RESOLUTION ON UKRAINE

At its meeting in Barcelona on October 8th, 2015 the International Association of Judges was informed about a further deterioration of the situation of judges in Ukraine.

As already pointed out in the Resolution of the European Association of Judges (EAJ) of May 17th, 2014, the exceptional circumstances which permit of a lustration do not apply in Ukraine. The Ukrainian legislature has provided for a lustration procedure on three occasions to date i.e., the Law on Restoring the Trust in the Judiciary, the Law on Cleansing of Government and the transitional provisions of the Law on Fair Trial. Notwithstanding that, there is now a further, wider reaching proposal with the potential for even more dramatic effects. This proposal provides that all Ukrainian Judges will lose their office and will have to apply for re-appointment.

This is a gross attack on the independence of judges and is in clear conflict with international law and standards, and flagrantly disregards the principles flowing from judgment of the ECHR in Volkov v. Ukraine and other cases.

The International Association of Judges has been informed about the continuing failure of the authorities in Ukraine, particularly the police force and prosecuting authorities, to take appropriate and adequate steps to protect judges and their families from intimidating violence and threats, and to react appropriately when such incidents have occurred. The concerns of the European Association of Judges on this issue were conveyed to the Ukrainian authorities in its Resolution of the 16th of May 2015.

The International Association of Judges therefore urges the Ukrainian authorities

a) not to proceed with any lustration measure against judges; and

b) to provide effective protection for judges and their families against violence and threats, and to ensure the prosecution of all who resort to such violence or threats.

The IAJ will make the relevant international authorities and particularly the Council of Europe aware of the issues mentioned above.