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INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

UKRAINE: NOTIFICATION UNDER ARTICLE 4(3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 18 August 2026.

(Original: English)

"The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary General of the United Nations and, with reference to its communication No 4132/37-194/600-105066 of 31 July 2026, has the honour to transmit herewith a further clarifying communication on measures derogating from certain obligations under the International Covenant on Civil and Political Rights.

The Permanent Mission of Ukraine to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

…

I
Regarding measures derogating from obligations

According to the Decision of the Constitutional Court of Ukraine No. 3-p(II)/2026 of April 1, 2026 part five of Article 615 of the Criminal Procedure Code of Ukraine (CPC) became invalid three months from the date of adoption of this Decision. This part provided that in the event of martial law in the case of impossibility for holding a preparatory court session, the preventive measure in the form of detention selected by the investigating judge, the head of the prosecutor's office during the pre-trial investigation is considered to be extended until the relevant issue is resolved in the preparatory court session but for not longer than for 2 months.

At the same time, other norms of Article 615 of the CPC, the possible application of which became the basis for the derogation, remain in force.

Thus, Article 615 of the CPC, taking into account the abovementioned amendments, provides for that in the event of martial law:

- in the absence of the possibility to draw up procedural documents about investigative (search) or other procedural actions, recording is carried out by technical means with subsequent drawing up the protocol no later than 72 hours after the completion of these actions (*para two of part one*);
- in the absence of the possibility for further proceeding, completion of the pre-trial investigation and submission an indictment, a request for the application of coercive measures of a medical or educational nature, a request to discharge a person from criminal responsibility to the court - the term of the pre-trial investigation in criminal proceeding is suspended on the basis of a motivated resolution of the prosecutor with a statement of the relevant circumstances and is subject to renewal if the grounds for suspension no longer exist. Before suspension of the pre-trial investigation, the prosecutor is obliged to decide on the issue of extending the term of detention (*para seven of part one*);
- in the absence of the possibility for performing procedural actions within the time limits specified by the CPC such actions are carried out immediately, where possible, but no later than 15 days after the termination or cancellation of martial law (*para nine of part one*);
- testimony obtained during the interrogation of a suspect in criminal proceedings can be used as evidence in court, if the defender participated in the interrogation, and its course and results were recorded by technical means of video recording. Video recording of witness' and victim's testimony obtained during interrogation is also allowed (*part eleven*);
- the inquiring officer, the investigator, the prosecutor shall ensure: (i) remote participation of the defender in a separate procedural action using technical means of video and audio communication if his/her appearance is impossible; (ii) participation at the earliest opportunity of an interpreter to translate explanations, statements or documents of the suspect, the victim. In the presence of circumstances that make his/her participation impossible, the inquiring officer, the investigator, the prosecutor shall have the right to personally carry out the appropriate translation, in the case of knowledge of one of the languages spoken by the suspect, the victim (*part twelve*).

The possibility of applying the above-mentioned current norms provided for in Article 615 of the CPC, makes it necessary to continue derogation from Ukraine's obligations under para 3 of Article 2, Articles 14 and 17 of the International Covenant on Civil and Political Rights and Articles 6, 8 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms without prejudice to the fundamental principles of a fair trial and legal protection, including the principle of ne bis in idem.

Taking into account the loss of validity of the part five of Article 615 of the CPC, derogation under the previously defined Article 9 of the Covenant and Article 5 of the Convention is withdrawn.

II
Regarding the time and territory to which the derogation applies

The above-mentioned norms of the CPC can be applied during the martial law imposed on the territory of Ukraine from 05:30 on February 24, 2022."

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26 August 2026