**NATIONAL AVIATION UNIVERSITY**

**EDUCATIONAL AND SCIENTIFIC LEGAL INSTITUTE**

**Department of Criminal Law and Process**

SUPPORTED LECTURING CONCEPT

on discipline " **Prosecution of Ukraine** "

Education Professional Program: “Jurisprudence”

(the code and the name of the direction (specialty) of training)

  Compiler \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Head of Department\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Take note of the title of the lecture **“The history of the prosecutor's”**.

Write down the lecture plan.

1. **The beginning of the prosecutor's office as an institution**
2. **Activities in Ukraine during the UNR, Hetmanate and the Directory.**
3. **Prosecutor's Office of Soviet Ukraine to create a centralized system of the USSR**
4. **Development at the period of independent Ukraine.**

First of all, it should be noted that different countries have a very different system of prosecutors. And there are very different terms for designating a person who we call prosecutor. As an example, tell me how it is translated “General”? How to translate “attorney”? And what will mean together “General attorney”? This is a steady expression, which means the Prosecutor General.

1. But back to our plan. **The beginning of the prosecutor's office as an institution**

The birth of the primary functions of the prosecutor's office relates to the times of Ancient Rome. During the reign of the Emperor Augustus, the activities of the prosecutors (from the Latin **procurator,** the representative), which entrusted with the collection of taxes, were administered by small provinces; they performed a variety of economic functions.

In European countries, for the first time, the prosecutor's office appears in France in the 14th century, with its first steps being a purely prosecution, a punitive organ. By that time, in the European countries, especially in Spain, the inquisition process, which came to the place of a process of public, public, and competition, was already firmly formed. It became a motive for the transformation of the foundations of the organization and activities of the already established prosecutors.

The Office of Public Prosecutor of France became a prototype of the Prosecutor's Office of Russia. The founder of the prosecution and prosecutor's office in Russia is considered to be Peter I. Decree of January 12, 1722 Peter I founded the Prosecutor's Office of the Russian Empire. In the decree "On the post of Prosecutor General" it was noted that "this rank, as our eye and ruler on the affairs of the state" . Prosecutors had the appointment to perform the role of "punitive punters" and at the same time "defenders of innocence". n the following years after the death of Peter I, especially during the reign of Anna Ioanovna, the prosecutor's office practically did not act. In its former prerogative, the prosecutor's office was restored during the reign of Elizabeth.

At the beginning of the century, the prosecutor's office gradually evolved, but significant changes in its activities occurred for Alexander 2. Even before the judicial reform, in 1862, the State Council of the Russian Empire adopted the "Basic Provisions on the Prosecutor's Office", which defined the state appointment of the prosecutor's oversight, its content (subject), the task and authority of prosecutors. The "Basic Provisions on the Prosecutor's Office" formulated the principles of the organization and operation of the prosecutor's office, which remained intact throughout the period of existence of the Russian Empire. The main function of the prosecutor's office of the Russian Empire since 1722 was the supervision of the implementation of laws and other regulations, and from 1864 to October 1917 the prosecutor's office served as a public prosecution in litigation, supervision of inquiry and preliminary investigation of the investigator's staff of district courts, as well as supervision over places of imprisonment.

**2Activities in Ukraine during the UNR, Hetmanate and the Directory.**

The second stage of the development of the Prosecutor's Office of Ukraine began with the February Revolution of 1917 when the ***Ukrainian Central Rada*** (November 1917) was created and operated as a subsystem of the state power of Ukraine. The first legislative act on the prosecutor's office in Ukraine was the Law "On the Establishment of the General Court", which included civil, criminal and administrative departments and the prosecutor's office. In the prosecutor's office, the staffing schedule provided for posts: senior prosecutor, three prosecutors, a clerk and a clerk's assistant. On January 4, 1918, the Central Rada adopted the Law "On the Office of the Prosecutor's Office in Ukraine", on the basis of which prosecutors were established at appellate and district courts. The prosecutors were appointed by the Secretary General of the court proceedings. By order of the Secretary-General of legal cases No. 7 dated January 18, 1918, D.V. was appointed to the post of Chief Prosecutor of the General Court D. Markevich.

From April to November 1918, the ***Hetmanate*** operates in Ukraine, which dissolved the Central Rada and the government and abolished all its laws. Hetman of Ukraine P.P. On July 8, 1918, Skoropadsky approved the Law "On the Establishment of the State Senate" approved by the Council of Ministers of Ukraine, which regulated the organization and activities of the prosecutor's office.

In November 1918 the ***Directory*** was created, which was headed by V. Vinnichenko, and later by S. Petliura. The Directory reversed the name of the state - the Ukrainian People's Republic, abolished the Hetman Government's law on the establishment of the State Senate and restored the activities of the General Court, which was named "The Supreme Court of the Ukrainian People's Republic", which included the prosecutor's office. In January 1919, the Council of People's Ministers of the UPR approved the state of the Supreme Court, which included 7 prosecutors. The UNR Directory, headed by S. Petliura, soon ceased to exist.

The **Soviet republic** was formed on the territory of Ukraine, proclaimed in December 1917 in the city of Kharkiv, and the government was created - the People's Secretariat and the All-Ukrainian Central Executive Committee (VUTSVK).

**3.Prosecutor's Office of Soviet Ukraine to create a centralized system of the USSR**

The third stage in the development of the prosecutor's office in Ukraine begins in February 1919, when the decree of the Council of People's Commissars of Ukraine dated February 19, 1919, abolished all judicial institutions, including prosecutorial supervision, which acted on the territory of Ukraine prior to the establishment of Soviet power.

On June 28, 1922, by the decision of the VUTSVK the State Prosecutor's Office of the Ukrainian SSR was formed. In the first legislative act on prosecutorial supervision "The Provisions on Prosecutor's Supervision in the Ukrainian SSR", approved by the Central Executive Committee on June 28, 1922, it was stipulated that the prosecutor's office was established in the interests of the correct formulation of the fight against crime and the enforcement of laws.   
The law provided for the supervision of the activities of all investigative bodies and inquiry, participation in administrative sessions of the courts, the prosecution of criminal proceedings and participation in the civil process. In addition, the prosecutor's office supervised the lawfulness of the execution of sentences and the detention of detainees, as well as the correctness of detention in places of detention. The Supreme Court of the USSR and the Prosecutor's Office of the Supreme Court of the USSR were created. Organizationally, the prosecutor's offices did not constitute an independent state body: the prosecutor's office was part of the NKU of the RSFSR. The People's Commissar of Justice was simultaneously the Prosecutor of the Republic.

In May 1925, the Constitution of the Ukrainian SSR of 1919 introduced amendments, according to which the Prosecutor of the Ukrainian SSR became known as the Prosecutor General of the republic. On December 17, 1933, the Office of the Prosecutor of the Union of Soviet Socialist Republics was created, which was entrusted with the management of the activities of the prosecutor's offices of all the Union republics. The Prosecutor's Office of the Supreme Court of the USSR was liquidated. At the beginning of 1937, a single centralized system of the USSR public prosecutor's office was formed in the USSR and the USSR Prosecutor's Office entered this system. After that, the Soviet prosecutor's office gradually evolved, but remained essentially a punitive organ.

In accordance with the Decree of the Presidium of the Supreme Soviet of the USSR of June 22, 1941, which declared the country's military status, the work of the prosecutor's offices, both military and territorial, was rebuilt into a military system. The main content of the activities of the prosecutor's office was to oversee the implementation of the laws of war, aimed at the protection of public order, labor and state discipline, the rights and legitimate interests of servicemen and their families, the protection of socialist property from criminal encroachments.

In the postwar period, the efforts of the prosecutor's office were aimed at strengthening the rule of law in the field of economics. It was necessary to rebuild the work of the prosecutor's office in order to ensure compliance with the law in industry, agriculture, transport. Specific institutions such as general oversight and prosecutorial protest were introduced. Only after the war that a demand was made for prosecutors for higher legal education.

1. **Development at the period of independent Ukraine.**

The fourth stage of the history of the prosecutor's office of Ukraine begins in 1991. In the history of the prosecutor's office of Ukraine, as well as throughout Ukraine, there are significant changes. On August 24, 1991, the Verkhovna Rada of Ukraine adopted the Declaration on State Sovereignty. On November 5, 1991, the Verkhovna Rada of Ukraine adopted the Law "On Prosecutor's Office", which laid the foundation for a new stage of development and activities of the prosecutor's office of Ukraine.

This law created the existence of a separate Ukrainian prosecutor's office and continued the tradition of the Central Council.   
Constitution of Ukraine in 1996 consolidated the reduction of the punitive slope of the prosecutor's office. Further changes to it continued the course on democratization of the prosecutor's office and increase its efficiency.   
The new Law "On Prosecutor's Office" of 10/14/2014 continued the course aimed at bringing the Ukrainian prosecutor closer to European standards.

Write down the lecture plan.

1. ***The concept of the prosecutor's office (district attorney office –DA,  procuratorship).***
2. **Prosecutor-General (Judge Advocate General, Attorney-General, Director of Public Prosecutions, Chief State Prosecutor) and his status.**
3. ***Place of the prosecutor's office in the system of state authorities.* The system of the prosecutor's office of Ukraine and the structure of its organs.**
4. ***The concept of the prosecutor's office (district attorney office –DA,  procuratorship).***

In different countries, the views on the concept of prosecutors are different. Different countries even name the prosecutor's office in different ways - ***prosecutor's office, attorney office (DA- distr. Attorn), procuratorship.*** The views on the concept of procurators are also different, too. Here are same examples.

Prosecutors are typically civil servants who possess a university degree in law and additional training in the administration of justice. In some countries, such as France and Italy, they belong to the same *corps* of civil servants as the judges.

***In Spain,*** the Attorney General is appointed by the king on the basis of recommendations from the government. The Prosecutor's Council and the Board of Prosecutors assist the Prosecutor General to exercise their powers. The Prosecutor's Council is prosecution authority of the Supreme Court. There are also the prosecution of the Constitutional Court, the prosecution of military tribunals, Special Drug Prosecution Service and special Prosecutor of the Court of Auditors. There are also prosecutors of Supreme Courts of Justice and local courts.

***In Italy***, a Prosecutor's Office is composed of a Chief Prosecutor assisted by deputies and assistants . Prosecutors in Italy are judicial officers just like judges and are ceremonially referred to as  "Public Ministry" or P.M.

**In Germany**, the "state attorney" is a life-tenured public official in the senior judicial service belonging to the same corps as judges. He heads pre-trial criminal investigations, decides whether to press a charge or drop it, and represents the government in criminal courts. He not only has the "professional responsibility" not to withhold exculpatory information, but is also required by law to actively determine such circumstances and to make them available to the defendant or his/her defense attorney. If he is not convinced of the defendant's guilt, the state attorney is required to plead against or in favor of the defendant according to the prosecutor's own assessment. Prosecution is compulsory if the prosecutor has sufficient evidence to convict.

**In France**, Prosecutors are considered magistrates under French law, as in most civil law countries. The Office of the Prosecutor includes a Chief Prosecutor (Procureur de la République in trial courts and procureur général in appellate courts or the Supreme Court) and his deputies and assistants (avocats généraux and substituts). The Chief Prosecutor generally initiates preliminary investigations and, if necessary, asks that an examining judge (juge d'instruction) be assigned to lead a formal judicial investigation.

**In Australia, Canada, England and Wales, Hong Kong, Northern Ireland, Republic of Ireland, Trinidad & Tobago, Kenya, and South Africa**, the head of the prosecuting authority is typically known as the Director of Public Prosecutions, and is appointed, not elected. A DPP may be subject to varying degrees of control by the Attorney General, usually by a formal written directive which must be published.

**In the United States**, the director of a prosecution office may be known by any of several names depending on the jurisdiction, most commonly **District Attorney**. The United States Attorney General (A.G.) is the head of the United States Department of Justice per 28 U.S.C. § 503, concerned with all legal affairs, and is the chief lawyer of the United States government. In cases of the federal death penalty, the power to seek the death penalty rests with the Attorney General. Under the Appointments Clause of the Constitution, the Attorney General is nominated by the President and appointed with the advice and consent of the Senate. The Department of Justice was established in 1870 to support the Attorney General in the discharge of their responsibilities. The Department of Justice administers several federal law enforcement agencies including the Federal Bureau of Investigation (FBI), and the Drug Enforcement Administration (DEA). The titles of prosecutors in state courts vary from state to state and level of government. Prosecutors are most often chosen through local elections, and typically hire other attorneys as deputies or assistants to conduct most of the actual work of the office.

From the experience of other countries, we can conclude that the status and structure of the prosecutor's office in different countries are not homogeneous. However, there are general trends.

Thus, the Attorney General is very often a Minster of Justice or is a Ministerial Officer by post. In Ukraine, unfortunately, the Attorney General is still a non-governmental post.

The second trend is that prosecutors usually repeat the structure of the judiciary rather than the law enforcement agencies. It is also not typical for Ukraine.

1. **Prosecutor-General (Judge Advocate General, Attorney-General, Director of Public Prosecutions, Chief State Prosecutor) and his status.**

Attorney General of Ukraine is an official headed by a single centralized prosecutor's office in Ukraine. The Attorney General is the highest administrative office of the Prosecutor General's Office of Ukraine. On January 5, 2017, the law entered into force, by which the writing of the post "Prosecutor General of Ukraine" is shortened to "Prosecutor General". The Prosecutor General of Ukraine is appointed and dismissed from office by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine (Article 1311 of the Constitution of Ukraine). The Verkhovna Rada of Ukraine may express no confidence in the Prosecutor General of Ukraine, which results in his resignation from office. The term of office of the Prosecutor General of Ukraine is six years. The Prosecutor General of Ukraine is a member of the High Council of Justice. According to Article 107 of the Constitution of Ukraine, he is a member of the National Security and Defense Council of Ukraine.

According to Article 9 of the Law of Ukraine "On Prosecutor's Office", adopted on 14.10.2014 and effective from 15.07.2015, the Prosecutor General of Ukraine:

* Represents the Office of Public Prosecutor in relations with state authorities, other state bodies, local self-government bodies, persons, institutions and organizations, as well as prosecutors of other states and international organizations;
* organizes the activities of the prosecutor's office of Ukraine, including the limits of the powers of the General Prosecutor's Office of Ukraine, regional and local prosecutors in terms of the exercise of constitutional functions;
* appoints prosecutors to administrative positions and dismisses them from administrative positions;
* on the basis of the decision of the Qualification-Disciplinary Commission of prosecutors makes a decision on the application to the prosecutor of a disciplinary sanction or the impossibility of further stay of the prosecutor in office;
* approves acts on issues related to the organization of the activities of the prosecutor's office;
* Approves general methodological recommendations for prosecutors in order to ensure the uniform application of the norms of Ukrainian legislation during the conduct of prosecutorial activities;
* performs other powers stipulated by the laws of Ukraine.

The Prosecutor General of Ukraine issues orders on issues that fall within his administrative powers. They may or may not be normative acts.In the absence of the Attorney General, his authority is exercised by the first deputy, and in the absence of the first deputy one of the deputies.

1. **Place of the prosecutor's office in the system of state authorities. The system of the prosecutor's office of Ukraine and the structure of its organs.**

**The Prosecutor's Office of Ukraine is an independent central government body operating in the system of law enforcement agencies of the state and protects against unlawful encroachments** on the social and state system, human rights and freedoms, as well as the basis of a democratic system by means and methods provided for by law. **The prosecutor's office is not subject to executive or judicial authority,** since its activities are an element of the system of checks and balances between the branches of government that are formed and established in the state after the adoption of the new Constitution. "The fundamental branches of power - the legislative, executive and judicial, which represent a single state power and its division, do not exclude the possibility of the existence of other functionally independent legal institutions, their presence is determined by the real needs of the construction of the rule of law and the state and legal life of society in a given period, the need for democratic forms of control of the branches of power in cases where their activities do not comply with the principles and provisions of the Constitution. "

**The system of prosecutor's offices includes the territorial and specialized prosecutor's offices.** The strict subordination of the prosecutor's offices on the vertical, which is based on the principle of centralizing the prosecutorial system, is not only a factor of executive discipline, which in itself is important in the work of the prosecutor's office. It guarantees that any act of the prosecutor's office must comply with the law, orders of the Prosecutor General. To cancel the illegal, ungrounded decision taken by the lower level prosecutor, the relevant head of the prosecutor's office has been given the right to resolve this issue individually.

**The territorial prosecutor's offices are created and operate in accordance with the administrative-territorial structure of Ukraine, and specialized - according to the subject-branch principle and in certain spheres of life.**

**Prosecuting authorities in their totality constitute concerted three-tier system.** At its top is the General Prosecutor's Office of Ukraine. The second link of the system is formed by the Prosecutor's Office of oblasts, cities of Kyiv. The third link of the system - city, district, inter-district, specialized prosecutors.

In fact, at present, the structure of the prosecutor's office repeats the structure of the police authorities, and not the courts. This facilitates supervision of the investigation, but it is difficult to represent the state prosecution.

**Glossary: prosecutor's office, attorney office, procuratorship, Prosecutor-General (Judge Advocate General, Attorney-General, Director of Public Prosecutions, Chief State Prosecutor), status of General Prosecutor, place of the prosecutor's office in the system of state authorities, the system of the prosecutor's office of Ukraine and the structure of its organs.**

**Write down the lecture plan.**

1. **Legal basis of the organization and activities of the prosecutor's office.**
2. **Functions and principles of the prosecutor's office**
3. **Areas of activity of the prosecutor's office.**
4. **Legal basis of the organization and activities of the prosecutor's office**

The powers of prosecutors, the organization, principles and procedure of the prosecutor's office are determined by the Constitution of Ukraine, the Law "On Prosecutor's Office", other legislative acts.

The Constitution of Ukraine establishes the main functions of the prosecutor's office (Article 121) and regulates the procedure for the appointment and dismissal of the Prosecutor General of Ukraine (Article 122).

The tasks, organization and procedure of the prosecutor's offices, as well as the powers of prosecutors, are determined by the Law of Ukraine "On Prosecutor's Office". The new law was adopted in 2014.

**The procedure for prosecutors and other judicial authority also provides by procedural codes and certain special laws.** **In their activity, the prosecutor's offices take into account the norms of international legal acts on the protection of human rights and freedoms.**

1. **Functions and principles of the prosecutor's office**

**The Public Prosecution Service of Ukraine constitutes a unified system that shall, in line with the procedures set hereby, perform functions established by the Constitution of Ukraine with the aim of protecting human rights and freedoms, common interests of the society and the state.**

The Public Prosecution Service shall perform the following functions:

·             supporting the prosecution in court on behalf of the state;

·             representation of interests of an individual or the state in court in the cases stipulated by this Law;

·             supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation;

·             supervision over observance of laws in the enforcement of court judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of individual personal liberty.

For the purpose of performing its functions, the Public Prosecutor's Office shall carry out international cooperation.

**The Public Prosecution Service shall work by the following principles of:**

o       the rule of law and recognition of an individual, his/her life and health, honor and dignity, inviolability and security as the highest social value;

o       legality, justice, impartiality, and objectivity;

o       territoriality;

o       presumption of innocence;

o       independence of public prosecutors, which implies existence of safeguards against illegal political, financial or other influence on a public prosecutor in connection with his/her decisionmaking when performing official duties;

o       political neutrality of the Public Prosecutor's Office;

o       inadmissibility of illegal interference of the Public Prosecutor's Office in the functions of the legislative, executive, and judicial authorities;

o       respect for independence of judges, which shall imply prohibition of public expression of doubt regarding legality of court judgments beyond the procedure of appealing them in the manner prescribed by the procedural law;

o       transparency of operations of the Public Prosecution Service which shall be guaranteed with an open and competitive appointment to the position of a public prosecutor, free access to reference information, provision of information upon request, unless the law sets limitations on its disclosure;

o       strict compliance with professional ethics and conduct.

**3. Areas of activity of the prosecutor's office**

**Areas of activity of the prosecutor's office expressed through authority of the prosecutor for the implementation of the persons in its functions**

Legislative expression of such functions is given in Art. 22-26 of the Law of Ukraine "On Prosecutor's Office".

These include:

* Maintaining a public prosecution in court
* Representation of the interests of a citizen or a state in court (in certain cases)
* Supervision over observance of laws by the bodies conducting operative-search activity, inquiry, pre-trial investigation
* Supervision over observance of laws in the execution of judicial decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens

Let's dwell on them in more detail

**Maintaining a public prosecution in court** by the prosecutor is one of the main constitutional functions of the prosecutor's office (Article 121, Article 121 of the Constitution of Ukraine), and at the same time, one of the main constitutional principles of judicial proceedings (paragraph 5 of Article 129 of the Constitution of Ukraine). This ambition is also enshrined in the Law of Ukraine "On Prosecutor's Office" (Article 22). But, since it concerns only the criminal process, its specific content is defined by the provisions of the CPC.

In the first instance court, the prosecutor serves as the function of maintaining a public prosecution on behalf of the state. At the same time, the prosecutor enjoys the procedural status of the party and performs duties related to the substantiation of the indictment or refusal of the prosecution if it is not confirmed. Such a provision was enshrined in the Code of Criminal Procedure and ceased to be debatable.

The criminal procedure law obliges the prosecutor's offices to maintain a public prosecution in virtually all criminal cases that are heard in the courts.

The prosecutor has the procedural position of the party -criminal, equal with other parties involved in the case, and, supporting the state prosecution provided by law by means of law, thus fulfills the state-legal function of criminal prosecution imposed on him by the Law of Ukraine "On Prosecutor's Office". But, despite the equality of the rights of the prosecutor with the rights of other participants in the process of proving, there is no reason to equate other powers, including the responsibilities of the parties.

* **Representation of the interests of a citizen or a state in court (in certain cases)**

The prosecutor exercises representation in the court of the interests of a citizen (a citizen of Ukraine, a foreigner or a stateless person) in cases where such person is not able to protect his violated or disputed rights independently or exercise procedural powers due to failure to reach adulthood, incapacity or limited capacity, and lawful representatives or bodies , which law provides the right to protect the rights, freedoms and interests of such person, does not carry out or improperly perform its protection.

The prosecutor exercises representation in court the accountable interests of the state in case of violation or threat of violations of the interests of the state, if the protection of these interests is not implemented or improperly carried out by a state authority, a local self-government body or other entity of authority that is competent to exercise such authority.

The public prosecutor's representation in the court of state interests in the person of state-owned companies, as well as in legal relations related to the electoral process, holding referendums, activities of the Verkhovna Rada of Ukraine, the President of Ukraine, creation and activity of mass media, as well as political parties, religious organizations, organizations that carry out professional self-government, and other public associations.

Representation in the court of state interests in the person of the Cabinet of Ministers of Ukraine and the National Bank of Ukraine may be carried out by the prosecutor of the General Prosecutor's Office of Ukraine or the regional prosecutor's office solely by written order or by the order of the Prosecutor General or his first deputy or deputy in accordance with his competence **not allowed.**

Representation in the court of state interests in the person of the Cabinet of Ministers of Ukraine and the National Bank of Ukraine may be carried out by the prosecutor of the General Prosecutor's Office of Ukraine or the regional prosecutor's office solely by written order or by the order of the Prosecutor General or his first deputy or deputy in accordance with his competence.

* **Supervision over observance of laws by the bodies conducting operative-search activity, inquiry, pre-trial investigation**

According to Art. 25 of the Law of Ukraine "On Prosecutor's Office", the prosecutor supervises the observance of laws by the authorities conducting operative search activity, inquiry, pre-trial investigation, taking advantage of the rights and performing the duties provided for by the Law of Ukraine "On Operational Investigative Activity" and the Criminal Procedure Code of Ukraine. The written instructions of the prosecutor to the authorities conducting search operations, inquiries and pre-trial investigation, provided within the limits of authority, are mandatory for these bodies and are subject to immediate enforcement. Publication by the prosecutor of orders outside his authority entails the responsibility provided for by law.

* **Supervision over observance of laws in the execution of judicial decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens**

The prosecutor supervises the observance of laws in the execution of court decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens in bodies and institutions, through regular inspections, as well as in connection with the need for proper respond to information about possible violations of the law contained in complaints, appeals or any other sources. Within the framework of the implementation of this function, the prosecutor has the right to involve the relevant specialists. The prosecutor is obliged to immediately release a person who is illegally (in the absence of the relevant court decision, the decision of the administrative body or other document provided for by law or at the end of the period prescribed by law or such a decision) is in the place of holding the detainees, imprisonment, restraint or imprisonment , an institution for enforcement of compulsory nature, and other places specified in paragraph 1 of part one of this article.

The prosecutor, overseeing the observance of laws in the execution of judicial decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens, has the right:

1) at any time, on the confirmation of a position, visit places of detention of detained persons, pre-trial detention, institutions in which convicted persons are serving sentences, establishments in which persons who are subject to compulsory measures of medical or educational nature, and any other places to which persons have been taken for the purpose of drawing up an administrative offense record or in which persons are compelled to hold in accordance with a court decision or a decision of an administrative body;

2) to interview persons who are in the places specified in paragraph 1 of this part in order to obtain information on the conditions of their detention and treatment, to familiarize themselves with the documents on the basis of which these persons are held in such places, convicted or applied to them compulsory nature;

3) get acquainted with the materials, obtain copies of them, check the legality of orders, orders and other acts of the relevant bodies and institutions, and in case of non-compliance with the legislation, demand from the officials or officers the cancellation and removal of violations of the law to which they resulted, as well as the abolition of unlawful acts individual action;

4) to require officials or officers to provide explanations for the committed violations, as well as to demand that the violations and the reasons and conditions that they were promoted be brought to the attention of the offenders and that the guilty persons should be prosecuted in accordance with the law;

5) to acquaint with the materials of executive proceedings on execution of judicial decisions in criminal cases, to make extracts from them, to remove copies and, in accordance with the procedure established by law, to challenge decisions, actions or omissions of a state executive;

6) require senior management authorities to carry out inspections of subordinated and supervised bodies and institutions of pre-trial detention, execution of penalties, enforcement of measures of compulsory nature and inspections of other places specified in paragraph 1 of this part;

7) apply to the court with a claim (application) in cases determined by law.

**Glossary: Legal basis of the organization and activities of the prosecutor's office, functions and principles of the prosecutor's office, areas of activity of the prosecutor's office, maintaining a public prosecution in court, representation of the interests of a citizen or a state in court, supervision over observance of laws by the bodies conducting operative-search activity, inquiry, pre-trial investigation, supervision over observance of laws in the execution of judicial decisions in criminal cases.**