

Ukraine temporarily reallocates High Council of Justice powers

On 15 March 2022, the Ukrainian parliament adopted Law of Ukraine No. 2128-IX that temporarily resolves the impasse on the proper functioning of the judiciary's highest governing body, the High Council of Justice of Ukraine (**HCJ**) for the period of martial law in Ukraine.

The Law states that in the absence of the plenipotentiary HCJ, for the period of martial law and 30 days thereafter, the Supreme Court Chairman will be entrusted with the HCJ's powers:

- to appoint the Head of the State Judicial Administration of Ukraine (**SJAU**);
- to apply with requests to the state authorities to ensure the independence of the judiciary;
- to perform certain HCJ administrative functions.

In addition, for the period of martial law and 30 days thereafter, unless the plenipotentiary HCJ exists, the Law provides that the powers of the HCJ concerning the designation of the number of judges in the courts (except the Supreme Court) and the establishment of SJAU territorial bodies and powers related to the State Judicial Guard, will be entrusted to the SJAU.

These changes will help maintain stability within the judiciary during the state of martial law and provide a temporary solution to the judicial crisis that existed in Ukraine before martial law was introduced.

The Law came into force on 22 March 2022.

For more information on the work of the Ukrainian judiciary during the period of martial law in Ukraine, contact our CMS experts:



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