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**THE RELATIONSHIP BETWEEN PUBLIC PROSECUTORS  
AND THE POLICE IN UKRAINE**

**Report by**  
**Mr Svyatoslav Piskun, Prosecutor General of Ukraine**

Dear colleagues, members and guests of the Forum,

I welcome this invitation to appear in company with high level professionals, legal scholars, and scientists rendering homage to Ukraine, its history, rights and current role in European legal field.

On behalf of the General Prosecutor's Office of Ukraine allow me to welcome you in this wonderful Hungarian land, to wish all the members of our meeting fruitful work, useful and constructive exchanges and results.

I am very grateful for the **great kindness** extended to Ukraine, **unbiased opinion on** a not so simple political and legal situation in the state, **optimistic forecasts** as for our intentions to integrate in the European Union.

It is clear that co-operation between the European States in the fight against crime does not exist on its own and that it requires the development of interstate relations. Strengthening these relations gives considerable importance to the co-operation of law-enforcement agencies. Such agencies include prosecution and militia.

In accordance with the Constitution and Laws of Ukraine the General Prosecutor's Office of Ukraine and the Ministry of Internal Affairs of Ukraine belong to the bodies of state power charged with a **task to protect the rights and freedoms of citizens**.

Bodies of internal affairs are **the largest part** in the system of law-enforcement bodies of Ukraine (more than 200 thousand officers). They have the most important role, not only in organisational but also in functional terms: more than 80 percent of crimes recorded in the criminal statistics constitute crimes that are solved and investigated by the bodies of internal affairs.

We consider the mutual relations of the prosecution authorities and militia in Ukraine, firstly, the **cooperation and coordination** of their mutual activity against crime, secondly, the supervision of the **execution of prosecution**.

In Ukraine, the discussion on whether the coordinating **function of the prosecution service** corresponded to the legal status of prosecution lasted more than 10 years. The discussion came to an end by the adoption on July 12, 2001 of addenda and modifications to the Law of Ukraine On Prosecution. According to these amendments the Prosecutor General of Ukraine and subordinated prosecutors shall **coordinate** the activity of bodies of internal affairs and other law-enforcement bodies in the fight against crime.

**Coordination** of these bodies' activity serves the **unity of purpose** in strengthening the legislation, fighting against crime, and removing obstacles and creating conditions to achieve this purpose. At the same time the bodies fighting against crime are not **interdependent** in their activity, have **different** procedural powers, and take different measures.

The process of coordination includes several stages. They are the following:

- **the definition** of problems in the fight against crime, and accordingly, a range of questions that should be discussed in the Coordination Meeting,
- **taking** the decisions and implementing them.

We consider the holding of the Coordination Meetings by the Heads of law-enforcement bodies as one of **the main forms of coordination** of the joint measures against crime and its prevention.

Besides, coordination of activities of the prosecution bodies and bodies of internal affairs is also achieved by other means, namely:

- exchange of information on the fight against crime and corruption;
- joint trips to the specific regions for the determination by all law-enforcement bodies of the measures in the fight against organised crime and some of its forms;
- the creation of joint operational investigation teams for investigation of high-profile cases, including cases of economic crime and crimes committed by state officials;

- with a view to further training of their officers, the Coordination Meeting can provide joint seminars and conferences.
- Other forms of coordination activities can be implemented, but they are specified in each case particularly depending on the character of a question.

I would like to draw your attention on the coordination of efforts by the law-enforcement bodies in the **fight against organised crime and corruption**.

Taking into account the importance of the problem, the observance of the law in the field of the fight against organised crime and corruption is considered in the meetings of collegiums of the General Prosecutor's Office of Ukraine and Regional Prosecutor's Offices, in Coordination and Interdepartmental Meetings with the participation of the Security Service of Ukraine, the Ministry of Internal Affairs and the State Tax Administration of Ukraine, including by hearings of their reports.

Considering the problems arising **in the economic development of the state**, their negative impact on public relations in the legal field and the living standards of citizens, main efforts are focused above all on activities against organised crime and other priority fields – in credit, financial as well as banking systems, the foreign economic sphere, the agro-industrial complex, and also the laundering of proceeds and other property from crime, traffic in human beings, detection of corruption etc.

Due to the joint measures taken by the law-enforcement authorities in 2004 it has been possible to register within the state a growth of the **detected** organised groups and criminal organisations by more than 10 percent and 5 percent respectively.

Besides, the number of the detected organised groups with corrupt relations has increased.

I am not mistaken if I say that nowadays corruption is the most difficult and the most painful problem. Origin of the fight against this negative phenomenon arises from the past century when in 1826 an imperial decree created the Third Section of Imperial Chancery vested with a function to supervise the activities of the executive power. From this moment on, the activity of the state is directed on fight against corruption.

At present the Law of Ukraine On the Fight against Corruption guides the law-enforcement authorities in this direction of work.

In 2004 all law-enforcement authorities executing the requirements of this Law took to court more than four thousand five hundred cases of corruption. After their examination more than four thousand state officials, officers of the law-enforcement authorities and other officials were given administrative sanctions.

In order to promote the effectiveness of the fight against organised crime and corruption, a **structural reorganisation** of the General Prosecutor's Office of Ukraine and its subordinate offices of public prosecution has recently taken place. The departmental regulations have been completely revised (official orders of the Prosecutor General of Ukraine, provisions on structural subdivisions etc.) as well as the reports on statistics.

Taking into account the urgency of the fight against corruption and the requirements of the President of Ukraine Yushchenko V. A. to the law enforcement bodies' activity in this field, the General Prosecutor's Office of Ukraine has created the Supervisory Department for legislative execution on the fight against crime.

With the aim of making an in-depth study of the staff employed by the prosecutor's office the Human Resources Department of the General Prosecutor's Office of Ukraine has established the Internal Security Department.

Considering the importance of coordination activities, **the main constitutional function** fulfilled by the Prosecutor General of Ukraine and his subordinates is **to supervise the compliance with the law by the criminal investigation bodies, both during preliminary and pre-trial investigation**.

The prosecutor's supervision in this respect concerns on one hand the **bodies** responsible for criminal investigation (preliminary and pre-trial investigation), and on the other hand, **their actions** set by law.

The Prosecutor General's Office of Ukraine supervises compliance with the law at every stage of the criminal process from the start of the criminal investigation till the **forwarding** of the criminal case to the courts.

When supervising compliance with the law by **bodies of the ministry of interior during preliminary or pre-trial investigation**, the prosecutor takes all measures directed to providing absolute compliance with the law by everyone during the criminal investigation. At the same time, one of the most important principles of prosecutor's activity while providing supervision is **the necessity of punishment**: no one who committed a crime should escape the responsibility fixed by law and at the same time none **shall be illegally brought** to criminal responsibility and be punished.

When performing supervisory activities, the prosecutor requests **and obtains** from the bodies of pre-trial investigation criminal cases, materials and documents for examination, **annuls** illegal decisions of the investigators, **submits** the cases from one body of pre-trial investigation to another, from one investigator to another for ensuring the full and the most comprehensive investigation, **returns** the criminal cases for additional investigation etc.

Thus, last year more than 60 thousand insufficient resolutions passed by police workers on the investigation of criminal cases, suspension of pre-trial investigation and termination of cases were annulled in the procedure of supervision.

However, the prosecutor **does not only supervise** the activity of investigators during pre-trial proceedings, but is also an **active participant** of pre-trial investigation, as far as, pursuant to the powers granted by the Code of **Criminal Procedure** the prosecutor facilitates to solve a crime, executes the requirements of the Law as for the comprehensiveness, the integrity, and objectivity of the enquiry. With this view the prosecutor **directly takes part** in pre-trial proceedings and in some cases personally carries out investigative actions or full-scale investigation on any cases, **gives** necessary instructions to be executed by the investigator and **checks** their execution.

Active cooperation between prosecutor and investigator takes place during pre-trial investigation and depends **not only on the prosecutor's supervision functions** and direct participation in the investigation of a case, but also on providing practical, theoretical and organisational **assistance, coordination** of investigative actions and investigative work.

In 2004 due to such cooperation the number of cases submitted to the court by investigators of bodies of internal affairs with conclusions to indict had increased to 170.000.

At present **the main efforts of cooperation** of prosecution authorities and bodies of internal affairs are turned to such directions of joint activity on the fight against organised crime, corruption, illegal drug trafficking, traffic in human beings, and laundering of proceeds from crime.

Dear colleagues,

All of us should make efforts to get over those negative factors that are threatening our society. I hope that after discussion of the above questions, we will achieve deeper understanding of the tasks faced by us that require a single solution.

I would like to wish all of you fruitful, effective work, good health, and success in your high mission in the consolidation of legality.

Thank you for your attention.