. If, due to an equal number of votes in favour and against, the Advisory Group of Experts is unable to reach a decision, a repeated vote shall be held

Ales Zalar said that given these provisions of the law, as well as the equal number of votes in favour and against the candidate Mykhailo Smokovych, the Advisory Group of Experts should hold a repeated vote.



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities through a repeated vote**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that does not comply with the criterion of high moral qualities.

Ales Zalar also informed that in accordance with paragraph twenty of Section IV of the Law of Ukraine “On the Constitutional Court of Ukraine,” if there is an equal number of votes in favour and against after the repeated vote, the votes of three members of the Advisory Group of Experts, of whom at least two are nominated by international organisations or the European Commission for Democracy through Law, shall be decisive.

**Voted:**

- Oksana Vasylchenko: “AGAINST”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “ AGAINST”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “ AGAINST”
- Hanna Suchocka: “FOR”

Total: “FOR” – 3 votes, “AGAINST” – 3 votes

**Decided:** that, guided by paragraph twenty of Section IV (subparagraph three) of the Law of Ukraine “On the Constitutional Court of Ukraine”, Smokovych Mykhailo, candidate for the position of a judge of the Constitutional Court of Ukraine, does not comply with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Soldatenko Oksana, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Soldatenko Oksana, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that complies with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes

**Decided:** that Soldatenko Oksana, candidate for the position of a judge of the Constitutional Court of Ukraine, complies with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Adopting a decision related to the compliance of Tkachenko Oleksandr, candidate for the position of a judge of the Constitutional Court of Ukraine, with the criterion of high moral qualities**

**Heard:**

Aleš Zalar, who, based on the results of an assessment of high moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine, proposed to deem Tkachenko Oleksandr, candidate for the position of a judge of the Constitutional Court of Ukraine, as such that does not comply with the criterion of high moral qualities.

**Voted:**

- Oksana Vasylchenko: “FOR”
- Aleš Zalar: “FOR”
- Vasyl Shakun: “FOR”
- Maureen O’Connor: “FOR”
- Yaroslav Romaniuk: “FOR”
- Hanna Suchocka: “FOR”

Total: “FOR” – 6 votes, “AGAINST” – 0 votes

**Decided:** that Tkachenko Oleksandr, candidate for the position of a judge of the Constitutional Court of Ukraine, does not comply with the criterion of high moral qualities in the framework of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Ганна Сухоцька  
(Hanna Suchocka)

Оксана Васильченко  
(Oksana Vasylchenko)

Морін О’Коннор  
(Maureen O’Connor)

Ярослав Романюк  
(Yaroslav Romaniuk)



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**2. Adopting a decision to approve or reject applications from the Advisory Group of Experts members for self-recusal in assessing candidates for the positions of judges of the Constitutional Court of Ukraine.**

**Heard:**

Aleš Zalar who reported that Advisory Group of Experts member Oksana Vasylchenko – filed applications for self-recusal given a potential conflict of interests with candidates Miroshnykov Ivan and Zakhar Tropin. Aleš Zalar noted that all Advisory Group of Experts members had a possibility to review those applications and arguments set out in them, and proposed to vote on each application.

Besides, Aleš Zalar informed that the Advisory Group of Experts member under consideration in the application abstains himself/herself from participating in the vote for the approval or rejection of his/her application.

**Adopting a decision to approve or reject an application for self-recusal of Oksana Vasylchenko, Advisory Group of Experts member, from assessing Miroshnykov Ivan, candidate for the position of a judge of the Constitutional Court of Ukraine.**

**Heard:**

Aleš Zalar informed Advisory Group of Experts members that Oksana Vasylchenko filed an application for self-recusal from assessing candidate Miroshnykov Ivan, Associate Professor of the Department of Criminal Procedure and Criminalistics, Taras Shevchenko National University of Kyiv, School of Law. The Advisory Group of Experts members had the opportunity to review the application before the meeting. With no additional questions on this matter, Aleš Zalar suggested a vote to approve Oksana Vasylchenko's application for self-recusal from assessing Miroshnykov Ivan, a candidate for the position of a judge of the Constitutional Court of Ukraine.

**Voted:**

- Aleš Zalar: "FOR"
- Vasyl Shakun: "FOR"
- Maureen O'Connor: "FOR"
- Yaroslav Romaniuk: "FOR"
- Hanna Suchocka: "FOR"

Total: "FOR" – 5 votes, "AGAINST" – 0 votes



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Resolved:** to approve the application for self-recusal of Advisory Group of Experts member Oksana Vasylchenko from assessing Mirosnykov Ivan, candidate for the position of a judge of the Constitutional Court of Ukraine.

**Adopting a decision to approve or reject an application for self-recusal of Oksana Vasylchenko, Advisory Group of Experts member, from assessing Zakhar Tropin, candidate for the position of a judge of the Constitutional Court of Ukraine.**

**Heard:**

Aleš Zalar informed Advisory Group of Experts members that Oksana Vasylchenko filed an application for self-recusal from assessing candidate Zakhar Tropin, Director of the International Cooperation and Representation Department, Ministry of Justice of Ukraine. The Advisory Group of Experts members had the opportunity to review the application before the meeting. With no additional questions on this matter, Aleš Zalar suggested a vote to approve Oksana Vasylchenko's application for self-recusal from assessing Zakhar Tropin, a candidate for the position of a judge of the Constitutional Court of Ukraine.

**Voted:**

- Aleš Zalar: "FOR"
- Vasyl Shakun: "FOR"
- Maureen O'Connor: "FOR"
- Yaroslav Romaniuk: "FOR"
- Hanna Suchocka: "FOR"

Total: "FOR" – 5 votes, "AGAINST" – 0 votes

**Resolved:** to approve the application for self-recusal of Advisory Group of Experts member Oksana Vasylchenko from assessing Zakhar Tropin, candidate for the position of a judge of the Constitutional Court of Ukraine.

**3. Miscellaneous.**

**Regarding dates for conducting written assessment of the candidates for the position of the judge of the Constitutional Court of Ukraine**



**ДОРАДЧА  
ГРУПА ЕКСПЕРТІВ**

**Heard:**

Aleš Zalar who informed that the Advisory Group's members agreed on the date for conducting a written evaluation of candidates of the position of judges of the Constitutional Court of Ukraine, which is set for November 22, 2024.

**Regarding interim results of the assessment of candidates for the position of a judge of the Constitutional Court of Ukraine by the Congress of Judges of Ukraine**

**Heard:**

Aleš Zalar who informed that given that given that only three candidates continue to participate in the competition for two vacant positions of judges of the Constitutional Court of Ukraine in the competition announced by the Congress of Judges of Ukraine, based on the results of the assessment of high moral qualities, the Advisory Group of Experts will inform the Council of Judges of Ukraine about the necessity to promptly (within a period of no more than 20 days) announce a new competition for one vacant position of a judge of the Constitutional Court of Ukraine according to provisions of Article 10-8 of the Law of Ukraine "On the Constitutional Court of Ukraine".

Aleš Zalar noted that all issues from the agenda were considered.

**Chairman of  
the Advisory Group of Experts**

**Aleš Zalar**

**Video recording of the live meeting broadcast:**

