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CLEAR INADMISSIBILITY OF EVIDENCE AS A CRITERION FOR EXECUTION OF CERTAIN JUDICIAL PROCEDURE FOR THE RECOGNITION OF EVIDENCE TO BE INADMISSIBLE IN CRIMINAL PROCEEDING

It is well known that evidences and proofs are central concepts of the system of criminal procedure. Quality standards of the evidential law are among the key indicators determining the level of development of the criminal procedural law of the state.

According to evidences assembled during the pre-trial investigation, having assessed them with relation to their admissibility, reliability and sufficiency, the court determines the major issues of criminal proceedings: whether there has been committed a crime and whether the person has committed the crime.

Among the legal innovations of the Criminal Procedure Code of Ukraine we must pay close attention to the institution of the admissibility of evidence and namely to the rules that recognize whether the evidence is admissible or not.

The result of development of this institution was the emergence of new scientific terms such as "clear inadmissibility of evidence." In accordance with Part 2, Art. 89 of the Criminal Procedure Code: where evidence has been found clearly inadmissible during the trial, the court shall declare such evidence inadmissible, which shall entail impossibility of its examination or termination of its examination if such was commenced.

The ambiguity of definition of "the clearly inadmissible evidence" causes difficult trial situations when the judge cannot determine the evidence as "clearly inadmissible." Therefore the judge must decide on its exclusion out of the evidence base with further issuance of the decree of the admissibility of evidence in a separate procedure in consultation room during the adjudication.

Thus, there is an urgent problem of scientific justification of such definition as "clearly inadmissible evidence" in the Criminal Procedure Code. This article attempts to define the criteria for this definition in criminal proceedings.