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Procedural Principles and Guarantees of Damage Reimbursed by Investigators as a Result of Criminal Offence

This article provides comprehensive analysis of interrelation between procedural guarantees, principles and presumptions in the aspect of damage reimbursed to the victim of criminal offence by investigator. Interrelation with the institute of damage reimbursement is studied. Current insufficiencies in legislative regulation are detected along with possible solutions.

In the course of criminal offence committal person is subjected to psychological, material and physical damage and reimbursement process is totally in the scope of state's responsibility. Guarantees, principles and presumptions are used as triggers to launch the reimbursement mechanism – investigator's task is to prove the type and amount of damage. Other participants of the process are granted with more limited opportunities speaking of psychological, material and physical damage. Their role is mostly characterized as passive but extension of adversariality principle in current Criminal Procedure Code provides extra background for their active participation.

Guarantees, principles and presumptions play an important role in effective restoration of violated rights and full reimbursement of the damage.

It is identified that guarantees, principles and presumptions comprise a system aimed to ensure protection of rights and freedoms of all the participants of criminal proceeding including the damage reimbursement. These measures allow to restore the violated rights. But legislative regulation of the abovementioned issues is not deemed as satisfactory – some of them are rather controversial and require thorough research.

Keywords: damage, criminal offence, reimbursement, investigator, suspect, presumption, principle, guarantee.