

# HUMAN RIGHTS, DEMOCRACY AND RULE OF LAW IN UKRAINE

## THE EMBLEMATIC CASE OF THE KIEV ADMINISTRATIVE COURT

DATE: 18 JUNE 2015

VENUE: ROOM XVII – PALAIS DES NATIONS, GENEVA, SWITZERLAND

TIME: 17.00 – 18.30

In July 2014, few months after the “regime change”, the Minister of Justice filed a lawsuit in the **Kiev Administrative Court** to ban the Communist Party of Ukraine (KPU), a mayor opposition force in the country.

According to international law, the **ban of political parties**, as a particularly far-reaching measure, should be used with the utmost restraint and should be carried out in total respect of the **procedural guarantees of a fair trial**.

In the case against the KPU, the lack of fairness is flagrant. The Executive branch heavily interfered in the proceeding. In February 2015, after a **police operation in the premises of the Court**, the judge assigned to the case withdrew and all the other judges of the Court declared that they were unable to try the case under such **pressure** and disqualified themselves. Disciplinary proceedings and other forms of reprisal against ‘insubordinate’ judges are underway.

The Judiciary plays a **crucial role** in a democratic society. Such interferences in the administration of Justice are alarming signals of erosion of the rule of law, with all negative repercussions in terms of **effective protection of fundamental rights and freedoms**. Without an independent and robust Judiciary, which safeguard against an overweening government?

### PETRO SYMONENKO

First Secretary of the Communist Party of Ukraine (KPU)

### YEVGENII GERASYMENKO

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### MADALENA DOS SANTOS

Lawyer and Law professor in Lisbon, Portugal.  
International observer at the KPU trial

### GABRIELA KNAUL

United Nations Special Rapporteur on the Independence of Judges and Lawyers

Chaired by

**Micòl Savia**, IADL Permanent Representative  
at the United Nations in Geneva

Organized by the International Association of Democratic Lawyers (IADL)

