

# EXCERPT FROM CODE OF ADMINISTRATIVE JUDICIAL PROCEDURE OF UKRAINE

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVRU), 2005, Nos. 35-36, No. 37, Article 446)

## **Article 60. Participation in a case of the bodies and persons, who legally have the right to protect the rights, freedoms and interests of other persons**

1. In the cases established by law, the **Ukrainian Parliament Commissioner for Human Rights**, the prosecutor, public authorities, bodies of local self-governments, physical and legal persons may apply to the administrative court with administrative claims about protection of rights, freedoms and interests of other persons and participate in these cases. Thus **the Ukrainian Parliament Commissioner for Human Rights**, government agencies, local authorities must provide the administrative court with evidence confirming the presence of valid reasons that prevent persons from turning to the administrative court for protection of their rights, freedoms and interests in person.

2. In order to represent the interests of citizens or the state in the administrative court a prosecutor, within the powers defined by law, applies to the court with an administrative claim ( submission ), takes part in the proceedings on his claims , and may enter on its own initiative in cases the proceedings in which are opened for administrative suit of others at any stage of its consideration , submit an appeal, cassation , application for review of a decision by the Supreme Court of Ukraine, for judicial review under the new circumstances to represent the interests of an individual or the state. In this case, the prosecutor shall provide administrative court with evidence confirming the inability of a citizen to represent his or her interests independently.

The prosecutor appeals to the Administrative Court in the public interest, independently determines in the petition (submission) what is a violation of state interests and justifies the need to protect them , and defines the authority empowered by the state to perform the corresponding functions in legal disputes. In the absence of such authority or the lack of authority to appeal to the Administrative Court prosecutor points that out in the statement of claim in the case and in this case the prosecutor gets the status of the plaintiff.

3. Government agencies and bodies of local self-government may be involved in a case by court as legal representatives or engage in a case on their own initiative to fulfill their mandate.