



***O. Bilichak***

Candidate of Law Sciences,  
Professor at the Department of Operative and Search Activity,  
National Academy of the Security Service of Ukraine

## **PUBLIC PROSECUTOR'S SUPERVISION OVER THE LEGALITY OF COVERT INVESTIGATIVE (DETECTIVE) ACTIONS IMPLEMENTATION**

The article is devoted to the analysis of the Criminal Procedure Law provisions, which define the powers of the public prosecutor during providing covert investigative (detective) actions at the pre-trial investigation of criminal offences. On the basis of the comparative study of the domestic and foreign legislation provisions, suggestions regarding improvement of public prosecutor's supervision over conducting covert investigative (detective) actions are made.

It has been defined that one of the most important duties granted to the Public Prosecutor Office by the Criminal Procedure Code of Ukraine (CPC of Ukraine) is supervision over the covert investigative (detective) actions. The public prosecutor's powers consist in supporting the motions on the covert investigative (detective) actions, related to the individual's right restriction, checking out the legality of holding covert investigative (detective) actions whose implementation does not require the permission of the investigatory judge or the public prosecutor's decision. In the event of unjustified taking of such decisions by an investigator the public prosecutor may give instructions about their termination.

The special status of the Public Prosecutor's Office in the supervision over the legality in providing covert investi-

gative (detective) actions is emphasized by the fact that the control of the commission of a crime (article 271 CPC of Ukraine) occurs only by the decision of public prosecutor.

One of the most important powers of the public prosecutor in the organization and providing covert investigative (detective) actions is the right to take a decision on the use of materials obtained from them. Criminal Procedure Law also enshrines the duty of the public prosecutor to ensure the safety of information that will be used in proving guilty of the person at stages of the trial based on the criminal proceedings materials. The public prosecutor is assigned with control function for the destruction of information on private (personal or family) life of individuals that can not be used in criminal proceedings.

It has been proved that taking into account the extensive powers of the public prosecutor in pre-trial investigations of criminal offences, the current legislation should provide the mechanism that would ensure compliance with the law by authorized public prosecutors in the course of supervisory functions. Such mechanisms may be a special order of public prosecutors appointment and dismissal and bringing them to justice for committing fraud offences.

