

Reasonable Time in Criminal Proceedings of Ukraine in the Context of the European Court of Human Rights Case Law

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Abstract

The purpose of the paper is an analysis of the notion of reasonable time, period which is taken into account in their calculation and criteria for determining a reasonable time for criminal proceedings in Ukrainian criminal procedural legislation in the context of the European Court of Human Rights case law. The subject of the study is an analysis of Ukrainian criminal procedural legislation from the point of view of its conformity to the ECHR's case law in the designation of a reasonable time, period which is taken into account in calculation of a reasonable time and criteria for its determining for criminal proceedings. The research methodology includes comparative legal, systematic, functional, formal legal and others methods. The results of the study. The period which is taken into account in calculation of a reasonable time and the criteria for its determining is studied comprehensively as a basis for definition of the notion of reasonable time. Practical implication. The range of suggestions for improvements of Ukrainian criminal procedural legislation relating content of reasonable time and mechanism used to their calculate is defined. Value / originality. Based on the results of an analysis the authors' concept of reasonable time is proposed.

Key-words: Reasonable Time, Suspect, Accused, Pre-trial Investigation, Trial, Criminal Proceedings.

1. Introduction

Article 6 § 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention) establishes that “in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. This provision contains a number of elements of the right to a fair trial, one of which is the right to trial within a reasonable time. In criminal procedural doctrine the right to trial within a reasonable time is considered as standard to an independent and fair trial (Milošević, Knežević-Bojović, 2018, p. 448) and international standard to a fair justice (Kret, 2020, p. 134-135).

As a standard to a fair justice, the right to trial within a reasonable time has been implemented in the national legislation of the states, which are High Contracting Parties of this Convention. In Ukrainian criminal procedural legislation, in particular, the Ukrainian legislator used for the first time the term “reasonable time” with the adoption of the current Criminal Procedure Code of Ukraine (hereinafter – the CPC of Ukraine) on April 13, 2012. It defines a reasonableness time as one of general principles of criminal proceedings – fundamental principles, on the basis of which it is carried out. Further development of the implementation of this principle in the criminal proceedings was ensured with the introduction of appropriate changes in the CPC of Ukraine in 2017 and 2019. In turn, many new provisions concerning procedural time limits in criminal proceedings have given rise to intensive discussions and debates in scientific circles, which indicates that some issues still remain debatable and need further study and elaboration, in particular on the rules for their calculation and extension, including taking into account case law of the European Court of Human Right (hereinafter – the ECHR).

2. Methodology

The methodological ground of the paper is a system of philosophic, scientific general and specific methods of the academic study. The comparative legal method was used to compare the period which is taken into account in calculation of a reasonable time and criteria for its determining for criminal proceedings in the ECHR’s case law and Ukrainian criminal procedural legislation. The

systematic method allowed us to research the system of the criteria for determining a reasonable time for criminal proceedings in the ECHR's case law and CPC of Ukraine. With the help of the functional method the period which is taken into account in calculation of a reasonable time in the ECHR's case law and Ukrainian criminal procedural legislation was studied. The formal legal method was applied in study of ECHR's legal positions and precepts of the CPC of Ukraine.

3. Literature Review

The issue of a reasonable time is not new for criminal procedural doctrine of different European countries.

The right to trial within reasonable time under Article 6 of the Convention had been a study subject of Mahoney (2004) and Roagna (2018). A reasonable time for criminal proceedings in the ECHR's case law had been studied by Boyko (2020), V. (Orlean, Kozii, 2016). Some scholars had characterized the individual issues related a reasonable time in the its case law. For example, Henzelin and Rordorf (2014) had outlined cases when does the length of criminal proceedings become unreasonable according to the ECHR's case law.

A reasonable time of criminal proceedings in Ukrainian criminal procedural legislation and issues of its implementation in jurisprudence of Ukrainian courts had been characterized by Perepelitsa, Drobchak (2017), Korovaiko (2016), Kuchinska (2015), Kushneriov (2017), Rogatinska (2016), Skryabin (2020). Some scholars had studied the individual issues concerning a reasonable time. For example, I. Hloviuk had outlined the issues of challenging and considering complaints against the failure to respect reasonable time during pre-trial investigation. Torbas (2020) had studied the role of the prosecutor in assessing the criteria of reasonable time of pre-trial investigation.

Papers of this and other scholars are the basis for the study of a reasonable time of criminal proceedings. However, an analysis of Ukrainian criminal procedural legislation from the point of view of its conformity to the ECHR's case law in the designation of a reasonable time, period which is taken into account in calculation of a reasonable time and criteria for its determining for criminal proceedings has not carried out.

4. Results and Discussion

1. The Criteria for Definition of the Term “Reasonable Time” Laid Down in the ECHR’s Case Law and Ukrainian Criminal Procedural Legislation

The term “reasonable time” is not defined in provisions of the Convention, and it is not provided by the ECHR in its judgments. In this regard, this term is patrimony of national criminal procedural legislation of States parties to the Convention, in which it forms depending on legislators will and discretion.

According to part 1 of Article 28 of the CPC of Ukraine considered reasonable shall be such time that is objectively necessary for the performance of procedural actions and the adoption of procedural decisions. This approach of Ukrainian legislators to definition of the term “reasonable time” does not meet the requirements of the Convention and ECHR’s case law. The main reason for this is the substitution of concepts: part 1 of Article 28 of the CPC of Ukraine points to the responsibilities of the investigator, prosecutor, investigating judge and the court to perform procedural actions and to adopt procedural decisions within a reasonable time, rather than on the right to trial within a reasonable time as a component of the standard of fair trial. In addition, the link between the right to trial within a reasonable time and respect for economic, social and cultural rights is important (Prokopenko, Shkola, 2011; Koval, Pukała, 2017; Garan, Stukalenko, 2018; Bukanov et al., 2019; Tamosiuniene, Demianchuk, Koval, 2019; Yankovyi et al., 2020).

In criminal procedural doctrine two approaches had been formed in the search for definition of the term “reasonable time”. In the first approach, a reasonable time is defined in the context of the ECHR’s case law on the basis of which scholars indicate that the “time” that must be “reasonable” is the period between the laying of the “charge” and the imposition of the sentence (Mahoney, 2004, p. 119), and accordingly a reasonable time covers all proceedings (Kuchinska, 2015, p. 48) and applies at all stages of criminal proceedings (Sharenko, 2020, p. 749). Under the second approach scholars draw attention to the requirements of national criminal procedural legislation and determined a reasonable time as objectively necessary period of time established by the rules of criminal procedural legislation during which the participants of criminal proceeding have to perform certain procedural actions or take certain procedural decisions aimed at achieving tasks of criminal procedure (Kushneriov, 2021, p. 95). An analyses of these approaches demonstrates that the first is in line with provisions of the Convention and ECHR’s case law regarding the definition of time of the beginning and end of a reasonable time. The second of these approaches duplicates (taking into account certain

refinements) approach of the Ukrainian legislator to definition of the term “reasonable time”, as a result of which it considerably narrows their understanding.

In the meantime, articulation of the author’s approach on this matter necessitates a study of the ECHR’s case law and Ukrainian criminal procedural legislation in the designation of criteria for definition of the term “reasonable time”.

Regarding such criteria the ECHR’s case law scholars point out that in defining if the length of the criminal proceedings has been reasonable, the Court clarifies two questions: 1) which period will need to be assessed (rules for determining the moment from which the terms would run and their end); 2) did this period corresponds to requirement of reasonableness in the context of provisions of Article 6 § 1 (Boyko, 2020, p. 84). Turning to the second question, the ECHR uses criteria for determining a reasonable time for criminal proceedings laid down in its case law. Thus the ECHR’s case law points out indicates two criteria, which should be taken into account for determining the term “reasonable time”: 1) the period which is taken into account in calculation of a reasonable time; 2) the criteria for determining a reasonable time for criminal proceedings.

Similar criteria for definition of the term “reasonable time” laid down in Ukrainian criminal procedural legislation. Thus the Ukrainian legislator defines the concept of reasonable time by reference to deadline for performance of procedural actions and adoption of procedural decisions (part 1 of Article 28 of the CPC of Ukraine) and establishes criteria for determining a reasonable time for criminal proceedings (part 3 of Article 28 of the CPC of Ukraine).

2. The Period Which is Taken Into Account in Calculation of a Reasonable Time in the ECHR’s Case Law and Ukrainian Criminal Procedural Legislation

In the process of resolving the question of compliance with a reasonable time in the implementation of criminal proceeding by national bodies, the ECHR primarily establishes period which is taken into account in calculation of a reasonable time. While a reasonable time is determined by the Court as period of time which is characterized by inherent limits: the moment from which the terms would run and moment of their end.

The moment from which a reasonable time would run the ECHR relates to the moment a charge to the complainant. The Court recalls that in criminal matters, the “reasonable time” referred to in Article 6 § 1 begins to run as soon as a person is “charged”; this may occur on a date prior to the case coming before the trial court, such as the date of arrest, the date when the person concerned was officially notified that he would be prosecuted or the date when preliminary investigations were

opened. “Charge”, for the purposes of Article 6 § 1, may be defined as “the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence”, a definition that also corresponds to the test whether “the situation of the [suspect] has been substantially affected” (Ferrarin v. Italy, 2001, § 19). While the ECHR carries out an autonomous interpretation of the moment of charge, taking into account the circumstances of criminal procedural legislation of the respondent country in the case.

In Ukrainian criminal procedure a suspicion precedes a charge, and, consequently, moment from which a reasonable time would run is related to the moment when the person becomes a suspect. The person acquires procedural status of suspect as a result of the performance in relation to him one of the procedural actions provided for by part 1 of Article 42 of the CPC of Ukraine: 1) when the person was notified of suspicion as prescribed in Articles 276 to 279 of this Code; 2) when the person was apprehended on suspicion of having committed a criminal offence; 3) when notice of suspicion regarding the person was compiled but it has not been delivered because of failure to establish the whereabouts of the person, provided all means have been used as specified by this Code to deliver a notice of suspicion.

In Ukrainian criminal procedural doctrine the moment from which a reasonable time would run some scholars relate to the moment of notification of suspicion (Basai, 2013, p. 194, Sharenko, 2020, p. 749). But this approach is objectionable because it does not correspond to the legal positions formed by the ECHR from the point of view of which the suspicion may arise from the moment when competent authorities performed any procedural action prescribed by the national criminal procedural legislation and aimed at the involvement of person to criminal proceedings as a suspect. Further this approach contrary to the requirements of part 1 of Article 42 of the CPC of Ukraine.

In general, the moment of the end of a reasonable time the ECHR relates to the adoption a final judgment in criminal proceedings by national courts. Based on an analysis of the ECHR’s case law scholars indicate that there is no “determination” of a “charge” as long as sentence has not been definitively fixed, for example through pronouncement of cumulative sentences (Mahoney, 2004, p. 119). A final judgment could be adopted both by the court of first instance and by the highest level of courts on the basis of their revision. As regards *dies ad quem* (the end of the period), the Court recalls its well-established case law, under which the period to be taken into consideration in applying Article 6 lasts at least until acquittal or conviction, even if this decision is reached on appeal (Schumacher c. Luxembourg, 2003, § 28). From the point of view of the ECHR, the notion of a reasonable time include the review of criminal proceedings by courts of appeal and cassation. The Court indicates, while the manner in which Article 6 is to be applied in relation to courts of appeal or

of cassation depends on the special features of the proceedings in question, there can be no doubt that appellate or cassation proceedings come within the scope of Article 6... Accordingly, the length of such proceedings should be taken into account in order to establish whether the overall length of the proceedings was reasonable (*Kudła v. Poland*, 2000, § 122).

In addition, the ECHR states that the period which is taken into account in calculation of a reasonable time includes term for new examination of criminal proceedings by lower courts in cases when their judgments were cancelled by higher courts. The Court notes that the protracted length of the proceedings was to a large extent caused by the retrials of the case. Although the Court is not in a position to analyze the quality of the case-law of the domestic courts, it observes that, since remittal is usually ordered because of errors committed by lower courts, the repetition of such orders within one set of proceedings discloses a serious deficiency in the judicial system (ECHR, 2006, § 41).

In the meantime, the ECHR indicates that a reasonable time expires when criminal proceedings is closed by national bodies during the pre-trial investigation. While the Court drew attention to the fact that decision made by national bodies to close criminal proceedings should be final in this criminal proceedings (ECHR, 2005, § 22). By analyzing such cases scholars indicate that duration of investigations, however, will normally be looked in cases of alleged violations of positive procedural obligations stemming from, for example, Articles 2 and 3 of the Convention (Roagna, 2018, p. 18).

Unlike closure of criminal proceedings, suspension of pre-trial investigation or court proceedings is not a final procedural decision. Whereas suspended pre-trial investigation or court proceedings may be renewed in case when the reasons for it suspension ceased to exist, that procedural decision does not eliminates the state of uncertainty for person who have been held criminally liable. The ECHR notes, that it is no answer to the applicant's complaint that the suspension of the criminal proceedings did not have any negative effect on his rights as he could move about freely and choose his place of residence and was only obliged to appear before the court or investigative body when summoned. It is to be noted that the applicant is still living in a state of uncertainty about the fate of the criminal proceedings against him (ECHR, 2004, § 75).

Thus, the moment of the end of a reasonable time in the ECHR's case law is related to the end of criminal prosecution against the complainant in consequence of his conviction or justification by virtue of a relevant judicial decision or closure of criminal proceedings, including during pre-trial investigation.

In Ukrainian criminal procedure the period which is taken into account in calculation of a reasonable time consists of the term of pre-trial investigation from the moment when the person

acquires procedural status of suspect and the term of trial. Meanwhile, the term of pre-trial investigation and the term of trial in Ukrainian criminal procedural legislation were regulated differently.

According to the new version of Article 219 of the CPC of Ukraine, the term of pre-trial investigation is calculated from the moment of recording the information about a criminal offence into the Unified Register of Pre-trial Investigations (hereinafter – the URPI) until the day of addressing the court with an indictment, or until the date of the decision to close the criminal proceedings.

The term of pre-trial investigation from the moment of recording information about a criminal offence into the URPI until the day of notification of a person of suspicion is: 1) six months – in criminal proceedings for a criminal misdemeanor; 2) twelve months – in criminal proceedings for a crime of small or medium gravity; 3) eighteen months – in criminal proceedings for a serious or particularly serious crime.

Pre-trial investigation is required to be completed: 1) within one month from the date the person concerned is notified of suspicion in committing a criminal misdemeanor; 2) within two month from the date the person concerned is notified of suspicion in committing a crime.

Thus, the general terms of pre-trial investigation include the terms established from the opening of proceedings until the notification of the person of suspicion, and the terms calculated from the date of notification to the person of suspicion in committing a crime.

It would seem that such questions should not arise from such an approach of the Ukrainian legislator to determine the terms of criminal proceedings, but they do arise in the process their extension, which is regulated by a separate paragraph of Chapter 24 of the CPC of Ukraine.

According to part 1 of Article 294 of the CPC of Ukraine, if the pre-trial investigation of a crime or criminal misdemeanor before the notification of suspicion can not be completed within the appropriate period, it may be repeatedly extended by the investigating judge at the motion of the prosecutor, or that of an investigator agreed with the prosecutor for a period, established by sections 1 – 3 of part 2 of Article 219 of this Code.

In addition, part 1 of Article 284 of the CPC of Ukraine is supplemented by a paragraph according to which the investigator, the prosecutor are obliged to close criminal proceedings if the term of pre-trial investigation defined by Article 219 of this Code, has expired and no person has been notified of the suspicion. However, adding another ground for closure, the Ukrainian legislator overlooked part 4 of this article, which defines the powers of participants in criminal proceedings to close the proceedings: the investigator on the grounds provided for in sections 1, 2, 4, 9, 9-1 of part 1

of Article 284 of the CPC of Ukraine, provided that no person was notified of the suspicion, as well as the prosecutor regarding the suspect. That is, now part 4 of Article 284 of the CPC of Ukraine doesn't give the power to either the investigator or the prosecutor to close criminal proceedings on a new ground.

Paragraph 2 of part 5 of Article 294 of the CPC of Ukraine stipulates that the term of pre-trial investigation, which has expired, is not subject to renewal. Thus, the Ukrainian legislator, on the one hand, has set the time limits for pre-trial investigation in criminal proceedings in which there has been no notification of suspicion, and on the other hand, determined such consequences of their termination as the impossibility of renewal and mandatory closure.

The amendments do not eliminate the possibility of the intentional delaying in the investigation of any criminal case by the prosecution. For example, the term of pre-trial investigation may be repeatedly extended by the investigating judge at the request of the prosecutor or investigator, and in the absence of notice of suspicion – for virtually indefinite time (part 1 of Article 294 of the CPC of Ukraine).

In this regard, the consolidation of a mechanism for complaining against failure to respect reasonable time by Ukrainian legislator is well founded. In particular, according to part 1 of Article 308 of the CPC of Ukraine a suspect, accused person, victim may lodge a complaint with a superior public prosecutor against the failure to respect reasonable time during pre-trial investigation by investigator, public prosecutor.

In the meantime, the facts mentioned above, in the absence of independent judicial supervision, practically nullify the amendments to the CPC of Ukraine, as investigators are again given the opportunity to conduct a pre-trial investigation in criminal proceedings during an unlimited period of time, which would lead to a violation of the principle of reasonable time, or at the request of the investigator or prosecutor – until the closure of proceedings in appropriate cases on the basis of the second paragraph of section 10 of part 1 of Article 284 of the CPC of Ukraine, in case after notifying the person of the suspicion the time limit of pre-trial investigation has expired.

With regard to criminal proceedings in which the perpetrator has not been identified, the priority, in our view, is to solve the crime itself, followed by ensuring a prompt, complete and impartial investigation and trial so that this person can be brought to justice according to the extent of his guilt, ensuring the rights and legitimate interests of the victim, as well as society and the state as a whole. arising from the tasks of the criminal process of Ukraine. Otherwise, the main purpose of the criminal process will not be fulfilled – to ensure the administration of fair justice, which is what it is aimed at.

Regarding the term of trial part 1 of Article 318 of the CPC of Ukraine notes that trial shall be held and completed within a reasonable period of time. Taking into account part 1 of Article 405 and part 1 of Article 434 of the CPC of Ukraine, effect of this provision apply to appeal and cassation procedures in criminal proceedings. Meanwhile, in Ukrainian criminal procedural doctrine states that in consolidation the principle of a reasonableness time of criminal proceedings in the CPC of Ukraine legislator had not focused on establishing of specific terms for many court's actions and decisions as certain guarantees for the implementation of this principle (Korovaiko, 2016, p. 145).

The moment of the end of a reasonable time in Ukrainian criminal procedural doctrine defines differently. So, one part of scholars link it to imposing an court judgment of acquittal or conviction, including appeal and cassation proceedings (Kushneriov, 2017, p. 244). Other part of scholars pointed out that a reasonable time ends with the existence of an enforceable court judgment against person (Boyko, 2020, p. 86). Taking into account Ukrainian criminal procedural legislation, a court judgment that has entered into force or must executed immediately shall be unconditionally executed (part 2 of Article 534 of the CPC of Ukraine). Since the existence of an enforceable court judgment indicating that state of certainty for person who have been held criminally liable had been provided, that moment need to think as the moment of the end of a reasonable time in Ukrainian in criminal proceedings. In the case when criminal proceedings had been closed, the moment of the end of a reasonable time to be determined according to parts 6, 9 and 10 of Article 284 and section 13 of part 1 and part 2 of Article 309 of the CPC of Ukraine, which establish a procedure and terms for setting aside and appeal investigator's, prosecutor's decision and court's ruling to close criminal proceedings.

The term of new examination of criminal proceedings by lower courts in cases when their judgments were cancelled by higher courts in order, determined by Articles 415 and 436 of the CPC of Ukraine is to be included in the period which is taken into account in calculation of a reasonable time. This is explained by the fact that the state of certainty for person who have been held criminally liable will not be provide until the moment when a court judgment regarding the results of an new examination of criminal proceedings has been entered into legal force.

The suspension of pre-trial investigation or court proceedings in order, determined by Articles 280 and 335 of the CPC of Ukraine cannot entail the end of a reasonable time. This is indicated by the possibility of further renewal of the suspended pre-trial investigation or trial which points to existence of the state of certainty for person who have been held criminally liable.

3. The Criteria for Determining a Reasonable Time for Criminal Proceedings in the ECHR's Case Law and Ukrainian Criminal Procedural Legislation

Giving an answer to the question of compliance of the period during which criminal proceedings in the complainant's case has been carried out by national bodies to requirement of reasonableness in the context of provisions of Article 6 § 1 of the Convention, the ECHR establishes criteria that are important for a finding of violation of a reasonable time. The reasonableness of the length of proceedings is to be assessed in the light of the particular circumstances of the case, regard being had to the criteria laid down in the Court's case-law, in particular the complexity of the case, the applicant's conduct and that of the competent authorities (Yagci and Sargin v. Turkey, 1995, § 59). On the latter point, what is at stake for the applicant has also to be taken into consideration (Kalashnikov v. Russia, 2002, § 125).

Taking into account the ECHR's case law scholars determine the criteria applied to in assessing the reasonable length of proceedings. The criteria "against" reasonableness are the fact that: (1) the accused/suspect was held in custody during the proceedings, (2) the case is not complex, (3) no or only minor delays are attributable to the applicant conduct, (4) the case has been pending at the investigation stage or before only one level of jurisdiction and (5) delays are attributable to the national authorities. Conversely, the criteria "in favour" of reasonableness are the fact that: (1) the accused/suspect was not held in custody during the proceedings, (2) the case is complex, (3) delays are attributable to the applicant's conduct, (4) the case has been pending before several levels of jurisdiction and (5) no or only minor delays are attributable to the national authorities (Henzelin, Rordorf, 2014, p. 96).

The criteria for determining the reasonable time for criminal proceedings in Ukrainian criminal procedure are defined in part 3 of Article 28 of the CPC of Ukraine, according to which them are: 1) complicated nature of criminal proceedings, which is determined taking into account the number of suspects, accused and criminal offences subject to this proceeding, the scope and specifics of the procedural actions required for pre-trial investigation to be completed, etc.; 2) attitude of participants to criminal proceedings; 3) the way in which investigator, public prosecutor, and court exercise their powers. This approach of Ukrainian legislator is generally consistent with practice that had been established with regard to the criteria that are important for a finding of violation of a reasonable time. At the same time, it does not take into account the criterion on the basis of which the national courts should have a duty to establish what is at stake for the applicant.

In Ukrainian criminal procedural doctrine scholars unequivocally support appropriateness of selection such criteria as complexity of the case, the applicant's conduct and that of the competent authorities. However, about the criterion which aims at establish what is at stake for the applicant, scholars defended the opposite approaches. So, one of them think that this criterion is especially civil and cannot be applied in criminal proceedings (Kushneriov, 2020, p. 270). Other scholars, on the contrary, indicate that this criterion is one of the evaluation criteria of a reasonableness time of criminal proceedings (Boyko, 2020, p. 89).

An analysis of the ECHR's case law demonstrates that it establishes what is at stake for the applicant during evaluation of a reasonableness time of criminal proceedings. The Court considers that much was at stake for the applicant as he suffered a feeling of indeterminacy in respect of his future, bearing in mind that he risked imprisonment ... and was under an obligation not to leave his place of residence (ECHR, 2006; Hutsaliuk et al., 2020). Meanwhile, this criterion deserves special attention in cases when a complainant was held in custody during criminal proceedings. The Court further notes that for the entire period of the criminal proceedings the applicant in the present case was held in custody – a fact which required particular diligence on the part of the authorities dealing with the case to administer justice expeditiously (ECHR, 2012, § 90). In this regard the criterion which aims at establish what is at stake for the applicant, should apply by national courts as criteria for determining a reasonable time for criminal proceedings.

5. Conclusions

A reasonable time is the period which include the term of pre-trial investigation from the moment when the person acquires procedural status of suspect and the term of trial including new examination by lower courts and which is objectively necessary for the particular criminal proceedings. A reasonable time begins at the moment when the person becomes a suspect and ends with the existence of an enforceable final court judgment against person or final procedural decision to closure of criminal proceedings because this it eliminates state of uncertainty for person who have been held criminally liable.

It is clear that there are certain problems in interpreting the principle of reasonableness time and their calculation in Ukrainian criminal procedural legislation. However, they are not unsolvable, many innovations need further study and research taking into account national legal traditions, as well as the ECHR's case law and the experience of implementation the law in Europe. In particular, with the purpose of better incorporate of the ECHR's case law it is advisable to amend and

complement the CPC of Ukraine, namely: 1) to bring the definition of a reasonable time into line with the requirements of the ECHR's case law relatively period which is taken into account in calculation of a reasonable time; 2) to include among criteria for determining a reasonable time for criminal proceedings one other that has been formed in the ECHR's case law and aims at establish what is at stake for the applicant; 3) to specify the terms of trial.

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