

Proteção Processual Penal dos Direitos Humanos em Condições de Conflito Armado¹

Criminal Procedural Protection of Human Rights in Conditions of an Armed Conflict

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Resumo

Este artigo tem como objetivo analisar a proteção processual penal dos direitos humanos em condições de conflito armado. Para o desenvolvimento deste estudo se examina a interpretação do artigo 45.º do Código de Processo Penal da Ucrânia em termos de limitação do direito constitucional de escolher um advogado de defesa. Apresenta-se uma análise comparativa da legislação atual da Ucrânia com a normativa Europeia no domínio do acesso à assistência judiciária. Examina-se também as decisões do Tribunal Europeu de Direitos Humanos (TEDH) nos casos “Brusco v. França”, “Talat Tanci v. Turquia”, “Katz e outros v. Ucrânia”. São destacadas as principais questões relacionadas à participação da defesa no processo penal. Teoricamente, observa-se que a implementação eficiente do direito à defesa em processos penais requer a aplicação da prática do TEDH, que serve como um mecanismo eficaz adicional para a defesa eficaz dos direitos humanos e a representação dos interesses humanos em processos penais. Conclui-se que é necessário aperfeiçoar a legislação ucraniana com o propósito de determinar o estatuto jurídico de um advogado de defesa em processos penais e aproximar a legislação ucraniana das normas internacionais reconhecidas nessa matéria.

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Palavras-chave: Defensor; Garantias de Garantia do Direito à Defesa; Processo Penal; Proteção Processual Penal.

Abstract

The purpose of the research is to disclose criminal procedural protection (defense) of human rights in conditions of an armed conflict. Interpretation of Article 45 of the Criminal Procedure Code of Ukraine in terms of limiting the constitutional right to choose a defense lawyer has been analyzed. A comparative analysis of current and European legislation in the sphere of access to legal aid is presented. Decisions of the ECtHR in the cases “Brusco v. France”, “Talat Tanci v. Turkey”, “Katz and others v. Ukraine” have been researched. The main issues related to participation of the defense party in criminal proceedings are highlighted. It has been theoretically established that an efficient implementation of the right to defense in criminal proceedings requires the application of the ECtHR practice, which serves as an additional effective mechanism for effective defense of human rights and representation of human interests in criminal proceedings

Keywords: Defender; Guarantees of Ensuring the Right to Defense; Criminal Proceedings; Criminal Procedural Protection.

Introduction

Recognition of a person, his/her rights and freedoms as the highest social values imposes relevant obligations on the state concerning creating an effective legal mechanism for their protection and defense, and provision of the right to receive qualified legal assistance from an elected or engaged defender is one of such obligations.

In accordance with clause 3 of Article 6 of the European Convention for the Protection (defense) of Human Rights and Fundamental Freedoms (ECtHR), every person accused of committing a criminal offense shall have the right “to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;”⁵.

Effective defense of human rights is impossible without understanding the role of special legal institutions in this process, in particular roles of lawyers (advocates) who are called to actively contribute to defense of citizens’ rights and

⁵ **European Convention on the Protection of Human Rights and Fundamental Freedoms** dated November 4, 1950 No. 995_004. Available at: https://zakon.rada.gov.ua/laws/show/995_004#Text. Accessed in: 10 September 2023.

freedoms, the strengthening legality and administration of justice. Clause 5 of Article 1 of the Law of Ukraine “On Advocacy and Advocacy Activity” defines that “defense is a type of lawyer’s activity, which consists in ensuring defense of rights, freedoms and legitimate interests of the suspect, the accused, the defendant, the convicted, the acquitted...”⁶.

O. Kaplina, V. Maryniv and Yu. Kukharuk emphasize that “Participation of a defense attorney is an important guarantee of ensuring a person’s right to defense in criminal proceedings. - Attorney’s activity is of a social nature, as it is focused on refuting suspicions and accusations, establishing circumstances that mitigate the defendant’s responsibility, preventing violation of his constitutional rights, and it is also carried out not only in the interests of the defendant, but also in the interests of justice as a whole”⁷. Applying for legal assistance to defenders is an important indicator of improving the legal culture of a democratic state. In addition, ensuring the right to effective defense is the main requirement that the European Court of Human Rights (ECtHR) puts before its member states.

Separate issues of the researched problematics were pointed out by such legal scholars as, V.M. Tertyshnyk, Yu.P. Yanovych, N. Halaburda and others⁸. At the same time, changes in criminal procedural legislation require new views on implementation of the right to defense providing application of the precedent practice of the ECtHR⁹.

As we can see, ensuring protection (defense) of human rights and freedoms is a task with the ultimate goal consisting in efficiency and effectiveness. Along with this fact (as evidenced by the practice of criminal procedural activity) there are problematic issues in this direction, and this indicates the need to improve domestic legislation in the part concerning

⁶ Law of Ukraine. **On advocacy and advocacy**: Law of Ukraine dated 05.07.2012. Available at: <https://zakon.rada.gov.ua/laws/show/5076-17> Accessed in 10 September 2023.

⁷KAPLINA, Oksana. Problems of removing a defense attorney from participating in a criminal case. *Bulletin of the Academy of Legal Sciences of Ukraine*. № 2(45). 2006. pp. 201-214.

⁸HALABURDA, Nadiia; LEHEZA, Yevhen; CHALAVAN, Viktor; YEFIMOV, Volodymyr; YEFIMOVA, Inna. Compliance with the principle of the rule of law in guarantees of ensuring the legality of providing public services in Ukraine. *Journal of law and political sciences*. Vol. 29, Issue 4, 2021. pp. 100-121. Accessed in 10 September 2023.

⁹ISHKHANIAN, Andrii; LEHEZA, Yevhen. Legal regulation to obobiganny to correct risis pid hour receiving electronic services. *ScienceRise: Juridical Science*, 3 (9), 2019, pp. 27–31. DOI: <https://doi.org/10.15587/2523-4153.2019.179915>

determination of the defender's legal status in criminal proceedings, as well as concerning approximation of Ukrainian legislation to generally recognized international standards.

The purpose of the research is to disclose criminal procedural protection (defense) of human rights in conditions of an armed conflict. The authors set the following tasks: to reveal the essence of the defense attorney's participation in criminal proceedings in Ukraine; and analyze ukrainian and european legislation in the field of access to legal aid.

In relation to the research methodology and methods, this study is based on the works of foreign and Ukrainian researchers regarding methodological approaches to understanding the protection of human rights and their concrete implementation in wartime, etc.

With the help of the epistemological method, the essence of the defense attorney's participation in criminal proceedings in Ukraine was clarified; etc; thanks to the logical-semantic method, the conceptual apparatus was deepened, the peculiarities of the defense attorney's participation in criminal proceedings in Ukraine were determined, etc. thanks to existing legal methods, we managed to analyze Ukrainian and European legislation in the field of access to legal aid, etc.

1. Peculiarities of the defense counsel's participation in criminal proceedings in Ukraine

Ukraine's ratification of the Protocols to the European Convention for the Protection of Human Rights and Freedoms of 1949 in 1997 was of great importance for ensuring judicial protection of the rights and freedoms of citizens¹⁰. This led to the expansion of the list of guaranteed rights and freedoms for citizens of Ukraine, which are subject to judicial protection, to the strengthening of the role and responsibility of the legislative, executive and judicial authorities for ensuring

¹⁰ Law of Ukraine. **European Convention on the Protection of Human Rights and Fundamental Freedoms** dated November 4, 1950 No. 995_004. Available at: https://zakon.rada.gov.ua/laws/show/995_004#Text Accessed in 10 September 2023.

their implementation.

The ratification of the Convention, in particular, caused the need to bring legislative and regulatory acts regarding the rights and freedoms of citizens previously adopted by Ukraine into compliance with European standards.

It should be noted that the procedural status of a defender in the current Criminal Procedure Code of Ukraine has undergone radical changes (compared to the Criminal Procedure Code of Ukraine of 1960). In particular, Article 45 provides that “Defense counsel is a lawyer who provides defense of the suspect, accused person in respect of whom sufficient evidence has been collected to report the suspicion of committing a criminal offense....”¹¹ (previously, a relative, friend, familiar lawyer, specialist in the field of law or a lawyer could be a defense counsel in criminal proceedings). These changes provided a basis for discussions on the limitation of constitutional rights to choose a defense counsel. According to Olena Kovalova and others, provisions of the current Criminal Procedure Code of Ukraine in this direction are more progressive, as they are primarily focused on providing qualified defense against suspicion or accusation in criminal proceedings¹². In addition, this position is consistent with the norms of the resolution of the Committee of Ministers of the Council of Europe dated 02 March 1978 No.(78)8 “On Legal Assistance and Consultations”; according to the mentioned resolution “legal assistance must always be provided by a person who has the right to practice as a lawyer in accordance with the norms of a member state»¹³. At the same time, as emphasized by Dmytro Golovin and others, “the Criminal Procedure Code of Ukraine has narrowed the right of a person to choose a defense counsel, which is in contradiction with certain norms of the Constitution of Ukraine, decisions of the Constitutional Court, provisions of the ECtHR”¹⁴. That

¹¹ Law of Ukraine. **Criminal Procedure Code of Ukraine** dated 04.13.2012. Available at: <https://zakon.rada.gov.ua/laws/show/4651-17> Accessed in 10 September 2023.

¹² KOVALOVA, Olena; KORNIIENKO, Maksym; POSTOL, Olena. Ensuring of child’s dignity as a principle of modern education: administrative and legal aspects. **The Asian International Journal of Life Science: Asia Life Sciences Supplement**. 21 (2). 2019. pp. 341 – 352.

¹³ KORNIIENKO, Maksym; PETRUNENKO, Iaroslav; YENA, Irina; PANKRATOVA, Kseniia; VOZNIAKOVSKA, Kristina. Negative effects of corruption offenses for the country’s economy: **International Journal of Management (IJM)**. Volume 11, Issue 5, 2020, 1072-1083. DOI: 10.34218/IJM.11.5.2020.098

¹⁴ GOLOVIN, Dmytro. NAZYMKO, Yehor. KOROPATOV, Oleh. KORNIIENKO, Maksym. Electronic evidence in proving crimes of drugs and psychotropic substances turnover. No 2 (No

is, a situation may arise when a person does not have required funds to pay for the services of a professional defense attorney, and the state cannot provide guarantees regarding the high-quality performance of duties by a free defense attorney¹⁵.

The Law of Ukraine “On Amendments to the Constitution of Ukraine (Regarding Justice)” dated 02 June 2016 amended Article 59 of the Constitution of Ukraine “everyone is guaranteed the right to professional legal assistance (previously interpreted as “the right to legal assistance”), which can be provided only by a professional lawyer who has undergone special training”¹⁶. A lawyer is a natural person who performs legal services on the grounds and in the manner prescribed by the Law of Ukraine “On Advocacy and Advocacy Activities”¹⁷. According to V.V. Yerokhin and O.O. Yukhna “a lawyer (advocate) is a natural person who has a certificate of the right to practice advocacy, and information about this person is entered in the Unified Register of Lawyers of Ukraine, and there is no information about suspension or termination of the right to practice advocacy in the Unified Register of Lawyers of Ukraine”¹⁸.

According to the current legislation, a lawyer can participate in criminal proceedings in three different statuses: 1) as a defender (defense counsel) of the suspect, accused, convicted, acquitted person, in relation to whom application of coercive measures of a medical or educational nature is envisaged, as well as in relation to whom consideration of the issue of extradition to a foreign state (extradition) is envisaged (Article 45 of the Criminal Procedure Code of Ukraine);

14). 2022. **Access to Justice in Eastern Europe**, 156-166. DOI: <https://doi.org/10.33327/AJEE-18-5.2-n000217>

¹⁵ LEHEZA, Yevhen; PISOTSKA, Karina; DUBENKO, Oleksandr; DAKHNO, Oleksandr; SOTSKYI, Artur. The Essence of the Principles of Ukrainian Law in Modern Jurisprudence. **Revista Jurídica Portucalense**, December, 2022. 342-363. DOI: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

¹⁶ SMOKOV, Sergii; HOROSHO, Valentyna; KORNIIENKO, Maksym; MEDVEDENKO, Serhii. Rule of Law as a Principle of Criminal Procedure (on materials of the European Court of Human Rights). **Pakistan Journal of Criminology**, 14(3), 2022. pp. 37-46. Available at: <http://www.pjcriminology.com/publications/rule-of-law-as-a-principle-of-criminal-procedure-on-materials-of-the-european-court-of-human-rights/> Accessed in 10 September 2023.

¹⁷ Law of Ukraine. **On advocacy and advocacy**: Law of Ukraine dated 05.07.2012. Available at: <https://zakon.rada.gov.ua/laws/show/5076-17> Accessed in 10 September 2023.

¹⁸ LEONENKO, Tetiana; LEONENKO, Maksym; SHKUTA, Oleh. YURCHYSHYN, Vasyl. Features of Group Motivation for Criminal Acts Committed on the Grounds of Religious Hatred or Hostility. **Journal of Advanced Research in Law and Economics**, v. 10, n. 3, 2019. p. 834-841. DOI: [https://doi.org/10.14505/jarle.v10.3\(41\).19](https://doi.org/10.14505/jarle.v10.3(41).19)

2) as a representative: That of the victim (natural person); that of a legal entity being a victim (Article 58 of the Criminal Procedure Code of Ukraine) civil plaintiff, civil defendant; of a third person (Article 63 of the Criminal Procedure Code of Ukraine) and as a representative of a person whose property is subject to seizure (Article 64-2 of the Criminal Procedure Code of Ukraine); 3) as a legal assistant of a witness (Article 66 of the Criminal Procedure Code of Ukraine)¹⁹.

Person's right to defense shall be related to the formal initiation of criminal proceedings, which directly depends on the time of entering information into the Unified Register of Pre-trial Investigations (URPI) or on informing the person of being suspected of committing a criminal offense and acquiring the status of a suspect²⁰.

That is, only a person who acquires the status of a suspect has the opportunity to exercise his/her right to defense. European practice in this direction is worthy of attention²¹. In European countries, considerable attention is paid to the principle of early access to legal aid, including the right to defense during the first interrogation²². As the analysis of the practice of the ECtHR showed, "suspects in criminal proceedings shall have the right to access to legal aid no later than from the moment of arrest or detention or from the moment when the circumstances wherein a person finds himself/herself begin to significantly worsen his/her situation"²³. In particular, the decision of the ECtHR in the case

¹⁹ Law of Ukraine. **Criminal Procedure Code of Ukraine** dated 04.13.2012. Available at: <https://zakon.rada.gov.ua/laws/show/4651-17> Accessed in 10 September 2023.

²⁰ TYLCHYK, Vyacheslav; MATSELYK, Tetiana; HRYSHCHUK, Viktor; LOMAKINA, Olena; SYDOR, Markiiian; LEHEZA, Yevhen. Administrative and legal regulation of public financial activity. **Cuestiones Políticas**, 40(72), 2022, 573-581. DOI: <https://doi.org/10.46398/cuestpol.4072.33>

²¹ MANZHULA, Andrii; LEHEZA, Yevhen. Foreign experience and public services through the implementation in national legislation Ukraine. **ScienceRise: Juridical Science**. 2 (2), 2017, pp. 45–49. DOI: <https://doi.org/10.15587/2523-4153.2017.118829>

²² LEHEZA, Yevhen; SHABLYSTYI, Volodymyr; ARISTOVA, Irina; KRAVCHENKO, Ivan; KORNIKOVA, Tatiana. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. **Journal of Drug and Alcohol Research**. 2023. 12, 4, 1-8. DOI: <https://doi.org/10.4303/JDAR/236240>.

²³ LEHEZA, Yevhen; SHCHERBYNA, Bogdan; LEHEZA, Yulia; PUSHKINA, Olena; MARCHENKO, Olesia. Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine. **Revista Jurídica Portuguesa**, 2023. pp. 340–359. DOI: [https://doi.org/10.34625/issn.2183-2705\(ne\)2023.ic-17](https://doi.org/10.34625/issn.2183-2705(ne)2023.ic-17)

“Brusco v. France” determined that the right to legal assistance includes presence of a lawyer during any interrogations²⁴. The scientific opinion of Dymko, I. is relevant in this context; the scientist proposes to supplement clause 5 of Article 20 of the Criminal Procedure Code of Ukraine, with the following content : “The right to defense shall be granted to a person from the moment this person is notified of being suspected, picked up (arrested) on suspicion of committing a criminal offense, verification of involvement in commission of a criminal offense and from application of other measures of procedural coercion provided for by the law”²⁵.

2. Comparative analysis of Ukrainian and European legislation in the field of access to legal aid.

In the decision of the ECtHR in the case “TalatTunch v. Turkey” dated 27 March 2007 No. 32432/96, it was emphasized that the obstacles occurring in the observance of the rights to defense could be overcome if the national authorities, while understanding the financial difficulties of the applicant, provided him/her with information about the possibility of requesting a free attorney for himself/herself by appointment. At the same time, the authorities showed passivity, thus neglecting their duty to ensure equality of the parties in the judicial process²⁶.

Effective implementation of the right to defense in criminal proceedings also requires application of the precedent practice of the ECtHR. “Activity of the

²⁴ Case of Brusco v France (Application № 1466/07): **Judgment of the European Court of Human rights** 14.10.2010. Accessed in 10 September 2023.

²⁵ DYMKO, Igor; MURADIAN, Arsen. LEHEZA, Yevhen; MANZHULA, Andrii. RUDKOVSKYI, Oleksandr. Integrated approach to the development of the effectiveness function of quality control of metal products. **Eastern European Journal of Enterprise Technologies**. 6/3 (90). 2017. pp. 26-34. DOI: 10.15587/1729-4061.2017.119500.

²⁶ LEHEZA, Yevhen; FILATOV, Viktor; VARAVA, Volodymyr; HALUNKO, Vira; KARTSYHIN, Dmytro. Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine. **Journal of Legal, Ethical and Regulatory Issues**. Vol. 22, Issue 5. 2019. P. 1-8. Available at: <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html> Accessed in 10 September 2023.

European Court regarding the interpretation of the norms of the Convention is based on the doctrine of judicial precedent, the content of which consists in the obligatoriness for judicial authorities of their previous decisions”²⁷.

Thus, in the decision taken by the ECtHR in the case “Kats et al. v. Ukraine” dated 18 December, 2008, the Court emphasized that provision of legal defense must be sufficient both in theory and in practice, since without it they will lack adequate accessibility and efficiency²⁸.

In accordance with Article 17 of the Law of Ukraine “On Implementation of Decisions and Application of Practice of the European Court of Human Rights” dated 23 February 2006 No. 3477-M²⁹ (regulates relations arising in connection with the state’s obligation to implement the decisions of the ECtHR in cases against Ukraine as well as needs to eliminate the causes of Ukraine’s violation of the Convention on the Protection of Human Rights and Fundamental Freedoms and protocols thereto), as well as in accordance with Articles 8, 9 of the Criminal Code of Ukraine, the ECtHR and decisions of the ECtHR are recognized as a source of law, their application and consideration is mandatory during criminal proceedings.

The scientific opinion of M. Korneyev is valid in this context: “the legislative recognition of the mandatory jurisdiction of the ECtHR in all matters related to interpretation and application of the Convention requires carrying out research of the practice of the ECtHR and the application of the national legislation taking into account positions of the ECtHR, since it is in the decisions of the ECtHR that the content of most of the provisions of the ECtHR is revealed”³⁰.

²⁷ VILLASMIL ESPINOZA, Jorge; LEHEZA, Yevhen; HOLOVII, Liudmyla. 2022. Reflections for the interdisciplinary study of the Russian Federation’s invasion of Ukraine in 2022. **Cuestiones Políticas**, 40(73), 16-24. DOI: <https://doi.org/10.46398/cuestpol.4073.00>

²⁸ Decision of the European Court of Human Rights dated 18.12.2008 in the case “**Kats and others v. Ukraine**”. Available at: http://zakon3.rada.gov.ua/laws/show/974_485. Accessed in 10 September 2023.

²⁹ Law of Ukraine. **On the implementation of decisions and application of the practice of the European Court of Human Rights**: Law of Ukraine dated 23.02.2006 No. 3477-IV. Bulletin of the Verkhovna Rada of Ukraine (VVR).2006.№ 30.260. Available at: <https://zakon.rada.gov.ua/laws/show/3477-15#Text> Accessed in: 10 September 2023.

³⁰ KORNEYEV, Maxim; ZOLOTUKHINA, Liliya; HRYHORASH, Tetiana; LEHEZA, Yevhen; HRYHORASH, Olha. The development of small business as a source of formation of local budget

A similar position is held by Anatolii Matviichuk: based on the results of a sociological survey conducted among investigators, prosecutors, judges and lawyers, he came to the conclusion that 92% of respondents believe that the practice of the ECtHR plays a significant role in the effective protection of the rights, freedoms and legitimate interests of a person in the domestic the criminal process, and also contributes to improved effectiveness of the lawyer's exercising his powers³¹.

In addition, taking into account the fact that the analysis of applying the practice of the Criminal Procedure Code of Ukraine also shows the unique facts of violations of the right to legal aid, the practice of the ECHR will serve as an additional effective mechanism for effective defense of person's rights, as well as for representation of his/her interests in criminal proceedings³².

Final considerations

1. Thus, the guarantee of ensuring the right to defense consists in the right of a person to defend himself/herself with the help of a professional defense attorney (counsel). Ensuring protection of human rights and freedoms presupposes efficiency and effectiveness. Along with this fact (as evidenced by the practice of criminal procedural activity) there are problematic issues in this direction which indicate the need to improve domestic legislation in the part concerning determination of the defender's legal status in criminal proceedings, as well as concerning approximation of Ukrainian legislation to generally recognized international standards.

The main violations related to the participation of the defense attorney in

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³¹ MATVIICHUK, Anatolii; SHCHERBAK, Viktor; SIRKO, Viktoria; MALIEIEVA, Hanna; LEHEZA, Yevhen. Human principles of law as a universal normative framework: Principios humanos del derecho como marco normativo universal. **Cuestiones Políticas**, 40(75), 2022. 221-231. DOI: <https://doi.org/10.46398/cuestpol.4075.14>

³² HORBALINSKIY, Volodymyr; LESHCHENKO, Oleksandr. MASHCHENKO, Olha; LEHEZA, Yevhen; PRYMAKOV, Kamil. Ways to protect the rights of individuals in administrative proceedings: legal regulation and international experience international experience: Vías de protección de los derechos de las personas en los procesos administrativos: regulación jurídica y experiencia internacional. **Cuestiones Políticas**, 41(77), 2023, 324-334 DOI: <https://doi.org/10.46398/cuestpol.4177.22>

criminal proceedings were highlighted: 1) failure to ensure the mandatory participation of a defense attorney in cases provided for by law; 2) restriction of the right to freely choose a defense counsel; 3) obstacles to implementation of procedural rights, which are associated with obtaining free legal aid.

2. Effective implementation of the right to defense in criminal proceedings also requires application of the precedent practice of the ECtHR, which is binding in its nature, and therefore the legislator must take it into account both during the application of criminal procedural legislation and during improvement of this legislation in general. In Ukraine, the precedent practice of the ECHR must be implemented not as declarative provisions, but as an effective mechanism.

A conclusion has been drawn on the need to improve Ukrainian legislation in terms of determining the legal status of a defense attorney in criminal proceedings and bringing Ukrainian legislation closer to generally recognized international standards.

3. Offered to introduce a new system of legal aid and defense: defense of the suspect can be carried out by both lawyers and other specialists in the field of law, if there are no grounds for disqualification; defense of the accused person and the defendant in court should be carried out only by a lawyer, who is proposed to be appointed as a court attorney, and defendant's close relatives should be admitted as representatives of his/her interests; legal assistance to victims, civil plaintiffs, civil defendants and third parties can be provided by both lawyers and other specialists in the field of law and close relatives who can act in the procedural status of representatives of the relevant persons; legal assistance to witnesses, applicants, other participants in the process can be provided by both lawyers and other specialists in the field of law, who can act in the procedural status of legal attorneys (legal advisers), that is, persons who provide legal assistance outside the scope of representation or defense.

In addition, suggested restoring the institute of court attorneys.

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