

EXCERPT FROM THE LAW OF UKRAINE “ON PRE-TRIAL DETENTION”

Article 13. Correspondence of persons taken into custody. Procedure for sending complaints, petitions and letters.

Persons taken into custody may correspond with relatives and other citizens, enterprises, institutions and organizations with the prior written permission of the person or authority dealing with the criminal case. After the entry into force of the sentence, correspondence shall be regulated by the law.

Complaints, petitions and letters (correspondence) of persons taken into custody shall be checked by the pretrial detention administration except for the cases foreseen by this article.

Complaints against the actions or decisions of an investigator shall be sent by the administration of the pretrial detention to prosecutor; complaints against actions and decisions of prosecutor shall be sent to the prosecutor who occupies higher position not later than in three days from the time of their submission.

Statements of persons regarding appeal against the decisions, actions or inaction of an investigator or a prosecutor in court, as well as appeal against the decisions of an investigative judge on selecting the preventive measure in the form of detention or on the extension of the period of detention, or on applying interim or extradition arrest shall be sent by the administration of the pretrial detention to the court defined by law within 24 hours after their submission.

Other complaints, petitions, demands and letters relating to the criminal proceedings, not later than three days from the time of their submission shall be sent by the administration of the pretrial detention to a person or body dealing with the case. This person or body shall consider them as prescribed by law. Complaints, petitions and letters containing information the disclosure of which could prevent the truth in a criminal case, shall not be sent to appropriate body but referred to the person or authority dealing with the case; person in custody and prosecutor who supervises over the law observance during the pretrial investigation shall be notified of such acts.

Complaints, petitions and letters on matters not related to the proceedings, shall be considered by the administration of the pretrial detention or sent to whom it may concern in order prescribed by law.

Administration shall present replies to petitions, complaints and letters to persons taken into custody against signed receipt which is attached to their personal files.

Correspondence addressed by the person taken into custody to the **Ukrainian Parliament Commissioner for Human Rights**, European Court of Human Rights as well as other relevant bodies of international organizations, Ukraine is a party or a member of, authorized persons of such international organizations and the public prosecutor shall not be checked, and shall be sent at the address within 24 hours after

submission. Correspondence that persons taken into custody receive from the mentioned bodies and persons shall not be checked.

Correspondence that persons taken into custody address to the lawyer in criminal case who fulfills his or her functions under the provisions of the Criminal Procedure Code of Ukraine, shall not be checked and shall be sent at the given address within 24 hours from the time of their submission. Correspondence that persons taken into custody receive from such lawyer, shall not be checked.