



# STATE JUDICIAL ADMINISTRATION

## INFORMATIVE CERTIFICATE ANALYSIS OF DATA OF JUDICIAL STATISTICS about work of district (city, city-distcit) courts of the Zaporozhia oblast in 2008

Research of statistical information about work of local courts in 2008 carried out with the purpose of establishment of volume of work of courts, workload of judges, structures and dynamics of receipt cases and materials of different categories. These tasks stipulate the structure of this informative certificate.

An analysis is carried out on the basis of reports of local courts on consideration of matters of different categories (after court decisions that collected, and did not collect legal force during 2008). A volume of work of courts and workload of judges

During 2008 to the local courts of the Zaporozhia oblast acted 418 372 cases and materials, that on 5,93% more than the last year. Comparison of amount of receipt and structure of cases which acted to the courts it is resulted in a table 1. Graphically these indexes are represented on a picture 1.

*Table 1 Receipt of cases and materials to the county courts of the Zaporozhia oblast*

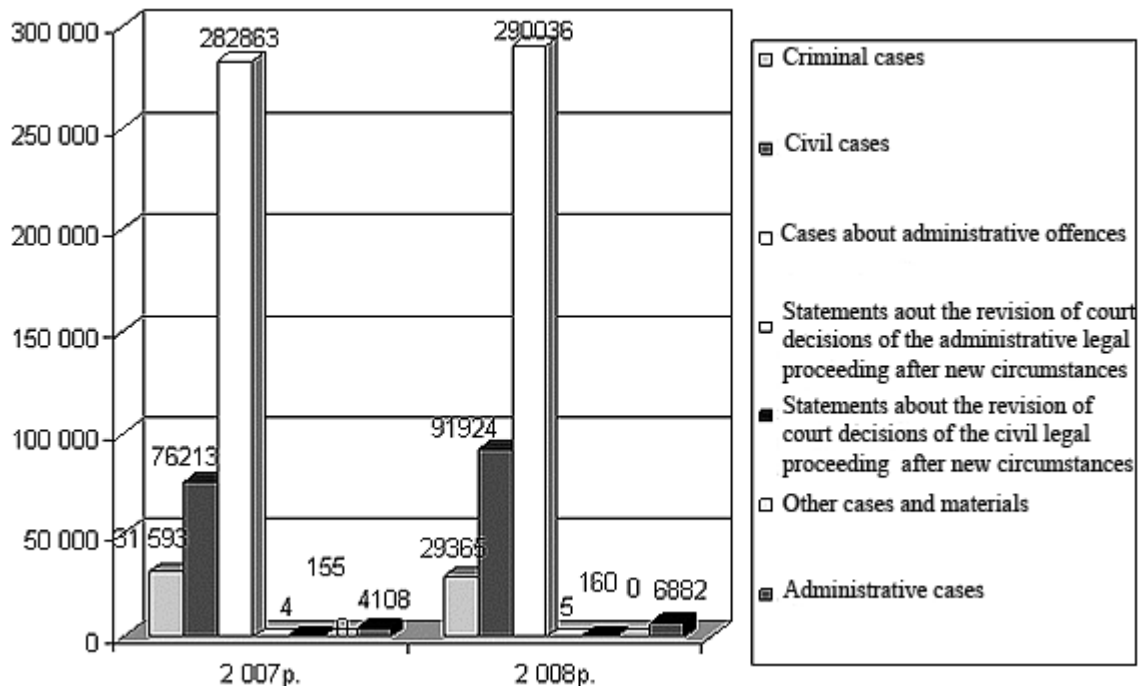
	2007	2008	Dynamics 2007-2008		Specific Weight 2007	Specific Weight 2008
			Abs.	%		
Crimina <sup>1</sup>	31 593	29 365	-2228	-7,05	8,00	7,02
Civi <sup>2</sup>	76 213	91 924	15711	20,61	19,30	21,97
Administrative cases	4 108	6 882	2774	67,53	1,26	1,64
Cases about administrative offences	282 863	290 036	7173	2,54	71,62	69,32
Statements about the revision of court decisions of the administrative legal proceeding by new uncovered circumstances	4	5	1	25,00	0,00	0,00
Statements about the revision of court decisions of the civil legal proceeding by new uncovered circumstances	155	160	5	3,22	0,04	0,04
Other cases and materials <sup>3</sup>	0	0	0	0	0	0
Total	394 936	418 372	23436	5,93	X	X

<sup>1</sup> In the order of S 232 CPC and materials

<sup>2</sup> Statement of claims, applications, complaints

<sup>3</sup> Form 5 - report of direction on the compulsory treatment chronic alcoholic and narcomaniac

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Picture 1 Dynamics of receipt of cases and materials by comparison to 2007

The analysis of receipt of cases and materials shows that during 2008 grew receipt of administrative businesses and statements on 67,53%. Most substantially grew the receipt of civil cases (on 20,61%), receipt of cases about administrative offences diminished on 2,54%, the also the receipt of criminal diminished on 7,05%.

Comparison of structure of receipt of cases and materials (picture 2,3) probationary periodifies that during two years swingeing majority of cases, which act to the courts, draw up reports about administrative offences, thus them specific gravity diminished from 71,62% to 69,32%, specific gravity of criminal cases diminished in 2008 year (from 8,00% to 7,02%); specific gravity of grew administrative cases (from 1,26% to 1,64%), civil cases (from 19,30% to 21,97 %).

The average monthly receipt of cases and materials makes on a 1 judge (on a manning table):

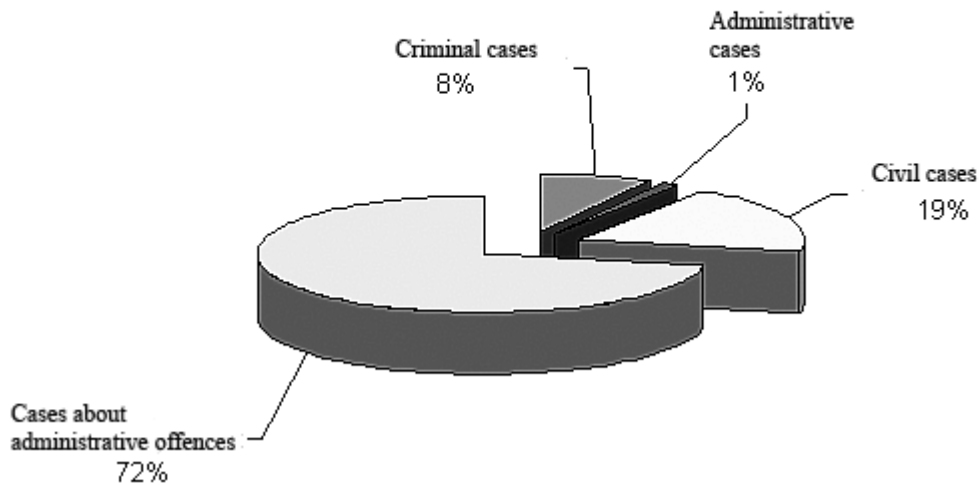
- criminal cases and materials - 12,96[14,08]<sup>4</sup>;
- civil cases - 40,57 [33,96];
- administrative cases - 3,04 [1,83];
- cases about administrative offences -127,99 [126,05];
- statements about the revision of court decisions of the administrative legal proceeding after new circumstances - 0,00 [0,00];
- statements about the revision of court decisions of the administrative legal proceeding after new circumstances - 0,07 [0,07];
- other cases and materials - 0,00 [0,00];
- middle workload on 1 judge for all categories of cases - 184,63 [176,00].

In 2008 the most biggest receipt of cases and materials were Khorticky district court of Zaporozhia - 251,47 [219,49];

Least - in Rozivskomu - 37,06 [34,73] and Velikobilozirskomu district courts of the Zaporozhia oblast - 45,94 [37,06].

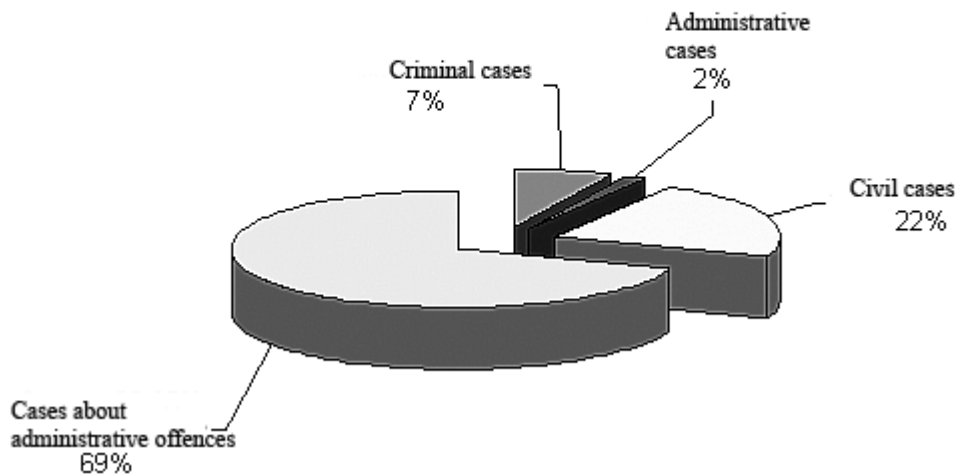
<sup>4</sup> Here and next in the square bracket cite data in the year 2007

2007 рік



Picture 2 Structure of receipt of cases and materials in 2007

2008 рік



Picture 3 Structure of receipt of cases and materials in 2008

After the staff 206 judges must work in 28 district (city, міськрайонних) courts of the Zaporozhia oblast. Actually, on December, 1, 2008 189 judges worked in the county courts of the Zaporozhia oblast, that is 91,74% from a regular quantity.

In this connection, if expect a receipt coming from the actual quantity of judges, this index will be:

- criminal cases - 15,52 [14,53];
- civil cases - 37,53 [33,65];
- administrative cases - 2,02 [4,20];
- cases about administrative offences - 139,00 [111,94];

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- statements about the revision of court decisions of the administrative legal proceeding after new circumstances - 0,00 [0,00];
  - statements about the revision of court decisions of the administrative legal proceeding after new circumstances - 0,08 [0,07];
  - other cases and materials - 0,00 [0,00];
  - middle receipt on a 1 judge for to all of categories of cases - 194,07 [164,32];
- Most loading on the judges of the Melitopol city district court of the Zaporozhia oblast - 262,15; Khorticky district court of Zaporozhia - 251,47; Berdyanskogo city district court of the Zaporozhia oblast - 242,59;
- Least: Rozivsky - 45,94; Velikobilozersky - 71,09 district courts of the Zaporozhia oblast.

#### Criminal cases are in courts:

Total in 2008 year 11 177 criminal cases of different categories acted to the courts. The general amount of criminal cases which were on consideration in courts made 13 473 businesses in relation to 15 452 persons (without the account of cases, returned a public prosecutor in order of item 232 Criminal Procesual Code). By comparison to a previous period amount of matters of, which was on consideration, diminished on 2,46% [13 814 cases in relation to 15 824 persons].

From the general amount of criminal cases 13 289 (98,63%) are the matters of public prosecution, 184 (1,36%) matters of private prosecution [accordingly 13 612 (98,53% and 202 (1,46%)].

As evidently from a table, most widespread in oblast are crimes against property (32, 82% from the general amount of cases). A considerable percent (by comparison to other cases) are crimes in the field of appeal of narcotic matters (26,60%), crimes against life and health of person (6,81%), crimes against safety of motion and exploitation of transport (5,41 crimes against electoral, labour and other personal rights and freedoms of man and citizen (4,60%).

From the general amount of cases which were on consideration, 11 036 237 cases are ended by realization in relation to 12 460 persons, or 83,35% [11 515 (83,35%)] from the general amount of cases. That, by comparison to the analogical period of past half-year, the amount of the considered cases diminished on 4,16%.

With the pronouncement of sentence ended by realization 8 718 cases (79,00% cases ended by realization) [8 588 (74,58%)]. With closing of realization in business - 1 472 (13,33%) [1 988 (17,26%)], with with application of measures of medical character - 42 (0,38%) [46 (0,39%)], return for additional investigation - 239 (2,16%) [352 (3,05%)], return to the public prosecutor - in order of item 249<sup>1</sup> of Criminal Procedural Code - 44 (0,39%) [83 (0,72%)], with direction after a cognizance 521 (4,72%) [458 (3,97%)]. In order of item 232 of Criminal Procedural Code a public prosecutor is recall 59 businesses, that on 55,30% less than, than last year [132].

From 12 460 persons in matters with complete realization (by decisions of a court which gained and did not gain legal force):

- 9 853 persons (79,07%) [9 792 (74,54%)] in thereby for the commission of crime in membership OCG (organized criminal group) - 101(1,025%) [88(0,66%)];
- justified - 36 (0,28%) [50 (0,38%)];
- to 1 571 person (12,60%) cases are closed [2 140 (16,29%)];
- to 42 person (0,32%) - measures of medical character are applied [46(0,35%)];
- to 306 persons (2,45%) cases are returned on additional investigation [488 (3,71%)];
- to 55 persons (0,44%) - returned to a public prosecutor in order of item 249<sup>1</sup> [112 (0,85%)];
- to 589 persons (4,72%) - passed after a cognizance [508 (3,86%)].

*Distributing of cases by the sections of special part of Criminal Code of Ukraine is resulted in a table 2*

Name of section of Special part of Criminal Code	Articles of Criminal Code	Number of cases on consideration	% to general amount
Crimes against life and health of person	115-124, p 2 126-145	883	6,55
Crimes against freedom, honour and dignity of person	146-151	13	0,09
Crimes against sexual freedom and sexual inviolability	152-156	61	0,45
Crimes against electoral, labour and other personal rights and freedoms of man and citizen	157-184	621	4,60
Crimes against property	185-198	4 423	32,82
Crimes in the field of economic activity	199-235	330	2,44
Crimes against environment	236-254	72	0,53
Crimes against public safety	255-270	629	4,66
Crimes against safety of production	271-275	31	0,23
Crimes against safety of motion and exploitation of transport	276-292	730	5,41
Crimes against a public peace and morality	293-304	594	4,40
Crimes in the field of appeal of narcotic facilities of their analogues and precursors	305-327	3 584	26,60
Crimes in the field of guard of state secret, inviolability of state boundaries...	328-337	3	0,22
Crimes against authority of state power...	338-360	505	3,74
Crimes in the field of the use of computers, systems and computers networks and networks of telecommunications	361-363 <sup>1</sup>	4	0,02
Crimes in the field of official activity	364-370	599	4,44
Crimes against justice	371-400	206	1,52
Crimes against establishing an order execution of military service(soldiery crimes)	402-435	1	0,007
Cases which are violated after the complaint of a victim	125, ч.1 126, 356	184	1,36
All the matters of all categories		<b>13 473</b>	X

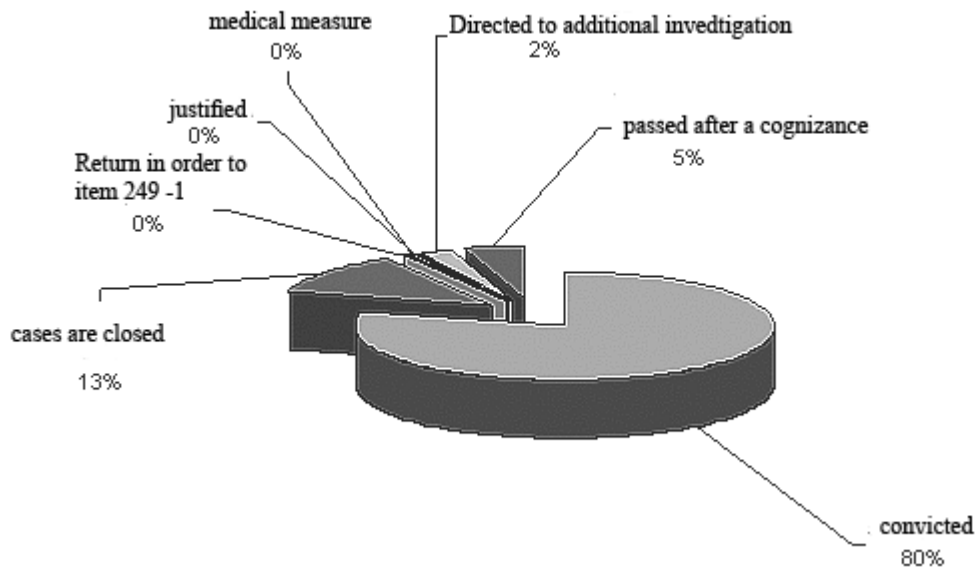
Analysing maintenance of court decisions, it is possible to notice the followings changes by comparison to a previous year:

- the particle of convicts and returned cases diminished to the public prosecutor in order of item 232 Criminal Procesual Code;
- the amount (accordingly and percent) of cases, returned on additional (pre-trial) investigation diminished, in order of item 249<sup>1</sup> Criminal Procesual Code that particle of persons which case is closed;
- the particle of convict persons which participating is confirmed in the organized criminal group increased.

To the convict persons are applied such measures of punishment: fine (basic measure of punishment) - 1 318 (13,37%) [891 (6,78%)], the sum of the imposed fine was 1 282 630 Uah [765 602 Uah], that on 517 028 Uah more than in the last year; revocation of right to take up a position or to do some activity - 4 (0,04%) [0 (0,00%)]; social works - 182 (1,84%) [183 (1,39%)]; correctional works -

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33 (0,33%) [21 (0,15%)]]; arrest - 97 (0,98) [95(0,72%)]]; restraint of liberty - 119 (1,20%) [128(0,97%)]]; imprisonment for life - 1 (0,007%) [1 (0,007%)]]; imprisonment for a certain term - 2 052 (20,82%) [2 192 (16,68%)]. 6 047 persons persons are exempt from serving of punishment (61,37%) [6 277 (47,78%)]. It is in a that number exempt from serving of punishment with a probationary period 5938 persons (98,19%)<sup>5</sup> [5 997 (95,53%)], as a result of amnesty - 79 (1,30%) [253 (4,03%)]<sup>5</sup>.



*Picture 4 Structure of court decisions (after the amount of persons) in 2008*

Additional punishments are applied in 425 [423] cases, on 7 persons fines are imposed [18]; 11 persons are deprived the military, special rank, grade, rank or qualifying class [4]; 177 persons are revocation of right to take up a position or to do some activity [161]; to 230 persons was applied punishment as confiscation of property [246].

The analysis of measures of punishment testifies considerable increase of application of fines, as a basic measure of punishment, imprisonment on a certain term, the amount of convict persons, exempt from serving of punishment with a test diminished, an amount and particle of persons, exempt from serving of punishment in connection with amnesty diminished.

From a number cases which are in a remain (2 437 cases in relation to 2 992 persons [2 299 in relation to 2 688]) on 01.01.2009 691 (28,35%) is stopped in realization [759 (33,01%)]. Including 623 cases (90,15%) realization of which is shut-down in connection with the search of defendant [638 (84,05%)].

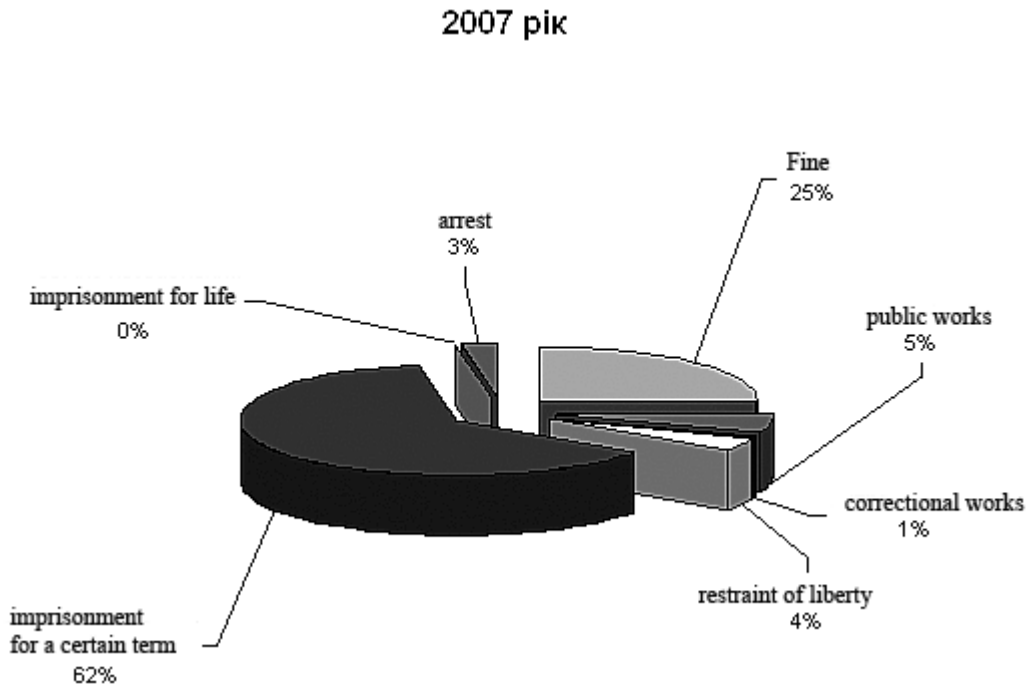
In a term 291 cases or 11,94% cases, which are in a remain without the account of cases, stopped in realization, are not considered over 6 months [174 (7,56%)].

In a reporting period courts for absent in the judicial meeting fined 9 persons, the sum of fine was 565 Uah [23 (1 945 Uah)].

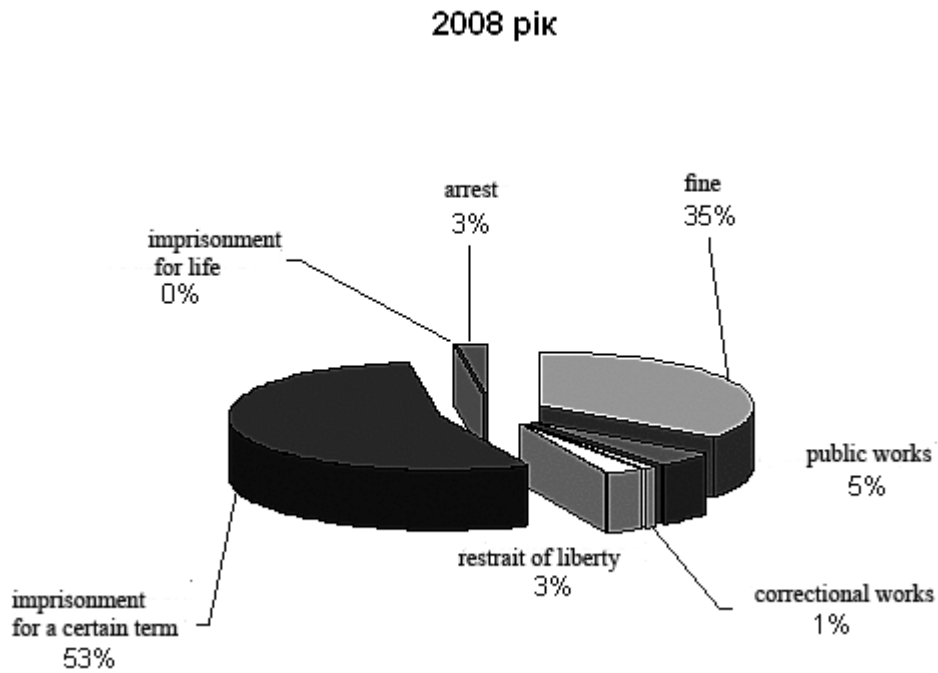
In the judicial meeting it was taken under a guard 156 [280], it is exempt from guard - 301 [394] person.

<sup>5</sup> For number people absolve from punishment

It is taken away separate decisions - 442, that on 52,94% more by comparison to 2007 year [289], including - about the removal of reasons and terms which abetted 14 [7], about violation of legality at realization of inquest or judicial investigation - 51 [54]. Acted reports about the used measures on separate decisions - 365 [163].



*Picture 5 Structure of measures of punishment in 2007*



*A picture 6 Structure of measures of punishment in 2008*

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With fixing of trial 173 cases are considered, or 1,56%, that amount of cases, considered from fixing of trial hardwares remains small [530 (4,60%)].

In order to item 27 of Criminal Procedural Code to the courts acted that is on 19,27% less than, than last year [384]. All on consideration in courts was 342 private complaints. From them it is considered 321 (93,85%), in a that number: a criminal case is excited for 108 (31,57%), refused in exciting of case - 39 (11,40%), it is sent a public prosecutor after belonging - 19 (5,55%); it is leave without consideration and returned persons, that they gave - 155 (45,32%).

From data of reports during a half-year victims from the different types of crimes (for to cases with complete realization) are acknowledge 6 041 physical and 412 legal entities. Including 866 persons (14,33%) suffered from crimes against life, health, sexual freedom and sexual inviolability; 4 272 (70,71%) physical and 325 (78,88%) legal entities - from crimes against property; 903 (14,94%) physical and 87 (21,11%) legal entities - from other crimes. The sum of the inflicted moral and financial harm made 30 040 581 Uah.

During 2008 to the courts of the Zaporozhia oblast acted 988 decisions in relation to a release from criminal responsibility, that on 47,41% more than in the last year. All there were 1 005 decisions on consideration. Courts were consider 963 (95,82%) decisions about a release from criminal responsibility, in a that number: 105 (10,90%) as a result of change of situation, 19 (1,97%) - in connection from effective repentance, 40 (4,15%) - in connection from reconciliation of defendant with a victim, 10 (1,03%) in connection from application to minor of the forced measures of an educate character (item 9 of Criminal Procedural Code), 43 (4,46%) - in connection from a transmission on bail a collective, 112 (11,63%) - in connection from completion of terms remotenesses in relation to the set of persons, which committed a crime, 543 (56,38%) - in connection from completion of terms of remoteness in relation to unstated, 91 (9,44%) - from other grounds (amnesty, in connection with death and others like that).

Except for the noted categories of presentations, to the courts of the Zaporozhia oblast acted 59 decisions in order of item 7<sup>3</sup> of Criminal Procedural Code - about a release from criminal responsibility of persons which did not attain age of criminal responsibility, that on 39,79% less than, than last year [98]. There were 64 decision on consideration, from them it is considered 54 (84,37%), in a that number with application of the forced measures of an educate character - 51 (86,44%).

Amount of presentations of consequence organs on different questions which were in realization of courts during year, diminished on 12,02% and was 7 716 [8 771]. From this amount it is considered 7 676 (99,48%), satisfied 6432(83,35%).

The receipt of complaints on the action of consequence organs in this year grew on 18,03% and was 975 [826]. On consideration was 1 013 complaints on the action of consequence organs on consideration, in that number: about exciting of case - 563, about a refuse in exciting of case - 322, about closing the case - 45. It is considered - 925 (91,31%), from a number considered satisfied - 299 (32,32%).

In order of implementation of sentences to the courts in 2008 8 198 [9 686] presentation and solicitor acted, that on 15,36% less than, than in 2007. There was a 8 355 on consideration in courts presentations in order of implementation of sentence on consideration in courts [9 853]. From them it is considered 8 026 (96,06), satisfied - 7 594 (94,61%).

There were 57 cases in relation to 238 persons for committing a crime in membership of the organized groups and criminal organizations (on 5% less than last year) in a period covered on consideration in county courts. From them 33 cases are considered in a reporting period, 29 - from a organization of sentence, 0 - with closing of realization, 3 - with sending to additional investigation. 116 persons are convict, the sign of the organized group is confirmed 101 person.

During 2008 year on consideration in the courts of the Zaporozhia area were 655 cases in relation to a 871 minor person (4,86% to general amount of criminal cases), that on 15,19% less than, than last year [770 cases in relation to 991 person]. From them 537 businesses (81,98%) are ended by realization, in a that number: with the pronouncement of sentence - 443 (82,49%), with closing of realization in business - 66 (12,29%), with application of measures of medical character - 0 (0,00%), return on additional investigation - 14 (2,60%), return to the public prosecutor in order of item 249<sup>1</sup> Criminal Procesual Code - 0 (0,00%), with a transmission after a cognizance - 14 (2,60%). After court decisions which gained and did not gain legal force: 577 persons are convict, case is closed the in relation to 87 persons, in relation to 18 - cases are returned on additional investigation, in relation to 17 - cases are directed after a cognizance.

By comparison to the analogical period of past half-year the index of operationability of setting was worsened to consideration of criminal cases - the amount of criminal cases, considered out-of-time was increased, provided by article 241 Of Criminal Procedural Code, unforeseen by article 256 (table 3):

Quality of consideration of cases by courts of the first instances are characterized also by the percent of cases, for which decisions are anniented or changed by an appeal court.

Table 3 Amount of criminal cases. appointed to consideration out-of-time, foreseen Criminal Procedural Code

	2007 year		2008 year		Dynamics	
	Cases	%	Cases	%	Cases	%
Item 241	8	0,07	1	0,01	-7	-87,5
Item 256	35	0,30	13	0,12	-22	-62,85

Sentences are anniented by the appeal court of the Zaporozhia oblast in relation to 321 person (3,25% specific gravity from the number of convicts, justified persons, by local courts in 2008. From the indicated amount of anniented sentences with sending of business to additional investigation in relation to 52 persons (16,20% specific gravity to the general amount of persons which the sentences of local courts are anniented); with sending to the new judicial trial - in relation to - 228 (71,03%). Sentences are changed in relation to 247 persons (2,50%). Total anniented and changed sentences in relation to 568 persons (5,74%).

Most percent of anniented and changed sentences in the Shevchenko (10,36%) district court of Zaporozhia, Vilnyansky (8,99%) district court of the Zaporozhia oblast. The least to Priazovsky (0,00%) and in the Primirsky (0,81%) district court of the Zaporozhia oblast, in Rozivsky (1,52%) district court of the Zaporozhia oblast.

In addition, the decisions of local courts are anniented by the Appeal court for the criminal cases in relation to 193 persons. Most percent of anniented decisions - in Rozivsky district court of the Zaporozhia oblast (5,15%), Novomikolaivsky district court of Zaporozhia (2,13%). Decisions taken away in Velikobilozersky, were not abolished in Priazovskim, Pologivskim by the district courts of the Zaporozhia oblast.

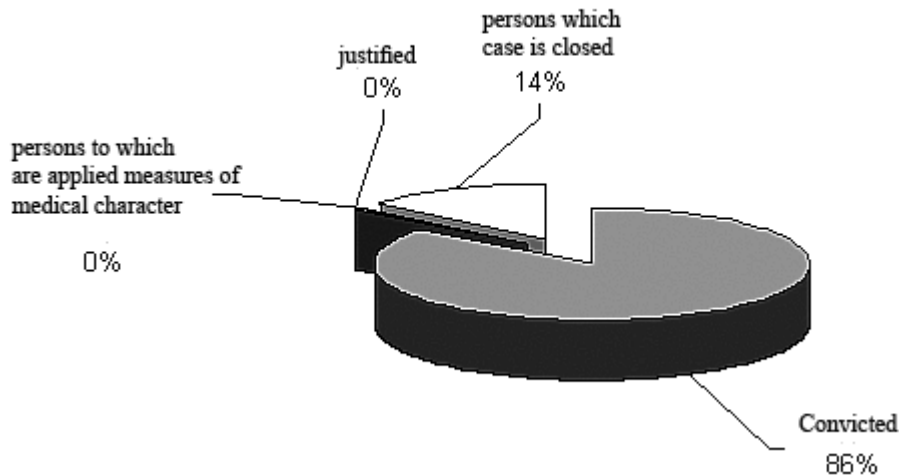
Previous conviction (after sentences which gained legal force)

Sentences (decisions, decisions) in relation to 10 519 persons, from which, went into effect in 2008 year:

- convicted - 9 003 (85,58% general amount of persons);
- justified - 13 (0,12%);

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- persons to which are applied measures of medical character - 39 (0,37%);  
- persons which case is closed - 1 464 (13,91%). Structure of court decisions of reflection (on a picture 7).



Picture 7. Structure of court decisions (after a court decision, that gained legal force in 2008)

From the general amount which court decisions gained legal force, the crimes of small weight accomplished 1 959 persons (18,62%), crimes of middle weight, - 5 081 (48,30%), grave crimes - 3 134 (29,79%), especially grave crimes - 345 (3,27%). The structure of types of crimes is represented.

From the general amount of persons which committed a small weight crime (1 959):

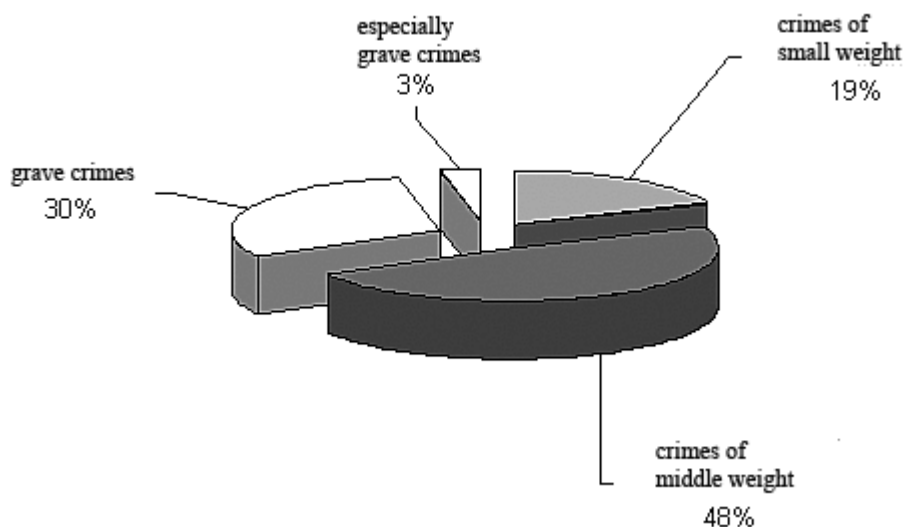
- convicted - 1 382 (70,54%);
- justified - 8 (0,40%);
- persons to which are applied measures of medical character - 6 (0,30%);
- persons which case is closed - 563 (28,73%).

From the general amount of persons which committed a crime middle weight (5 081):

- convicted - 4 221 (83,07%);
- justified - 1 (0,01%);
- persons to which are applied measures of medical character - 15 (0,29%);
- persons which case is closed - 844 (16,61%).

From the general amount of persons which accomplished grave crimes (3 134):

- convicted - 3071 (97,98%);
- justified - 3 (0,09%);
- persons to which are applied measures of medical character - 12 (0,38%);
- persons which case is closed - 48 (1,53%).



*Picture 8. Structure of types of crimes (after a court decision, that gained legal force in 2008)*

From the general amount of persons which accomplished especially grave crimes (345):

- convicted - 329 (95,36%);
- justified - 1 (0,28%);
- persons to which are applied measures of medical character - 6 (1,73%);
- persons which case is closed - 9 (2,60%).

From the general amount of persons which case is closed, realization in business is closed in connection with:

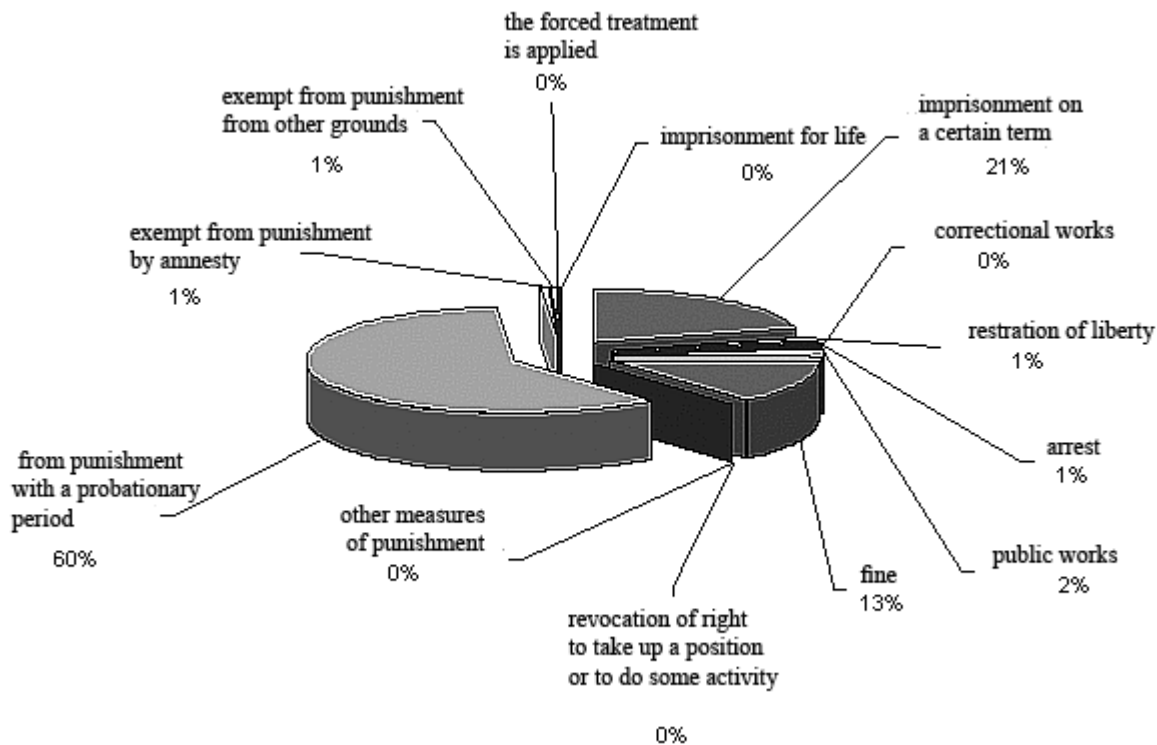
- absence of event, components of crime or by a failure to prove a prosecution - 6 (0,40%);
- effective repentance - 133 (9,08%);
- reconciliation guilty with a victim - 121 (8,26%);
- the change of situation 370 (25,27%);
- admitting to of person bail - 131 (8,94%);
- application to minor of the forced measures of an educate character - 21 (1,43%);
- amnesty - 120 (81,96%);
- death death - 98 (6,69%);
- other grounds - 464 (31,69%).

To the convict persons such measures of punishment are applied. The structure of application of basic measures of punishment to convicts is represented on the picture 9.

- imprisonment for life - 1 (0,01%);
- imprisonment on a certain term - 1 883 (20,91%);
- restraint of liberty - 109 (1,21%);
- arrest - 97 (1,07%);
- correctional works - 33 (0,36%);
- social works - 177(1,96%);

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- fine - 1174 (13,04%);
- revocation of right to take up a position or to do some activity - 0(0,00%);
- other measures of punishment - 1 (0,01%)
- from punishment with a probationary period 5 434 persons are exempt (60,35%);
- exempt from punishment by amnesty 48 persons (0,53%);
- exempt from punishment from other grounds - 46 (0,51%).
- the forced treatment is applied - 26 (0,28%).



Picture 9. A structure of application of basic measures of punishment to convicts (after a court decision, that gained legal force in the first half-year of 2008)

Punishment after the aggregate of crimes is appointed to 1 602 persons (17,79% convict persons), by the aggregate of sentences - 1 171 (13,00%).

With application of item 69 of Criminal Code of punishment is appointed to 1 060 persons (11,77%), including:

- to the persons which committed a small weight crime - 83 (6,43%, convicts for committing a small weight crime);
- to the persons which committed a middle weight crime - 228 (5,40% persons, convicts for committing a crime middle weight);
- to the persons which accomplished grave crimes - 636 (20,70% persons, convicts, for the fea- sance of grave crimes);
- to the persons which accomplished especially grave crimes - 107 (32,52% persons, convicts for the fea- sance of especially grave crimes).

Court decisions in relation to a 661 person, which committed a crime to achievement of major- ity, collected legal force in 2008 year (6,28% general amount of persons in relation to which court deci-

sions gained forces). Including 578 persons (87,44%) are convict, justified 0 persons (0,00%), persons to which are applied measures of medical character 0 persons (0,00%), case is closed the in the relation to 83 persons (12,55%).

Such which committed a crime in membership of he organized group, 62 are acknowledged, including 61 person is convicted (0,67 to the general amount of convict persons), in relation to 1 person realization in business closed in connection with death.

From the general amount of convict persons (9 003):

- 8 911 persons (98,97%) are citizens of Ukraine, 68 (0,75%) are citizens of other state;

- 1 024 women (11,37%);

- 1 839 person (20,42%) committed a crime in membership of group;

- 2 091 person (23,22%) committed a crime in the state of alcoholic intoxication, 50 (0,55%) -

in the state of narcotic intoxication.

Age of convict in the moment of committing a crime was:

- from 14 to 16 -127 persons (1, 41% convict persons);

- from 16 to 18 - 451 (5,00%);

- from 18 to 25 - 2 449 (27,20%);

- from 25 to 30 - 1 680 (18,66%);

- from 30 to 50 - 3 576 (39,72%);

- from 50 to 65 - 670 (7,44%);

- from 65 and more senior - 50 (0,55%).

Employment of convicts in the moment of doing of crime. The structure of convicts employments in the moment of commission of crime is represented on picture 10:

workers - 1 425 (15,82% convict persons); civil servants - 22 (0,24%); other office workers - 182 (2,02%); doctors, druggists, - 14 (0,15%); teachers - 6(0,06%); private entrepreneur - 175 (1,94%); workers of economic offices - 158 (1,75%); students of schools, lyceums, colleges, - 380 (4,22%); students of educational institutions - 113 (1,25%); other employments - 107 (1,18%); pensionaries (also invalids) - 182 (2,02%); unemployed persons - 421 (4,67%); capable capable of working, which did not work and did not study - 5765 (64,03%); minor to 16, what did not work and did not study, - 7 (0,07%); held back in establishment of implementation of punishments or under a guard - 45(0,49%).

#### Civil cases in courts

Total in realization at courts in 2008 wer 87 778 civil cases, that on 14,89% more than in 2007 year [76 397]. From them it were ended by realization 76 209 (86,02%). By comparison to the last year this index was worsened on 0,89 % as in 2007 year a percent of the cases ended by realization was 87,72%.

The greatest indexes of consideration of civil cases\* in Kamyanko-Dneprovsky district court of the Zaporozhia oblast (99,61%), Rozivsky district court of the Zaporozhia oblast (96,27%) and Novomikolaivsky district court of the Zaporozhia oblast (95,94%). The lowest - in the Berdyansky city district court of the Zaporozhia oblast - 75,99% and in the Zaporozhia district court of the Zaporozhia oblast - 77,90%.

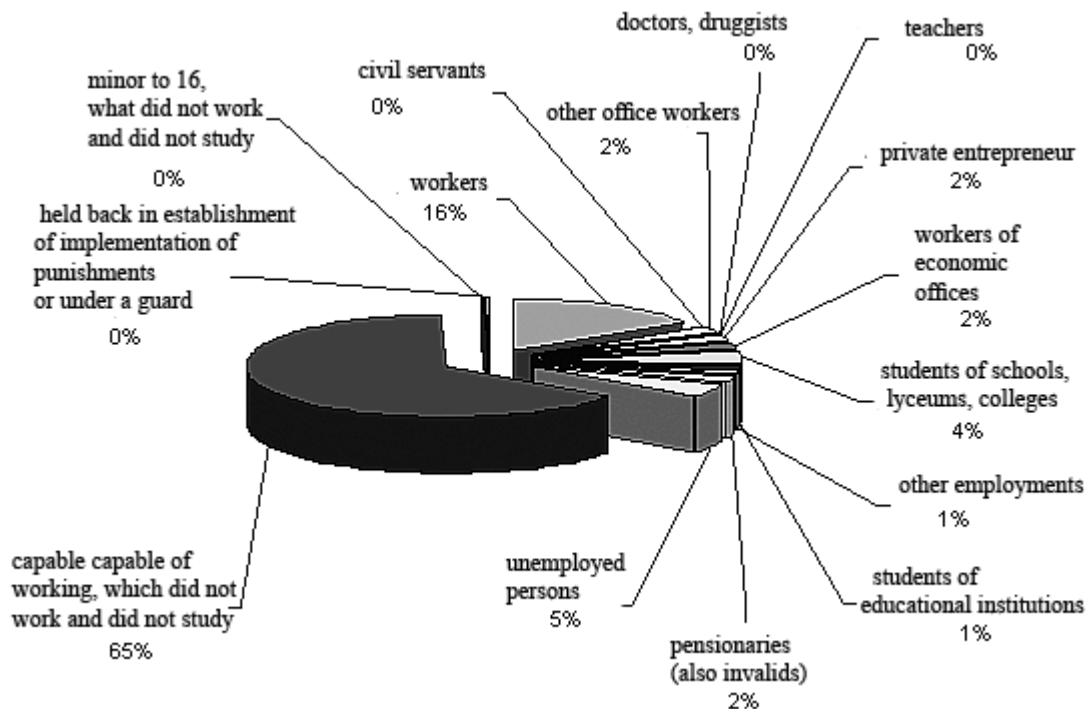
Total was considered by the county general courts of civil cases of lawsuit and separate realization 56 262 cases. With taking away a decision is followed by realization 44 873 businesses (79,75% matters finished by realization). Lawsuit requirements satisfied for to 37 958 businesses.

Over terms, set by Criminal Procesual Code, 2 608 cases are considered without the account of matters of order realization (2,91%). By comparison to last year this index increased [2,66%].

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\* Civil investigation (promulgate judicatory civil orders, examine a action proceeding, examine a individual proceeding)

### Section III. State judicial administration



Picture 10. A structure of employment of convicts is in the moment of commission of crime (after a court decision, that gained legal force in the first half-year of 2008)

From the amount of cases lawsuit and separate, that on the end of period are in the remain (11 569) realization is shut-down for 774 (6,69% from the amount of cases which are in a remain). In a term 2 173 businesses are not considered over 3 months (20,13% cases which are in a remain, without the account of cases, stopped in realization). By comparison to 2007 year this index worsened, as in the noted period not considered in a term over 3 months 13,50% cases which were in a remain on the end of year.

Distributing of civil cases by categories is shown in table 4.

Analysing this tables, it is possible to find out next changes which took a place during a financial year.

There were 62 362 matters of lawsuit on consideration in the courts of the Zaporozhia oblast in reporting period, that on 2,73 more than last year [60 817].

The amount of cases of labour relations (on 22,52 %) was diminished, specific gravity in the general amount of matters of lawsuit realization diminished from 2,86 to 2,16 %. From a decision it is considered 716 cases (69,78%), in a that number satisfied - 610 (85,19%). 2 376 664 Uah is fined, in a that number 758 608 Uah - for to cases about overdue wages.

The amount of cases of housings relations (on 8,42%) diminished, specific gravity in the general amount of matters of lawsuit realization diminished from 13,94% to 12,44%. With sentencing 4 776 cases (77,03%) are considered, satisfied - 3 866 (80,94%). Fined for 6 059 708 Uah

The amount of disputes of domestic legal relationships (on 3,01%) diminished, specific gravity at the general amount of matters of lawsuit realization diminished from 24,24% to 22,93%. With sentencing is considered 10 608 cases (83,49%), satisfied - 9 121 (85,98%). Fined for 615 174 Uah

*Table 4 Dynamics and structure of civil cases*

Category of cases	2007	2008	Dynamics	Specific gravity of the 1 <sup>st</sup> half-year 2007	Specific gravity of the 1 <sup>st</sup> Half-year 2008
			%	%	%
Matters of lawsuit realization, total, including:	60 817	62 478	2,73	79,60	71,17
Disputes of labour relations	1 741	1349	-22,52	2,86	2,15
Cases of domestic relations	14 747	14303	-3,01	24,24	22,89
Cases of housings relations	8 478	7764	-8,42	13,94	12,42
Disputes about the right of ownership and other material rights	7 222	8258	14,35	11,87	13,21
Disputes about noncontractual duties	3 345	4190	22,45	5,50	6,70
Disputes about the right of intellectual ownership	10	14	40,00	0,016	0,022
Disputes which arise out of the landed legal relationships	1 696	1434	-15,45	2,78	2,29
Disputes about defence of honour, dignity and business reputation	184	185	-11,41	0,30	0,29
Disputes about the inherited right	3 341	4744	41,99	5,49	7,59
Disputes of agreements	19 165	19 421	1,34	31,51	31,08
Disputes with application of law of Ukraine «About defence of rights for users»	229	348	51,47	0,37	0,55
Liberation of property from under an arrest	0	93	0,00	0,00	0,14
Other matters of lawsuit realization	659	375	-43,10	1,08	0,60
Matters of separate realization	5 648	5353	-5,22	7,39	6,09
Matters of order realization	9 932	19 947	124,06	13,00	22,72
All matters of all categories	76 397	87 778	X	X	X

On 14,35% the amount of disputes about the right of ownership and other material rights, them specific gravity in the general amount of matters of lawsuit realization increased from 11,87% to 13,24%. With sentencing is considered 5 332 cases (81,19%), satisfied - 4 078 (76,48%). 7 739 120 Uah is fined.

Amount of casess about noncontractual duties considerably grew on 22,45% them specific gravity in the general amount of matters of lawsuit realization increased from 5,50% to 6,56%. With sentencing is considered 2 297 (72,39%) cases, satisfied -1 334 (58,07%). 17 229 468 Uah is fined.

Disputes about landed legal relationships diminished on (on 15,45%) by comparison to 2007 year. Specific gravity in the general amount of matters of lawsuit realization remained at that level from 2,78% to 2,29%. Sentencing 738 cases (68,65%), satisfied - 534 (72,35%). 74 898 Uah is fined.

The amount of disputes of agreements increased on 1,34%, them specific gravity in the general amount of matters of lawsuit realization increased from 31,51% to 31,14%. From the general amount of cases which are considered, sentencing 12 175 Cases (76,71%). Satisfied 10 681 casess (87,72%). 63 332 148 Uah is fined.

The amount of matters of separate realization diminished on 5,52%, them specific gravity diminished from 7,39% to 6,09%.

During 2008 year the courts of the Zaporozhia oblast are consider 267 cases about adoption of children. Satisfied - 257. All adopted 293 children, including a 121 girl. Foreign citizens adopted 72 children, including 27 girls.

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Courts are decree 14 separate decisions, that on 1 (7,69%) more than in 2007 year (13). Acted reports about the accepted measures after separate decisions - 8.

With fixing of trial is considered 54 236 civil cases (96,39%).

Quality of consideration of civil cases is characterized by the results of revision of decisions of local courts at appeal court in civil cases.

920 decisions of county courts are anniented in 2008 year by the Appeal court of the Zaporozhia oblast (2,05% amounts of the considered cases are with sentencing). In 2007 year this index was (1,83%). In a that number with sending to the new judicial investigation - 346 (37,61%), realization is closed in cases - 69 (7,50%), with acceptance of new decision - 488 (53,04%).

The least specific gravity of anniented and changed decisions in Veselivskomu (0,54%) and in Zaporozhia (1,04%) district courts of the Zaporozhia area. Most specific gravity of anniented and changed decisions - in the October district court of m. Zaporozhia (4,72%) and Mikhaylivskomu district court of the Zaporozhia area (4,00%).

#### Administrative cases

All in realization of courts in 2008 was 4 858 administrative cases, that on 23,58% more than in 2007 year (3 931). From them 3374 cases are ended in realization (69,45%). From them with acceptance of decision 2 149 (63,69%), satisfied 1 347 (62,68%).

*Table 5 Structure of administrative cases*

Name of indexes	2007	2008	Dynamics %	Specific gravity % 2007	Specific gravity % 2008
Disputes of physical or legal persons with the subjects of imperious plenary powers in relation to the appeal of his decisions (normatively – legal acts)	3	1	-66,67	0,08	0,02
Disputes of physical or legal persons with the subjects of imperious plenary powers in relation to the appeal of his actions or inactivity, decisions ( legal acts of individual action) (except related to the electoral process or process of referendum)	3 592	3 916	9,02	91,38	80,61
Disputes concerning acceptance of citizens on public service, its passing, liberation, from public service	21	101	380,95	0,53	2,08
Disputes between the subjects of imperious plenary powers concerning realization of their jurisdiction in the field of management	4	1	-75,00	0,10	0,02
Disputes between the subjects of imperious plenary powers concerning a conclusion and implementation of administrative agreements	1	14	1300,00	0,03	0,029
Disputes after the appeals of subject of imperious plenary powers	146	802	449,32	3,71	16,51
Disputes in relation to legal relationships, concerning an electoral process or process of referendum	164	21	-87,20	4,17	0,43
Other administrative cases	0	2	100,00	0,00	0,04
Total	3931	4858	23,58	X	X

The analysis of data of table probationary periodifies that the most widespread category are disputes of physical or legal persons with the subjects of imperious plenary powers in relation to the appeal of his actions or inactivity, decisions ( legal acts of individual action) (except related to the electoral

process or process of referendum - 3 916, that on 9,02 anymore by comparison to 2007 year. Specific gravity is diminished from 91,38% to 80,61% from the general amount of cases which were on consideration);

The amount of disputes increase concerning acceptance of citizens on public service, its passing, liberation, from public service in 3 times - specific gravity is 101 cases increase from 0,53 to 2,08%;

Quality of consideration of administrative cases is characterized by the results of revision of decisions of local courts an appeal court in administrative cases.

173 decisions of county courts of the Zaporozhia oblast are anniented in 2008 by Dnepropetrovsk appeal administrative court (8,05 % amounts of the considered cases are with sentencing). It is number passed for consideration of court of the first instance 9 (5,20%), realization is closed in cases - 33 (19,08%), with acceptance of new decision - 127 (73,41%), 29 decisions are changed (1,35%).

It is anniented including: in connection with the incomplete finding out circumstances which matter for case 24 decisions (18,90%); with a failure to prove of circumstances, which matter, which the court of first the instance considers set 1 case ( 0,79%); with disparity of conclusions of court of circumstance of case 14 decisions (11,02%); with violation of norms of financial or judicial right which resulted in the wrong decision of case or question 88 appeared (69,29%).

The least specific gravity of anniented and changed decisions in Rozivsky district court of Zaporozhia oblast (0,00%) and Novomikolaivsky (0,93%) district court of Zaporozhia oblast. Most specific gravity of anniented and changed decisions - in Veselivsky district court of Zaporozhia oblast (88,89%) and Velikobilozerskomu district court of the Zaporozhia oblast (50,00%).

#### Cases about administrative offences

The legislation of Ukraine about administrative offences consists of Code of Ukraine about Administrative Offences and other Laws of Ukraine.

A task of Code of Ukraine about Administrative Offences is a guard of rights and freedoms of citizens, propert, constitutional line-up of Ukraine, rights and legal interests of enterprises, establishments, organizations, set law and order, strengthening of legality, prevention, education of citizens, offence, in a spirit exact and steady inhibition of Constitution and Laws of Ukraine, respect rights, honour and dignity of every citizens, rules of cohabitation, conscientious implementation of the duties, responsibility, before society.

In 2008 year there was a 289 621 business on consideration about administrative offences, that on 1,05% more than last year [284 516].

For the proper registration 4 658 cases are returned, that on (22,00%) the more than in 2007 [3 818]. 275 637 businesses or 99,71% cases which were on consideration are considered (without the account of returned). Remain of the unconsidered businesses is 786 (0,28%) [0,16%].

Administrative cases are considered in relation to 275 641 [280 256] person, that on 1,64% less than last year.

The analysis of data of table probationary periodifies that most widespread category of offences in relation to which materials headed for courts, there is offence on a transport, in industry of itinerary economy and connection (84,61 % general amount of cases). From them most widespread is exceeding of transport vehicles of rate of movement, non-fulfillment of signals of travelling traffic and other rules of the travelling road regulation drivers (item 122 of Code of Ukraine about Administrative Offences)- 178 123 (72,68%). However much plenty of these offences is unimportant, what plenty of cases probationary periodifies for which in quality an administrative penalty appointed of warning - 92 245 (55,19 % persons to which appointed administrative penalty).

### Section III. State judicial administration

*Table 6 Structure and dynamics of cases about administrative offences*

A category of cases about administrative offences	2007	2008	Dynamics		Specific gravity % 2007	Specific gravity % 2008 year
			Abs.	%		
- in industry of labour and health of population protection	2 451	2549	98	0,04	0,86	0,88
- that trench upon a propret	1 472	1230	-242	-0,16	0,51	0,42
- in industry of conservancy, use of natural resources, sights of history and culture	5 140	5856	716	0,14	1,80	2,02
- in industry, building and in the field of the use of fuel and energy resources	77	67	-10	-0,13	0,027	0,02
- in agriculture	29	39	10	0,34	0,010	0,01
- on a transport, in industry of itinerary economy and connection	241 268	245051	3783	0,02	84,79	84,61
- in industry of housings rights for citizens, housing and communal services economy and equipping with modern amenities	112	110	115	1,03	0,03	0,08
- in industry of trade, public food consumption, sphere of services, finances, enterprise sphere	16 355	16322	-150	-0,01	5,74	5,60
- in industry of standardization, quality of products, metrology and certification	0	0	0	0	0,00	0
- that trench upon a public peace and public safety	10 230	10500	270	0,03	3,59	0,09
- that trench upon the set order of management	6 979	7376	367	0,05	2,45	2,54
Law of Ukraine "About a fight agaist a corruption"	255	296	41	0,16	0,08	0,10
Custom Code	107	108	1	0,01	0,03	0,04
Criminally Executive Code	41	147	106	2,59	0,01	0,05
All the matters of all categories	284496	289621	5125	X	X	X

By other widespread administrative offences in relation to which materials were sent in a court are:

- offence in industry of trade, public food consumption, to the sphere of services, finances, enterprise sphere, - 16 332 (5,60% general amount of cases). From them most widespread is disturbing leadthrough of calculations (item 1551 of Code of Ukraine about Administrative Offences) - 4 417 (27,06%);

- offences which trench upon a public peace and public safety - 10 500 (0,09% general amount of cases). From them most widespread is shallow hooliganism (item 173 of Code of Ukraine about Administrative Offences)- 5 803 (24,00%) and feasance of violence in families or non-fulfillment of protective order (item of 1732 Code of Ukraine about Administrative Offences) - 2 642 (25,16%);

- offences which trench upon the set of order of management - 7 376 (2,54% general amount of cases). From them most widespread is violation by foreigners and persons without citizenship of rules of stay in Ukraine and transit driving through territory of Ukraine (item 203 of Code of Ukraine about Administrative Offences) -2 117 (28,70%).

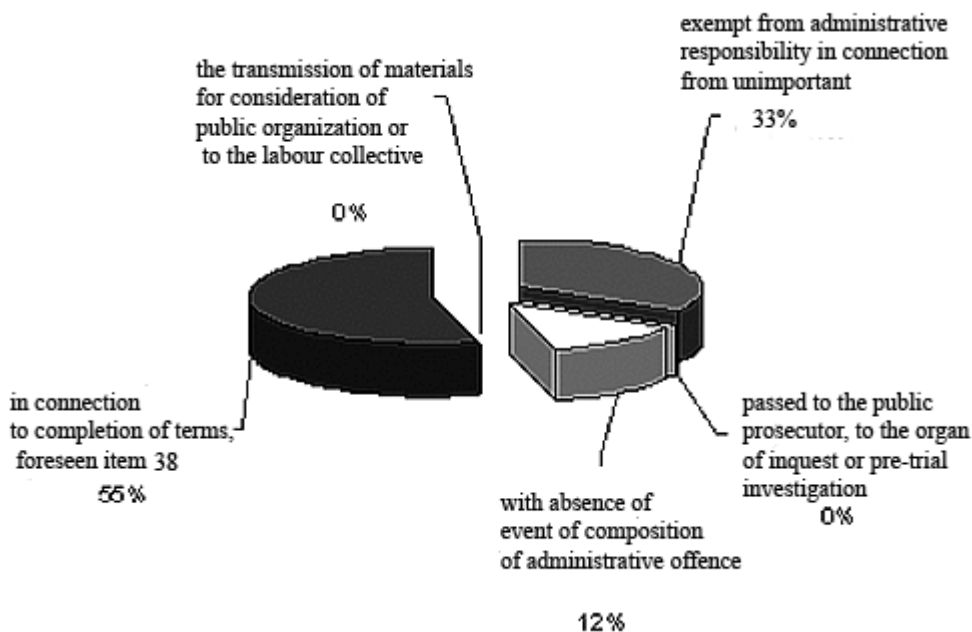
As a result of consideration of cases about administrative offences next decisions are accepted. Measures, foreseen an item 241 of Code of Ukraine about Administrative Offences is applied to 716 persons (0,25% persons which cases are considered), in 2007 is applied measures to 498 persons (0,17% persons which cases are considered).

Cases are closed the in relation to (4,10%) [19 940 (7,11%)]. In a that number: by the transmission of materials for consideration of public organization or to the labour collective - 2 persons (0,0007%)<sup>6</sup> [18 (0,006%)], exempt from administrative responsibility in connection from unimportant offence 3 757 persons (1,36%) [4 955 (1,76%)], passed to the public prosecutor, to the organ of inquest or pre-trial investigation of cases in relation to 25 persons (0,009%) [25 (0,008%)], with absence of event of composition of administrative offence - 1 384 persons ( 0,50%) [987 (0,35%)], in connection to completion of terms, foreseen item, 38 Code of Ukraine about Administrative Offences case is closed in relation to 6 146 persons (2,22%) [13 954 (4,97%)].

Structurally the grounds of closing of the cases are represented on pictures 12-13.

An administrative penalty is imposed on 263 604 persons (95,63 % persons which cases are considered). In that number, it is imposed administrative penalties in a kind:

- warnings - 95 454 (36,21%) [109 173 (42,01%)];
- fine - 156 872 (59,51%) [144 736 (55,70%)];
- confiscations of object - 187 (0,007%) [92(0,035%)];
- deprivation of the special right - 7 866 (2,98%) [2 569 (0,98%)];
- correctional works - 28 (0,010%) [69 (0,026%)];
- administrative arrest - 2 937 (1,11%) [3 179 (1,22%)].



Picture 11 Grounds of closing the cases about administrative offences

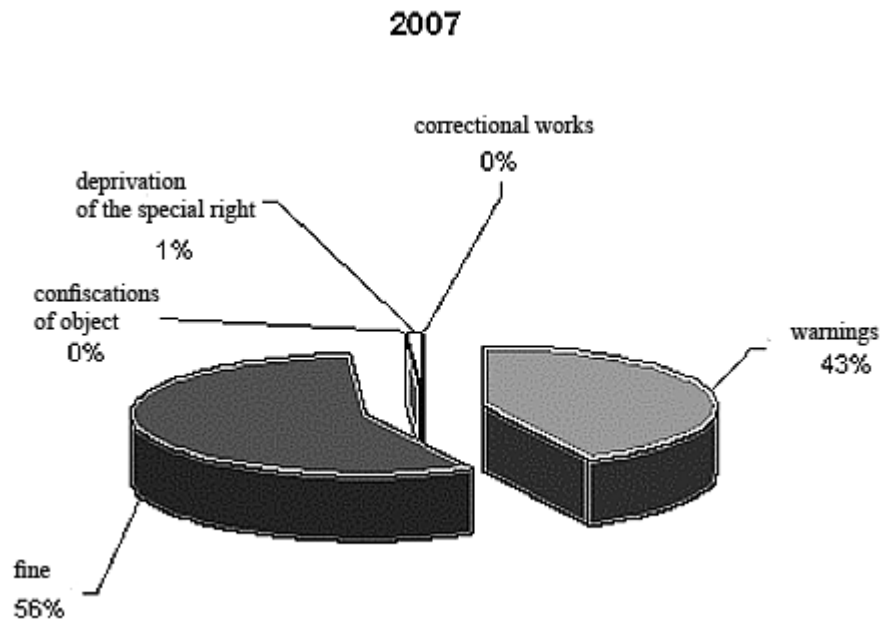
Additional penalties applied to 2 564 persons, in a that number: 2 520 (0,95%) [2 528 (0,97%)] is confiscation of object, to 44 (0,016%) [7 (0,002%)] is a payment exception of object.

The sum of the imposed fine was 13 566 886 Uah, that on Uah 4 665 531 (52,41%) more than in 2007 year. 3 762 462 Uah is voluntarily prepaid (27,73% the imposed fine). Last year an index of voluntarily payment of fines was 24,40%.

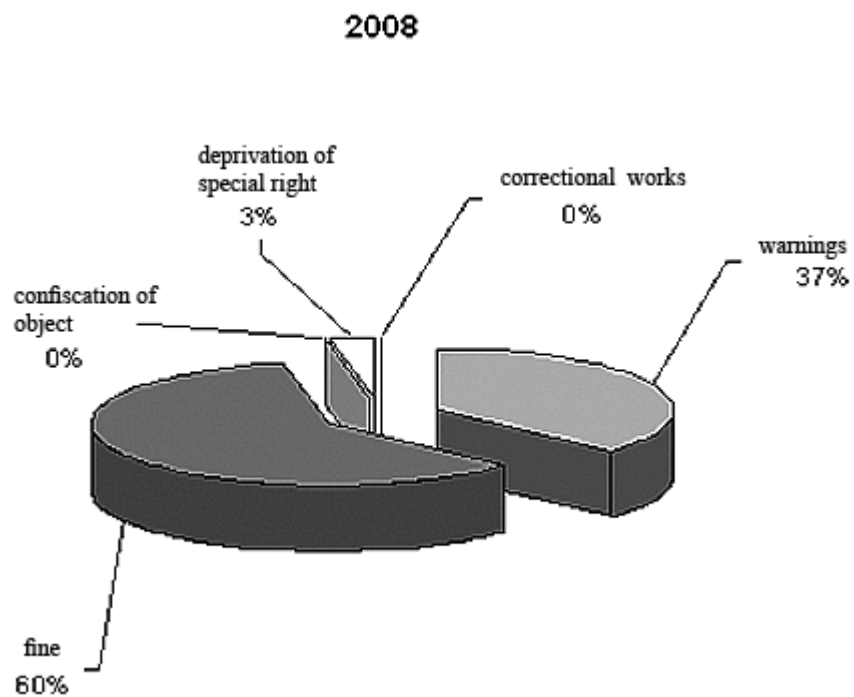
<sup>6</sup> Here and next in percents calculate for total number people, adjudicated persons of administrative infractions

**Section III. State judicial administration**

The structure of administrative penalties is illustrated on pictures 12,13.



*Picture 12 . Structure of administrative penalties in 2007*



*Picture 13 Structure of administrative penalties in 2008*

The size of the financial harm caused offences was 215 337 грн, from them 50 974 Uah is recovered (23,67%).

It is withdrawn: shooting-iron - 18 units [13], ammunition - 0 units [6], narcotic facilities - 633,1107 Uah. [703,9448], it is confiscated commodities and values to the amount of 1 439 234 Uah. [359 431].

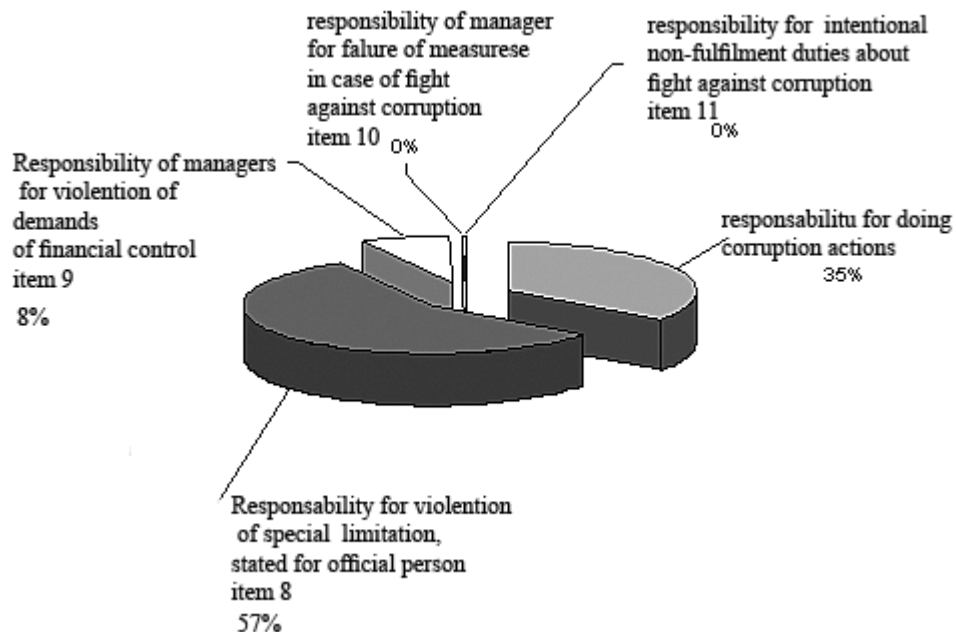
During 2008 year in courts was 213 solicitors about reduction of term of deprivation of the special right, that in 3 times more, than last year [213]. From them it is considered 802 (99,25%), satisfied - 652 (81,29%), solicitors in a remain on the end of period covered - 6.

On implementation of Law of Ukraine "About a fight against a corruption" to the courts 296 cases acted about administrative offences (0,10% general amount of cases about administrative offences). On consideration in courts, taking into account a remain last year, were 253 cases.

23 cases (8,56% cases which acted, in the last year this index was - 9,09%) are returned for the proper registration, 265 cases are considered (99,25% cases, which were on consideration without the account of amount of cases, returned for the proper registration). A remain on a 01.01.2009 makes 4 cases.

By comparison to an analogical period last year receipt of matters of this category grew on - 0,16%, amount of persons, corruption acts acknowledged subjects, also grew (190 [167]).

After the articles of Law of Ukraine "About the corruption" of receipt of cases distributed as follows (picture 14).

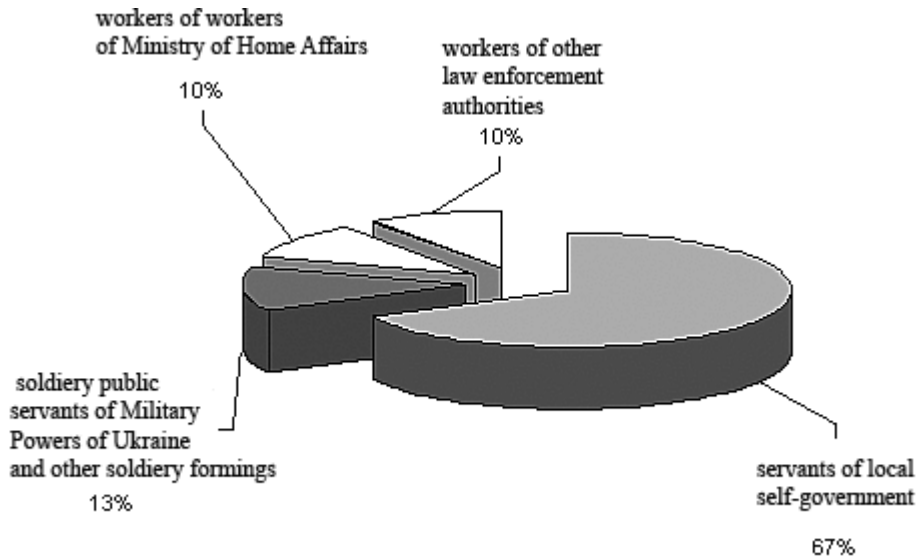


*Picture 14 Distributing of receipt of cases after the articles of Law of Ukraine "About a fight against a corruption"*

From the general amount of persons in relation to which 265 matters of administrative penalties are considered it is imposed on 190 persons (71,69%), closed realization for to businesses in relation to 75 persons (28,30%), in a that number, in relation to 5 persons (6,66%) case is closed the in connection from unimportance of offence, in relation to 2 persons (2,66%) it is returned to public prosecutor, organ of pre-trial investigation, in relation to 15 persons (20,00%) in connection from completion of terms, foreseen item 38 of Code of Ukraine about Administrative Offences, in connection with absence of event and composition of administrative offence 53 person (70,66%).

### Section III. State judicial administration

From a number of persons in relation to which decisions are taken away about imposition of administrative penalty (42,10%), public servants of local self-government - 74 (38,94%), soldiery public servants of Military Powers of Ukraine and other soldiery formings - 14 (7,36%), workers of workers of Ministry of Home Affairs - 11 (5,78%), workers of other law enforcement authorities - 11 (5,78%).



Picture 15 is Structure of subjects of corruption acts

The sum of the imposed fine was 60 810 Uah [54 250], prepaid voluntarily - 15 579 Uah (25,61%) [16 150 (29,76%)]. The middle sum of fine made 324,85 Uah, last year - 324,85 Uah.

In a financial year we look after worsening of operationability of consideration for to the criminal cases from 83,91% in 2007 year to 81,91% in 2008 year, also operationability of consideration for to the civil cases in 2007 year - 87,63% in 2008 - 86,82%, for about administrative offences the operationability of consideration was improved cases from 84,86% to 95,17%, the operationability of consideration of businesses in order of the administrative legal proceeding was considerably worsened in 2007 year from 98,07% to 69,45%y 2008.

Thus among businesses not considered by comparison to 01.01.2008 year the part of businesses shut-down diminished on 01.01.2009 by realization from 33,01% in 2007 year to 28,35% in 2008 year for to the criminal cases and for to the civil cases from 9,66% to 6,96%. In this year, in our view, increase receipt of basic categories of businesses to the courts and the quantity of actually working judges diminished, that resulted in the increase of loading on a separate judge.

Performer:  
main specialist of department  
orgware of activity of courts  
judicial statistics of legal work and providing  
organs of judge self-government

O.V Petrova.  
(0612) 26-02-05