



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



ПІДТРИМКА РЕФОРМИ
КРИМІНАЛЬНОЇ ЮСТИЦІЇ В УКРАЇНІ
проект реалізується Радою Європи за фінансової підтримки уряду Данії.



ПРОГРАМА РЕФОРМУВАННЯ СИСТЕМИ
КРИМІНАЛЬНОГО СУДОЧИНСТВА В
УКРАЇНІ (OPDAT)
за фінансової підтримки Бюро з міжнародних питань у сфері боротьби з незаконними обівами на кордоні та правоохоронних питань Державного департаменту США



ПРОЕКТ «СПРАВЕДЛИВЕ ПРАВОСУДДЯ»

CONTINUING TRAINING FOR TRAINERS

«PRACTICAL ISSUES OF APPLICATION OF THE NEW CRIMINAL PROCEDURE CODE»

March 28-29, 2013

Jintama Breeze, Glibovka

Aims of the event:

- To discuss experience of the first months of CPC application and to compare it with the intention of lawmakers and experience of similar procedures implementation in Europe and the US
- To identify problem issues in application of certain CPC provisions by judges and discuss possible solutions for further improving of judicial training programs conducted by judges-trainers

AGENDA

8:45 – 9:15	Registration
9:15 – 9:40	<p>Opening Remarks</p> <p><i>Speakers:</i></p> <p>Oksana Kuchynska, Vice-rector of the NSJ Andriy Portnov, Presidential Administration (TBC) Stanislav Mischenko, Acting Head of the High Specialized Court on Civil and Criminal Matters of Ukraine (HCCC) Vitaliy Kasko, CoE Expert Mary Butler, OPDAT Nataliya Petrova, Deputy Chief of Party, USAID FAIR Justice Project</p> <p><i>Moderator:</i></p> <p>Oksana Kuchynska, Vice-rector of the NSJ</p>
9:40 – 11:00	SESSION 1. Pre-trial Investigation Issues: working with investigators and defense

	<p>Moderator: Natalia Marchuk, Judge of the HCCC</p> <p>Speakers: Maksym Tsutskiridze, Deputy Head of the division, Main Investigative Department of the Ministry of Interior Arkadiy Buschenko, defense lawyer, Executive Director of Ukrainian Helsinki Union on human rights Vitaliy Kasko, CoE Expert</p>
<p>11:00 – 11:20</p>	<p>Coffee break</p>
<p>11:20 – 13:20</p>	<p>SESSION 2. Pre-trial Investigation Issues (continued)</p> <p>Moderator: Natalia Marchuk, Judge of the HCCC</p> <p>Speakers: John Tunheim, US Federal Judge Stanislav Kravchenko, Judge of the HCCC Victor Gorodovenko, Chief Judge of the Appellate Court of Zaporozhye region Vitaliy Kasko, CoE Expert</p> <ul style="list-style-type: none"> • Measures of ensuring of criminal proceedings: <ul style="list-style-type: none"> • Imposing measures of ensuring of criminal proceedings • Specifics of temporary access to objects and documents • Specifics of seizure of property • Measures of restraint: <ul style="list-style-type: none"> • Appearance of suspect/accused in court - Court's responsibilities • Ensuring Rights to Counsel • Imposing measures of restraint • Appropriate sources of information • Who must be present • Who is supervising compliance with release conditions • Enforcing time periods in the code • Specifics of detention • Specifics of house arrest • Change of measure of restraint • Extension of detention • Investigative actions: <ul style="list-style-type: none"> • Legal basis for investigative actions (practical issues) • Forensic expertise and use of its results • Searches

	<ul style="list-style-type: none"> • Interrogation of a witness, victim in the course of pre-trial investigation in court session Enforcing time periods in the Code • Covert investigative actions: • Legal basis and role of courts in covert investigative actions • Balancing privacy and investigation needs • Distinction between some overt and covert investigative actions
13:20 – 14:00	Lunch
14:00 – 15:00	<p>SESSION 3. Evidence and Proofs</p> <p><i>Moderator:</i> Olga Shapovalova, NSJ</p> <p><i>Speakers:</i></p> <p>John Tunheim, US Federal Judge John Engstrom, OPDAT Arkadiy Buschenko, defense lawyer, Executive Director of Ukrainian Helsinki Union on human rights Vitaliy Kasko, CoE Expert</p> <ul style="list-style-type: none"> • Adequacy and admissibility of evidence • Submission of evidence • Evaluation of evidence and assessing witness credibility. • Testimonies • Hearsay testimony • Physical evidence and documents • Expert’s findings
15:00 – 16:00	<p>SESSION 4. Plea and Reconciliation Agreements</p> <p><i>Moderator:</i> John Engstrom, OPDAT</p> <p><i>Speakers:</i> John Tunheim, US Federal Judge Mary Butler, OPDAT Igor Stelmakh, Appellate Judge of Lviv region Vitaliy Kasko, CoE</p> <ul style="list-style-type: none"> • Plea agreements: • Procedures to follow to ensure the rights of the suspect/accused in deciding whether to accept a plea agreement • Reconciliation Agreements: • Procedures to follow to ensure the rights of the suspect/accused and the victim

16:00 – 16:15	Coffee break
16:15 – 17:00	<p>SESSION 5. Preparatory Hearing and Trial Issues</p> <p><i>Moderator:</i> Victor Gorodovenko, Chief Judge of the Appellate Court of Zaporozhye region</p> <p><i>Speakers:</i> John Tunheim, US Federal Judge Olga Shapovalova, NSJ Stanislav Kravchenko, Judge of the HCCC</p> <ul style="list-style-type: none"> • Continuity of trial without breaks • Ensuring appearance of parties • Presenting materials of the pretrial investigation by the prosecutor • Role of the advocate • Opening statements – presenting questions to prosecutor and advocates • Setting appropriate limits on direct and cross examination
17:00	Discussion
<u>FRIDAY</u>	
9:00 – 10:20	<p>SESSION 6. Trial Issues</p> <p><i>Speakers:</i> John Tunheim, US Federal Judge Mary Butler, OPDAT Nadiya Stefaniv, Chief Judge of the Appellate Court of Ivano-Frankivsk region Stanislav Kravchenko, Judge of the HCCC Vitaliy Kasko, CoE Expert</p> <p><i>Moderator:</i> Nataliya Petrova, Deputy Chief of Party, USAID FAIR Justice Project</p> <ul style="list-style-type: none"> • Video testimony • Dealing with disruptive behavior of litigants • Special issues regarding unrepresented defendants • Sentencing • Procedures after acquittal
10:20 -10:45	<p>Pre-trial investigation: activities of prosecutors Mykola Goshovskiy, First Deputy Head of Main Department overseeing observance of laws in criminal proceedings, PGO</p>
10:45 -11:45	<p>SESSION 7. Appellate issues</p> <p><i>Moderator:</i></p>

	<p>Galina Stankovska, Appellate Judge, Chernivtsi region</p> <p><i>Speakers:</i></p> <p>Natalia Marchuk, Judge of the HCCC Oleg Polyukovych, Appellate Judge, Rivne region Olexander Leon, Appellate Judge, Lviv region</p> <ul style="list-style-type: none"> • Appeal on the investigative judge orders • Review of convictions • Criminal proceedings upon discovery of new circumstances
11:45- 12:10	Coffee Break and Check-Out
12:10 - 12:50	<p>SESSION 8. Status of training</p> <p><i>Moderator:</i></p> <p>Oksana Kuchynska, Vice-rector of the NSJ</p> <p><i>Speakers:</i></p> <p>Nataliya Akhtyrskya, Professor, Justice Chair, Kyiv Shevchenko University Victor Gorodovenko, Chief Judge of the Appellate Court of Zaporozhye region Oleksandr Dzhulay, Appellate Judge of Odessa region Svitlana Savkova, Appellate Judge of Donetsk region Ivan Struk, Appellate Judge of Kharkiv region</p> <p>Who has been trained and who needs training among judges or prosecutors and police? Sharing experiences of providing training</p>
12:50 – 13:30	Discussion
13:30	Lunch