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Certificate of Registration	1434957
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OPEN COURT

PROJECT DETAILS	
Legal Name	Open Court Project (OCP)
Implementation	Ukraine, Nationally
Certificate of Registration	1434957
Legal Entity Identifier Code	39812767
Website	open-court.org
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CONTACT PERSON	
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GOALS AND OBJECTIVES

The organization has been set up in 2015 with the objective of ensuring openness, publicity, accountability of government authorities.

Particularly, NGO focuses its activities on promotion of accountability and transparency of the judiciary, strengthening the rule of law, involvement of the community and legal professionals in the process of reforming the judiciary in Ukraine.

Starting from 2015 NGO has launched unique and unprecedented for the world countries initiative called Open Court Project (OCP), whose hallmark is video recording of court trials, uploading videos to webpage open-court.org and Youtube to be watched by millions of people.

Project focuses on promotion of high standards of justice and fostering respect for the judiciary using instruments of transparency and implementing the concept of crucial role of outstanding business reputation of a judge, prosecutor, and advocate.

The short - term goal of OCP is creation of an effective system of safeguards against corruption and injustice in courts, which strengthens legislative guaranties on fair and impartial trial. Online video archive of court trials and video dossier of legal professionals activities (judge, prosecutor, advocate) shall be at the core of this system.

The long - term goal of OCP is establishment of credible judiciary system in Ukraine.

In achieving this ultimate goal, OCP focuses on the following objectives:

- OBJECTIVE 1. Accountability and transparency of the judiciary to citizens are increased.
- OBJECTIVE 2. Corruption risks in courts are minimized.
- OBJECTIVE 3. High standards of justice are well-established and observed by judges, prosecutors, advocates and parties to a case.
- OBJECTIVE 4. Maintaining the integrity and outstanding business reputation has become the primordial and essential issue for legal professionals and community.
- OBJECTIVE 5. Leadership capacity of members of legal profession is strengthened.
- OBJECTIVE 6. The application of the principle of supremacy of the law by courts has become systematic and systemic.
- OBJECTIVE 7. The use of precedent and legal doctrine in judgements are enhanced.
- OBJECTIVE 8. The independence of the judiciary is strengthened and supported by society.

DESCRIPTION OF A PROBLEM

Ukraine is the second largest country in Europe with the population over 45 million people and an incredibly valuable resource with remarkable creative potential and a capacity.

Nevertheless, lack of justice, coupled with the lack of a properly independent judiciary is seen by many as the biggest problem facing ordinary people.

Ukraine's court system is widely regarded as corrupt, dependent, favorable to the rich and powerful.

Most importantly, injustice in courts breaks expectations of people after the Revolution of Dignity and causes loss of faith in successful struggle for civil rights at crucial moment of armed aggression of Russian Federation and standing up for European values.

For the moment, however, the main threat lies not in conflict, but in the subsequent loss of faith in national governmental institutions, especially judiciary. Corruption in courts leads to benefits for particular individuals and small groups, results in distrust and a deep sense of insecurity and injustice.

The magnitude of the challenges of strengthening the rule of law requires adoption of new legislation aiming at the goals of law-binding procedures and fair judgments.

Consequently, starting from 2014 various legislative initiatives have been under way to ensure fair trial and objective judgments in courts. Legislation has been amended on a number of occasions to bring it into line with international standards.

Nevertheless, changes in legislation has not led to a sustained improvement in practice. It is evident that legislation alone is not sufficient to effectively contribute to the establishment supremacy of law in Ukraine. It would be a fatal mistake to consider that legislation will have the crucial impact on ensuring fair rules in society. The main problem is that laws are not enforced.

In the current conditions of the judicial reform process, a fundamental necessity, along with legislation amendments, is an establishment of creditable and transparent court system based on confidence in courts.

SOLUTION

Ukraine is in a process of judicial reform but reforming the judiciary should not be equated solely with the amendments to legislation.

In our understanding, the whole point of the judicial reform is to establish credible and transparent court system based on support of society.

In this context, it is important to realize that qualitative changes to the legislation (influence «from outside») does not necessarily mean changes in society. It is crucial that society understands the value of rule of law and obeys the rules enacted by parliament and the judiciary.

In order to provoke changes, OCP concentrates it's efforts on implementation of instruments affecting judiciary «from inside».

What these instruments have in common is that they are based on the principle of transparency of the judiciary.

Instrument I. The impact and use of video recording of court trials

Our experience reveals that video recording of court trials decreases corruption in courts, strengthens independence of the judiciary, eliminates unlawful interventions, commands or influence, direct or indirect pressure on judges.

As a method of direct use, video recording of court trials has been working effectively and ensures compliance with the established procedures in a courtroom according to legislation.

It is also clear that video camera in a courtroom ensures the principle of equity and competitiveness of a trial, impartial assessing the sufficiency of the evidence provided by the claimant or defendant or prosecutor (in criminal cases) and provides the parties to a case with effective instrument to enforce the procedural law by judge thus taking advantage of publicity of a court trial.

Thanks to video of court trials, we also have been witnessing the strengthening of independence of the judiciary, that has been reflected in criminal cases, initiated by prosecutor without reasonable evidences¹.

For the above reasons, video recording strengthen guaranties of fair judgements in criminal, civil, commercial, administrative cases based on objective trial under public scrutiny.

Instrument II. The impact and use of video sharing

Uploading of videos of court trials to Internet and releasing it to public creates the system of standards of justice, based on idea of reputation and a concept of comparison of «good» and «bad»^{2 3} examples of carrying out professional duties, leads to independent assessment of behavior, ethics (by community), and even level of professional capability of a judge, prosecutor and advocate (by legal professionals and disciplinary authorities).

As a result, misbehavior and ignorance of the law leads to loss of clients and privileges of advocate. From the other side, judges, prosecutors and advocates may risk disciplinary action being taken against him/her in line with the public demand, including risk being fired.

There is no doubt that releasing videos to public does not breaks existing rules but initiates broad discussion among legal professionals and society on ensuring high standards of justice and the ways to increase the reputation of judiciary in the eyes of community. Moreover, experience has shown that filming of court trials and sharing videos have resulted in is a brand new approach in establishing standards of justice based on the strengthening professional leadership capacity. Thanks to video, we were witnessing applauds in a courtroom, addressed to particular judges, lawyer and advocates, and rising respect to individuals and the judiciary⁴.

¹ <http://open-court.org/video/biliy-spisok/10699/>

² <http://open-court.org/video/spicy/12010/>

³ <http://open-court.org/video/blacklist/9756/>

⁴ <http://open-court.org/video/biliy-spisok/10693/>

Most importantly, disseminating of information on court trials (making court trials public) reduces risks of unlawful final decisions in regular and high profile cases and involves civil society in dealing with the problem of establishment the rule of law in particular case.

It is also necessarily to stress that low level of legal culture and standards of justice affects society as a whole because the standard of conduct prescribed to a judge is much higher than what is expected of a layman or even advocate. If society witnesses judges misbehavior it results in further deterioration in the level of tolerance and culture in society, undermines fundamental basis of the rule-of-law state and provokes disrespect towards the law and chaos. That is why it would be difficult to overestimate the value of development and implementation high standards of justice based on demands of expectations of society (people - centred justice).

Instrument III. The impact and use of video archive of court trials

Thousands of court trials are being recorded from the first to the last minute of court hearing, then archived, stored, systematized and structured on the basis of type of a trial, subject matter of a case, region of court, name of court.

Subsequently, video archive of court trials in criminal, civil, commercial, administrative cases has been established.

Such an archive is in fact a database on court proceedings and professional records of every judge, prosecutor and lawyer in a country.

Video records may be a ground for disciplinary or criminal responsibility of a judge, prosecutor and advocate, are being used for unification of judicial practice and doctrine, establishment of the rule of law and legal system, in which all laws are applied evenly, promotion of high standards of justice, searching for new leaders of professional opinion, and especially, for legal education.

CONTROLLED RISKS

In 2015, it was an issue of first importance to work out our common vision, local rules and strategy of implementation of a Project.

Taking into account a strong necessity of establishment the supremacy of law in Ukraine as well as independent judiciary (and precedence of such a goals over minor objectives), OCP rejected proposals that have emanated from different social groups provided for the promotion of right of society to publicly evaluate court cases and it's outcomes instead of a judge.

We are thus convinced that only legal professionals should be given competence to evaluate the compatibility of judicial decisions with law.

By that logic, everyone has a right to appeal the court decision to the judicial authorities of higher level. At the same time, society has no right and should not replace judiciary, because such an action discredits a system of justice and creates uncontrolled conditions of undue influence towards courts.

The role of society is to develop and implement mechanisms of effective public control over the process of establishment the rule of law in a country.

OCp REGULATIONS

It should be noted, furthermore, that Project developed a system of rules and instructions on how volunteers and representatives should act in a courtroom.

OCp requires that before activists start video monitoring of court trials they are well instructed and have gone through internal competency assessment. Follow-up testing of knowledge of laws and instructions is being conducting on ongoing basis.

Also OCp has developed scientific-practical rules and regulations intended to explain the use and proper application of constitutional principle of publicity of court trials by national courts, prosecutors, advocates, parties to a case, non - governmental organizations and media, followed by practical trainings in most of regions of Ukraine and broad PR company⁵.

Such rules were disseminated nationally and published at official websites of the judiciary and professional legal media.

UNIQUE LEGISLATION

After the Revolution of Dignity, Ukraine has adopted new legislation in the area of justice. Provisions of Law of Ukraine “On Ensuring a Right to a Fair Trial” (2015) provides everyone with a right to make video recording of any court trial without getting permission or approval of court. It was also discussed in society and concluded by legal professionals that uploading of videos to Youtube and Website, as well as posting videos to Social Networks (Facebook, etc.) does not infringe on the rights and interests of parties to a case because of principle of publicity of court hearings, which takes precedence over the right to privacy. The sole exception are circumstances under which trials may be held in closed hearings. For example, the court may, by reasoned decision, hold a closed hearing for the purpose of preserving the confidentiality of adoption or in order to protect public morals. Nevertheless, closed session can be held in exceptional circumstances and strictly in accordance with the law. Where the judge decides to hold a closed hearing, it is required that reasoned and substantiated judgement has to be issued in written form.

CREDIBLE PARTNERS

OCp has been implemented in over 200 courts in Ukraine. Among partners of a Project are Supreme Court of Ukraine⁶, High Specialized Court of Ukraine for civil and criminal cases⁷, courts of appeal, courts of first instance, regional and local courts⁸, Western NIS Enterprise Fund⁹, European

⁵ Internal regulations: <http://open-court.org/important/11512/>

⁶ Cooperation with Supreme Court of Ukraine: [http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/\(documents\)/244950C011C5536DC2257EDD0029961C?OpenDocument&year=2015&month=10&](http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/(documents)/244950C011C5536DC2257EDD0029961C?OpenDocument&year=2015&month=10&) & <http://open-court.org/media/467/9339/>

⁷ Cooperation with High Specialized Court of Ukraine in Civil and Criminal Cases: <http://open-court.org/news/9204/> & http://zib.com.ua/ru/119767-visshiy_specsud_po_rassmotreniyu_grazhdanskih_i_ugolovnih_de.html

⁸ Cooperation with courts: <http://open-court.org/news/11918/> & <http://open-court.org/news/9224/> & <http://open-court.org/news/9313/> & <http://open-court.org/news/9227/> & <http://open-court.org/news/10041/> & <http://open-court.org/news/1077/> & <http://open-court.org/news/11788/> & <http://open-court.org/news/11815/> & <http://open-court.org/news/11787/> & <http://open-court.org/news/11797/> & <http://open-court.org/news/11794/> & <http://open-court.org/news/11800/> & <http://open-court.org/news/11809/> & <http://open-court.org/news/11807/> & <http://open-court.org/news/11786/> & <http://open-court.org/news/11798/> & <http://open-court.org/news/11789/> & <http://open-court.org/news/11802/> & <http://open-court.org/news/11785/> & <http://open-court.org/news/11784/> & <http://open-court.org/news/11814/> & <http://open-court.org/news/11762/> & <http://open-court.org/news/11793/> & <http://open-court.org/news/11762/> & <http://open-court.org/news/11791/> & <http://open-court.org/news/11765/> & <http://open-court.org/news/11804/> & <http://open-court.org/news/11805/> & <http://open-court.org/news/11790/> & <http://open-court.org/news/11799/> & <http://open-court.org/news/11819/> & <http://open-court.org/news/11813/> & <http://open-court.org/news/11810/> & <http://open-court.org/news/11782/> & <http://open-court.org/news/11808/> & <http://open-court.org/news/9219/> & <http://open-court.org/news/11747/> & <http://open-court.org/news/11818/> & <http://open-court.org/news/11803/> & <http://open-court.org/news/11817/> & <http://open-court.org/news/11816/> & <http://open-court.org/news/11760/> & <http://open-court.org/news/11786/> & <http://open-court.org/news/9351/>, etc.

⁹ <https://www.youtube.com/watch?v=ACk88aUJrz0>

Union Project «Support to Justice Sector Reforms in Ukraine»¹⁰, National Bar Association¹¹, Association of Advocates of Ukraine¹², Ukrainian Legal Society, «Legal Newspaper» («Yurydychna Gazeta»), «Ukrainian Law Herald» («Jurydychnyi Visnyk Ukrainy»), Deposit Guarantee Fund for Physical Entities¹³, Liga:Zakon¹⁴, Lions Litigate Law Firm, Vasil Kisil and Partners Law Firm, British Ukrainian Chamber of Commerce, ELSA¹⁵ and other organizations.

Organization cooperates with the High Council of Justice¹⁶ and the Public Integrity Council, 19 national universities. NGO organized 1st International Justice Forum in Ukraine¹⁷ (200 participants), national survey on confidence in courts (90 cities)¹⁸, number of events, including conferences and roundtables¹⁹, meetings with senior judiciary officials and presentations²⁰, 21 lectures for students²¹, was a co - organizer of 62 national and regional trainings on standards of justice and advocate`s rights in partnership with European Union Project «Support to Justice Sector Reforms in Ukraine», National Bar Association and Association of Advocates of Ukraine²².

RESULTS

Implementation of Open Court Project has gone through a 3 year period of approbation in all regions of Ukraine and has included video recording of more than 5000 court trials and arranging of more than 100 events (forums, conferences, roundtables, training, seminars, meetings with court administration and representatives of the judiciary, national survey, etc.).

Please find more details at official website OPEN COURT <http://en.open-court.org/about/> and Facebook page OPEN COURT REPORTER <https://www.facebook.com/OpenCourtReporter/?pnref=lhc>

¹⁰ <http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/%28documents%29/78A3CCC23BD35675C2257F1F0037A3E0?OpenDocument&year=2015&month=12>

¹¹ <http://en.open-court.org/important/11062/>

¹² <http://open-court.org/news/10042/>

¹³ <http://open-court.org/important/10746/>

¹⁴ <http://company.ligazakon.ua/archives/3222>

¹⁵ <http://open-court.org/news/1087/>

¹⁶ <http://open-court.org/important/13057/>

¹⁷ **International Justice Forum:** <http://open-court.org/important/9739/> & [http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/\(documents\)/78A3CCC23BD35675C2257F1F0037A3E0?OpenDocument&year=2015&month=12&](http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/(documents)/78A3CCC23BD35675C2257F1F0037A3E0?OpenDocument&year=2015&month=12&)

¹⁸ <http://open-court.org/important/13097/>

¹⁹ **Roundtables:** <http://open-court.org/media/467/9330/> & <http://open-court.org/important/10037/> & <http://uba.ua/ukr/news/3875/>, etc.

²⁰ <http://open-court.org/media/467/10398/>

²¹ **Lectures for students:** <http://open-court.org/news/11931/> & <http://open-court.org/important/11065/> & <http://open-court.org/news/11940/> & <http://open-court.org/news/11925/> & <http://open-court.org/news/9246/> & <http://open-court.org/news/9245/> & <http://open-court.org/news/11930/> & <http://open-court.org/news/11937/> & <http://open-court.org/news/11935/> & <http://open-court.org/news/11939/> & <http://open-court.org/news/11923/> & <http://open-court.org/news/9371/> & <http://open-court.org/news/11928/> & <http://open-court.org/news/9311/> & <http://open-court.org/news/11944/> & <http://open-court.org/important/13041/> & <http://open-court.org/news/12698/> & http://onua.edu.ua/index.php?option=com_content&view=article&id=3246&catid=2&Itemid=140&lang=en, etc.

²² **Trainings for advocates:** <http://open-court.org/news/9166/> & <http://open-court.org/important/11767/> & <http://open-court.org/important/11712/> & <http://open-court.org/important/11450/> & <http://en.open-court.org/media/467/10368/> & <http://open-court.org/news/10702/> & <http://open-court.org/media/467/10865/> & <http://open-court.org/news/11978/> & <http://open-court.org/news/10703/> & <http://open-court.org/news/9180/> & <http://open-court.org/important/13043/> & <http://open-court.org/important/12935/> & <http://open-court.org/important/12792/> & <http://open-court.org/important/12778/> & <http://open-court.org/important/12757/> & <http://open-court.org/important/12763/> & <http://open-court.org/important/12762/> & <http://open-court.org/important/12708/> & <http://open-court.org/important/12707/> & <http://open-court.org/important/12706/> & <http://open-court.org/important/12695/> & <http://open-court.org/important/12639/> & <http://open-court.org/important/12636/> & <http://open-court.org/important/12634/> & <http://open-court.org/important/12618/> & <http://open-court.org/important/12588/> & http://open-court.org/important/?PAGEN_3=2 & <http://open-court.org/important/11426/> & <http://open-court.org/important/11360/> & <http://open-court.org/important/10869/> & <http://open-court.org/important/10868/>, etc.

AWARDS

● Pro Bono Awards 2015

Open Court Project has been named among TOP 5 national projects changing Ukraine and won Pro Bono Awards 2015 as "Viewer`s Choice Award"²³.

Among other participants: Microsoft, Samsung, Shell, Arzinger Company, CMS Cameron McKenna LLC (CMS), PepsiCo in Ukraine, Coca-Cola Beverages Ukraine, P&G, Platinum Bank, Unilever, Watsons, Kyivstar, Vodafone Ukraine, PJSC Concern Galnaftogaz, 1+1, JTI, BAT Ukraine, PLASKE, British American Tobacco Ukraine, PJSC Prykarpattyaoblenergo, CRH Ukraine, Asters, Vasil Kisil and Partners, DTEK, SE NNEGC Energoatom, ESTA Holding Company, Metinvest, Astra Zeneca, Marchenko Danevych, Monsanto Company, Nova Poshta Company, New Products Group of Companies, Syngenta, System Capital Management (SCM), UkrSibbank, Foxtrot Home Appliances TM.

The competition committee included the experts of the center of CSR Development, "Legal Newspaper", and international experts as follows: Elaine Cohen, Beyond Business company (Israel); Marina Stefanova, CSR expert, Executive Director of the UN Global Compact Network (Bulgaria); Ales Kranjc Kuslan, Ekvilib Institute (Slovenia); Christiana Palyatsia, CSR Company (Cyprus), Thomas Serkovich, Director of International Affairs Foretica (Spain); Marianne Bohle, Executive Director of CSR Sweden (Sweden); Agnes Alksne, Executive Director of CSR Latvia (Latvia); Serdar Dinler, President of CSR Turkey (Turkey).

● Century International Quality ERA COE under the guidance of Business Initiative Directions

Gold Category. Voting results included polling of businessmen, journalists, legal professionals, and scientists from all over the world.

Before, this Award was given to giant companies of world Top 500 rating: ArcelorMittal (world's largest metallurgical group controlling 10% of world steel market), Sheraton Harare Hotel & Towers, WalMart (5th line with capitalization of \$246.4 bln.), Kaspersky, Hong Yuen Electronics Ltd. (Hong Kong), company owned by China Aerospace International Holdings Limited (CASIL), Guangdong Foodstuffs Import & Export (Group) Corp, – producer and distributor of Coca-Cola products in China, Azerbaijan State Oil Company Socar, British-American Tobacco and Navoi, mining and metallurgical plant (gold deposits). Also, before the award was given to Princess Shahnaz Husain from India (CEO of Shahnaz Herbals, trademark priced at over \$100 mln), Ali H. Odeh, CEO of Eastern Branch of Turner Construction International LLC which ran construction of the biggest building in the world (810 meters with Giorgio Armani hotel), Sergii Dubinin, Deputy Chairman of the Board of Directors of RAO of Russia (60% of Russian electricity), P. C. Rao, CEO of Indian Oil Corporation (19th position in the world), and generally to leaders from 166 countries since 1964.

● Personal Awards

Founder and CEO was named the best young lawyer and public figure of Ukraine in 2015 - 2016 (Ministry of Justice); awarded by legal professionals among TOP 5 leaders of legal profession in Ukraine, along with Deputy Attorney General of Ukraine, Deputy Head of Parliament, Deputy Head of Minister of Internal Affairs. The Chairman of the Supreme Court of Ukraine issued an official order No 1112 dated 14.12.2015 «On the expression of gratitude to the Head of Open Court

²³ <http://en.open-court.org/media/467/9881/>

Project for the support of establishment of standards of justice in Ukraine». Director of V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine has delegated Stanislav Batryn as a member of working group of the Ministry of Justice of Ukraine created with the objective of modernization of legal control of business environment in Ukraine.

NEW INITIATIVES

Virtual Court: Innovations in Legal Education

Find more: <http://en.open-court.org/important/13674/>
<http://open-court.org/upload/iblock/d49/d492eb9b3fedaadd7e55f0eb09a6688c.pdf>

Legal Ethics Committee

Find more: <http://www.lecommittee.com>

ORGANIZATION`S RESOURCES AND SUSTAINABILITY

The project team is composed of 20 people, 30 legal experts, 500 volunteers, including well known Ukrainian and foreign lawyers, advisors, and professional opinion leaders. Our experience reveals steady flow of funds for all period of functioning for maintaining and continuing the organizations work. We are able to sustain a project in the absence of donor support. NGO has a permanent address, equipment, 2 Websites, 10 Facebook pages, Youtube channel, human resources. NGO demonstrates lasting partnerships, high level planning, increasing number of active (40 000) and passive (millions) audience.