

Access to Justice in Eastern Europe
ISSN 2663-0575 (Print) ISSN 2663-0583 (Online)
Journal homepage <http://ajee-journal.com>

Research Article

THE EVOLUTION OF CRIMINAL PROCEDURE IN UKRAINE OVER 30 YEARS OF INDEPENDENCE

Vasyl Shybiko

shybiko-v-p@ukr.net

<https://orcid.org/0000-0003-2802-2263>

Summary: 1. Instead of an Introduction. – 2. The Formation of the Criminal Procedure of Ukraine since its Independence. – 3. The Development of the Criminal Procedure of Ukraine after Ukraine's Accession to the Council of Europe and the Adoption of the Constitution of Ukraine in 1996. – 4. The Development of the Criminal Procedure after the Adoption of the CrPC of Ukraine in 2012. – 4.1. *Features of Legal Regulation of Criminal Procedural Activity in the Conditions of Anti-terrorist Operation.* – 4.2. *Introduction of Special Criminal Proceedings (in absentia).* – 4.3. *Improving the Legal Regulation of the Right to Liberty and Security of Person.* – 4.4. *Changes in the System of Bodies Conducting Criminal Proceedings for Corruption Crimes.* – 5. Conclusions.

To cite this article: V Shybiko, 'The Evolution of Criminal Procedure in Ukraine over 30 Years of Independence' 2021 3(11) *Access to Justice in Eastern Europe* 23–51. DOI: [10.33327/AJEE-18-4.3-a000069](https://doi.org/10.33327/AJEE-18-4.3-a000069)

To link to this article: <https://doi.org/10.33327/AJEE-18-4.3-a000069>

Submitted on 20 Apr 2020 / Revised 20 June 2021 / Approved 26 Jul 2021 / Published online: 02 Aug 2021 View data

[Submit your article to Access to Justice in Eastern Europe](#)

CONTRIBUTOR

Prof. Shybiko was a member of the Working Group of the Verkhovna Rada of Ukraine in preparation for the second reading of the Draft Law № 9700, which was adopted by the Verkhovna Rada of Ukraine and is the current Criminal Procedure Code of Ukraine in 2012. However, this does not limit this study or affect the objectivity of the results.

CONFLICTS OF INTEREST

The author declares that he has no financial or non-financial conflicts of interest in relation to this publication. He has no relationships with the state bodies, that might have an interest in the submission of this viewpoint. Although the author serves at same institution as one of the editors of AJEE, which may cause a potential conflict or the perception of bias, the final decisions for the publication of this article was handled by the editors, including choice of peer reviewers, and Editorial Board Members, who are not affiliated to the same institution.

THE EVOLUTION OF CRIMINAL PROCEDURE IN UKRAINE OVER 30 YEARS OF INDEPENDENCE

Shybiko Vasyi

PhD (Law), Honoured Lawyer of Ukraine,
Professor of Criminal Procedure and Criminology at the Law School,
Taras Shevchenko National University of Kyiv, Ukraine
shybiko-v-p@ukr.net
<https://orcid.org/0000-0003-2802-2263>

A *bstract* In this article, the author explores relevant issues of the formation and development of the Ukrainian criminal process over the 30 years of existence of the state of Ukraine since the proclamation of its independence.

The main stages of the development of the criminal procedure are highlighted and analysed in detail, namely: the stage of its formation since Ukraine's independence proclamation in 1990-1991; the stage of development of the criminal procedure after Ukraine's accession to the Council of Europe and the adoption of the new Constitution of 1996; the stage of development of the criminal procedure after the adoption of the new Criminal Procedure Code (CrPC) of Ukraine in 2012. The novelties of the CrPC of 2012 are comprehensively analysed. Firstly, the Code incorporated the relevant key provisions of the Constitution of Ukraine and international legal acts on human rights and justice. Secondly, it settled a number of issues that were important for criminal proceedings but were either unregulated or partially regulated by other laws or regulations.

The article provides an analysis of the principle of access to justice enshrined in the CrPC of 2012, which provides for the right of participants in criminal proceedings who have a vested interest in the results of these proceedings (suspect, accused, victim), not only to obtain a fair trial but also to use broad procedural rights and to take an active part in criminal proceedings both during the pre-trial investigation and during the trial, contributing to the comprehensive, complete, and impartial establishment of the circumstances of the criminal proceedings and the adoption of a fair trial.

The author also touches on the amendments to the CrPC of 2012, which are related to the military aggression of the Russian Federation against Ukraine and the impossibility of pre-trial investigation and trial in the areas of the anti-terrorist operation, as well as those related to the implementation of the UN Convention against Corruption, aimed at strengthening the fight against corruption crimes.

Keywords: criminal procedure, independence of Ukraine, Ukrainian CrPC of 2012, human rights, judicial control, access to justice, special criminal proceedings (in absentia), waiver of obligations under the ECHR, criminal proceedings of corruption crimes

1 INSTEAD OF AN INTRODUCTION

Thirty years is a rather short period in the history of Ukrainian statehood, but it is enough to analyse the path of development of this statehood after Ukraine finally gained the status of an independent and sovereign state in all spheres of its activity, including criminal procedure. To properly assess the current state of Ukraine's criminal procedure and determine the current

directions of its development, it is necessary to investigate how it emerged after Ukraine's independence, what was left of the Soviet criminal procedure, and what is perceived from the experience of established rule of law, as well as international standards of criminal procedure, enshrined in international legal acts on human rights and justice. The author of this article has tried to make a modest contribution to such research.

It is possible to allocate the following main stages of legislative regulation of the formation and development of criminal procedure in the independent state of Ukraine:

- 1) from the adoption of the Declaration of Independence of 1990 and the Act of Independence of 1991 (from gaining independence) to the accession of Ukraine to the Council of Europe and the adoption of the Constitution of Ukraine in 1996;
- 2) from the adoption of the Constitution of 1996 to the adoption of the CrPC of Ukraine in 2012;
- 3) from the adoption of the CrPC in 2012 until now.

Highlighting these stages will provide a clearer understanding and assessment of the changes that have taken place, as well as the problems that remain unresolved.

2 THE FORMATION OF THE CRIMINAL PROCEDURE OF UKRAINE SINCE INDEPENDENCE

After the collapse of the USSR, the former Union Republic of the Ukrainian SSR, in its first fundamental legal act, which was the Declaration of State Sovereignty of Ukraine, declared that it intends to be an independent state governed by the rule of law with comprehensive human rights and freedoms.¹

On 24 August 1991, the Verkhovna Rada of Ukraine stated in the Act of Independence of Ukraine that

Based on the mortal danger that loomed over Ukraine in connection with the coup in the USSR of 19 August 1991, the Act of Independence of Ukraine was adopted, proclaiming the independence of Ukraine and the creation of an independent Ukrainian state - Ukraine and the validity of the Constitution and laws of Ukraine.²

In 1990, the legislator of Ukraine immediately began active work on the creation of new laws, including those that were to properly regulate criminal procedure.

From 1990-1994, laws were passed that determined the legal status of the main subjects of criminal proceedings – court,³ prosecutor,⁴ pre-trial investigation bodies,⁵ and lawyer⁶ — as

1 Declaration of State Sovereignty of Ukraine adopted by the Verkhovna Rada of the Ukrainian SSR on 16 July 1990 <<https://zakon.rada.gov.ua/laws/show/55-12#Text>> accessed 20 June 2021.

2 Act of Independence of Ukraine approved by the Resolution of the Verkhovna Rada of Ukraine of 24 August 1991 No 1427-XII <<https://zakon.rada.gov.ua/laws/show/1427-12#Text>> accessed 20 June 2021.

3 Law of Ukraine 'On the Status of Judges' of 15 December 1992 <<https://zakon.rada.gov.ua/laws/show/2862-12#Text>> accessed 20 June 2021.

4 Law of Ukraine 'On the Prosecutor's Office' of 5 November 1991 <<https://zakon.rada.gov.ua/laws/show/1789-12#Text>> accessed 20 June 2021.

5 Law of Ukraine 'On the Police' of 25 December 1990 <<https://zakon.rada.gov.ua/laws/show/565-12#Text>> accessed 20 June 2021; Law of Ukraine 'On the Security Service of Ukraine' of 25 March 1992 <<https://zakon.rada.gov.ua/laws/show/2229-12#Text>> accessed 20 June 2021.

6 Law of Ukraine 'On the Bar' of 19 December 1992 <<https://zakon.rada.gov.ua/laws/show/2887-12#Text>> accessed 20 June 2021.

well as on other important issues of criminal proceedings, including pre-trial detention,⁷ the procedure for compensation caused to the citizen by illegal actions of bodies of inquiry, preliminary investigation, the prosecutor's office and court,⁸ the state protection of employees of court and law enforcement bodies,⁹ ensuring the safety of the persons participating in criminal proceedings,¹⁰ and operational investigation activity related to criminal process.¹¹

At the same time, the Criminal Procedure Code of the Ukrainian SSR, approved by the Law of the Ukrainian SSR, which came into force on 1 April 1961¹² (hereinafter the CrPC of 1960), continued to operate after the proclamation of Ukraine's independence.

The first law that introduced significant changes to the CrPC in 1960 was the Law of Ukraine of 1992,¹³ which provided for changes in the provisions on the appointment of the CrPC. Art. 1, titled 'Legislation on Criminal Procedure', provided that the procedure in the Ukrainian SSR is determined by the Fundamentals of Criminal Procedure of the USSR and the Union Republics and other laws of the USSR and the Code of Criminal Procedure of the Ukrainian SSR issued in accordance with them, was replaced and renamed to 'The Purpose of the Criminal Procedure Code of Ukraine' with a summary

The Purpose of the Criminal Procedure Code of Ukraine is to determine the procedure in criminal cases.

The new version of Art. 2 of the CrPC, which brought to the fore the protection of the rights and legitimate interests of participants in the process, was indicative in terms of determining the priority in the legislative regulation of criminal proceedings

The tasks of criminal justice are to protect the rights and legitimate interests of individuals and legal entities involved in it, as well as prompt and full disclosure of crimes, exposing the perpetrators and ensuring the proper application of the law so that everyone who committed a crime is prosecuted, and no innocent is punished.

It should be emphasised that this Law established some important procedural decisions that were related to the restriction of a person's fundamental rights and were taken during the pre-trial investigation by the prosecutor and investigative bodies under judicial control, with their consent.

Special attention was paid to defining the basic principles of judicial reform in the Concept of Judicial Reform of 1992 (Section II), which provided, in particular

Establishment of judicial control over the legality and validity of procedural decisions of investigative bodies, which restrict the rights of citizens.¹⁴

7 Law of Ukraine 'On Pre-trial Detention' of 30 June 1993 <<https://zakon.rada.gov.ua/laws/show/3352-12#Text>> accessed 20 June 2021.

8 Law of Ukraine 'On the Procedure for Compensation for Damage Caused to a Citizen by Illegal Actions of Bodies Carrying Out Operational and Investigative Activities, Bodies of Pre-trial Investigation, Prosecutor's Office and Court' <<https://zakon.rada.gov.ua/laws/show/266/94-%D0%B2%D1%80#Text>> accessed 20 June 2021.

9 Law of Ukraine 'On State Protection of Court and Law Enforcement Employees' of 23 December 1993 <<https://zakon.rada.gov.ua/laws/show/3781-12#Text>> accessed 20 June 2021.

10 'ibid.

11 Law of Ukraine 'On Operational and Investigative Activities' of 18 February 1992 <<https://zakon.rada.gov.ua/laws/show/2135-12#Text>> accessed 20 June 2021.

12 Criminal Procedure Code of the Ukrainian SSR approved by the Law of the Ukrainian SSR of 28 December 1960 <<https://zakon.rada.gov.ua/laws/show/1001-05#Text>> accessed 20 June 2021.

13 Law of Ukraine of 15 December 1992 'On Amendments and Addenda to Certain Legislative Acts of Ukraine' <<https://zakon.rada.gov.ua/laws/show/2857-12/ed19921215#Text>> accessed 20 June 2021.

14 Resolution of the Verkhovna Rada of Ukraine on the Concept of Judicial Reform of 1992 (Section II) <<https://zakon.rada.gov.ua/laws/show/2296-12#Text>> accessed 20 June 2021.

For the first time, it was possible to appeal to the relevant district (city) court decisions of the investigator, inquiry body, and prosecutor to refuse to initiate a criminal case and to close the criminal case by the person concerned or their representative after the prosecutor. If such a decision were issued by the prosecutor, the superior prosecutor would refuse to cancel the appealed decision within seven days from the date of receipt by the person of a copy of the decision (Arts. 99-1, 215, 236-1, 236-5 of the CrPC). In addition, there was a possibility to appeal to the court the sanction of the prosecutor for arrest. The complaint was filed with the court directly or through the administration of the pre-trial detention centre, which was obliged to send the complaint to the relevant court within 24 hours.

It should be noted that under the CrPC of 1960, the prosecutor did not only have a decisive procedural position in the pre-trial proceedings, i.e., at the stages of initiating a criminal case and pre-trial investigation. Procedural law allowed them to have significant influence over the court even after the pre-trial investigation. The prosecutor submitted the indictment based on the results of the pre-trial investigation to the court, together with all the materials collected during the pre-trial investigation, which, in their opinion, confirmed the guilt of the accused. The court, in preparation for the trial, had to read all these materials of the prosecutor, thus studying the position of only one party – the prosecution.

The legislator only refused such an approach in the CrPC of Ukraine of 2012, where it prohibited, together with the indictment, to provide the court with pre-trial investigation materials before the trial (Part 4 of Art. 291 of the CrPC). This was a new stage in the development of criminal procedure in Ukraine, which is discussed in more detail in the next section of this article.

3 THE DEVELOPMENT OF THE CRIMINAL PROCEDURE OF UKRAINE AFTER UKRAINE'S ACCESSION TO THE COUNCIL OF EUROPE AND THE ADOPTION OF THE CONSTITUTION OF UKRAINE IN 1996

Ukraine's accession to the Council of Europe, the adoption of the new Constitution of Ukraine, and the ratification of the ECHR were fundamentally important for the beginning of the formation of the modern criminal procedure of independent Ukraine on the way to the rule of law.

In 1995, Ukraine joined the Statute of the Council of Europe

Reaffirming Ukraine's commitment to the ideals and principles common to the peoples of Europe and recognizing that the interests of preserving and furthering those ideals and promoting economic and social progress require closer unity among all European countries,¹⁵ and as a member of the Council Europe has undertaken to 'recognize the principles of the rule of law and the enjoyment of human rights and fundamental freedoms by all persons under its jurisdiction (Art. 3 of the Statute).

A year later, the Verkhovna Rada of Ukraine adopted the Constitution,¹⁶ in which Ukraine was proclaimed a state governed by the rule of law (Art. 1), and person, their life and health, honour and dignity, inviolability, and security to be the highest social values (Art. 3), as

15 Law of Ukraine 'On Ukraine's Accession to the Statute of the Council of Europe' of 31 October 1995 <<https://zakon.rada.gov.ua/laws/show/398/95-%D0%B2%D1%80#Text>> accessed 20 June 2021.

16 The Constitution of Ukraine was adopted at the fifth session of the Verkhovna Rada of Ukraine on 28 June 1996 <<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>> accessed 20 June 2021.

emphasised in the Preamble to the Constitution, 'based on the centuries-old history of Ukrainian statehood' and 'ensuring human rights and freedoms'.

Indeed, as evidenced by the provisions of the Constitution, it incorporated the most important provisions on human rights, which were enshrined in the historical monuments of Ukrainian law and in major international human rights law, in particular, in the Universal Declaration of Human Rights of 1948, ICCPR of 1966, ratified by the Ukrainian SSR in 1973,¹⁷ determining which of them and to what extent they can be limited, by whom, under what conditions and in what order, and providing guarantees against unjustified restrictions.

This is important from the point of view of the criminal procedure, as a sphere of state activity in which the rights of a person may be significantly limited on legal grounds in the interests of the criminal procedure in the interests of justice. The rights, freedoms, and responsibilities of persons and citizens are devoted to a separate section II, as well as numerous provisions in other sections of the Constitution, in particular, section VIII 'Justice'.

The Constitution of Ukraine of 1996 not only proclaimed human rights but also provided for their guarantees against unjustified restrictions, the main ones being judicial. If, before the adoption of the Constitution of Ukraine, the main guarantor of a person's rights in pre-trial proceedings was a prosecutor who authorised sanctions for detention, search, and seizure of correspondence, now, the guarantor of these and other fundamental rights is the court (judge).

In particular, according to Part 2 of Art. 29 of the Constitution of Ukraine, no one may be arrested or detained except by a reasoned court decision and only on the grounds and in the manner prescribed by law. It is not allowed to enter a person's home or other property or conduct an inspection or search without a reasoned court decision (Part 2, Art. 30 of the Constitution). Restrictions on the secrecy of correspondence, telephone conversations, telegraph, and other correspondence are also possible only by a court decision (Art. 31 of the Constitution).

The Constitution of Ukraine enshrines the right of everyone to judicial protection. Everyone also has the right, after using all national means, to apply for protection of their rights and freedoms to the relevant international judicial institutions or the relevant bodies of international organisations of which Ukraine is a member or participant (Art. 55 of the Constitution of Ukraine).

An important successive step towards the further formation of the rule of law in Ukraine and a better, in terms of recognition, enshrinement in law and protection of individual rights and criminal procedure, was the ratification by Ukraine of the ECHR. It fully recognised the provisions in its territory, in particular, the Art. 46 of the Convention on the recognition of the binding nature and without the conclusion of a special agreement the jurisdiction of the ECtHR in all matters concerning the interpretation and application of the Convention.¹⁸

Directly related to the criminal process are the provisions of the ECHR, in particular, Art. 1 'Obligation to Respect Human Rights', Art. 2 'The Right to Life', Art. 3 'Prohibition of Torture', Art. 5 'The Right to Liberty and Security of Person', Art. 6 'The Right to a Fair Trial',

17 Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR 'On Ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 19 October 1973 <<https://zakon.rada.gov.ua/laws/show/2148-08#Text>> accessed 20 June 2021.

18 Law of Ukraine 'On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, First Protocol and Protocols Nos 2, 4, 7 and 11 to the Convention' of 17 July 1997 No 475/97-BP (as amended by the Law of Ukraine 'On Amending some Laws of Ukraine No 3436-15 of 9 February 2006) <<https://zakon.rada.gov.ua/laws/show/475/97-%D0%B2%D1%80#Text>> accessed 20 June 2021.

Art. 7 'No Punishment without Law', and Art. 8 'The Right to Respect for Private and Family Life', the application of which by the ECtHR radically influenced the further development of criminal procedure in Ukraine in its decisions.

It should be noted that the legislator of Ukraine reaffirmed its obligation to comply with the final decisions of the Court in a separate law, emphasising that the courts apply the Convention and the case-law of the Court when considering cases.¹⁹

The provision of the Constitution of Ukraine that justice in Ukraine is administered exclusively by courts, which is based on the relevant provisions of international human rights law, especially the Universal Declaration of Human Rights (Art. 10), ICCPR (Part 1 of Art. 14), is important for all types of justice, especially criminal justice. In particular, the delegation of court functions and the assignment of these functions to other bodies or officials are not allowed (Part 1 and 2 of Art. 124), nor is the creation of emergency and special courts (Part 6 of Art. 125).

There is a certain element of tautology in this formulation. However, the legislator emphasised this, remembering the bitter lessons of the past about the political repression in the USSR in the 30s-40s to early 50s of the last century, when the role of the court was ignored. Thus, in 1934, a resolution of the central authorities was adopted, which established a simplified procedure for the investigation and trial of cases of terrorist organisations and terrorist acts: the investigation in such cases should be completed within 10 days, the indictment was served on the accused in one day before the case in court, the cases were heard without the participation of the parties, and the cassation appeal of sentences, as well as the submission of petitions for pardon, was not allowed; the death sentence was carried out immediately after the sentence.²⁰

Such a shortened procedure for criminal proceedings was provided for in the CrPC of the USSR.²¹ In 1937, appropriate amendments were made to the current CrPC of the Union Republics,²² including the CrPC of the USSR, which dealt with cases of counter-revolutionary sabotage and diversions. In these cases, the indictment was served on the accused one day before the trial. No cassation appeal was allowed. Sentences of capital punishment (execution) were to be carried out immediately after the rejection of convicts' requests for pardon.

In order not to 'burden' themselves with such a shortened procedure in cases concerning the so-called 'Counter-revolutionary crimes', the authorities resorted to extrajudicial repression. As noted in the Decree of the President of the USSR Mikhail Gorbachev 'On the Restoration of the Rights of Victims of Political Repression in the 20-50s',²³ mass repressions were carried out mainly through extrajudicial killings in the so-called special meetings, boards, 'dvoikas', and 'troikas', although the basic rules of justice were violated in the courts.

19 Law of Ukraine 'On Enforcement of Judgments and Application of the Case Law of the European Court of Human Rights' of 23 February 2006 <<https://zakon.rada.gov.ua/laws/show/3477-15#Text>> accessed 20 June 2021.

20 Resolution of the Central Executive Committee and the Council of People's Commissars of the USSR 'On Amendments to the Current Criminal Procedure Codes of the Union Republics' of 1 December 1934 in Collection of Laws of the USSR (1934) 64, Art 459.

21 Resolution of the All-Ukrainian Central Executive Committee 'On Amendments to the Criminal Procedure Code of the USSR' of 9 December 1934 in Assembly of laws and orders of the workers' and peasants' government of Ukraine (1934) 36, Art 288.

22 Resolution of the Central Executive Committee of the USSR 'On Amendments to the Current Criminal Procedure Codes of the Union Republics' of 14 September 1937 in Collection of Laws of the USSR (1937) 67, Art 266.

23 'Decree of the President of the Union of Soviet Socialist Republics 'On the Restoration of the Rights of all Victims of Political Repression in the 20-50s' of 13 August 1990' (1990) *Izvestia* 227.

The author of 'Historical Truth', Deputy Director of the Ukrainian Institute of National Memory (UINP) Dmytro Veneneyev said in his report at a meeting of the UINP Academic Council on the occasion of the 75th anniversary of the Great Terror in the USSR and the Ukrainian SSR and honouring the memory of its victims

In the 1920's and 1930's, the ideology and norms of "revolutionary law" were introduced in the USSR, on the basis of which political repressions were carried out. "Revolutionary legality" was based on the principles of "revolutionary expediency" of the struggle against the counterrevolution.

During the 1930s and the 1937s, the Criminal Code of the USSR was supplemented by almost 60 new articles interpreting more than 80 new components of "counterrevolutionary crimes".

According to generalized statistical reports (signed in 1964 by the head of the KGB of the USSR V. Nikitchenko – Sectoral State Archive of the Security Service of Ukraine, Fund 42, file 312) during the Great Terror of 1937-1938 in Ukraine 197,617 people were convicted, the lion's share of them sentenced to executions – 122,237.

Through special troikas of the NKVD-UNKVD of the USSR passed 75,670 convicts (of whom 29,268 were sentenced to death, the figure is given in parentheses), convicted by the decision of the People's Commissar of Internal Affairs of the USSR and the Prosecutor of the USSR - 38,266 (32,191), convicted by a special meeting of NKVD of the USSR – 5891 (1826).

As a result, almost 120 thousand convicts became victims of extrajudicial bodies (more than half of them received death sentences).²⁴

According to the KGB of the USSR, in 1930-1953, judicial and various non-judicial bodies passed sentences and rulings on charges of counter-revolutionary state crimes on 3,778,234 people, of whom 786,098 were shot. Among them were state and party leaders, great scientists, military leaders, figures of literature and art, economic leaders, workers and peasants, and chekists, who were against the methods of Ezhov and Beria executioners.²⁵

One of the most important normative acts on the basis of which the process of rehabilitation of repressed citizens was carried out was the Decree on Additional Measures to Restore Justice for Victims of Repression, which took place in the 1930s and early 1950s, issued at the end of the USSR.²⁶ This Decree annulled extrajudicial decisions made by troikas, boards, meetings that were not annulled in court at the time of issuing the Decree. All citizens repressed by the decisions of these extrajudicial bodies were considered rehabilitated.

In Ukraine, the legal basis for the full-scale work of courts and prosecutors and security for the rehabilitation of citizens was the Law, which gave the Supreme Court of Ukraine the power to review and supervise newly discovered criminal cases considered by the Supreme Court of the Ukrainian SSR, the Supreme Court of the USSR, military tribunals, and extrajudicial bodies, including outside the territory of the former Soviet Union, in respect of persons who at the time of the repression were citizens of Ukraine (Part 7 of Art. 7²⁷).

24 D Vedeneev, 'Illegal Political Repressions of 1920-1980 in Ukraine and Problems of Formation of National Memory' <<https://www.istpravda.com.ua/research/2012/12/26/105584/>> accessed 20 June 2021.

25 In the Committee for Security of the USSR (1990) 37 Working Tribune <http://publ.lib.ru/ARCHIVES/R/Rabochnaya_tribuna/_RT_.html#1990> accessed 20 June 2021.

26 Law of the USSR 'On Approval of Decrees of the Presidium of the Supreme Soviet of the USSR on Amendments and Addenda to Legislative Acts of the USSR' of 31 July 1989 <<https://zakon.rada.gov.ua/laws/show/v0304400-89#Text>> accessed 20 June 2021.

27 Law of Ukraine of 17 April 1991 'On Rehabilitation of Victims of Political Repression in Ukraine' <<https://zakon.rada.gov.ua/laws/show/962-12/ed19910417#Text>> accessed 20 June 2021.

A similarly important aspect of the development of criminal proceedings under the Constitution of Ukraine of 1996 was the resumption of appellate proceedings as the main modern form of review of court decisions, which was abandoned by the Soviet authorities. Appeal, as one of the main forms of review of court decisions, has long been known in Ukraine. In particular, the appellate proceedings were regulated in detail in the so-called first Ukrainian code of law – in the 'Rights under which the People of Malorosia Act in Courts' in 1743²⁸ (hereinafter, 'Rights...'). According to its provisions, an appeal was defined as 'the correct revocation and transfer from a lower court to a higher case of the parties to the trial when one of them considered themselves wronged by the verdict handed down in their case in that lower court' (Art. 35 para. 1). Both the parties in the civil proceedings and the defendant and the victim in the criminal proceedings had the right to appeal on the grounds that the court decision did not comply with the law and justice. The 'Rights...' determined the terms of filing an appeal, the list of circumstances under which the appeal was not allowed, the grounds, time, and procedure for its consideration and decision, unconditional grounds for cancellation of the court decision (Arts. 36-37), etc.

According to the Statute of Criminal Procedure of the Russian Empire of 1864, which also applied to Ukrainian lands, the right to appeal included the defendant, private prosecutor, prosecutor, civil plaintiff, and civil defendant, and in some cases – the police (chapter two of section V 'On Responses and Protests to Nondefinitive Judgement').²⁹

During the period of the Ukrainian People's Republic, the Central Rada, seeking to create its own judicial system through its Law of 17 December 1917 'On the Establishment of Courts of Appeal'³⁰ provided for the establishment of three appellate courts – Kyiv, Kharkiv, and Odesa – instead of the former Kyiv, Kharkiv, and Novocherkassk judicial chambers, which were liquidated on 1 December 1917. The Central Rada determined the status of these courts, although the powers, scope, and internal organisation of new appellate courts did not differ from previous judicial chambers, and liquidated the previous ones 'for alienation and dislike of Ukrainian life'. The order of staffing of courts was determined by the Law of 23 December 1917 'On the Conditions of Siege and the Procedure for Electing Judges of the General Court and Courts of Appeal'.³¹

However, the Soviet authorities did not accept the appeal as an opportunity for the court of second instance to consider the case on its own. In 1918-1919,³² in connection with the liquidation of the judicial system that existed in the Russian Empire and the introduction of the People's Court, the appeal was annulled as allegedly weakening the activities of the court of first instance, complicating and delaying the process, and introducing a cassation that did not allow the court of second instance to reconsider a civil or criminal case again with its own judicial investigation.

28 Rights under which the People of Malorosia are Judged (1743) <<http://history.org.ua/LiberUA/966-02-0202-4/966-02-0202-4.pdf>> accessed 20 June 2021.

29 Charter of Criminal Proceedings (St Petersburg 1892) 11-118 <<https://constitution.garant.ru/history/act1600-1918/3137/>> accessed 20 June 2021.

30 See Central State Archive of Supreme Bodies of Power and Government of Ukraine (TSDAVO of Ukraine), Fund 1115. Ukrainian Central Council, Description 1. Sheet 178. See also Bulletin of the General Secretariat of the Ukrainian People's Republic (1918) 1.

31 See TSDAVO (n30) 169-170. See also Bulletin of the General Secretariat of the Ukrainian People's Republic (1917) (7) 1.

32 'Resolution of the People's Secretariat of Ukraine "On the Introduction of the People's Court"' (1918) in Chronological Collection of Laws, Decrees of the Presidium of the Verkhovna Rada, Resolutions and Orders of the Government of the Ukrainian SSR (1917-1941) (1963) 1, and 'Decree of the SNC "On the Court"' of 14 February 1919 in Law of the USSR (1919) 14, Art 154. It can also be found in: Chronological collection of laws, decrees of the Presidium of the Verkhovna Rada, resolutions and orders of the Government of the Ukrainian SSR (1917- 1941) (1963) 1.

Immediately after Ukraine's independence, the issue of resumption of appeal was raised in the Concept of Judicial Reform in Ukraine,³³ which provided for the basic principles of judicial reform, in particular, the creation of proceedings that would guarantee the right to judicial protection and equality before the law and create conditions for real competitiveness, the implementation of presumption of innocence, and the verification of the legality and validity of court decisions on appeal, in cassation, and on newly discovered circumstances.

The resumption of the appeal took place at the constitutional level in the form of one of the main principles of judicial proceedings, ensuring appellate and cassation appeal of court decisions, except when provided by law (para. 8 of Part 3 of Art. 129 of the Constitution of Ukraine, 28 June 1996). It should be noted in advance that in the wording of the Law amending the Constitution of Ukraine on justice in 2016,³⁴ this basic principle of justice was renamed into 'Ensuring the Right to Appeal and to Cassation Appeal of the Court Decision in Cases Specified by Law'. That is, the appellate review was defined as the main form of review of court decisions (para. 8, Part 2 of Art. 129). According to Part 1 of Art. 424 of the CrPC, sentences and rulings on the application or refusal to apply coercive measures of a medical or educational nature of the court of first instance may be appealed in cassation after their review on appeal.

An important aspect of the development of Ukraine's criminal procedure legislation was the so-called 'small judicial reform' of 2001. It is closely linked to the ratification of the ECHR and the adoption of the Constitution of Ukraine, namely, the reservations set out in the Law on Ratification of the Convention and in the Transitional Provisions of the Constitution of Ukraine. This reform strengthened judicial guarantees of the rights of the person during pre-judicial investigation.

Adopting the 1996 Constitution, the Verkhovna Rada of Ukraine noted in para. 13 of Section 15 of the 'Transitional Provisions' that for five years after the entry into force of this Constitution, the existing procedure for arrest, detention, and seizure of persons suspected of committing a crime and conducting a review or a search of a person's home or other property would remain in place. In the Law on Ratification of the Convention, the Verkhovna Rada also made a reservation that the provisions of paragraph 1 of Art. 5 and Art. 8 of the Convention shall apply insofar as they do not contradict para. 13 of Section 15 of the 'Transitional Provisions' and Arts. 106 and 157, 177, and 190 respectively of the CrPC of Ukraine on the detention of a person and the sanction of arrest by the prosecutor and the sanctioning of a search by the prosecutor, as well as the inspection of housing.

These reservations were to apply until the relevant amendments to the CrPC of Ukraine or the adoption of a new CrPC of Ukraine, but no longer than 28 June 2001. This meant that the introduction of a court permit to restrict the constitutional and convention rights of a person to liberty and security of person and respect for private life was postponed for five years. At the same time, a five-year 'postponement' was not provided with the need to observe the judicial guarantee of secrecy of correspondence, telephone conversations, and telegraph and other correspondence (Art. 31 of the Constitution of Ukraine); it was to operate from the date of entry into force of the Constitution of Ukraine (Art. 160 of the Constitution).

33 The concept of judicial and legal reform in Ukraine, approved by the resolution of the Verkhovna Rada of Ukraine on 28 April 1992 <<https://zakon.rada.gov.ua/laws/show/2296-12#Text>> accessed 20 June 2021.

34 Law of Ukraine 'On Amendments to the Constitution of Ukraine (regarding justice)' of 2 June 2016 <<https://zakon.rada.gov.ua/laws/show/1401-19#Text>> accessed 20 June 2021 > accessed 20 June 2021.

In 2001, amendments were made to the CrPC of Ukraine,³⁵ which enshrined and specified these judicial guarantees of individual rights during the pre-trial investigation in the relevant articles of the CrPC of Ukraine. Now, they provided not the sanction of the prosecutor (Arts. 157, 183, 187 of the CrPC of 1960), but only on the basis of a reasoned decision of the judge to choose a measure of restraint in the form of detention and extension of detention (Arts. 165-2, 165-3 of the CrPC), search of housing or other property of a person and forcible seizure of housing or other property of a person (Arts. 177, 178 of the CrPC), and seizure of correspondence and removal of information from communication channels – only on the basis of a reasoned decision of the head of an appellate court or his deputy (Art. 167 of the CrPC).

In the same year, the law³⁶ deprived the prosecutor and investigator of the power to release the accused (person) from criminal liability by closing the criminal case when, as a result of a change in circumstances, the act committed by a person lost its socially dangerous character; in connection with effective repentance, in connection with the reconciliation of the accused with the victim; in connection with the application to a minor of coercive measures of an educational nature in connection with the expiration of the statute of limitations (Arts. 7, 7-1, 7-2, 7-3, 8, 9, 10, 11-1 of the CrPC of Ukraine of 1960), and handed them over to the court. The prosecutor or the investigator (with the consent of the prosecutor) was instead given the authority to decide to transfer the case to court to resolve the issue of releasing the accused (person) from criminal liability.

During the next 10 years, numerous amendments to the CrPC of 1960 significantly contributed to the creation of a procedural mechanism for properly clarifying the circumstances of a criminal case and ensuring the rights of participants in criminal proceedings, especially with the introduction of judicial guarantees of pre-trial coercion. However, the introduction of unsystematic changes to a largely outdated general procedural form of criminal proceedings could not replace the preparation and adoption of the new CrPC of Ukraine, built on modern principles defined by international human rights and judicial acts and the Constitution of Ukraine of 1996. In cases against Ukraine, the ECtHR noted non-compliance with a number of provisions of the ECHR ratified by Ukraine on the fair procedure of criminal proceedings, in particular, on the right to liberty and security of person and the right to a fair trial (Arts. 5 and 6 of the Convention). In the judgment in *Kharchenko v. Ukraine*,³⁷ the ECtHR pointed to the systemic nature of the problem of ensuring the right to liberty and security of person and the need to immediately implement specific reforms in law and practice to ensure their compliance with Art. 5 of the Convention (Art. 101 of the judgment).

Back in 1995, the PACE identified as one of the conditions for granting Ukraine the status of a member of the Council of Europe the need to adopt a new Criminal Procedure Code within a year from the date of accession to the Council of Europe.³⁸ This was emphasised in a number of subsequent PACE resolutions.³⁹

35 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine' of 21 June 2001 <<https://zakon.rada.gov.ua/laws/show/2533-14/ed20010621#Text>> accessed 20 June 2021.

36 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine' of 12 July 2001 <<https://zakon.rada.gov.ua/laws/show/2670-14/ed20010712#Text>> accessed 20 June 2021> accessed 20 June 2021.

37 *Kharchenko v Ukraine* App No 40107/02 (ECtHR, 10 February 2011) <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 20 June 2021.

38 PACE Opinion No 190 (1995) 'On Ukraine's Application to Join the Council of Europe' of 26 September 1995 (para 11.5) <https://zakon.rada.gov.ua/laws/show/994_590#Text> accessed 20 June 2021.

39 In one of them (PACE Resolution No 1755 of 4 October 2010 'Functioning of Democratic Institutions in Ukraine' para 3.7.3 <https://zakon.rada.gov.ua/laws/show/994_a19#Text> accessed 20 June 2021), PACE called Ukrainian authorities to adopt the CPC as soon as possible and to apply to the Venice Commission (European Commission for Democracy through Law) for an examination of this Code.

All this time, work continued on the preparation of the new CrPC of Ukraine, which became more intensive with the adoption of new concepts on improving the judiciary and reforming the criminal justice system of Ukraine.⁴⁰ During this period, various working groups prepared several drafts of the new CrPC of Ukraine, the provisions of which were the subject of lively discussions and debates between both scholars and practitioners, expert assessments of Council of Europe experts.⁴¹ Finally, on 13 April 2012, the Verkhovna Rada of Ukraine, based on a draft CrPC prepared by a working group of the Ministry of Justice of Ukraine together with the National Commission for Strengthening Democracy and Rule of Law under the President of Ukraine,⁴² adopted a new Criminal Procedure Code of Ukraine,⁴³ which came into force on 20 November 2012.

Like other large-scale laws, this Code is not perfect, as perfect ones simply do not exist. But in order to improve the legal regulation of criminal proceedings in Ukraine, it first incorporated the relevant key provisions of the Constitution of Ukraine and international legal acts on human rights and justice and, second, settled a number of issues that were important for criminal proceedings, but were either unregulated or partially regulated by other laws or regulations.

From this point of view, the important novelties in the CrPC of Ukraine in 2012 are the following.

First, with an emphasis on the rights of the person, the content of the criminal procedural legislation of Ukraine and the tasks of criminal proceedings are determined. In disclosing the content of the criminal procedure legislation of Ukraine (Part 2 of Art. 1 of the CrPC), which determines the procedure of criminal proceedings in Ukraine, the CrPC provided for its components, in addition to the Code, the relevant provisions of the Constitution of Ukraine, and international treaties, consent to the binding nature of which was given by the Verkhovna Rada of Ukraine. The need to comply with their requirements by bodies and persons conducting criminal proceedings is also emphasised in Art. 9 of the CrPC, which establishes the principle of legality.

Defining the tasks of criminal proceedings, the legislator emphasises the need to ensure the rights of the individual in each component of these tasks.

The objectives of criminal proceedings are to protect the individual, society and the state from criminal offenses, to protect the rights, freedoms and legitimate interests of participants in criminal proceedings, and to ensure prompt, complete and impartial investigation and trial so that anyone who commits a criminal offense is prosecuted to the extent of their guilt, no innocent person is accused or convicted, no person is subjected to unreasonable procedural coercion and that each participant in criminal proceedings is subject to due process of law (Art. 2 of the CrPC).

40 The concept of improving the judiciary to establish a fair court in Ukraine in accordance with European standards, approved by the Decree of the President of Ukraine No 361 of 10 May 2006 <<https://zakon.rada.gov.ua/laws/show/361/2006#Text>> accessed 20 June 2021; The concept of reforming the criminal justice of Ukraine, approved by the Decree of the President of Ukraine of 8 April 2008 No 311/2008 <<https://zakon.rada.gov.ua/laws/show/311/2008#Text>> accessed 20 June 2021; The concept of criminal justice for juveniles in Ukraine approved by the Decree of the President of Ukraine No 597 of 24 May 2011 <<https://zakon.rada.gov.ua/laws/show/597/2011#Text>> accessed 20 June 2021.

41 See, in particular, the Opinion on the Draft Criminal Procedure Code of Ukraine, prepared by the Directorate for Justice and Human Dignity of Directorate General 1 - Human Rights and the Rule of Law, based on the expertise of Lorena Bachmeier-Winter, Jeremy McBride and Eric Svanidze, Strasbourg, 2 November 2011 DG-1 (2011) 16 <<https://rm.coe.int/16802e707c>> accessed 20 June 2021.

42 Criminal Procedure Code of Ukraine. Draft [2009] Bulletin of the Ministry of Justice of Ukraine (special issue) 13-243.

43 The Criminal Procedure Code [2013] VVR 9-13 <<https://zakon.rada.gov.ua/laws/show/4651%D0%B0-17/print1330026115579985#Text>> accessed 20 June 2021.

Secondly, for the first time in the CrPC, a separate chapter (Chapter 2, Section 1) defines the principles of criminal proceedings, on which the whole system of criminal proceedings is based, and which testify that, in addition to those principles that were separately enshrined in the CrPC earlier, particular attention is paid to those new ones that are related to the need to ensure human rights in criminal proceedings, such as the rule of law, access to justice, adversarial proceedings, and freedom to present evidence to the court and prove their persuasiveness, reasonable procedural deadlines, and the full recording of the trial by technical means.

Thirdly, the right of each accused to a jury trial (consisting of two judges and three jurors) is enshrined in criminal proceedings in the court of first instance for crimes for which the Criminal Code of Ukraine provides for life imprisonment, at the request of the accused or one of them, if there are several persons in the criminal proceeding (Part 5 of Art. 124 of the Constitution of Ukraine, Part 3 of Art. 31 of the CrPC), and provides for proceedings in a jury trial as a special procedure in the court of first instance (para. 2 of Chapter 30 of the CrPC).

Fourthly, compared to the CrPC of 1960, the powers of the investigating judge related to the protection and defence of the rights of the individual at the stage of pre-trial investigation have been expanded. At the same time, the CrPC stipulates that an investigating judge is a judge of a court of first instance whose powers include exercising judicial control over the observance of the rights, freedoms, and interests of persons in criminal proceedings. In the case provided for in Art. 247 of the CrPC, it is the chairman or another judge of the relevant appellate court, as recognised by him/her.

The investigating judge (investigating judges) in the court of first instance is elected by the assembly of judges from among the judges of this court (para. 18, Part 1 of Art. 3 of the CrPC). During the pre-trial investigation, the investigating judge considers:

- 1) the request of the investigator or prosecutor for permission to conduct investigative (search) actions, in particular, search and seizure (Art.s 233-235 of the CrPC) and covert investigative actions (detection);
- 2) the request of the participants of the pre-trial investigation on the application of precautionary measures and other measures to ensure criminal proceedings – at the same time, to assess the needs of the pre-trial investigation, the investigating judge must consider the possibility to obtain things and documents that can be used during the trial to establish the circumstances of the criminal proceedings (Art. 132 of the CrPC);
- 3) all motions for revocations filed with any participant in the pre-trial investigation (Part 2 of Art. 81 of the CrPC);
- 4) complaints against decisions, actions, or omissions of pre-trial investigation bodies or the prosecutor (Art. 303 of the CrPC);
- 5) motions of participants in criminal proceedings for interrogation of a witness, a victim in exceptional cases related to the need to obtain their testimony during the pre-trial investigation if there is a danger to the life and health of the witness or victim, their serious illness, or other circumstances that may prevent their interrogation in court or affect the completeness or accuracy of the testimony ('deposit of testimony'); when making a court decision based on the results of the trial of criminal proceedings, the court may not take into account evidence obtained in this manner, only giving the reasons for such a decision (parts 2 and 3 of Art. 225 of the CrPC);
- 6) performance of other duties to protect human rights (Art. 206 of the CrPC).

Fifth, considerable attention is paid by the legislator to the definition of inadmissibility of evidence obtained as a result of a significant violation of human rights and freedoms

(Part 1 of Art. 87 of the CrPC) and the procedure for declaring evidence inadmissible by the court both during their evaluation in the deliberation room and during the trial. Further, the parties to the criminal proceedings, the victim, or the representative of the legal entity in respect of which the proceedings take place are given the right during the trial to file a motion to declare evidence inadmissible, as well as to object to the recognition of evidence as inadmissible (Art. 89 of the CrPC).

In particular, it ordered the court to recognise the following acts as significant violations of human rights and fundamental freedoms:

- carrying out procedural actions that require prior permission of the court, without such permission or in violation of its essential conditions;
- obtaining evidence as a result of torture, cruel, inhuman, or degrading treatment or threat of such treatment;
- violation of a person's rights to protection;
- receiving testimony or explanations from a person who has not been notified of his/her right to refuse to testify and not answer questions, or to receive them in violation of this right;
- violation of the right to cross-examination (Part 2 of Art. 87 of the CrPC).

Sixth, based on the fact that precautionary measures and other measures to ensure criminal proceedings (Art. 131 of the CrPC) are measures of procedural coercion, which are associated with the possibility of significant restriction of individual rights, the CrPC not only defined the grounds, conditions, procedure, and terms of their application but also, for the first time, established a requirement that the bodies and persons conducting criminal proceedings and applying measures to ensure criminal proceedings are obliged to consider the possibility of obtaining relevant things and documents or ensure proper conduct of participants in criminal proceedings in other ways related to such restrictions of rights and not applying them (Part 4 of Art. 132 of the CrPC).

Regarding the application of precautionary measures, which is associated with the greatest restriction of individual rights, the CrPC provided even more severe prohibitions. The investigator, coroner, and prosecutor have no right to initiate the application of a precautionary measure without grounds for this, which are the existence of reasonable suspicion of committing a criminal offence, as well as the risks that give sufficient grounds to the investigating judge or court to believe that the suspect, accused, or convicted may hide from the bodies of pre-trial investigation and/or court, obstruct criminal proceedings, or commit another criminal offence or continue the one in which he/she is suspected or accused (Art. 177 of the CrPC). The investigating judge or court refuses to apply a precautionary measure if the investigator or prosecutor does not prove that the circumstances established during the consideration of the application for precautionary measures are sufficient to convince the judge that none of the milder precautionary measures can prevent the examination of risk or risks (Part 3 of Art. 176 of the CrPC).

Seventh, the law (Art. 223 of the CrPC) establishes a number of stricter and newer requirements for investigative (search) actions, which are related to ensuring the rights of participants in the pre-trial investigation:

- the taking of appropriate measures by the investigator or prosecutor to ensure the presence during the investigative (search) action of persons whose rights and legitimate interests may be limited or violated;
- explanation before conducting an investigative (search) action to the persons participating in it, outlining their rights, duties, and responsibilities;
- prohibition of investigative (search) actions at night (from 22 to 6 o'clock), except for urgent cases, when the delay in their conduct may lead to the loss of traces of a criminal offence or the escape of the suspect;

- when receiving evidence during the investigative (search) action that may indicate the innocence of a person in the commission of a criminal offence, the investigator or prosecutor is obliged to conduct the relevant investigative (search) action in full, attach the procedural documents to the pre-trial investigation, and submit them to the court in the case of an indictment, or request the application of coercive measures of a medical or educational nature or for release from criminal liability;
- investigative (search) action carried out at the request of the defence, the victim, or the representative of the legal entity against which the criminal proceedings are conducted is carried out with the participation of the person who initiated it and (or) his defence counsel or representative, except when investigative (search) action is impossible or such a person refuses in writing to participate in it, etc.

Eighth, for the first time in the new CrPC of Ukraine (Chapter 21), covert investigative actions (hereinafter, CIA) as a type of investigative (detection) actions, information about the fact, and methods are not subject to disclosure, except as provided this Code (Part 1 of Art. 246 of the CrPC).

It is clear that the secret nature of these procedural actions does not provide the same rights of participants in criminal proceedings as during the usual investigative (search) actions. This is taken into account by the legislator when setting certain conditions for their implementation. Thus, according to Part 2 of Art. 246 of the CrPC, they are conducted only in cases where information about the crime and the person who committed it cannot be obtained in any other way.

The vast majority of CIA are conducted exclusively in criminal proceedings for serious or especially serious crimes. In cases provided for by the CrPC, the decision to hold them is made by the investigating judge at the request of the prosecutor or at the request of the investigator in agreement with the prosecutor. The investigator is obliged to inform the prosecutor about the decision to conduct certain CIAs and the results obtained. The prosecutor has the right to prohibit or suspend further actions. Only the prosecutor has the right to make a decision on carrying out such CIA as control over the commission of a crime. In the decision on carrying out CIA, the term within which it is to be carried out (which can be prolonged) must be specified.

Art. 253 of the CrPC stipulates that persons whose constitutional rights were temporarily restricted during the CIA, as well as the suspect and their defence counsel, must be notified in writing by the prosecutor or on behalf of the investigator of such a restriction. The specific time of notification shall be determined, taking into account the presence or absence of threats to the achievement of the purpose of the pre-trial investigation, public safety, life, or health of the persons involved in the CIA. Relevant notification of the fact and results of the CIA must be made within 12 months from the date of termination of such actions, but no later than the prosecutor's appeal to the court with an indictment.

The results of CIA can be used as proof. According to Art. 256 of the CrPC, protocols on conducting CIA, audio or video recordings, other results obtained through the use of technical means, and items and documents or their copies seized during the conduct of CIA may be used in evidence on the same grounds as the results of conducting other IA (investigative actions) during the pre-trial investigation. Persons who have conducted or been involved in CIA, as well as persons whose actions or contacts have been carried out, may be questioned as witnesses.

Materials obtained during the pre-trial investigation through CIA and which the prosecutor must use in court as evidence of the accusation should, if possible, be declassified and disclosed

to the defence under Art. 290 of the CrPC of Ukraine. As the procedure of declassification of materials can be quite complicated and lengthy, these materials, as the Grand Chamber of the Supreme Court clarified in its ruling,⁴⁴ can be opened by the prosecution not only after the pre-trial investigation before the indictment is sent to court but also during the trial in court, provided that the prosecutor takes all necessary measures to obtain them in a timely manner.

In enshrining the CPD in 2012, the legislator of Ukraine tried to take into account the recommendations of the Council of Europe,⁴⁵ which stated that 'special methods of investigation' means methods used by the competent authorities in criminal investigations to detect and investigate serious crimes and identify suspects. In order to avoid arousing the suspicion of the 'object of investigation' (para. 1 of section 1 of the Annex to the Recommendation), member states should, in accordance with the requirements of the ECHR, indicate in their legislation the circumstances and conditions under which competent authorities have the right to use special methods of investigation (para. 1 of Section II of the Annex).

Ninth, in the proceedings under the CrPC of Ukraine from 2012, more complete and consistent implementation of the principle of adversarial parties and freedom to submit their evidence to the court and prove before the court their persuasiveness is provided for (Art. 22 of the CrPC).

The court, maintaining objectivity and impartiality, creates the necessary conditions for the parties to exercise their procedural rights and perform their procedural obligations (Part 6 of Art. 22 of the CrPC). At the same time, the presiding judge directs the course of the court session, ensures compliance with the sequence and procedure of procedural actions and the exercise of their procedural rights and obligations by the participants of the criminal proceedings, directs the trial to ensure clarification of all circumstances of the criminal proceedings, and ensures consideration of everything that is irrelevant for criminal proceedings (Part 1 of Art. 321 of the CrPC).

Tenth, the CrPC of 2012, based on a new system of principles of criminal proceedings (rule of law, access to justice, reasonable time of criminal proceedings, etc.), abandoned the institution of returning a criminal case for further investigation on the grounds of incomplete or incorrect pre-trial investigation, although incompleteness or incorrectness cannot be eliminated in court (Part 1 of Art. 281 of the CrPC of 1960).

This institution was envisaged and widely used under the CrPC in 1960, and, often, the prosecutor decided to close a criminal case returned for additional investigation on rehabilitative grounds – in the absence of a crime, lack of *corpus delicti*, failure of a person accused of committing a crime to participate (paras 1 and 2 of Part 1 of Art. 6, para. 2 of Art. 213 of the CrPC of 1960) – according to which the court, as a body of justice, should pass sentence (Part 4 of Art. 327 of the CrPC of 1960).

Unlike the CrPC of 1960, under the current CrPC of Ukraine, if, during the trial, there is a need to establish circumstances or verify circumstances that are essential for criminal proceedings, and they cannot be established or verified in any other way, the court, when requested, has the right to instruct the pre-trial investigation body to carry out certain investigative (search) actions. In the event of such a decision, the court postpones the trial for a sufficient period to conduct an investigative (search) action and familiarise the participants in the proceedings with its results. However, the court denies the prosecutor's request if it

44 Resolution of the Grand Chamber of the Supreme Court of 16 October 2019 in case No 640 / 6847/15-к (proceedings No 13-43кC19 <https://reyestr.court.gov.ua/Review/85174578>) accessed 20 June 2021.

45 Recommendation No Rec (2005) 10 of the Committee of Ministers of the Council of Europe to member states 'On Special Methods of Investigating Serious Crimes as well as in the Case of Terrorist Acts' of 20 April 2005 <https://zakon.rada.gov.ua/laws/show/994_670#Text> accessed 20 June 2021.

does not prove that the investigative (search) actions could not have been carried out during the pre-trial investigation because of the circumstances proving their necessity (Part 3 and 4 of Art. 333 of the CrPC).

Lastly, the CrPC of 2012 provides for a number of new types of criminal proceedings:

- criminal proceedings containing information constituting a state secret (Chapter 40),
- criminal proceedings on the basis of conciliation agreements between the victim and the suspect or accused, as well as agreements between the prosecutor and the suspect or accused on the admission of guilt (Chapter 35),
- criminal proceedings against a particular category of persons (Chapter 37),
- criminal proceedings on the territory of diplomatic missions, consular posts of Ukraine on an aircraft, sea, or river vessel located outside Ukraine, if this vessel is assigned to a port located in Ukraine (Chapter 41).

For the first time, the CrPC also regulated the recovery of lost materials from criminal proceedings (Section VII). Further, it considered the provisions of international treaties relating to criminal proceedings and the issue of international cooperation in criminal proceedings: international legal assistance in proceedings (Chapter 43); extradition of persons who have committed a criminal offence (extradition) (Chapter 44); criminal proceedings in the order of adoption (Chapter 45); recognition and enforcement of foreign court decisions and transfer of convicted persons (Chapter 46).

The importance of this stage for the development of the criminal process in Ukraine is, first of all, that during this period, considerable work was done to systematise the criminal procedure legislation of Ukraine. As a result of this work, taking into account the Constitution of Ukraine, international legal acts on human rights and justice, and decisions of the European Court of Human Rights, the first new Criminal Procedure Code in independent Ukraine was adopted, which is a kind of procedural constitution defining the due process for bodies and persons conducting criminal proceedings and for individuals and legal entities involved in criminal proceedings. Emphasising the importance of the CrPC of Ukraine, the legislator stressed that the laws and other regulations of Ukraine, the provisions of which relate to crime, should ensure the prompt, complete, and impartial pre-trial investigation and that trial proceedings must comply with this Code. When conducting criminal proceedings, a law that contradicts this Code may not be applied (Part 3 of Art. 9 of the CrPC).

4 THE DEVELOPMENT OF CRIMINAL PROCEDURE AFTER THE ADOPTION OF THE CRPC OF UKRAINE IN 2012

Since its adoption in 2012, the CrPC of Ukraine has undergone important changes and additions, especially to the articles of the CrPC, which were aimed at improving the legal regulation of the rights of everyone to access to justice, fair trial, protection, liberty, and security of person (Arts. 5 and 6 of the ECHR) both during the pre-trial investigation and in the court proceedings, including changes related to the tragic events in the life of the state of Ukraine.

4.1 *Features of Legal Regulation of Criminal Procedural Activity in the Conditions of Anti-terrorist Operation*

In the context of the annexation of Crimea by the Russian Federation, the occupation of certain districts of Donetsk and Luhansk regions, and the inability to administer justice there, Ukraine was forced to take advantage of Art. 4 of the ICCPR and Art. 15 of the ECHR to derogate from obligations during an emergency in time of war or other public danger

threatening the life of the nation. The articles stipulate that any High Contracting Party may take measures which derogate from its obligations under this Covenant and under this Convention, only to the extent required by the urgency of the situation and under conditions that such measures do not conflict with its other obligations under international law.

In May 2015, the Verkhovna Rada of Ukraine approved the Statement of the Verkhovna Rada of Ukraine 'On Ukraine's Derogation from certain obligations defined by the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms by its resolution'.⁴⁶ It concerns a waiver of the obligations set out in Art. 2 § 3, Arts. 9, 12, 14, and 17 of the ICCPR and Arts. 5, 6, 8, and 13 of the ECHR (on the right to liberty and security of person, the right to a fair trial, the right to respect to private and family life, the right to effective legal protection), for the period until the complete cessation of the armed aggression of the Russian Federation, namely, until the withdrawal of all illegal armed formations controlled and financed by the Russian Federation, Russian occupation forces, and their military equipment from the territory of Ukraine, the restoration of full control of Ukraine on the state border of Ukraine, and the restoration of the constitutional order in the occupied territory of Ukraine.

The digression was that the Laws adopted by the Verkhovna Rada of Ukraine on 12 August 2014 provided:

1) as an exception, the possibility of preventive detention of persons involved in terrorist activities in the area of long-term anti-terrorist operations for a period of more than 72 hours, but not more than 30 days, with the consent of the prosecutor and without the decision of the investigating judge;⁴⁷

2) at the time of the anti-terrorist operation, a special pre-trial investigation regime is introduced, according to which the powers of investigating judges defined by the current CrPC of Ukraine are temporarily transferred to the relevant prosecutors, who acquire additional procedural rights. This regime operates exclusively in the area of anti-terrorist operation, provided that the investigating judge is unable to perform the powers specified by the current CrPC of Ukraine.⁴⁸ The CrPC of Ukraine was supplemented with a new section IX-1 'Special regime of pre-trial investigation in martial law, state of emergency or in the area of anti-terrorist operation' with Art. 615 with the same title, which now has a new version as of 27 April 2021.⁴⁹

Art. 615 of the CrPC provided that in the area (administrative territory) where the legal regime of martial law, state of emergency, or an anti-terrorist operation is in power, in case of impossibility to perform investigative judge powers within the statutory time, these powers are exercised by the relevant prosecutor under Arts. 163, 164 (consideration and resolution of temporary

46 Statement of the Verkhovna Rada of Ukraine 'On Ukraine's Derogation from Certain Obligations' defined by the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms approved by the Resolution of the Verkhovna Rada of Ukraine of 21 May 2015. <<https://zakon.rada.gov.ua/laws/show/462-19#Text>> accessed 21 July 2021.

47 Law of Ukraine 'On Amendments to the Law of Ukraine "On Combating Terrorism" on Preventive Detention in the Area of Anti-terrorist Operation of Persons Involved in Terrorist Activities for a Period of More than 72 hours' of 12 August 2014 No 1631-VII <<https://zakon.rada.gov.ua/laws/show/1630-18#Text>> accessed 21 July 2021.

48 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine on a Special Regime of Pre-trial Investigation in Martial law, State of Emergency or in the Area of Anti-terrorist Operation' of 12 August 2014 No 1631-VII <<https://zakon.rada.gov.ua/laws/show/1631-18#Text>> accessed 21 July 2021.

49 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Improve Certain Provisions in Connection with the Special Pre-trial Investigation' of 27 April 2021 No 1422-IX <<https://zakon.rada.gov.ua/laws/show/1422-20#Text>> accessed 21 July 2021.

access to things and documents), 234, 235 (granting permission to conduct a search of housing or other property of a person), 247, and 248 (granting permission to conduct covert investigative (search) action) of this Code, as well as the authority to choose a measure of restraint in the form of detention for up to 30 days to persons suspected of committing crimes under Arts. 109-114-1, 258-258-5, 260-263-1, 294, 348, 349, 377-379, 437-444 of the CrPC.

3) at the time of the anti-terrorist operation or a change in the territorial jurisdiction of court cases, the courts located in the area of the anti-terrorist operation and the jurisdiction of criminal offences committed in the area of the anti-terrorist operation are provided for in case of the impossibility of conducting pre-trial investigation in separate regions of Donetsk and Luhansk regions, caused by the armed aggression of the Russian Federation and the actions of terrorist groups supported by the Russian Federation.⁵⁰

4.2 Introduction of Special Criminal Proceedings (in absentia)

In the context of the military aggression of the Russian Federation against Ukraine, a special pre-trial investigation and special court proceedings (*in absentia*) were introduced.

These are proceedings against persons suspected of committing serious and especially serious crimes against the foundations of national security of Ukraine, against the life and health of a person, against public security (in particular, actions aimed at forcible change or overthrow of the constitutional order or seizure of state power (Art. 109 of the CrPC), encroachment on the territorial integrity and inviolability of Ukraine (Art. 110 of the CrPC), treason, sabotage, espionage, premeditated murder, creation of a criminal organisation, banditry, terrorist act, etc., but hidden from the investigation and the court in order to avoid criminal liability and being declared wanted interstate and/or internationally (Part 5 of Art. 139, Chapter 24-1 'Features of the Special Pre-trial Investigation of Criminal Offenses', Part 3 of Art. 323 of the CrPC).⁵¹

Later, the Law of 27 April 2021⁵² clarified the definition of the subject against which special criminal proceedings are to be conducted – in respect of a suspect, except a minor, who is hiding from the investigation and court in the temporarily occupied territory of Ukraine, in a state recognised by the Verkhovna Rada. Ukraine is an aggressor state so that it can avoid suspects evading criminal liability and/or being declared internationally wanted.

According to Part 5 of Art. 139 of the CrPC, evasion from appearing on the summons of an investigator or prosecutor or summons of an investigating judge or court (failure to appear on summons without good reason more than twice) by a suspect or accused, who is declared internationally wanted, and/or left, and/or is in the temporarily occupied territory of Ukraine, the territory of the state recognised by the Verkhovna Rada of Ukraine as the aggressor state, is the basis for a special pre-trial investigation or special court proceedings.

The amendments and additions made to the CrPC of Ukraine regulated the peculiarities of establishing the circumstances of criminal proceedings against a missing suspect or accused

50 Law of Ukraine 'On the Administration of Justice and Criminal Proceedings in Connection with the Anti-terrorist Operation' of 12 August 2014 No 1632-IX <<https://zakon.rada.gov.ua/laws/show/1632-18#Text>> accessed 21 July 2021.

51 Law of 7 October 2014 No 1689-VII 'On Amendments to the Criminal Procedure Code of Ukraine on the Inevitability of Punishment for Certain Crimes Against the Foundations of National Security, Public Safety and Corruption Crimes' <<https://zakon.rada.gov.ua/laws/show/1689-18#Text>> accessed 21 July 2021.

52 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Improve Certain Provisions in Connection with the Special Pre-trial Investigation' of 27 April 2021 No 1422-IX <<https://zakon.rada.gov.ua/laws/show/1422-20#Text>> accessed 21 July 2021.

and the procedure for serving a notice of suspicion, indictment, and other procedural documents and ensuring other rights of a missing suspect or accused.

In this case, according to Part 2 of Art. 7 of the CrPC, the content and form of criminal proceedings in the absence of a suspect or accused (*in absentia*) must comply with the general principles of criminal proceedings specified in Part 1 of this article, taking the peculiarities established by this law into account. The prosecution is obliged to use all possibilities provided by law to respect the rights of the suspect or accused (in particular, the rights to protection, access to justice, secrecy of communication, non-interference in private life) in criminal proceedings in the absence of the suspect or accused (*in absentia*).

The decision to conduct a special pre-trial investigation of the missing suspect is made by the investigating judge at the request of the investigator or prosecutor, and, in special court proceedings against the missing accused, it is made by the court at the request of the prosecutor (Part 3 of Art. 297-4, Part 3 of Art. 323 of the CrPC). In the case of a sentence resulting from a criminal proceeding involving a special pre-trial investigation or a special trial (*in absentia*), the court shall separately justify whether the prosecution has taken all possible measures provided by law to respect the rights of the suspect or accused to protection and access to justice, taking into account the features of such proceedings established by law (Part 5 of Art. 374 of the CrPC).

The amendments to the CrPC introduced by the Law of 27 April 2021 established additional guarantees for the right of an accused who appeared in court for a fair trial. According to Part 4 of Art. 323 of the CrPC, if, after the ruling on special court proceedings, the accused appeared or was brought to court, the trial would continue from the moment of the ruling in accordance with the general rules provided by this Code. At the request of the defence, the court continues the trial from the moment the accused appears in court and re-examines individual evidence that was examined in the absence of the accused (if the defence requests such an examination of the evidence).

4.3 Improving the Legal Regulation of the Right to Liberty and Security of Person

The CrPC of Ukraine in 2012 also made very important changes and additions aimed at improving the legal regulation of the constitutional and convention right of every person to liberty and security (Art. 29 of the Constitution of Ukraine, Art. 5 of the ECHR) during the pre-trial investigation and in litigation.

First, the provision of Part 5 of Art. 176 of the CrPC, which was supplemented by the Law of 7 October 2014 in connection with the introduction of special criminal proceedings in the form of personal obligation, personal guarantee, house arrest, or bail may not be applied to persons suspected or accused of committing crimes against the foundations of national security of Ukraine and public safety, provided for in Arts. 109-114-1, 258-258-5, 260, 261 of the CrPC. That is, only one precautionary measure was to be applied, which is detention, and, according to which precautionary measures were found, it was considered to have not met the requirements of the ECHR and the Constitution of Ukraine.

In this regard, the ECtHR, based on the provisions of Art. 6 of the ECHR, repeatedly stressed in its decisions that the gravity of the crime is a significant circumstance, but it should not require the lack of alternative to the most severe precautionary measure.⁵³ For the same reasons, the Constitutional Court of Ukraine year No 7-p/2019 declared the provisions of

53 Judgment in the case of *Kharchenko v Ukraine* App no 40107/02 (ECtHR, 10 February 2011) para 80 <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 21 July 2021; decision in the case of *Hairedinov v Ukraine* App no 38717/04 (ECtHR, 14 October 2010) <https://zakon.rada.gov.ua/laws/show/974_665#Text> accessed 21 July 2021.

Part 5 of Art. 176 of the CrPC of Ukraine unconstitutional and invalid from the date of its decision.⁵⁴

Secondly, the issue was finally resolved concerning the possibility provided by the Code (third sentence of part 3 of Art. 315 of the CrPC) of automatic continuation by the court, in the absence of motions of the parties, during the preparatory proceedings of interim measures of criminal proceedings, including precautionary measures selected in relation to the accused during the pre-trial investigation. This approach of the legislator did not comply with the provisions of Art. 5 of the ECHR on the grounds and procedure for restricting the human right to liberty and security and the decision of the ECtHR on the application of this article, in which it drew attention to the fact that detention in custody without an appropriate court decision, especially during the period after the investigation and before the trial, as well as on the basis of judgments rendered at the trial stage which do not contain certain terms of further detention, is contrary to the requirements of Art. 5 of the ECHR.⁵⁵ According to the ECtHR's practice of Art. 5 para. 3 of the ECHR, after a certain period of time, only a reasonable suspicion ceases to be a ground for deprivation of liberty, and the judicial authorities must give other grounds for continuing detention. In addition, such grounds must be clearly stated by the domestic courts (para. 60 of the judgment of 6 November 2008 in the case of *Yeloyev v. Ukraine*).⁵⁶

In its decision, the Constitutional Court of Ukraine stated that the provisions of the Code, in the part providing for the extension of the application of measures to ensure criminal proceedings, namely, precautionary measures in the form of house arrest or detention, chosen during the pre-trial investigation, without requests of participants in criminal proceedings, in particular, the prosecutor, and without verification by the court of the validity of the grounds for their application, on which such precautionary measures were chosen at the stage of pre-trial investigation, contradicts the requirements of the Constitution of Ukraine, is unconstitutional, and therefore expires from the moment of this decision.⁵⁷

In fact, this is how the issue of court proceedings has already been settled. According to Part 3 of Art. 331 of the CrPC of Ukraine, regardless of the motions of the prosecution or the defence, the court is obliged to consider the expediency of continuing the detention of the accused until the expiration of two months from the date of receipt of the indictment, motion on the usage of coercion measures of a medical or disciplinary nature, or from the date of application by the court to the accused as a measure of restraint in the form of detention. Following the consideration of the issue, the court cancels the measure of restraint in the form of detention, changes it, or extends its validity for a period not exceeding two months by its reasoned decision.

Thirdly, there has long been a problem that has attracted the attention of the ECtHR in connection with the finding violations of the requirements of Arts. 5 and 6 of the ECHR on Reasonable Time for Detention of the Accused and the Constitutional Court of Ukraine in

54 Decision of the CCU of 25 June 2019 No 7-p/2019 in the case of constitutional complaints of Kovtun Marina Anatoliyivna, Savchenko Nadezhda Viktorivna, Kostoglodov Igor Dmitrovich, Chornobuk Valery Ivanovich on the constitutionality of the fifth part of Art 176 of the Criminal Procedure Code of Ukraine <<https://zakon.rada.gov.ua/laws/show/v007p710-19#n40>> accessed 21 July 2021.

55 Decision in the case *Kharchenko v Ukraine* App no 40107/02 (ECtHR, 10 February 2011) <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 21 July 2021.

56 Decision in the case *Yeloyev v Ukraine* App no 17283/02 (ECtHR, 6 November 2008) <https://zakon.rada.gov.ua/laws/show/974_433#Text> accessed 21 July 2021.

57 Decision of the Constitutional Court of Ukraine of 23 November 2017 No 1-p/2017 in the case of the constitutional petition of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the constitutionality of the third sentence of part three of Art. 315 of the Criminal Procedure Code <<https://zakon.rada.gov.ua/laws/show/v001p710-17#n63>> accessed 21 July 2021.

its decisions. The legislator of Ukraine also had to pay attention to this. Essentially, a court's decision to apply a measure of restraint in the form of detention could be challenged by the defence only at the same time as the decision concluding the trial, and the trial could take quite a long time – months and sometimes years.

Part 2 of Art. 392 of the CrPC provided that decisions made during court proceedings in the court of first instance before the adoption of court decisions under Part 1 of this article are not subject to separate appeal. Objections to such rulings may be included in the appeal against the court decisions provided for in Part 1 of this article.

In its decision, the Constitutional Court of Ukraine concluded that the provisions of the Code regarding the impossibility of a separate appeal against the decision of the court of first instance to extend detention do not guarantee a person the effective exercise of his/her constitutional right to judicial protection, do not meet the criteria of fairness and proportionality, do not ensure a fair balance of interests of the individual and society, and therefore contradict the requirements of the Constitution of Ukraine. It found that the provision of the CrPC of Ukraine on the impossibility of a separate appeal against the court's decision to extend the term of detention issued during the trial in the court of first instance until the court decision on the merits is inconsistent with the Constitution of Ukraine (is unconstitutional).⁵⁸

In accordance with this decision, on 2 December 2020, the Verkhovna Rada of Ukraine adopted a law, which, in particular, supplemented Art. 331 of the CrPC with part four of the following content

A court decision on choosing a measure of restraint in the form of detention, on changing another measure of restraint to a measure of restraint in the form of detention or on extending the term of detention, rendered during the court proceedings before the court of first instance may be appealed. Filing such a complaint does not suspend the trial in the court of first instance.⁵⁹

4.4 Changes in the System of Bodies Conducting Criminal Proceedings for Corruption Crimes

After ratifying the UN Convention against Corruption⁶⁰ and the Criminal Convention against Corruption⁶¹ in 2006, Ukraine became a Party to the United Nations Convention against Corruption on 2 December 2009 and the Criminal Convention on Corruption of 1 March 2010 on their application of measures to prevent, investigate, and prosecute corruption in accordance with their provisions.

After the adoption of the CrPC of Ukraine in 2012 to implement these international legal obligations, in 2014 the Law 'On Prevention of Corruption',⁶² which determines the legal

58 Judgment of the Constitutional Court of Ukraine of 13 June 2019 No 4-д/2019 in the case of constitutional complaint of Glushchenko Viktor Mykolaiovych regarding the compliance of the Constitution of Ukraine (constitutionality) with the provisions of Part Two of Art 392 of the Criminal Procedure Code of Ukraine <<https://zakon.rada.gov.ua/laws/show/v004p710-19#Text>> accessed 21 July 2021.

59 Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Ensure the Implementation of the Decision of the Constitutional Court of Ukraine on Appeals against the Court Decision to Extend the Detention period' of 2 December 2020 No 1027-IX <<https://zakon.rada.gov.ua/laws/show/1027-20#Text>> accessed 21 July 2021.

60 UN Convention against Corruption of 31 October 2003 and the Law of Ukraine 'On Ratification of the United Nations Convention against Corruption' of 18 October 2006 <<https://zakon.rada.gov.ua/rada/show/251-16#Text>> accessed 21 July 2021.

61 Criminal Convention against Corruption <https://zakon.rada.gov.ua/rada/show/994_101#Text> accessed 21 July 2021.

62 Law of Ukraine 'On Prevention of Corruption' of 14 October 2014 No 1700-VII <<https://zakon.rada.gov.ua/laws/show/1700-18#Text>> accessed 21 July 2021.

and organisational basis for the functioning of the anti-corruption system in Ukraine, the content and procedure for the application of preventive anti-corruption mechanisms, and rules for eliminating the consequences of corruption offences.

Laws on bodies to conduct criminal proceedings on corruption crimes have also been passed:

- on the National Anti-Corruption Bureau of Ukraine⁶³ as a state law enforcement body, which is responsible for preventing, detecting, terminating, investigating, and disclosing corruption offences under its jurisdiction (Part 5 of Art. 216 of the CrPC of Ukraine), as well as preventing the commission of new ones (Art. 1 of the Law);
- on the Specialized Anti-Corruption Prosecutor's Office,⁶⁴ which supervises compliance with the law during operational and investigative activities, pre-trial investigation by the National Anti-Corruption Bureau of Ukraine, and support of public prosecution in relevant proceedings (Art. 8 of the Law);
- on the Supreme Anti-Corruption Court,⁶⁵ which is a permanent higher specialised court in the judicial system of Ukraine and administers justice as a court of first and appellate instances in criminal proceedings concerning criminal offences within its jurisdiction by procedural law, as well as by carrying out judicial control over the observance of the rights, freedoms, and interests of persons in such criminal proceedings in cases and in the manner prescribed by procedural law (Part 1 of Art. 1 and Part 1 of Art. 4 of the Law). According to Part 1 of Art. 33-1 of the CrPC, the Supreme Anti-Corruption Court is charged with criminal proceedings against corruption offences provided for in Art. 456 of the Criminal Code of Ukraine, Arts. 206-2, 209, 211, 366-2, 366-3 of the CrPC, if at least one of the conditions provided for in paragraphs 1-3 of the fifth article 216 of the CrPC of Ukraine.

In criminal proceedings for corruption offences, a new participant in criminal proceedings appeared, who is designed to assist in exposing acts of corruption. This is a corruption detector – a natural person who, in the presence of conviction that the information is reliable, files a statement or notification of a corruption criminal offence to the pre-trial investigation body (para. 16-2 of the CrPC, para. 1.1 of the Law of Ukraine 'On Amendments to the Law of Ukraine "On Prevention of Corruption" Regarding Corruption Detectors' of 17 October 2019)⁶⁶ and who is entitled to payment of remuneration for the report of a corruption crime and assistance in its disclosure (Art. 131-1 of the CrPC).

It should also be noted that after the adoption of the CrPC in 2012, there were other changes in the system of bodies conducting criminal proceedings. First, the issue of depriving the prosecutor's office of the function of conducting a pre-trial investigation was finally resolved due to the inadmissibility of conducting a pre-trial investigation by one body and overseeing the legality of this pre-trial investigation.

Even during the adoption of the Constitution of Ukraine in 1996, the legislator provided in para. 9 of Section 15 'Transitional Provisions' that

63 Law 'On the National Anti-Corruption Bureau of Ukraine' of 14 October 2014 No 1698-VII <<https://zakon.rada.gov.ua/laws/show/1698-18#Text>> accessed 21 July 2021.

64 Law 'On the Prosecutor's Office' of 14 October 2014 No 1697-VII (Part 5 of Art 8, Art 8-1) <<https://zakon.rada.gov.ua/laws/show/1697-18#Text>> accessed 21 July 2021.

65 Law 'On the Supreme Anti-Corruption Court' of 7 June 2018 No 2447-VIII <<https://zakon.rada.gov.ua/laws/show/2447-19#Text>> accessed 21 July 2021.

66 Law of Ukraine 'On Amendments to the Law of Ukraine "On Prevention of Corruption" Regarding Corruption Detectors' of 17 October 2019 <<https://zakon.rada.gov.ua/laws/show/198-20#Text>> accessed 21 July 2021.

the prosecutor's office continues to perform the function of pre-trial investigation in accordance with current laws until the functioning of the bodies to which the law will transfer relevant functions.

Some of the criminal cases under investigation by prosecutors (in particular, murders and rapes) were transferred to the investigation of internal affairs bodies (now, the investigative bodies of the National Police of Ukraine) before the adoption of the CrPC in 2012.⁶⁷ Para. 4 of Section XIII 'Transitional Provisions' of the Law on Prosecutor's Office⁶⁸ provided that investigators of the prosecutor's office conduct pre-trial investigations in the manner prescribed by the CrPC of Ukraine before the State Bureau of Investigation, but no later than five years after the entry into force of the CrPC of Ukraine before the State Bureau of Investigation.

In 2015, the Law on the State Bureau of Investigation (hereinafter referred to as the SBI) was adopted. After the SBI began its pre-trial investigation, criminal proceedings were transferred to it by investigators from the prosecutor's office.

Secondly, in order to create a single state body responsible for combating economic crimes and avoid duplication of relevant functions in different law enforcement agencies, the Law 'On the Bureau of Economic Security of Ukraine'⁶⁹ was adopted, which entered into force on 25 March 2021 and created The Bureau of Economic Security of Ukraine (BES of Ukraine) which is a body of central executive power entrusted with the task of counteracting offences that encroach on the functioning of the state economy (Art. 1 of the Law).

This body was created instead of the tax police, which is being liquidated, and it also takes over the functions of the National Police of Ukraine and the Security Service of Ukraine for Investigation of Crimes in Public Finance and Management to avoid duplication of functions in different law enforcement agencies. Detectives of the BES of Ukraine must, within their competence defined by the Law 'On Operational and Investigative Activities' and the CrPC of Ukraine, carry out operative and investigative activities and pre-trial investigation of criminal offences referred by law to the BES of Ukraine (Art. 216 of the CrPC).

5 CONCLUSIONS

After the fall of the Soviet Union and the proclamation of independence, Ukraine, as a subject of international law, in the first fundamental document, which is the Declaration of State Sovereignty of Ukraine, immediately declared recognition of the superiority of universal values over class ones and the priority of universally recognised norms of international law over domestic law, based on the needs of comprehensive human rights and freedoms and recognising the need to build the rule of law. These provisions determined the main content of the formation and development of the criminal procedure in Ukraine at all stages. At the first stage, during 1990-1994, a number of laws were adopted that determined the legal status of the parties to criminal proceedings (court, prosecutor's office, SSU, police, advocacy) and other important issues related to the criminal procedure (on pre-trial detention, on ensuring the safety of persons involved in criminal proceedings, on the procedure for compensation

67 Law of Ukraine 'On Amendments to Art 112 of the Criminal Procedure Code of Ukraine' of 19 April 2007 No 965-Y <<https://ips.ligazakon.net/document/KD0007>> accessed 21 July 2021.

68 Law on the Prosecutor's Office of 14 October 2014 <<https://zakon.rada.gov.ua/laws/show/1697-18#Text>> accessed 21 July 2021.

69 On 28 January 2021, the Law 'On the Bureau of Economic Security of Ukraine' was adopted <<https://zakon.rada.gov.ua/laws/show/1150-20#Text>> accessed 21 July 2021.

for damage caused to a citizen by illegal actions of pre-trial investigation, prosecution and court). Amendments were made to the CrPC of 1960 in terms of the tasks of the criminal procedure and its content, emphasising the need to ensure the rights of the individual both during the pre-trial investigation and in court proceedings.

The main stage in the development of the criminal procedure was the period when Ukraine adopted its Constitution in 1996, in which it proclaimed itself a state governed by the rule of law (Art. 1), declared the establishment and protection of human rights and freedoms as its main duty (Art. 3), enshrined the basic principles of justice, human rights, and their judicial guarantees, and, having ratified the ECHR in 1997, undertook to recognise the jurisdiction of the ECtHR and the binding nature of the Court's judgments in cases of its citizens against Ukraine.

This determined the content of further amendments to the CrPC of 1960 and the adoption on 13 April 2012 of the new CrPC of Ukraine, which established a system of general principles of criminal procedure inherent in the state governed by the law (rule of law, access to justice, etc.) and judicial control over rights and legitimate interests of persons during the pre-trial investigation and adversarial proceedings in the litigations, taking into account the basic requirements of the Constitution of Ukraine and international legal acts to ensure the rights of the person.

It is clear that with the adoption of the new Code, the development of criminal procedure legislation has not been completed. Both external and internal factors forced Ukraine to make changes and additions (Russia's military aggression against Ukraine in eastern Ukraine and the anti-terrorist operation, the issue of fighting corruption, etc.).

The process of improving criminal procedural legislation continues, including the further strengthening of judicial guarantees of human rights in criminal proceedings and the need to combine public and private interests in criminal proceedings. This is due to the rather disappointing statistics of citizens' appeals for protection of their rights to the ECtHR, resulting in Ukraine ranking highest for numbers of appeals from year to year.⁷⁰

REFERENCES

1. Declaration of State Sovereignty of Ukraine adopted by the Verkhovna Rada of the Ukrainian SSR on 16 July 1990 <<https://zakon.rada.gov.ua/laws/show/55-12#Text>> accessed 20 July 2021.
2. Act of Independence of Ukraine approved by the Resolution of the Verkhovna Rada of Ukraine of 24 August 1991 No 1427-XII <<https://zakon.rada.gov.ua/laws/show/1427-12#Text>> accessed 20 July 2021.
3. Law of Ukraine 'On the Status of Judges' of 15 December 1992 <<https://zakon.rada.gov.ua/laws/show/2862-12#Text>> accessed 20 July 2021.
4. Law of Ukraine 'On the Prosecutor's Office' of 5 November 1991 <<https://zakon.rada.gov.ua/laws/show/1789-12#Text>> accessed 20 July 2021.
5. Law of Ukraine 'On the Police' of 25 December 1990 <<https://zakon.rada.gov.ua/laws/show/565-12#Text>> accessed 20 July 2021; Law of Ukraine 'On the Security Service of Ukraine' of 25 March 1992 <<https://zakon.rada.gov.ua/laws/show/2229-12#Text>> accessed 20 July 2021.

70 European Convention on Human Right, Press Country Profile <https://www.echr.coe.int/Documents/CP_Ukraine_ENG.pdf> accessed 21 July 2021.

6. Law of Ukraine 'On the Bar' of 19 December 1992 <<https://zakon.rada.gov.ua/laws/show/2887-12#Text>> accessed 20 July 2021.
7. Law of Ukraine 'On Pre-trial Detention' of 30 June 1993 <<https://zakon.rada.gov.ua/laws/show/3352-12#Text>> accessed 20 July 2021.
8. Law of Ukraine 'On the Procedure for Compensation for Damage Caused to a Citizen by Illegal Actions of Bodies Carrying Out Operational and Investigative Activities, Bodies of Pre-trial Investigation, Prosecutor's Office and Court' <<https://zakon.rada.gov.ua/laws/show/266/94-%D0%B2%D1%80#Text>> accessed 20 July 2021.
9. Law of Ukraine 'On State Protection of Court and Law Enforcement Employees' of 23 December 1993 <<https://zakon.rada.gov.ua/laws/show/3781-12#Text>> accessed 20 July 2021.
10. Law of Ukraine 'On Operational and Investigative Activities' of 18 February 1992 <<https://zakon.rada.gov.ua/laws/show/2135-12#Text>> accessed 20 July 2021.
11. Criminal Procedure Code of the Ukrainian SSR approved by the Law of the Ukrainian SSR of 28 December 1960 <<https://zakon.rada.gov.ua/laws/show/1001-05#Text>> accessed 20 July 2021.
12. Law of Ukraine of 15 December 1992 'On Amendments and Addenda to Certain Legislative Acts of Ukraine' <<https://zakon.rada.gov.ua/laws/show/2857-12/ed19921215#Text>> accessed 20 July 2021.
13. Resolution of the Verkhovna Rada of Ukraine on the Concept of Judicial Reform of 1992 (Section II) <<https://zakon.rada.gov.ua/laws/show/2296-12#Text>> accessed 20 July 2021.
14. Law of Ukraine 'On Ukraine's Accession to the Statute of the Council of Europe' of 31 October 1995 <<https://zakon.rada.gov.ua/laws/show/398/95-%D0%B2%D1%80#Text>> accessed 20 July 2021.
15. The Constitution of Ukraine was adopted at the fifth session of the Verkhovna Rada of Ukraine on 28 June 1996 <<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>> accessed 20 July 2021.
16. Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR 'On Ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 19 October 1973' <<https://zakon.rada.gov.ua/laws/show/2148-08#Text>> accessed 20 July 2021.
17. Law of Ukraine No 475/97-BP of 17 July 1997 'On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, First Protocol and Protocols Nos 2, 4, 7 and 11 to the Convention' (as amended by the Law of Ukraine 'On Amending some Laws of Ukraine No 3436-15 of 9 February 2006' <<https://zakon.rada.gov.ua/laws/show/475/97-%D0%B2%D1%80#Text>> accessed 20 July 2021.
18. Law of Ukraine 'On Enforcement of Judgments and Application of the Case Law of the European Court of Human Rights' of 23 February 2006 <<https://zakon.rada.gov.ua/laws/show/3477-15#Text>> accessed 20 July 2021.
19. Resolution of the Central Executive Committee and the Council of People's Commissars of the USSR 'On Amendments to the Current Criminal Procedure Codes of the Union Republics' of 1 December 1934 in Collection of Laws of the USSR (1934) 64, Art 459.
20. Resolution of the All-Ukrainian Central Executive Committee 'On Amendments to the Criminal Procedure Code of the USSR' of 9 December 1934 in Assembly of laws and orders of the workers' and peasants' government of Ukraine (1934) 36, Art 288
21. Resolution of the Central Executive Committee of the USSR 'On Amendments to the Current Criminal Procedure Codes of the Union Republics' of 14 September 1937 in Collection of Laws of the USSR (1937) 67, Art 266.

22. 'Decree of the President of the Union of Soviet Socialist Republics 'On the Restoration of the Rights of all Victims of Political Repression in the 20-50s' of 13 August 1990' (1990) *Izvestia* 227.
23. Vedeneev D, 'Illegal Political Repressions of 1920-1980 in Ukraine and Problems of Formation of National Memory' <<https://www.istpravda.com.ua/research/2012/12/26/105584/>> accessed 20 July 2021.
24. Law of the USSR 'On Approval of Decrees of the Presidium of the Supreme Soviet of the USSR on Amendments and Addenda to Legislative Acts of the USSR' of 31 July 1989 <<https://zakon.rada.gov.ua/laws/show/v0304400-89#Text>> accessed 20 July 2021.
25. Law of Ukraine of 17 April 1991 'On Rehabilitation of Victims of Political Repression in Ukraine' <<https://zakon.rada.gov.ua/laws/show/962-12/ed19910417#Text>> accessed 20 July 2021.
26. Rights under which the People of Malorosia are Judged (1743) <<http://history.org.ua/LiberUA/966-02-0202-4/966-02-0202-4.pdf>> accessed 20 July 2021.
27. Charter of Criminal Proceedings (St Petersburg 1892) 11-118 <<https://constitution.garant.ru/history/act1600-1918/3137/>> accessed 20 July 2021.
28. Central State Archive of Supreme Bodies of Power and Government of Ukraine (TSDAVO of Ukraine), Fund 1115. Ukrainian Central Council, Description 1. Sheet 178.
29. 'Resolution of the People's Secretariat of Ukraine "On the Introduction of the People's Court"' (1918) in Chronological Collection of Laws, Decrees of the Presidium of the Verkhovna Rada, Resolutions and Orders of the Government of the Ukrainian SSR (1917-1941) (1963) 1.
30. 'Decree of the SNC "On the Court"' of 14 February 1919 in Law of the USSR (1919) 14, Art 154.
31. Chronological collection of laws, decrees of the Presidium of the Verkhovna Rada, resolutions and orders of the Government of the Ukrainian SSR (1917- 1941) (1963) 1.
32. The concept of judicial and legal reform in Ukraine, approved by the resolution of the Verkhovna Rada of Ukraine on 28 April 1992 <<https://zakon.rada.gov.ua/laws/show/2296-12#Text>> accessed 20 July 2021.
33. Law of Ukraine 'On Amendments to the Constitution of Ukraine (regarding justice)' of 2 June 2016 <<https://zakon.rada.gov.ua/laws/show/1401-19#Text>> accessed 20 July 2021> accessed 20 July 2021.
34. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine' of 21 June 2001 <<https://zakon.rada.gov.ua/laws/show/2533-14/ed20010621#Text>> accessed 20 July 2021.
35. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine' of 12 July 2001 <<https://zakon.rada.gov.ua/laws/show/2670-14/ed20010712#Text>> accessed 20 July 2021> accessed 20 July 2021.
36. *Kharchenko v Ukraine* App No 40107/02 (ECtHR, 10 February 2011) <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 20 July 2021.
67. PACE Opinion No 190 (1995) 'On Ukraine's Application to Join the Council of Europe' of 26 September 1995 (para 11.5) <https://zakon.rada.gov.ua/laws/show/994_590#Text> accessed 20 July 2021.
38. The concept of improving the judiciary to establish a fair court in Ukraine in accordance with European standards, approved by the Decree of the President of Ukraine No 361 of 10 May 2006 <<https://zakon.rada.gov.ua/laws/show/361/2006#Text>> accessed 20 July 2021.
39. The concept of reforming the criminal justice of Ukraine approved by the Decree of the President of Ukraine of 8 April 2008 No 311/2008 <<https://zakon.rada.gov.ua/laws/show/311/2008#Text>> accessed 20 July 2021.

40. The concept of criminal justice for juveniles in Ukraine approved by the Decree of the President of Ukraine No 597 of 24 May 2011 <<https://zakon.rada.gov.ua/laws/show/597/2011#Text>> accessed 20 July 2021.
41. The Opinion on the Draft Criminal Procedure Code of Ukraine, prepared by the Directorate for Justice and Human Dignity of Directorate General 1 - Human Rights and the Rule of Law, based on the expertise of Lorena Bachmeier-Winter, Jeremy McBride and Eric Svanidze, Strasbourg, 2 November 2011 DG-1 (2011) 16 <<https://rm.coe.int/16802e707c>> accessed 20 July 2021.
42. Criminal Procedure Code of Ukraine. Draft [2009] Bulletin of the Ministry of Justice of Ukraine (special issue) 13-243.
43. The Criminal Procedure Code [2013] VVR 9-13 <<https://zakon.rada.gov.ua/laws/show/4651%D0%B0-17/print1330026115579985#Text>> accessed 20 July 2021.
44. Resolution of the Grand Chamber of the Supreme Court of 16 October 2019 in case No 640 / 6847/15-к (proceedings No 13-43kc19 <https://reyestr.court.gov.ua/Review/85174578>) accessed 20 July 2021.
45. Recommendation No Rec (2005) 10 of the Committee of Ministers of the Council of Europe to member states 'On Special Methods of Investigating Serious Crimes as well as in the Case of Terrorist Acts' of 20 April 2005 <https://zakon.rada.gov.ua/laws/show/994_670#Text> accessed 20 July 2021.
46. Statement of the Verkhovna Rada of Ukraine 'On Ukraine's Derogation from Certain Obligations' defined by the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms approved by the Resolution of the Verkhovna Rada of Ukraine of 21 May 2015. <<https://zakon.rada.gov.ua/laws/show/462-19#Text>> accessed 21 July 2021.
47. Law of Ukraine 'On Amendments to the Law of Ukraine "On Combating Terrorism" on Preventive Detention in the Area of Anti-terrorist Operation of Persons Involved in Terrorist Activities for a Period of More than 72 hours' of 12 August 2014 No 1631-VII <<https://zakon.rada.gov.ua/laws/show/1630-18#Text>> accessed 21 July 2021.
48. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine on a Special Regime of Pre-trial Investigation in Martial law, State of Emergency or in the Area of Anti-terrorist Operation' of 12 August 2014 No 1631-VII <<https://zakon.rada.gov.ua/laws/show/1631-18#Text>> accessed 21 July 2021.
49. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Improve Certain Provisions in Connection with the Special Pre-trial Investigation' of 27 April 2021 No 1422-IX <<https://zakon.rada.gov.ua/laws/show/1422-20#Text>> accessed 21 July 2021.
50. Law of Ukraine 'On the Administration of Justice and Criminal Proceedings in Connection with the Anti-terrorist Operation' of 12 August 2014 No 1632-IX <<https://zakon.rada.gov.ua/laws/show/1632-18#Text>> accessed 21 July 2021.
51. Law of 7 October 2014 No 1689-VII 'On Amendments to the Criminal Procedure Code of Ukraine on the Inevitability of Punishment for Certain Crimes Against the Foundations of National Security, Public Safety and Corruption Crimes' <<https://zakon.rada.gov.ua/laws/show/1689-18#Text>> accessed 21 July 2021.
52. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Improve Certain Provisions in Connection with the Special Pre-trial Investigation' of 27 April 2021 No 1422-IX/ <<https://zakon.rada.gov.ua/laws/show/1422-20#Text>> accessed 21 July 2021.
53. Judgment in the case of *Kharchenko v Ukraine* App no 40107/02 (ECtHR, 10 February 2011) para 80 <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 21 July 2021; decision in the case of *Hairedinov v Ukraine* App no 38717/04 (ECtHR, 14 October 2010) <https://zakon.rada.gov.ua/laws/show/974_665#Text> accessed 21 July 2021.

54. Decision of the CCU of 25 June 2019 No 7-p/2019 in the case of constitutional complaints of Kovtun Marina Anatoliyivna, Savchenko Nadezhda Viktorivna, Kostoglodov Igor Dmitrovich, Chornobuk Valery Ivanovich on the constitutionality of the fifth part of Art. 176 of the Criminal Procedure Code of Ukraine <<https://zakon.rada.gov.ua/laws/show/v007p710-19#n40>> accessed 21 July 2021.
55. Decision in the case *Kharchenko v Ukraine* App no 40107/02 (ECtHR, 10 February 2011) <https://zakon.rada.gov.ua/laws/show/974_662#Text> accessed 21 July 2021.
56. Decision in the case *Yeloyev v Ukraine* App no 17283/02 (ECtHR, 6 November 2008) <https://zakon.rada.gov.ua/laws/show/974_433#Text> accessed 21 July 2021.
57. Decision of the Constitutional Court of Ukraine of 23 November 2017 No 1-p/2017 in the case of the constitutional petition of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the constitutionality of the third sentence of part three of Art. 315 of the Criminal Procedure Code <<https://zakon.rada.gov.ua/laws/show/v001p710-17#n63>> accessed 21 July 2021.
58. Judgment of the Constitutional Court of Ukraine of 13 June 2019 No 4-д/2019 in the case of constitutional complaint of Glushchenko Viktor Mykolaiovych regarding the compliance of the Constitution of Ukraine (constitutionality) with the provisions of Part Two of Art 392 of the Criminal Procedure Code of Ukraine <<https://zakon.rada.gov.ua/laws/show/v004p710-19#Text>> accessed 21 July 2021.
59. Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine to Ensure the Implementation of the Decision of the Constitutional Court of Ukraine on Appeals against the Court Decision to Extend the Detention period' of 2 December 2020 No 1027-IX <<https://zakon.rada.gov.ua/laws/show/1027-20#Text>> accessed 21 July 2021.
60. UN Convention against Corruption of 31 October 2003 and the Law of Ukraine 'On Ratification of the United Nations Convention against Corruption' of 18 October 2006 <<https://zakon.rada.gov.ua/rada/show/251-16#Text>> accessed 21 July 2021.
61. Criminal Convention against Corruption <https://zakon.rada.gov.ua/rada/show/994_101#Text> accessed 21 July 2021.
62. Law of Ukraine 'On Prevention of Corruption' of 14 October 2014 No 1700-VII <<https://zakon.rada.gov.ua/laws/show/1700-18#Text>> accessed 21 July 2021.
63. Law 'On the National Anti-Corruption Bureau of Ukraine' of 14 October 2014 No 1698-VII <<https://zakon.rada.gov.ua/laws/show/1698-18#Text>> accessed 21 July 2021.
64. Law 'On the Prosecutor's Office' of 14 October 2014 No 1697-VII (Part 5 of Art 8, Art 8-1) <<https://zakon.rada.gov.ua/laws/show/1697-18#Text>> accessed 21 July 2021.
65. Law 'On the Supreme Anti-Corruption Court' of 7 June 2018 No 2447-VIII <<https://zakon.rada.gov.ua/laws/show/2447-19#Text>> accessed 21 July 2021.
66. Law of Ukraine 'On Amendments to the Law of Ukraine "On Prevention of Corruption" Regarding Corruption Detectors' of 17 October 2019 <<https://zakon.rada.gov.ua/laws/show/198-20#Text>> accessed 21 July 2021.
67. Law of Ukraine 'On Amendments to Art 112 of the Criminal Procedure Code of Ukraine' of 19 April 2007 No 965-Y <<https://ips.ligazakon.net/document/KD0007>> accessed 21 July 2021.
68. Law on the Prosecutor's Office of 14 October 2014 <<https://zakon.rada.gov.ua/laws/show/1697-18#Text>> accessed 21 July 2021.