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**INTERNATIONAL COOPERATION OF THE PROSECUTOR'S OFFICE OF UKRAINE**

**МІЖНАРОДНЕ СПІВРОБІТНИЦТВО ПРОКУРАТУРИ УКРАЇНИ**

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The article is devoted to legal regulation of international cooperation of the Prosecutor's office of Ukraine, disclosure of components of international cooperation and ways to improve it. The author explores the regulatory framework, which consists of bilateral international treaties and recommendations of international societies and national legislation. The article gives examples of international cooperation of the Prosecutor's office and guarantee of its activities. Also analyses proposals for improving international cooperation as an important element of contemporary existence, on public prosecution.

**Key words:** Prosecutor, international cooperation, bilateral agreements, guarantees of activity, improvement.

Статтю присвячено правовому регулюванню міжнародного співробітництва прокуратури України, розкриттю складників міжнародного співробітництва та шляхів його вдосконалення. Автор досліджує нормативну базу, яку складають як двосторонні міжнародні договори, так і рекомендації міжнародних товариств та національне законодавство. У статті наводяться приклади міжнародного співробітництва прокуратури та гарантії його діяльності. Також аналізуються пропозиції вдосконалення міжнародного співробітництва як важливого елемента сучасного існування органу публічного обвинувачення.

**Ключові слова:** прокуратура, міжнародне співробітництво, двосторонні договори, гарантії діяльності, удосконалення.

Статья посвящена правовому регулированию международного сотрудничества прокуратуры Украины, раскрытие составляющих международного сотрудничества и пути его совершенствования. Автор исследует нормативную базу, которую составляют как двусторонние международные договоры, так и рекомендации международных обществ и национальное законодательство. В статье приводятся примеры международного сотрудничества прокуратуры и гарантии его деятельности. Также анализируются предложения совершенствования международного сотрудничества как важного элемента современного существования органа публичного обвинения.

**Ключевые слова:** прокуратура, международное сотрудничество, двусторонние договоры, гарантии деятельности, совершенствование.

**Formulation of the problem.** The formation of Ukraine as a legal state includes interaction with foreign States and international organizations in the sphere of law-making. This provides a combination of international and national law, the conditions that do not allow the gap between these legal systems.

With the development of international cooperation in special fields increases the number of agreements between the authorities of different States, which is a characteristic feature of modern international relations.

The availability of legal mechanism of interaction of the States is a necessary condition for an effective fight against crime at the international and national levels. Moreover, the steady development of international cooperation in this field involves improving its legal support.

Participation of prosecutors in international cooperation, given the organizational and functional aspects of prosecutorial structures in the European countries is important for further improvement of the organization and activities of our prosecutors, harmonizing its legal status with the legal status of other member countries of the Council of Europe.

**The state of research.** In Ukraine, the issues of international cooperation of prosecutors in criminal trials investigated Bilenchuk P., A. Vinogradov, T. Gavrish, N. Demina, S. Likhov, V. Malyarenko, A. Sizonenko, N. Smirnov, V. Tertyshnikov, S. Lihova and others. But despite the significant number of scientists as engaged in this issue, the basis for the development of international cooperation of the Prosecutor's office of Ukraine still not been laid.

**The purpose of the article:** analysis of the regulatory framework in relation to international cooperation Prosecutor of Ukraine and generalization of recommendations to improve the work of prosecutors in international relations.

**Presentation of the basic material.** In accordance with the requirements of part 2 of article 2 of the law of Ukraine

“On Prosecutor's office” [1] with the purpose of realization of its functions the Prosecutor's office carries out international cooperation. In particular, the prosecutor's organs in accordance with international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine and the criminal procedural legislation of Ukraine shall cooperate with the competent authorities of other States on the conduct of procedural actions during the investigation of criminal offences, extradition of persons who committed them, the borrowing of the criminal proceedings and other matters specified in such agreements. In the absence of international treaties of Ukraine cooperation in this area is carried out by bodies of Prosecutor's office of Ukraine on the basis of reciprocal written guarantees

International legal cooperation the Ukrainian Prosecutor's office aims at consolidating the efforts of States in combating crime, their support to each other in the detection and investigation of crimes, the exposure of persons who committed crimes, the imposition against them of a fair sentence, execution of judgments, reparations to victims, regardless of differences in national legislation and practice of States [2].

In the context of international cooperation of legal systems, development of direct contacts between public prosecutors of the European countries, provided such measures as: distribution of documentation; compiling a list of links and addresses with the names of contact persons in different organs of the Prosecutor's office, areas of specialization, responsibilities, etc; establishing regular personal contacts between public prosecutors of different countries, including through regular meetings between the attorneys General prosecutors; organization of professional training, information and thematic sessions; the creation of posts of liaison officers, prosecutors and justice, who constantly will work in foreign countries, and the development of their functional responsibilities; the organization of learning foreign languages; broad use of electronic means of information transmission, car-

rying out with other countries, workshops on issues of mutual assistance and solutions to common crime problems [3].

Among international legal instruments that govern the Prosecutor's office of Ukraine, occupy a significant place bilateral MOUs, protocols of intentions, agreements on legal assistance and cooperation on various aspects of prosecutorial activities. Such bilateral treaties were concluded between the Department of the Attorney-General of Australia and the Prosecutor General's office of Ukraine concerning cooperation in the prosecution of war criminals; on cooperation between the General Prosecutor's office and the Federal Prosecutor of the Swiss Confederation in the fight against organized crime and money laundering; of understanding between the General Prosecutor's office of Ukraine and the Ministry of justice of Canada. Was signed a Protocol of intent between the General Prosecutor of Ukraine and prosecutors' offices in each of the Baltic States on cooperation in providing legal aid. Agreement on legal assistance and cooperation concluded between the General Prosecutor of Ukraine and prosecutors' offices in many States of the CIS, the Supreme people's Prosecutor's office People's Republic of China, the Ministry of justice of the Republic of Poland and others [4].

The national legal act, which details the most reglementary the provision of legal aid and execution of requests about it, is the criminal procedural code of Ukraine (hereinafter - CPC of Ukraine). So, according to article 542 of the criminal procedure code of Ukraine international cooperation during criminal proceedings is the adoption of the necessary measures with the aim of providing international legal aid by the service of documents, execution of separate procedural actions, the extradition of persons who committed criminal offence, the temporary transfer of persons, the taking over of criminal prosecution, transfer of sentenced persons and enforcement of sentences. The international Treaty of Ukraine may provide other than in the KIIK of Ukraine, forms of cooperation during criminal proceedings [5].

According to article 545 of the KIIK of Ukraine General Prosecutor's office handles requests for international legal assistance in criminal proceedings during pre-trial investigation and considers relevant requests from foreign competent authorities, in addition to the pre-trial investigation of criminal offenses referred to the investigative jurisdiction of the National anticorruption Bureau of Ukraine, which performs the functions of the Central authority of Ukraine.

To harmonize the legal status of prosecutors are important documents of the Council of Europe: opinion and recommendation of the parliamentary Assembly of the Council of Europe (hereinafter – PACE), No. 190 (1993) of 26 September 1995 on the accession of Ukraine; PACE resolution dated 5 October 2005 № 1466 (2005) “On the implementation of obligations and commitments by Ukraine”; Recommendation (2000) 19 of the Committee of Ministers to member States of the Council of Europe on the role of public prosecution in the criminal justice system; PACE recommendation of 27 may 2003 № 1604 (2003) “the Role of prosecutors in a democratic society”, as well as comments on the draft Law on amendments to the Constitution of Ukraine on Prosecutor's office of Ukraine, provided by the experts of the European Commission "For democracy through law" (Venice Commission) in 2006.

These documents are formulated a lot of practical advice and professional tips that you can use to further improve the efficiency of the prosecutorial system in Ukraine and its rational harmonization with the prosecutorial systems of European countries. For example, in Recommendation (2000) 19 of the Committee of Ministers of the Council of Europe on 6 October 2000 of the Committee of Ministers to member States “On the role of the public prosecution service in the criminal justice system” stated: the Committee of Ministers, under article 15.b of the Statute of the Council of Europe, Recalling that the aim of the Council of Europe is to achieve greater unity between its members. Being aware of common to all member States need to strengthen the fight against

crime within countries and at the international level believes that this goal should improve the efficiency of not only national criminal justice systems but also international cooperation in criminal matters, while ensuring observance of the principles enshrined in the Convention on the protection of human rights and fundamental freedoms. Recommends that governments of member States to base their legislation and practices on the role of the public prosecution service in the criminal justice system, certain principles, one of which is international cooperation. Despite the fact that other state bodies can carry out functions relating to international cooperation in the sphere of justice should expand direct contacts between public prosecutors of different countries are either enshrined in international agreements, or are in working order. In a number of areas needs to be taken to expand direct contacts with public prosecutors for international judicial cooperation. In particular, such measures shall consist of the following:

- distribution of documents;
- compiling lists of contacts, specifying the names of the persons to be contacted in various organs of the prosecution, and the scope of their activities, responsibilities, etc;
- establishing regular personal contacts between public prosecutors of different countries, especially through the organization of regular meetings between the General prosecutors;
- the organization of training workshops and meetings for the exchange of information;
- the introduction and extension functions of the position of a lawyer with ties, with registered office in a foreign country;
- teaching foreign languages;
- expanding the use of electronic means of information exchange ;
- organization of working seminars with other States on issues of mutual and common issues criminal justice [6].

This should ensure: a) fair and impartial selection, promotion and travel in the service of public prosecutors, which embodies safeguards against any preferential approaches in the interests of certain groups and excludes all discrimination based on gender or race, color, language, religion, political or other opinion, national or social origin, or other factors; b) the formation of the careers of public prosecutors, their promotion and travel in the service of objective criteria such as professional competence and experience; c) moving the service should be dictated by business necessity; d) should be created proper conditions of service of prosecutors, in particular wages, seniority and pensions, commensurate with the importance of their role and the appropriate age of retirement; e) disciplinary proceedings against prosecutors shall be regulated by law and to guarantee the fairness and objectivity of evaluations and decisions that should be subject to independent and impartial monitoring; f) in cases of violation of the legal status of prosecutors they should have access to a satisfactory grievance procedure, including, depending on the situation, have adequate access to appropriate judicial body; g) must be provided physical protection for prosecutors and their families in cases of threats to their safety arising from the proper discharge of their duties[3]

**Conclusion.** Prosecutors, who are directly involved in the work on international cooperation, we should deepen their knowledge regarding the basics of diplomatic Protocol. So they need to be in constant, close contact with the Ministry of foreign Affairs of Ukraine. This applies to items such as: implementation of programs, plans and decisions of international organizations which member is Ukraine, on the activities of the prosecution; assistance in establishing and developing business relations with the governmental institutions of other countries and international organizations with the aim of ensuring the representation of the prosecution at international meetings, conferences, seminars and other events, as well as for training prosecutors within the framework of international cooperation programs; facilitating the participation of the Prosecutor General of Ukraine in international organizations, bodies and institutions (coordination, research, teaching), created at the interstate, intergovernmental and non-governmental levels, dealing with implementation of tasks of the prosecution.

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