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PROBLEM OF INDEPENDENT INVESTIGATOR

The article reveals the problems of improvement of the status of the investigator and the optimization of the pre-trial investigation taking into account the actions of the new Criminal Procedural Code of Ukraine of Ukraine and legislation on investigative bodies.

Ensuring the independence, objectivity and impartiality of the investigator, creation of reliable guarantees of its proper important meaning for problem solution establishment of truth and protection of human rights in the criminal process, implementation of justice in general.

Attempts separation of investigation function from administrative power and strengthening of independence of investigator were made at different historical stages of rights development but not easily implemented and not finished solving the problem fully. Overcoming of corruption in the country needs more active activity of investigative units which is necessary to ensure its independence from officials of both the executive and the legislative and judicial branches of government.

It is needed to strengthened radically guarantees of investigator by setting such rules: investigator of any agency should be appointed to office and quit only by the President of Ukraine on the proposal of the Prosecutor General of Ukraine and agreed with Parliament Commissioner for Human Rights. Untouchable investigator, criminal proceedings against of investigator may be initiated only by the court on the proposal of regional prosecutor or prosecutor of higher level. Investigator considered active in condition of risk and is not subject criminal, civil or other liability in connection with court's recognition of its illegal decisions, if it were not admitted abuse of power by investigator.