

**COMPARATIVE TABLE  
to the Draft Law of Ukraine**

**"On Amendments to the Criminal Procedure Code of Ukraine Regarding the Improvement of the Procedure for Pre-Trial Investigation and Assize in Criminal Proceedings Regarding Crimes Related to Sexual Violence Committed in the Context of an Armed Conflict"**

Valid version	Version with suggested amendments
<p><b>Criminal Procedure Code of Ukraine</b> (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2013, No. 9–10, No. 11–12, No. 13, Art. 88)</p>	
<p><b>Article 27.</b> Publicity and openness of court proceedings and full recording by technical means of court hearings and procedural actions</p> <p>...</p> <p>2. Criminal proceedings in courts of all instances shall be conducted in an open manner. An investigating judge, court may decide to restrict the access of persons who are not participants in the court proceedings to the court hearing during the quarantine established by the Cabinet of Ministers of Ukraine pursuant to the <u>Law of Ukraine</u> "On Protection of the Population from Infectious Diseases", if the participation in the court hearing would pose a threat to life or health of a person. An investigating judge, court may decide to conduct criminal proceedings at a closed court hearing during the entire court proceedings or a separate part thereof only in the following cases:</p> <p>1) if the accused is a minor;</p>	<p><b>Article 27.</b> Publicity and openness of court proceedings and full recording by technical means of court hearings and procedural actions</p> <p>...</p> <p>2. Criminal proceedings in courts of all instances shall be conducted in an open manner. An investigating judge, court may decide to restrict the access of persons who are not participants in the court proceedings to the court hearing during the quarantine established by the Cabinet of Ministers of Ukraine pursuant to the <u>Law of Ukraine</u> "On Protection of the Population from Infectious Diseases", if the participation in the court hearing would pose a threat to life or health of a person. An investigating judge, court may decide to conduct criminal proceedings at a closed court hearing during the entire court proceedings or a separate part thereof only in the following cases:</p> <p>1) if the accused is a minor;</p>

<p>2) the case under consideration concerns a criminal offense against the sexual freedom and sexual integrity of a person;</p> <p>3) it is necessary to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person;</p> <p>4) if the proceedings at an open court hearing may lead to the disclosure of a secret protected by law;</p> <p>5) it is necessary to ensure the safety of persons involved in criminal proceedings.</p> <p><b>None.</b></p> <p>[...]</p>	<p>2) the case under consideration concerns a criminal offense against the sexual freedom and sexual integrity of a person;</p> <p>3) it is necessary to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person;</p> <p>4) if the proceedings at an open court hearing may lead to the disclosure of a secret protected by law;</p> <p>5) it is necessary to ensure the safety of persons involved in criminal proceedings.</p> <p><b>An investigating judge shall consider applications, motions, and appeals in criminal proceedings regarding crimes related to sexual violence committed in the context of an armed conflict, as well as assize in criminal proceedings of this category shall be carried out in a closed court hearing, except for the cases where the court will make a decision on criminal proceedings in an open court hearing at the written request of the victim.</b></p> <p>[...]</p>
<p><b>Article 216.</b> Investigative jurisdiction</p> <p>...</p> <p>2. Investigators of security agencies shall conduct pre-trial investigation of crimes specified in <u>Articles 109, 110, 110<sup>-2</sup>, 111, 111<sup>-1</sup>, 111<sup>-2</sup>, 112, 113, 114, 114<sup>-1</sup>, 114<sup>-2</sup>, 201, 201<sup>-1</sup>, 258-258<sup>-5</sup>, 265<sup>-1</sup>, 305, 328, 329, 330, 332<sup>-1</sup>, 332<sup>-2</sup>, 333, 334, 359, 422, 435<sup>-1</sup>,</u></p>	<p><b>Article 216.</b> Investigative jurisdiction</p> <p>...</p> <p>2. Investigators of security agencies shall conduct pre-trial investigation of crimes specified in <u>Articles 109, 110, 110<sup>-2</sup>, 111, 111<sup>-1</sup>, 111<sup>-2</sup>, 112, 113, 114, 114<sup>-1</sup>, 114<sup>-2</sup>, 201, 201<sup>-1</sup>, 258-258<sup>-5</sup>, 265<sup>-1</sup>, 305, 328, 329, 330, 332<sup>-1</sup>, 332<sup>-2</sup>, 333, 334, 359, 422, 435<sup>-1</sup>,</u></p>

<p><u>436, 436<sup>-2</sup>, 437, 438, 439, 440, 441, 442, 443, 444, 446, 447</u> of the <u>Criminal Code of Ukraine</u>.</p> <p>Where in the course of investigation of crimes specified in <u>Articles 328, 329, 422</u> of the Criminal Code of Ukraine, crimes are established specified in <u>Articles 364, 365, 366, 367, 425, 426</u> of the Criminal Code of Ukraine, committed by a person in respect of whom pre-trial investigation is conducted, or by another person, where they are related to crimes committed by a person in respect of whom pre-trial investigation is conducted, such crimes shall be investigated by investigators of security agencies, except cases, when such crimes are referred according to this Article to the investigative jurisdiction of investigators of the National Anti-Corruption Bureau of Ukraine.</p> <p><b>None.</b></p> <p>[...]</p>	<p><u>436, 436<sup>-2</sup>, 437, 438, 439, 440, 441, 442, 443, 444, 446, 447</u> of the <u>Criminal Code of Ukraine</u>.</p> <p>Where in the course of investigation of crimes specified in <u>Articles 328, 329, 422</u> of the Criminal Code of Ukraine, crimes are established specified in <u>Articles 364, 365, 366, 367, 425, 426</u> of the Criminal Code of Ukraine, committed by a person in respect of whom pre-trial investigation is conducted, or by another person, where they are related to crimes committed by a person in respect of whom pre-trial investigation is conducted, such crimes shall be investigated by investigators of security agencies, except cases, when such crimes are referred according to this Article to the investigative jurisdiction of investigators of the National Anti-Corruption Bureau of Ukraine.</p> <p><b>Pre-trial investigation of crimes related to sexual violence committed in the context of an armed conflict shall be carried out by investigators of the National Police or security agencies.</b></p> <p>[...]</p>
<p><b>Article 219.</b> Time limits for pre-trial investigation</p> <p>...</p> <p>2. Time limits of pre-trial investigation from the moment of entering information on a criminal offense into the Unified Register of Pre-Trial Investigations or adoption of a resolution on commencement of the pre-trial investigation in accordance with the procedure established by <u>Article</u></p>	<p><b>Article 219.</b> Time limits for pre-trial investigation</p> <p>...</p> <p>2. Time limits of pre-trial investigation from the moment of entering information on a criminal offense into the Unified Register of Pre-Trial Investigations or adoption of a resolution on commencement of the pre-trial investigation in accordance with the procedure established by <u>Article</u></p>

<p><u>615</u> of this Code, until the day of notification to the person of suspicion shall be:</p> <ol style="list-style-type: none"><li>1) twelve months - in criminal proceedings for a minor crime;</li><li>2) eighteen months - in criminal proceedings for a serious or extremely serious crime.</li></ol> <p><b>None.</b></p> <p>[...]</p>	<p><u>615</u> of this Code, until the day of notification to the person of suspicion shall be:</p> <ol style="list-style-type: none"><li>1) twelve months – in criminal proceedings for a minor crime;</li><li>2) eighteen months – in criminal proceedings for a serious or particularly serious crime;</li><li>3) <b>reasonable term – in criminal proceedings regarding crimes stipulated by Chapter XX of the Criminal Code of Ukraine.</b></li></ol> <p>[...]</p>
--	--

**Article 232.** Conducting interrogation or identification in the mode of video conference during pre-trial investigation

...

If a person who is to be taking part in the pre-trial investigation remotely – pursuant to a decision of the investigator or public prosecutor stays on premises located outside the territory under the jurisdiction of the body of pre-trial investigation or outside the territory of the city where it is located, the investigator, public prosecutor assigns by his resolution and within the competence of the body of the National Police, security body, the body of the Economic Security Bureau of Ukraine, in whose territorial jurisdiction such person stays, the National Anti-Corruption Bureau of Ukraine or the State Bureau of Investigations of Ukraine, to carry out the actions specified in part 5 of this Article. A copy of this resolution may be sent by e-mail,

**Article 232.** Conducting interrogation or identification in the mode of video conference during pre-trial investigation

...

If a person who is to be taking part in the pre-trial investigation remotely – pursuant to a decision of the investigator or public prosecutor stays on premises located outside the territory under the jurisdiction of the body of pre-trial investigation or outside the territory of the city where it is located, the investigator, public prosecutor assigns by his resolution and within the competence of the body of the National Police, security body, the body of the Economic Security Bureau of Ukraine, in whose territorial jurisdiction such person stays, the National Anti-Corruption Bureau of Ukraine or the State Bureau of Investigations of Ukraine, to carry out the actions specified in part 5 of this Article. A copy of this resolution may be sent by e-mail, fax or via other means of communication. The official

fax or via other means of communication. The official of the requested body, in agreement with the investigator or public prosecutor, who gave the assignment, shall be required to organize the execution of such assignment as soon as possible.

**None.**

[...]

of the requested body, in agreement with the investigator or public prosecutor, who gave the assignment, shall be required to organize the execution of such assignment as soon as possible.

**In the course of the pre-trial investigation and trial during the broadcast from another premises that is outside the premises of the court with the use of technical means (including own), the identity of the victim and a witness in criminal proceedings regarding crimes related to sexual violence committed in the context of an armed conflict shall be reported exclusively to the judge, court administrator, and clerk of the court hearing, except for the cases when the court, based on the written request of the victim, makes a decision on criminal proceedings in an open court hearing.**

[...]

**Article 278.** Serving written notice of suspicion

...

4. Date and time of serving the notice of suspicion, legal qualification of criminal offense of the commission of which the person is suspected, with indication of the Article (part of the Article) of Ukraine's law on criminal liability, shall be immediately entered by the investigator or public prosecutor to the Unified Register of Pre-Trial Investigations.

**Article 278.** Serving written notice of suspicion

...

4. Date and time of serving the notice of suspicion, legal qualification of criminal offense of the commission of which the person is suspected, with indication of the Article (part of the Article) of Ukraine's law on criminal liability, shall be immediately entered by the investigator or public prosecutor to the Unified Register of Pre-Trial Investigations.

**None.**

**In the case of publication of a notice of suspicion of committing a crime related to sexual violence committed in the context of an armed conflict, in the national media and on the official website of the Office of the Prosecutor General pursuant to the requirements of Article 135 of this Code, such a notice shall be published without indication of the first name, patronymic, and last name of the victim, his/her close relatives and family members, as well as other persons to whom security measures apply, their place of residence or stay, the place where the criminal offense was committed, and other information that makes it possible to identify the person.**



**Article 336.** Conducting of procedural actions during court proceedings through video conference

**1. Court proceedings may be conducted through video conference with transmission from another premise, including such as is located beyond the bounds of the court premises (remote court proceedings) where:**

- 1) it is impossible for a participant of criminal proceedings to participate directly in the court proceedings for reason of health or for other valid reasons;
- 2) it is necessary to ensure safety of persons;
- 3) a minor or underage witness or victim is interviewed;

**Article 336.** Conducting of procedural actions during court proceedings through video conference

**1. Court proceedings may be conducted through video conference with transmission from another premise, including such as is located beyond the bounds of the court premises (and with the use of own technical means) (remote court proceedings) where:**

- 1) it is impossible for a participant of criminal proceedings to participate directly in the court proceedings for reason of health or for other valid reasons;
- 2) it is necessary to ensure safety of persons;
- 3) a minor or underage witness or victim is interviewed;

<p>4) such measures are necessary to ensure prompt court proceedings;</p> <p>5) there are other grounds recognized sufficient by the court.</p> <p>...</p> <p><b>None.</b></p>	<p>4) such measures are necessary to ensure prompt court proceedings;</p> <p>5) there are other grounds recognized sufficient by the court.</p> <p>...</p> <p><b>10. In the course of the assize during the broadcast from another premises that is outside the premises of the court with the use of technical means (including own), the identity of the victim and a witness in criminal proceedings regarding crimes related to sexual violence committed in the context of an armed conflict shall be reported exclusively to the judge, court administrator, and clerk of the court hearing, except for the cases when the court, based on the written request of the victim, makes a decision on criminal proceedings in an open court hearing.</b></p>
--	--

**People's Deputies of Ukraine**

**M.O. Bardina and others**



ЄАС ВЕРХОВНОЇ РАДИ УКРАЇНИ  
Підписувач: БАРДІНА МАРІНА ОЛЕГІВНА  
Сертифікат: 2B6C7DF9A3891DA10400000511CC300E65C7203  
Дійсний до: 02.06.2023 23:59:59

Апарат Верховної Ради України  
61д9/1-2023/116936 від 30.05.2023



1196857