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LEGAL REGULATION OF SECRECY DURING COVERT INVESTIGATOR (SEARCH) ACTION

Criminal procedural legislation enshrined exhaustive list of undercover investigation (search) actions and settled their application to ensure that the conditions under which the number of cases of abuse by such actions pre-trial investigation authorities significantly reduced, which in turn will ensure the rule of law by limiting constitutional rights.

Modes of privacy and secrecy are treated as identical categories. Another thing, when secrecy should be separated from the secrecy and confidentiality. This distinction makes it possible to establish that the secrecy characterizes only the legal aspect of the relevant authorities, and conspiracy – organizational and tactical.

Since unspoken investigative (investigative) actions are such details of which can not be disclosed, constitutional rights and freedoms of persons involved in their implementation, require adequate protection. To this end, Art. 253 of the Criminal Procedure Code states that persons whose constitutional rights have been temporarily restricted during the undercover investigation (search) operations, as well as the suspect, his defense counsel must be notified in writing by the prosecutor or on behalf of an investigator of this restriction.

When conducting undercover investigation (search) have the responsibility for ensuring the protection of state secrets and compliance with the law on state secrets is the investigator, the prosecutor overseeing compliance with the law in the form of procedural guidance in criminal proceedings, operational personnel undertaking the unspoken investigation (investigative) action.

Keywords: legal regulation; regime; secrecy; undercover investigation (search) actions; criminal proceedings.