

## **International cooperation in criminal proceedings**

### *Goals and objectives of the discipline.*

The purpose of the discipline "International cooperation in criminal proceedings" is to deepen and concretize the knowledge on the implementation of international cooperation in criminal proceedings; mastering scientific approaches to the systematic solution of debatable theoretical and applied issues related to international cooperation in criminal proceedings; acquisition of skills of free orientation in the system of national and international legislation governing the procedure for providing international cooperation in criminal proceedings and skills in the implementation of its individual forms.

*The objectives of the study discipline in accordance with its knowledge component and didactic structure are:*

- in-depth study of the norms of national criminal procedural legislation in terms of legal regulation of the procedure for international cooperation during criminal proceedings;
- acquaintance with international bilateral or multilateral agreements on the provision of international legal assistance in criminal proceedings;
- awareness of the mechanism of international relations of the competent state bodies during the implementation of international cooperation in criminal proceedings;
- acquisition of skills to generalize the case law of the European Court of Human Rights, highlight its legal positions and apply it in decision-making in the implementation of various forms of international cooperation;
- acquisition of skills of analysis of complex normative-legal regulation of issues of international cooperation in criminal proceedings and application of hermeneutics methods in order to eliminate conflicts, gaps, inconsistencies in legal regulation;
- mastering the technology of making criminal procedural decisions and drafting procedural documents during the implementation of international cooperation in criminal proceedings.

*The place of the discipline in the structure of the educational-professional program:*

- a) the discipline "International cooperation in criminal proceedings" belongs to the cycle of criminal law disciplines;
- b) when studying the discipline "International cooperation in criminal proceedings" uses the knowledge obtained from the following disciplines: "Theory of State and Law", "Logic", "Legal Deontology", "Criminal Procedure", "Criminal Law", "Constitutional Law", "Forensics", "International Law", "Workshop on the preparation of procedural documents in criminal proceedings", "Pre-trial investigation of criminal offenses", "Theory and practice of criminal procedural evidence";
- c) the main provisions of the discipline should be applied in the study of the following disciplines: "Theory and practice of substantiation of decisions in criminal proceedings"; "Ensuring the rights of the individual in criminal proceedings"; "Ensuring the right to a fair trial in criminal proceedings."

#### *Contents of the curriculum*

Module 1. General provisions of international cooperation in criminal proceedings

The concept and essence of international cooperation in criminal proceedings. The subject of the discipline "International cooperation in criminal proceedings". Content-logical relationship of the discipline "International cooperation in criminal proceedings" with the disciplines "Criminal proceedings", "Criminal law", "Constitutional law", "Forensics", "International law".

The concept, essence and features of international cooperation in criminal proceedings.

Correlation of the concepts "international cooperation in criminal proceedings", "international legal assistance", "international cooperation in criminal proceedings".

Genesis of international cooperation in the field of criminal justice. Periodization of the history of international cooperation in the fight against crime. International cooperation in the period from ancient times to the 18th century. International cooperation in the fight against crime in the era of absolutism: XVIII - early XIX century. International cooperation in criminal proceedings in the period from the beginning of the XIX - beginning of the XX century. International cooperation in the fight against crime in the XX century: 1919 - 1945 and 1945 - 1990. International

cooperation in criminal proceedings at the turn of the XX - XXI centuries, the current state and prospects for the development of legal regulation. Transnational crime, international terrorism, cybercrime, corruption as modern challenges that necessitate the improvement of legal regulation and forms of international cooperation.

Legal basis of international cooperation in criminal proceedings. Features of normative regulation of international cooperation during criminal proceedings. Classification of normative legal acts regulating international cooperation during criminal proceedings. International multilateral and bilateral agreements in the field of international cooperation in criminal proceedings. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (Section III. Justice. Freedom. Security.). Interdepartmental agreements on international cooperation in criminal proceedings.

International legal standards and case law of the European Court of Human Rights on international cooperation in criminal proceedings and respect for the rights of persons involved in the field of international cooperation in criminal proceedings. Constitutional and legal bases of international cooperation during criminal proceedings. Normative legal acts of Ukraine, which form the legal basis of international cooperation during criminal proceedings.

Principles of international cooperation in criminal proceedings. The concept of the principles of international cooperation (sovereign equality of states, recognition and observance of human and civil rights and freedoms, non-use of force or threat of use of force, non-interference in internal affairs, inviolability of borders, territorial integrity, peaceful settlement of disputes, *pacta sunt servanda*) and their application in international cooperation in the field of criminal justice.

Principles enshrined in international treaties of Ukraine on the provision of legal assistance in criminal proceedings (legality, voluntary cooperation, observance of sovereignty and security of contracting countries, ensuring legal protection of participants in the process in contracting countries, priority of national interests,

observance of rights and interests of third parties countries, reciprocity in the implementation of requests in the absence of an international agreement). General principles of criminal proceedings and features of their implementation during international cooperation.

Forms of international cooperation provided by national legislation. Concepts, types and general characteristics of forms of international cooperation during criminal proceedings: international legal assistance in criminal proceedings; extradition of persons (extradition); takeover of criminal proceedings; recognition and execution of sentences of foreign courts and transfer of convicted persons.

Apply a non-custodial precautionary measure to ensure the extradition of a person at the request of a foreign state; consequences of its violation. Termination of temporary arrest or pre-trial detention. Enrollment of the term of detention of the extradited person. Simplified procedure for extradition of persons from Ukraine. Grounds for refusal of extradition. Citizenship as a ground for refusing to extradite a person. Guarantees of a person who has been granted refugee status, a person in need of additional protection, or who has been granted temporary protection in Ukraine, when deciding on extradition.

The procedure for appealing the decision on extradition (extradition) of a person. Grounds for deferment of transfer of person. The actual transfer of the person. Expenses related to the issue of extradition to a foreign state.

Module 3. Criminal proceedings in the order of adoption, recognition and execution of sentences of foreign courts and transfer of convicted persons. Organization of the work of the prosecutor and the court on international cooperation in criminal proceedings. Law enforcement cooperation.

Features of criminal proceedings in the order of adoption. European Convention on the Transfer of Proceedings in Criminal Matters. Procedure and conditions for taking over criminal proceedings from foreign states. Request of the competent authorities of other states to take over the criminal proceedings. Procedure for consideration of a petition for transfer of criminal proceedings. Impossibility to take over criminal proceedings.

The procedure for conducting criminal proceedings taken over from another state. Procedure and conditions for transferring criminal proceedings to the competent authority of another state. Content and form of the request for transfer of criminal proceedings to another state. Consequences of transferring criminal proceedings to the competent authority of another state.

Detention of a person pending a request to take over criminal proceedings.

Recognition and enforcement of judgments of foreign courts. Form and content of the request of the authorized (central) body of a foreign state to execute the sentence of the court of a foreign state. Procedure for consideration of a request for execution of a judgment of a court of a foreign state. Features of execution in Ukraine of judgments of courts of foreign states, passed in absentia. Transfer of convicted persons.

Convention on the Transfer of Sentenced Persons and its Additional Protocol. Grounds for consideration of the issue of transfer of convicted persons and their acceptance for serving a sentence.

Conditions for the transfer of convicted persons and their acceptance for serving a sentence.

Procedure and terms for resolving the issue of transfer of convicted persons by courts of Ukraine to serve their sentences in foreign states. Notification of replacement or revocation of a judgment of a court of Ukraine in respect of a citizen of a foreign state.

Procedure for consideration of a request (petition) for the transfer of a convicted citizen of Ukraine by a court of a foreign state to serve a sentence in Ukraine. Consideration by the court of the issue of bringing the judgment of a court of a foreign state in accordance with the legislation of Ukraine.

Organization of execution of punishment in relation to the transferred convicted person.

Notification of a change or reversal of a judgment of a court of another state. Expenses related to the transfer of a convicted person.

Recognition and enforcement of judgments of international judicial institutions.

International organizations operating in the field of crime control; law enforcement cooperation.

The United Nations as an organization in the fight against crime. UN General Assembly and ECOSOC. Commission on Crime Prevention and Criminal Justice as a functional body of ECOSOC: its functions. Specialized UN agencies in the field of crime prevention.

Eurojust. Interpol. Europol. Bureau for Coordination of the Fight against Organized Crime and Other Dangerous Crimes in the CIS. Their competence and functions.

Statute of the International Criminal Police Organization - Interpol. Goals and principles of Interpol. Structure of the International Criminal Police Organization (Interpol): General Assembly, Executive Committee, General Secretariat, National Central Bureau, Advisers. Structure of the General Secretariat: Office of the Secretary General, Security Service and departments (their subdivisions). Working staff of the National Central Bureau in Ukraine (Ukrbureau of Interpol in Ukraine). Structure, tasks and functions of the UkrBureau of Interpol in Ukraine. Advisers to the Ukrbureau of Interpol in Ukraine.

International search for individuals through Interpol channels. Powers of the Interpol NCB in the international search for persons. Grounds and procedure for international search of persons at the request of a law enforcement agency sent to the Interpol NCB in Ukraine. Requirements for Interpol NCB inquiries about the international search for persons.

The procedure for using the capabilities of Interpol and the peculiarities of the interaction of the Interpol NCB in Ukraine with law enforcement agencies of foreign countries during the implementation of operational and investigative measures and investigative actions on certain categories of criminal offenses. Establishment of the European Police Office (Europol). Difference in the principles, structure, powers and activities of Europol compared to Interpol.

Communication channels during law enforcement cooperation to exchange operational (data that may be useful in dealing with specific crimes, criminals or

criminal groups) and general information (data on criminal networks, trends and schemes of illicit trade). Regional and subregional databases.

Establishment of joint investigation teams. Organizations of joint investigations. The role and functions of law enforcement liaison officers with law enforcement agencies and government agencies of the host country. Diplomatic missions of foreign states that have such representatives in Ukraine. Ukrainian missions abroad involving domestic liaison officers.