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

Nataliya Akhtyrska, 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 Petradiy, 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-Dragos 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-Dragos 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

High Council of Justice Representative

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

Volodymyr Petраковський, 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
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

11:15-11:45  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 Krapyvin, 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

HCJ 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