



**ADVISORY GROUP
OF EXPERTS**

APPROVED

**Minutes No. 15 of the session of the Advisory Group of Experts
of January 28, 2025**

DECISION No. 1.29

*On the compliance of the candidate
for the position of judge of the Constitutional Court of Ukraine
Oksana Tretiakova
with the criterion of high moral qualities*

The Advisory Group of Experts (hereinafter referred to as the Advisory Group) in remote mode using electronic video-conference means, consisting of the Chair of the Advisory Group Oksana Vasylichenko, Secretary of the Advisory Group Maureen O'Connor, members of the Advisory Group: Hanna Suchocka, Aleš Zalar, Yaroslav Romaniuk, Vasyl Shakun, in the presence of deputy members of the Advisory Group: Vitalii Makhinchuk, Thomas Griffith, Richard Barrett, Volodymyr Kuzmenko, having assessed the compliance of the candidate for the position of judge of the Constitutional Court of Ukraine Oksana Tretiakova (hereinafter referred to as the "Candidate") with the criterion of high moral qualities, under the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the "Law"), the Regulations of the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts of November 12, 2023, with amendments approved by Minutes No. 10 of the meeting of the Advisory Group of Experts dated May 30, 2024 (hereinafter referred to as the "Regulations"), the

Methodology for Assessing Moral Qualities and Competency in the Field of Law of the Candidates for the Position of Judge of the Constitutional Court of Ukraine, approved by the decision of the Advisory Group of Experts on December 4, 2023, with amendments approved by Minutes No. 10 of the meeting of the Advisory Group of Experts dated May 30, 2024 (hereinafter referred to as the “Methodology”),

established the following

1. Under part 25, Article 10² of the Law, the Advisory Group, among other things, assesses the moral qualities of candidates for the position of judge of the Constitutional Court of Ukraine.

2. Under Article 10⁸ of the Law, the Advisory Group, within four months from the date of receipt of all documents submitted by the candidates from the Selection Commission for the Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine regarding the 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, should review and study the submitted documents, the results of the special check, other information and materials received by the Advisory Group while exercising its powers, and after interviewing the candidate, having assessed high moral qualities of the candidate, should make a reasoned decision on the assessment of compliance with the criterion of moral qualities.

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

4. Under paragraph 1, part 3, Article 10⁸ of the Law, a candidate may be considered compliant with the criterion of high moral qualities only if he/she is of good integrity and there are no reasonable doubts as to 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. Under paragraph 4, part 3, Article 10⁸ of the Law, a candidate fails to meet this criterion if it is proved that s/he/she does not comply with it or there are reasonable doubts about his/her compliance.

5. On October 4, 2024, the Advisory Group received from the Competitive Commission for the Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine regarding persons appointed by the President of Ukraine the documents of a judge of the Commercial Court of Kyiv Region Oksana Tretiakova for participation in the competition for the position of judge of the Constitutional Court of Ukraine (letter No. ДГЕ-836/24-ref as of October 4, 2024).

6. The Advisory Group reviewed, verified and analyzed the Candidate's documents, his written explanations, and information received from public authorities, public organizations, state registers, databases, legal entities under private law, as well as data received from the National Agency for the Prevention of Corruption and the National Anti-Corruption Bureau of Ukraine.

7. On January 21, 2025, the Advisory Group [interviewed](#) the Candidate aiming, in particular, to refute doubts concerning 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, individually and in their entirety, the Candidate's answers to the Advisory Group's written questions and the Advisory Group's questions during the interview and has decided that the Candidate is compliant with the criterion of high moral qualities, given the following.

9. As of the date of the interview, the Advisory Group had some doubts as to the Candidate's compliance with the criterion of high moral qualities, viz. such "integrity" indicators as "honesty" and "diligence", as well as the component "legality of sources of property origin", "compliance of the candidate's or his/her family members' standard of

living with the declared income”, “compliance of the candidate's lifestyle with his/her status”, in particular, in terms of honesty in providing explanations about the circumstances of acquisition of real estate used by the candidate's close persons, as well as the legality of the sources of funds for the acquisition of this real estate.

10. At the same time, most doubts were refuted based on the results of the analysis of the Candidate’s documents, individually and in their entirety, the Candidate’s answers to the written questions asked by the Advisory Group and the questions asked during the interview, as well as other information received by the Advisory Group during the Candidate’s assessment.

11. As to the honesty in providing explanations about the circumstances of the acquisition of real estate used by the Candidate's close persons, as well as the legality of the sources of funds for the acquisition of this real estate, pursuant to part 2, Article 2 of the Methodology, in assessing compliance with high moral qualities criterion, the Advisory Group may take into consideration the gravity or severity, and the totality of the circumstances, and the willfulness of any integrity incident, and, with respect to minor incidents, whether there has been a sufficient passage of time without further recurrences. While determining the gravity, the Advisory Group takes into account all circumstances, including but not limited to: whether the incident was a singular case; whether the incident caused no or only insignificant damage to private or public interests (including public trust); whether the incident would be perceived by an objective observer as an attitude of disrespect for the social order arising from disregard for rules and regulations.

12. The Advisory Group, guided by part 2, Article 2 of the Methodology, taking into account the seriousness, gravity, and totality of circumstances identified during the assessment of the Candidate, concluded that he is compliant with the criterion of high moral qualities.

Thus, being guided by Articles 6 and 7 of the Regulations of the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts of November 12, 2023, with changes approved by Minutes No. 10 of the meeting of the Advisory Group of Experts of May 30, 2024, the Methodology for Assessing Moral Qualities and

Competency in the Field of Law of the Candidates for the Position of Judge of the Constitutional Court of Ukraine, approved by the decision of the Advisory Group of Experts of December 4, 2023, with amendments approved by Minutes No. 10 of the meeting of the Advisory Group of Experts of May 30, 2024, and Articles 10², 10⁸, Items 2 and 3 of clause 20 of Section IV of the Law of Ukraine “On the Constitutional Court of Ukraine”, the Advisory Group of Experts

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 Oksana Tretiakova complies with the criterion of high moral qualities.

Signatures:

Алеш Залар
(Aleš Zalar)

Василь Шахун
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(Maureen O’Connor)

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(Yaroslav Romaniuk)

Video recording of the interview broadcast:

