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**DEPOSITION OF WITNESS' EVIDENCE ACCORDING
TO THE CRIMINAL PROCEDURE CODE
OF UKRAINE OF 2012**

The article is devoted to the research of regulation and practice of the Article 225 of the Criminal Procedure Code of Ukraine 2012 – "deposition". The author pays attention to the fact that provisions of the Article doesn't contain precise rules of taking a deposition, for instance: the procedure of consideration of the petition, as well as court ruling based on results of the consideration; the possibility to return the petition to the person; the possibility to refuse to accept the petition for consideration; the set of persons who may be simultaneously examined; investigative judge's actions in case of absence of the person who submitted the petition; etc. The author, taking into account the existence of procedural interest of the person who submits a petition, points out the soundness of the attendance in the court. Nevertheless, his absence shall not prevent the consideration of the petition yet there is no need for others to be present.

Based on the analysis of the foreign experience (USA, Germany, Kazakhstan) and on the decisions of the investigative

judges some shortcomings of legal regulation and practice of the Article 225 of the Criminal Procedure Code of Ukraine of 2012, the author revealed particularly the conditions that make it impossible to depose witness or victim, as well as conditions that can affect credibility of testimony.

The author justified that filling the list of questions in the judge's decision circumscribes the procedural possibilities of the person who submits the petition since some questions on substantial circumstances of the criminal case may arise during the deposition.

It is proved that investigative judge, during the simultaneous examination, may examine only witness and victim.

The author draws a conclusion that the following changes should be made: the victim may submit the petition to take a deposition; to expand the range of cases in which deposition may be taken; to add the requirements to the content and form of the petition; the procedure and the circle of persons who may be present at the deposition; the cases in which petition may be returned.

