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**SOME FEATURES OF THE PROCEDURAL ORDER OF APPEALING
AGAINST DECISIONS, ACTIONS OR OMISSIONS OF THE
INVESTIGATOR, PROSECUTOR DURING THE PRE-TRIAL
INVESTIGATION**

The mechanism for appealing decisions, actions or omissions of an investigator or procurator in the course of a pretrial investigation depends on the observance by subjects of criminal proceedings of the procedural procedure for appealing decisions, actions or omissions of an investigator or procurator. Otherwise, the complaint filed by the person will be returned. And if the complaint is filed against a decision, act or omission by an investigator or procurator, it is not subject to appeal, the investigator's judge or the court takes a decision to refuse to open proceedings. As a result, a copy of the order refusing commencement of the proceedings shall be immediately sent to the person filing the complaint, together with the complaint and all materials attached thereto.

Appealing and filing a complaint includes a request for resolving specific procedural issues. The statement may contain reports of investigator deficiencies related to a violation of the law. A separate group of statements is information about unlawful non-procedural actions or inaction of the investigator during the pre-trial investigation. The peculiarity of the appeal consists in its purpose, which lies in the realization of rights and legitimate interests of cancellation of procedural or investigative actions in case of violation of the current legislation and rights and obligations of participants of the criminal proceedings.

Reasons for the decision of the investigating judge to return the complaint should include cases where: the complaint was filed by a person who is not entitled to

file a complaint; the complaint is not subject to consideration in that court; complaint is submitted after the expiry of the period of time provided for under article 304, paragraph 1, of the Code of Criminal Procedure of Ukraine (CCP of Ukraine), and the person who submitted it does not raise the issue of restoration of that period or the investigating judge, upon application by the person concerned, will not find grounds for its restoration (art. 304, paragraph 2, of the CCP of Ukraine), of which the person who submitted the complaint is immediately sent a copy of the decision to return the complaint together with the complaint and all the materials attached thereto.

It is emphasized that the CCP of Ukraine does not define the powers of a representative of a person who has filed a complaint about a decision, acts or omissions of an investigator and a procurator during a pre-trial investigation. The issue of compliance with the time limits for both the submission and consideration of complaints in court is problematic, as is the question of whether a decision, action or inaction by the investigator or the procurator is respected. In connection with this, a number of amendments and additions to the Code of Criminal Procedure of Ukraine have been proposed.

Keywords: appeal against decisions, investigator's inactivity, prosecutor's inactivity, participants of criminal proceedings, complaint, pre-trial investigation.

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