

LAW OF UKRAINE

**On administration of justice and criminal proceedings in connection with
the anti-terrorist operation**

Verkhovna Rada Bulletin, 2014, No. 39, Article 2009)

(As amended by Law No. 119-VIII of 15.01.2015, Verkhovna Rada Bulletin, 2015, No. 10, Article 61)

This Law defines legal response measures in the anti-terrorist operation area and is intended to ensure the access of citizens and legal entities to court.

Article 1. Specific features of determination of jurisdiction in the anti-terrorist operation area

1. As specific courts in the anti-terrorist operation area are not capable of administering justice, the jurisdiction of cases subject to jurisdiction of such courts located in the anti-terrorist operation area, shall be changed, and, furthermore:

civil cases and cases related to administrative proceedings subject to jurisdiction of local general courts located in the anti-terrorist operation area, administrative cases subject to jurisdiction of local general courts as administrative courts and appellate courts located in the anti-terrorist operation area, shall be heard by local general courts and appellate courts designated by the Chairman of the High Specialised Court of Ukraine for Civil and Criminal Cases;

administrative cases subject to jurisdiction of administrative courts located in the anti-terrorist operation area, shall be heard by administrative courts designated by the Chairman of the High Administrative Court of Ukraine;

economic cases subject to jurisdiction of economic courts located in the anti-terrorist operation area, shall be heard by economic courts designated by the Chairman of the Supreme Economic Court of Ukraine;

criminal proceedings subject to jurisdiction of local (district, city, city district and district-in-city) courts and local courts located in the anti-terrorist operation area, shall be heard by local general courts and appellate courts designated by the Chairman of the High Specialised Court of Ukraine for Civil and Criminal Cases.

2. Issues that belong to the scope of authority of the investigative judge in criminal proceedings under a pre-trial investigation in the anti-terrorist operation area shall, if justice administration is impossible, be heard by investigative judges of local general courts designated by the Chairman of the High Specialised Court of Ukraine for Civil and Criminal Cases.

3. Cases pending in local and appellate courts located in the anti-terrorist operation area shall, if justice administration is not possible, shall be transferred to courts according to the seat of jurisdiction established hereby within ten business days upon a relevant order of the relevant high specialised court.

If case files cannot be transferred to the seat of jurisdiction established hereunder, relevant procedural actions shall be taken based upon documents and materials submitted by the litigants, provided, however, that such documents and materials are sufficient for adoption of the relevant court decision.

4. The State Judicial Administration of Ukraine shall prepare a list of local and appellate courts that are located in the anti-terrorist operation area and are not capable of administering justice, and shall thereupon send the relevant submissions to chairmen of high specialised courts for adoptions of the decisions referred to in clauses 1 and 2 of Article 1 of this Law.

Article 2. Competence for investigation of criminal offences committed in the anti-terrorist operation area

1. Competence for investigation of criminal offences committed in the anti-terrorist operation area, if pre-trial investigation is not possible, shall be defined by the Prosecutor General of Ukraine.

2. Materials related to pre-trial investigation of crimes, where criminal proceedings are at the stage of pre-trial investigation, shall, if pre-trial investigation is not possible, be transferred to pre-trial investigation bodies defined by the Prosecutor General of Ukraine within ten working days upon definition of the investigation competence.

Article 3. Territorial jurisdiction in case of change of district borders or termination of the anti-terrorist operation

1. Based on duly adopted decisions on the change of borders or termination of the anti-terrorist operation in case of restoration of proper conditions for operation of local courts and appellate courts located in the anti-terrorist operation area, the State Judicial Administration of Ukraine shall file to the relevant high specialised court a submission for restoration of work of the relevant local and appellate court.

The chairman of the relevant high specialised court shall issue an order for restoration of work of the relevant local or appellate court referred to in the submission of the State Judicial Administration of Ukraine.

2. Territorial jurisdiction for resolution of cases the hearing of which commences upon the issue by the chairman of the relevant high specialised court of an order for restoration of work of the relevant local or appellate court in connection with the change of borders or termination of the anti-terrorist operation, shall be defined without a regard to provisions contained in this Law.

3. Upon the issue by the chairman of the relevant high specialised court of an order for restoration of work of the relevant local or appellate court in connection with the change of borders or termination of the anti-terrorist operation, local and appellate courts that commenced hearing of cases under clauses one and two of Article 1 of this Law shall continue hearing of such cases.

Article 4. Competence for investigation for criminal offences committed in the anti-terrorist operation area in case of change of borders or termination of the anti-terrorist operation

1. In case of change of borders or termination of the anti-terrorist operation, pre-trial investigation bodies that conduct pre-trial investigation of criminal offences under Article 2 hereof shall continue pre-trial investigation of such criminal offences.

Article 5. Special pre-trial investigation and special court proceedings related to persons who are in the anti-terrorist operation area

1. A failure to appear on the summons from an investigator, prosecutor or on the judicial summons from an investigating judge or a court (failure to appear on summons without valid reasons more than two times) by a suspect or an accused who is in the anti-terrorist operation area and putting on the wanted list, shall be the grounds for special pre-trial investigation and special court proceedings according to the Code of Criminal Procedure of Ukraine with due regard to the applicable provisions contained herein.

A requirement of putting on an interstate or international wanted list does not cover the instances where an issue of application of the special criminal proceedings in respect of such persons is decided upon.

{New Article 5 added to the Law according to Law No. 119-VIII of 15.01.2015}

Article 6. Final provisions

1. This Law shall become shall enter into force on the day following the day of its publication.
2. Laws and other legal acts and regulations of Ukraine shall be effective where not in conflict with this Law.

President of Ukraine
Kyiv
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No. 1632-VII

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