



## Workshop

# Disciplinary Proceedings Against Judges and Prosecutors in Ukraine

October 20-21, 2018

Radisson Blu Hotel,  
22 Yaroslaviv Val Street, Kyiv

As a result of the Workshop, the participants will be able to:

- Apply new approaches to investigating complaints of misconduct by judges and prosecutors, and
- Use best practices from Portugal, Romania and the U.S. in investigating and conducting disciplinary proceedings against judges and prosecutors.

## AGENDA

### Day 1: Saturday, October 20, 2018

9:00-9:30 Registration and Welcome Coffee

9:30-9:45 Opening Remarks

*Volodymyr Kutsenko, Head of the Service of Inspectors of the High Council of Justice*  
*Sergiy Podkopaev, Head of the Qualifications Disciplinary Commission of Prosecutors' Secretariat*

*Nataliya Petrova, Deputy Chief of Party, USAID New Justice Program*

*Ketevan Tskhomelidze, Project Manager, Council of Europe Project "Continued Support to the Criminal Justice Reform in Ukraine"*

9:45-11:15 **Session I: Disciplinary Liability of Judges and Prosecutors in Portugal, Romania and the United States**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal*  
*Viacheslav Tal'ko, High Council of Justice inspector*

Moderator: **Nataliya Petrova**, Deputy Chief of Party, USAID New Justice Program

11:15-11:45 Coffee Break

11:45-13:00 **Session II: Grounds for Disciplinary Liability and Sanctions Against Judges and Prosecutors in Europe and the United States, in the light of international and European standards**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Judge of the Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

*João António Rato, Deputy Prosecutor General, Court of Appeal of Oporto (Portugal), former Member and Inspector of the High Council of Prosecutors of Portugal*

*Jeremy McBride, Barrister, Moncton Chambers, London, Visiting Professor at the Central European University, international consultant of the Council of Europe*

Moderator: **Ketevan Tskhomelidze**, Project Manager, Council of Europe Project “Continued Support to the Criminal Justice Reform in Ukraine”

13:00-14:00 Lunch

### **Concurrent Sessions**

#### **Panel A: Disciplinary Proceedings Against Judges**

14:00-15:30 **Session III: Determining the Admissibility of Complaints of Misconduct by Judges**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

*Mihail-Drăgos Mihail, Judicial Inspector, Director of Judicial Inspection Division for Judges (Romania), expert of the USAID New Justice Program*

*Oleksandr Serdyuk, Professor of the Yaroslav Mudryi National Law University, Director of Analytical Center, Kharkiv Institute of Applied Humanitarian Research, expert of the USAID New Justice Program*

15:30-15:45 Coffee Break

15:45-17:15 **Session IV: Investigating Complaints of Misconduct by Judges and Applying Disciplinary Sanctions**

*Judge José Manuel Cardoso, Judge of the Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Mihail-Drăgoș Mihail, Judicial Inspector, Director of Judicial Inspection Division for Judges (Romania), expert of the USAID New Justice Program*

*Nataliya Akhtyrskaya, Associate Professor, Taras Shevchenko University of Kyiv, Department of Justice, expert of the USAID New Justice Program*

17:15-17:30 Wrap-Up

### **Panel B: Disciplinary Proceedings Against Prosecutors**

14:00-15:30 **Session III: Screening of Complaints of Misconduct by Prosecutors and Initiating Disciplinary Proceedings**

*Yuriy Pitsyk, Secretary of the Qualification and Disciplinary Commission of Prosecutors*

*Andrii Sliusar, lawyer*

*Jeremy McBride, Barrister, Moncton Chambers, London, Visiting Professor at the Central European University, international consultant of the Council of Europe*

*João António Rato, Deputy Prosecutor General, Court of Appeal of Oporto (Portugal), former Member and Inspector of the High Council of Prosecutors of Portugal*

15:30-15:45 Coffee Break

15:45-17:00 **Session IV: Procedures for Handling Disciplinary Complaints, Verifying Facts, Collecting Evidence, Questioning Witnesses, and Studying Evidence**

#### ***High Council of Justice Representative***

*Sergiy Kostenko, Member of the Qualification and Disciplinary Commission of Prosecutors*

*Volodymyr Petrakovskiy, Group Manager «Reform of the law enforcement agencies», Reanimation Package of Reforms*

*Jeremy McBride, Barrister, Moncton Chambers, London, Visiting Professor at the Central European University, international consultant of the Council of Europe*

*João António Rato, Deputy Prosecutor General, Court of Appeal of Oporto (Portugal), former Member and Inspector of the High Council of Prosecutors of Portugal*

17:00-17:15 Wrap-Up

## **Day 2: Sunday October 21, 2018**

### **Concurrent Sessions (Continued)**

#### **Panel A: Disciplinary Proceedings Against Judges**

10:00-11:30 **Session V: Principles and Techniques of Communicating with Judges**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

11:30-11:45 Coffee break

11:45-13:00 **Session VI: Proving Judicial Misconduct, Hearing Evidence, and Drafting Investigation Reports**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Judge of the Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

*Mihail-Drăgost Mihail, Judicial Inspector, Director of Judicial Inspection Division for Judges (Romania), expert of the USAID New Justice Program*

13:00-14:00 Lunch

14:00-15:30 **Session VII: Psychological Aspects of Communicating with Judges during Disciplinary Proceedings**

*J. Reiko Callner, Executive Director, State of Washington Commission on Judicial Conduct (US), expert of the USAID New Justice Program*

*Judge José Manuel Cardoso, Court of Appeal of Lisbon Judicial District (Portugal), former Head of the Vice-President Cabinet of the High Council of Judges of Portugal, former member of the High Council of Judges of Portugal, expert of the USAID New Justice Program*

*Mihail-Drăgost Mihail, Judicial Inspector, Director of Judicial Inspection Division for Judges (Romania), expert of the USAID New Justice Program*

15:30-16:00 Wrap-Up and Evaluation of Results

**Panel B: Disciplinary Proceedings Against Prosecutors**

10:00-11:15 **Session IV (Continued): Procedures for Handling Disciplinary Complaints, Verifying Facts, Collecting Evidence, Questioning Witnesses, and Studying Evidence**

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*Sergiy Kostenko, Member of the Qualification and Disciplinary Commission of Prosecutors*

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11:15-11:45 Coffee break

11:45-13:00 **Session V: Making Decisions in Disciplinary Cases and Imposing Sanctions**

*High Council of Justice Representative*

*Stanislav Pohrebnyak, Member of the Qualification and Disciplinary Commission of Prosecutors*

*Eugene Kravchuk, Head of Expertise and Analytics Program, Association of Ukrainian Human Rights Monitors on Law Enforcement*

*Jeremy McBride, Barrister, Moncton Chambers, London, Visiting Professor at the Central European University, international consultant of the Council of Europe*

*João António Rato, Deputy Prosecutor General, Court of Appeal of Oporto (Portugal), former Member and Inspector of the High Council of Prosecutors of Portugal*

13:00-14:00 Lunch

14:00-15:30 **Session VI: Reviewing Decisions in Disciplinary Cases and the Case law of the High Council of Justice and Supreme Court**

*H CJ Representative*

*Stanislav Pohrebnyak, Member of the Qualification and Disciplinary Commission of Prosecutors*

*Volodymyr Kravchuk, Justice of the Supreme Court*

*Jeremy McBride, Barrister, Moncton Chambers, London, Visiting Professor at the Central European University, international consultant of the Council of Europe*

15:30-16:00 Wrap-Up and Evaluation of Results