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PRINCIPLES OF PARTICIPATION OF THE PROSECUTOR IN CRIMINAL PROCEEDINGS ON THE BASIS OF AGREEMENTS

In the article actual problems of principles of participation of the prosecutor in criminal proceedings on the basis of agreements are considered. The purpose of the article is carrying out the theoretical and practical analysis of principles of the prosecutor's activity in criminal proceedings in compliance with the basis of agreements, identification of the problems arising in this field, and providing suggestion in this regard.

Characterizing principles of participation of the prosecutor in criminal proceedings on the basis of agreements, two main groups of principles are distinguished: general principles of criminal proceedings, and special principles inherent only to criminal proceedings on the basis of agreements.

Problems of compliance of criminal proceedings on the basis of agreements with principles of the rule of law and legality, as well as a presumption of innocence and a ban to make a person answerable for the same crime twice are investigated. The conclusion is drawn that the greatest measure of prosecutor's participation in criminal proceedings on the basis of agree-

ments is defined by the principle of competitiveness providing independent upholding by the party of charge and the party of protection of their legal positions, rights, freedoms and legitimate interests in the ways provided by the law.

On the basis of research of international legal acts the conclusion is drawn that activity of the prosecutor in criminal proceedings on the basis of agreements should correspond to the special principles and important international standards. The following concerns them: (1) mediation in criminal cases should be carried out only with a voluntary consent of the parties having the right to withdraw the consent at any stage of a mediation; (2) negotiations during carrying out a mediation are confidential and statements of the parties cannot be further used without their consent; (3) intermediary services in criminal cases should be public; (4) mediation on criminal cases is possible at any stage of criminal proceedings; (5) mediation services should own sufficient independence within system of criminal justice.