

O. Popovych

Degree Seeking Applicant,
National Academy of Prosecution of Ukraine

**INSURING PERFORMANCE OF CRIMINAL
PROCEEDING PRINCIPLES IN LIGHT
OF PROSECUTOR'S PROCEDURAL GUIDANCE
IN THE CONTEMPORARY CRIMINAL PROCESS**

The article is devoted to researching of the issue of insuring performance of criminal proceeding principles from the perspective of prosecutor's procedural guidance within the contemporary criminal process. In particular, the object of criminal procedural activity of this participant was thoroughly analyzed. Further on, considering the conclusions that are made, a direction of realization of prosecutor's duties is directly defined in the article, namely the fact that they are aimed at fulfillment of criminal procedure principles that are stated in Chapter 1 of Section I of the Criminal Procedure Code of Ukraine. Additionally, it is claimed that, firstly, the stated list of criminal procedure principles cannot be treated as exhaustive. Because of the fact that Ukraine admitted the practice of European Court of Human Rights, it also has virtually admitted the possibility of application and execution of the future main principles of the criminal procedure that would follow the interpretation and

application of the European Convention on Human Rights and additional protocols thereof by the European Court of Human Rights. Secondly, specific principles of criminal procedure are related to its realization in the court proceedings, and the former does not connect to the procedural guidance fulfillment by prosecutor, namely: 1) access to justice and the binding nature of court rulings; 2) adversarial nature of parties, freedom to present their evidence to the court and prove the preponderance of this evidence before the court; 3) direct examination of testimonies, objects and documents; 4) ensuring the right to challenge procedural decisions, actions, or omission 5) publicity and openness of court proceedings and complete recording using technical means.

Basing on the aforementioned, each criminal procedure principle is revealed. It is realized within criminal procedural activity in course of fulfillment of the procedural guidance by prosecutor.