



Supreme
Court

FOSTERING HUMAN RIGHTS IN THE
CRIMINAL JUSTICE SYSTEM IN UKRAINE

Project is implemented
by the Council of Europe
within the Council of Europe
Action Plan for Ukraine
2023-2026



AGENDA FOR THE EXPERT'S DISCUSSION
on the *In Absentia* proceedings in the Ukrainian legal framework
22 November 2024
Kyiv, Ukraine (online event)

Organised by the Council of Europe Project "Fostering Human Rights in the Criminal Justice System in Ukraine" in cooperation with Supreme Court and Office of the Prosecutor General

10:00 – 10:30	<p>Opening remarks</p> <ul style="list-style-type: none"> • Lilja Gretarsdottir, Head, Department for Implementation of Human Rights, Justice, and Legal Co-operation Standards, DGI, CoE, HQ • Oleksandr Marchuk, Head of the Criminal Cassation Court within the Supreme Court • Yurii Rud, Deputy Head of the Department for Counteracting Crimes Committed in the Context of Armed Conflict, Office of the Prosecutor General <p>Moderator: Bozhena Malanchuk, Project Coordinator, Co-operation Programmes Division, Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, Directorate General Human Rights and Rule of Law, Council of Europe</p>
10:30 – 11:00	<p>Analysis of In Absentia Criminal Proceedings in Ukraine</p> <ul style="list-style-type: none"> • Jeremy McBride, Barrister, UK, International Consultant, Council of Europe
11:00-12:00	<p>Comparative Study on In Absentia Proceedings in selected CoE Member States</p> <p><i>Countries under the study:</i> Bosnia and Herzegovina, Croatia, Georgia, Germany, Romania, Spain, the Netherlands, Republic of Moldova, United Kingdom</p> <ul style="list-style-type: none"> • Lilian Apostol, International Legal Advisor, CoE Cooperation Programmes Division, DGI (methodology, main observations and summarised analysis) <p>Comments/contributions by country experts:</p> <ul style="list-style-type: none"> • Ian Welch, lawyer in the criminal justice system, former senior prosecutor in the Crown's Great Britain, International Consultant, Council of Europe • Lorena Bachmaier-Winter, Full Professor of Law, Justice Systems and Procedure, Complutense University Madrid, Spain, International Consultant, Council of Europe • Anna Adamska-Gallant, PhD, expert in human rights, criminal justice and transitional justice, International Consultant, Council of Europe <p>Objective: Present findings from a comparative study on how selected CoE member states handle In Absentia proceedings, drawing conclusions and offering guidance for Ukraine to ensure fair trial guarantees and procedural safeguards.</p>

12:00 – 12:45	Q&A Session and Expert Discussions Moderator: Alisa Pietukhova , Project Manager “Fostering Human Rights in the Criminal Justice System in Ukraine” Council of Europe
12:45-13:15	Conclusions and Reflections. Next Steps: Enhancing <i>In Absentia</i> Proceedings in Ukraine <ul style="list-style-type: none"> • Yurii Rud, Deputy Head of the Department for Counteracting Crimes Committed in the Context of Armed Conflict, Office of the Prosecutor General • Oleksandr Marchuk, Head of the Criminal Cassation Court within the Supreme Court • Bozhena Malanchuk, Project Coordinator, HQ <p><i>Objective:</i> Summary of discussions, reflections from participants, and feedback on proposed next steps and continued support from the CoE Project; incl. to propose a series of technical consultations on <i>In Absentia</i> procedures for the next project phase to ensure continued support with a view to alignment with CoE standards.</p>