



APPROVED

**Minutes No. 5 of the meeting of the Advisory Group of Experts
of 23 March 2024**

DECISION No. 1.4

*On compliance of candidate for
the position of a judge of the Constitutional Court of Ukraine
Oleksandr Vodiannikov with the criterion of high moral qualities*

The Advisory Group of Experts (hereinafter, the “Advisory Group”), at a session held in remote mode using electronic video-conferencing, consisting of the Chairman of the Advisory Group Aleš Zalar, Secretary of the Advisory Group Yaroslav Romaniuk, and the members of the Advisory Group Nataliia Kuznietsova, Oksana Vasylchenko, Maureen O’Connor and Hanna Suchocka, in the presence of the Deputy Members of the Advisory Group Marek Zubik, Volodymyr Kuzmenko, Vasyl Shakun, Thomas Griffith and Richard Barrett, having assessed the compliance of Oleksandr Vodiannikov, candidate for the position of a judge of the Constitutional Court of Ukraine (hereinafter, the “Candidate”), with the criterion of high moral qualities, in accordance with the Law of Ukraine “On the Constitutional Court of Ukraine” (hereinafter, the “Law”), the Regulations on the Advisory Group of Experts approved by the decision of the Advisory Group of Experts dated 12 November 2023 (hereinafter, the “Regulations”), the Methodology for Assessing Moral Qualities and the Level of Competence in the Field of

Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts dated 04 December 2023 (hereinafter, the “Methodology”),

established the following:

1. In accordance with Part 25 of Article 10² of the Law, the Advisory Group, in particular, assesses the moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine.

2. Pursuant to Article 10⁸ of the Law, the Advisory Group, within a period of time not exceeding four months from the date of receipt of all documents submitted by candidates from the Competition Commission for the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine with respect to persons appointed by the President of Ukraine, the Committee of the Verkhovna Rada of Ukraine in charge of issues pertaining to the legal status of the Constitutional Court of Ukraine, and the Council of Judges of Ukraine, reviews and studies the submitted documents, the results of the special examination, other information and materials received by the Advisory Group while exercising its powers, and after interviewing the candidate, following the assessment of the candidate’s high moral qualities, makes a reasoned decision on the assessment of conformity of moral qualities.

3. The criterion of “high moral qualities” as per Article 10⁸ of the Law is determined by the Advisory Group during the assessment by the indicators of independence, honesty, impartiality, diligence, incorruptibility, compliance with ethical norms and demonstration of impeccable behaviour in professional activities and personal life of the integrity component, as well as by the components of legality of the sources of property origin, compliance of the standard of living of the candidate or his/her family members with the declared income, and compliance of the candidate’s lifestyle with his/her status, the content of which is outlined in Part 1 of Article 2 of the Methodology.

4. Under Clause 1 of Part 3 of Article 10⁸ of the Law, a candidate may be deemed to meet the criterion of high moral qualities only if he/she is of good integrity and there are

no reasonable doubts about the legality of the sources of his/her property, the compliance of the standard of living of the candidate or his/her family members with the declared income, and the compliance of the candidate's lifestyle with his/her status. According to Clause 4 of Part 3 of Article 10⁸ of the Law, a candidate fails to meet this criterion if it is proved that he/she does not comply with it or there are reasonable doubts about his/her compliance.

5. On 7 December 2023, the Advisory Group received from the Committee of the Verkhovna Rada of Ukraine on Legal Policy documents from Oleksandr Yuriiovych Vodiannikov, Senior Project Officer (Rule of Law and Human Rights) of the OSCE Support Program for Ukraine, for participation in the competition for the position of a judge of the Constitutional Court of Ukraine (letter No. ДГЕ-8/23-ВХ of 7 December 2023).

6. The Advisory Group has reviewed, verified and analysed the Candidate's documents and written explanations, information received from state authorities and public organisations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

7. On 5 March 2024, the Advisory Group interviewed the Candidate, in particular to refute doubts about the Candidate's compliance with the criterion of high moral qualities.

8. The Advisory Group has completed its review, verification, and analysis of the Candidate's documents, each separately and also in their entirety, the Candidate's responses to the Advisory Group's written questions and the questions asked by the Advisory Group at the interview and decided that the Candidate complies with the criterion of high moral qualities in view of the following.

9. As of the day of the interview, the Advisory Group had certain doubts about whether the Candidate complied with the criterion of high moral qualities, namely, with such indicator of the integrity component as honesty, as well as with the components of legality of the sources of property origin, compliance of the standard of living of the candidate or his/her family members with the declared income, and compliance of the candidate's lifestyle with his/her status (pursuant to Part 1 of Article 2 of the Methodology). However, these doubts were refuted based on the results of the analysis

of the Candidate's documents, each separately and also in their entirety, the Candidate's responses to the Advisory Group's written questions and the questions asked by the Advisory Group at the interview, information received from state authorities and public organisations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

10. Accordingly, based on the results of the assessment of the Candidate's moral qualities, the Advisory Group did not find him to be non-compliant with the indicators of the integrity component of the criterion of high moral qualities (Clause "a" of Part 1, Article 2 of the Methodology). The Advisory Group, being governed by Part 2 of Article 2 of the Methodology, also has no reasonable doubts about the Candidate's compliance with any indicator of the integrity component (Clause "a" of Part 1, Article 2 of the Methodology).

11. The Advisory Group has also found no evidence of non-compliance and has no reasonable doubts about the Candidate's compliance with the components of legality of the sources of property origin, compliance of the standard of living of the candidate or his/her family members with the declared income, and compliance of the candidate's lifestyle with his/her status of the criterion of high moral qualities (Clause "b" of Part 1 of Article 2 of the Methodology).

Thus, being governed by Articles 6 and 7 of the Regulations on the Advisory Group of Experts approved by the decision of the Advisory Group of Experts dated 12 November 2023, the Methodology for Assessing Moral Character and the Level of Competence in the Field of Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts dated 04 December 2023, and Articles 10² and 10⁸ of the Law of Ukraine "On the Constitutional Court of Ukraine", the Advisory Group

has decided that

for the purpose of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine, the candidate for the position of a judge of the Constitutional Court of Ukraine Oleksandr Vodiannikov complies with the criterion of high moral qualities.

Signatures:

Алеш Залар
(Aleš Zalar)

Наталія Кузнєцова
(Nataliia Kuznietsova)

Ганна Сухоцька
(Hanna Suchocka)

Оксана Васильченко
(Oksana Vasylchenko)

Морін О'Коннор
(Maureen O'Connor)

Ярослав Романюк
(Yaroslav Romaniuk)

Recording of the interview broadcast:

