



DNEPROPETROVSK STATE UNIVERSITY OF INTERIOR  
MAIN INVESTIGATION DEPARTMENT OF MoI  
COUNCIL OF EUROPE

in cooperation with

NATIONAL SCHOOL OF JUDGES OF UKRAINE, HIGH SPECIALISED COURT of UKRAINE ON CIVIL AND CRIMINAL CASES, OFFICE OF PROSECUTOR GENERAL OF UKRAINE, UKRAINIAN BAR ASSOCIATION

**within the CoE project “Criminal Justice Reform in Ukraine” funded by the Government of Denmark**

### **All-Ukrainian conference**

**«Challenges of the pre-trial investigation by police investigators under the new Criminal Procedure Code of Ukraine: problems of theory and practice»**

### **Agenda**

**18-19 April 2013**  
Dnipropetrovsk, Gagarina Ave, 26

**18 April 2013**

Lobby of the Assembly Hall, Ukrainian National Centre of Aerospace education of the youth named by Makarov

- 09:00-10:00      **Registration of participants**
- 10:00-10:30      **Welcome remarks**
- Serhij Alfierov**, Rector of the Dnipropetrovsk State University of Interior, Doctor of Law, Professor, Honourable Lawyer of Ukraine
- Bozhena Malanchuk**, Local Legal Adviser, «Support to Criminal Justice Reform in Ukraine», Support to HR National Implementation Unit, Human Rights Policy & Development Department, Directorate of Human Rights, Council of Europe
- Moderators:**      **Volodymyr Slipchenko**, *Head of Criminal proceeding Department, Dnipropetrovsk State University of Interior, PhD. in Law*, and **Nazar Kulchytskyi**, *Government Agent before the ECtHR*
- 10:30-10:50      **Prosecutor as a subject of procedural guidance in pre-trial investigation: current status of the implementation.** *Deputy Head of Department on MoI oversight, Main Department on law observance in the criminal proceedings, Yuriy Sevruk*
- 10:50-11:10      **Receiving of information: challenges in correlation of operative-detective activities, covert investigative activities and temporary access to the possessions and documents.** *Deputy Head of Department, Main Investigative Department, MoI of Ukraine, PhD in Law, Maksym Tsutskiridze*
- 11:10-11:30      **Adversarial principle in pre-trial investigation: challenges in realisation.** *Lecture of the Department of Criminal Proceedings, Dnipropetrovsk State University of Interior, Viktoriya Rogalska , PhD in Law*
- 11:30-11:50      **Implementation of the procedural guarantee of ensuring the right to defence in pre-trial investigation.** *Director of the Free Legal Aid Coordination Centre, Andriy Vyshnevskyi*
- 11:50-12:30      **Discussion**
- 12:30-13:30      **Lunch break**
- 13:30-13:50      **Challenging issues of collaboration between investigators, representatives of operative-detective representatives and prosecutors.** *Head of Department of Supervision over the Observance of*

*Laws by Pre-trial Investigation Agencies, National Academy of Prosecutors of Ukraine, a.i., Professor, Ph.D. in Law, Oleksiy Geselev*

- 13:50-14:10 **Detention grounds and procedure. Presentation of draft methodological recommendations on detention issues.** *Head of the Criminal Proceedings Department of Dnipropetrovsk State University of Interior, Ph.D in Law. Lecture, Volodymyr Slipchenko*
- 14:10-14:30 **Challenges in selecting measures of restraints at the pre-trial stage.** *Judge of the High Specialised Court of Ukraine on Criminal and Civil cases, Nataliya Marchuk*
- 14:30-14:50 **Challenges of implementation of the pre-trial investigation provisions of the CPC in line with the ECtHR case law.** *International CoE consultant; Former prosecutor of Georgia; Former member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on behalf of Georgia, Erik Svanidze*
- 14:50-15:10 **Investigative judge as a subject of providing authorisation on employment of covert investigative activities.** *Head of Appeal Court of Zaporizzhia region, Dr. in Law, Honourable Lawyer of Ukraine, Viktor Gorodovenko*
- 15:10-15:30 **Procedure for covert investigative activities and their usage as evidences in the criminal proceedings.** *Head of the Justice Department, Kyiv National T. Shevchenko University, PhD in Law, Professor, Mykola Pogoretsky*
- 15:30-15:50 **Evidences admissibility in light of ECtHR case law,** *National CoE consultant, defence lawyer, Vitaliy Kasko*
- 15:50-16:30 **Discussion. Wrap-up.**

**19 April 2013**

Conference Hall №1, Dnipropetrovsk State University of Interior

- 09:00-09:30 **Registration of participants**
- 09:30-09:40 **Welcome remarks**
- Moderators:* **Volodymyr Slipchenko**, Head of Criminal procedure Department, Dnipropetrovsk State University of Interior, Ph.D in Law, and **Bozhena Malanchuk**, Local Legal Adviser, «Support to Criminal Justice Reform in Ukraine», Support to HR National Implementation Unit, Human Rights Policy & Development Department, Directorate of Human Rights, Council of Europe
- 09:40-10:20 **Discussion of the current challenges in initiating criminal proceeding, their generalization and solutions** (Comments of the GPO and MoI representatives, *7-8 min per participant*). Discussion.
- 10:20-11:00 **Functioning of the institute of investigative judge and developing proposals for its optimization** (Comments of judiciary and the MoI of Ukraine, *7-8 min per participant*). Discussion.
- 11:00-11:20 **Coffee-break**
- 11:20-12:00 **Finding challenges in selecting measures of restraints and the ways to possible solutions** (Comments of representatives of judiciary, prosecution and the MoI of Ukraine, *7-8 min per participant*). Discussion.
- 12:00-12:30 **Challenges in realization of the right to defence and access of the defender to the records of the criminal proceedings** (Comments of the representatives of the advocacy and Ministry of Justice of Ukraine, *7-8 min per participant*). Discussion.
- 12:30-13:00 **Ensuring interaction of the Free Legal Aid Centres with regional MoI authorities** (Comments of the representatives of the Free Legal Aid Coordination Centre and the MoI of Ukraine, *7-8 min per participant*). Discussion.
- 13:00-14:00 **Lunch break**
- 14:00-14:40 **Discussion on the limits of temporary access to the possessions and documents and some types of covert investigative activities**

(Comments of the representative of the MoI, Dnipropetrovsk University, prosecution, judiciary, 7-8 min per participant). *Discussion.*

14:40-15:20

**Justification procedure for conducting covert investigative activities**

(Comments of representatives of judiciary, prosecution and MoI of Ukraine, 7-8 min per participant). Discussion .

15:20-15:50

**Discussion of proposals for optimizing trainings for practitioners, the feasibility of introducing a common e-learning system on the principle of partnership “Judiciary-Prosecutors-MoI authorities-Training institutions).** The aim is to promote the implementation of the CPC provisions in practice (Comments of the representatives of National School of Judges, Academy of GPO, MoI, 7-8 min per participant). Discussion.

*All discussions during the conference will be accompanied with the comments of the CoE consultants: Erik Svanidze and Vitaliy Kasko*

15:50-16:00

Wrap-up, Closure of the conference.