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## International Conference

### “Adversarial trial and equality of arms in criminal proceedings”

8-9 December 2022

*Beijing Palace Soluxe Hotel, Astana, Kazakhstan*

Organisers:

- *Supreme Court of the Republic of Kazakhstan*
- *Venice Commission, Council of Europe*

Thursday, 8 December 2022	
<b>09.30 - 10.00</b>	<i>Registration of participants</i>
	<i>Connecting to the platform and registering participants</i>
<b>Opening 10.00-10.30 (UTC+6)</b>	
<b>Welcoming speeches</b>	
<i>Moderator: Ms Laura AGYBAEVA, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan</i>	
	<b>Ms Laura AGYBAEVA</b> , acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan
	<b>Mr Schnutz DÜRR</b> , Deputy Secretary of the Venice Commission
	<b>Mr Kestutis JANKAUSKAS</b> , Ambassador of the European Union to the Republic of Kazakhstan
<b>First session: 10.30 - 13.00 (UTC+6)</b>	
<b>Adversarial proceedings at the pre-trial stage</b>	
<i>Moderator: Ms Laura AGYBAEVA, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan</i>	
<b>10.30 – 10.45</b>	<b>Ms Gulnara MERGENOVA</b> , Judge of the Supreme Court of the Republic of Kazakhstan

	<b><i>"Implementation of the adversarial principle at the pre-trial stage of the criminal process"</i></b>
<b>10.45 – 10.55</b>	<p>Mr <b>Abdukahhor TAGOZODA</b>, Judge of the Supreme Court of the Republic of Tajikistan</p> <p><b><i>"Ensuring equality of arms at the stage of preliminary investigation in accordance with the legislation of the Republic of Tajikistan"</i></b></p>
<b>10.55 - 11:05</b>	<p>Mr <b>Mukhtar KOZHAEV</b>, Deputy Head of the Investigative Department of the Ministry of Internal Affairs of the Republic of Kazakhstan</p> <p><b><i>"Pre-trial investigation in the context of digitilisation. Ensuring citizens' rights"</i></b></p>
<b>11.05 – 11.15</b>	<p>Ms <b>Veronika KIM</b>, lawyer of the Bar Association of the city of Astana, member of the Scientific Advisory Council of the Bar Association of Kazakhstan</p> <p><b><i>"On implementation of the principle of adversarial proceedings at the pre-trial stage"</i></b></p>
<b>11.15 - 11:45</b>	<b>Coffee break</b>
<b>11.45 – 12.00</b>	<p>Ms <b>Akmaral ISAEVA</b>, Judge of the specialized interdistrict investigative Court of the city of Astana</p> <p><b><i>"Ensuring the principle of adversarial trial in the activities of investigative courts"</i></b></p>
<b>12.00 – 12.20</b>	<p>Mr <b>Eric SVANIDZE</b>, Venice Commission expert, Team leader of the EU funded project on judicial reforms in Ukraine (online)</p> <p><b><i>"Adversarial procedure at the pre-trial stage from the angle of admissibility of evidence"</i></b></p>
<b>12.20 – 13.00</b>	<b>Discussions, Questions and Answers</b>
<b>13.00 – 14.30</b>	<b>Lunch</b>
<p><b>Second session: 14.30 - 18.00 (UTC+6)</b> <b>Adversarial trial and equality of arms during court proceedings</b></p>	

<p><b>Moderator: Mr Nicolae ESANU</b>, Venice Commission expert, Former Deputy Minister of Justice of the Republic of Moldova</p>	
<p><b>14.30 – 14.40</b></p>	<p><b>Ms Nazgul RAKHMETULLINA</b>, Judge of the Supreme Court of the Republic of Kazakhstan</p> <p><i>“Adversarial trial: problems and prospects”</i></p>
<p><b>14.40 – 14.50</b></p>	<p><b>Elvira AZIMOVA</b>, Commissioner for Human Rights of the Republic of Kazakhstan</p> <p><i>"The right to judicial protection - a constitutional guarantee of access to justice"</i></p>
<p><b>14.50 – 15.00</b></p>	<p><b>Mr Daniyar KANAFIN</b>, lawyer of the Almaty City Bar Association, member of the Presidium of the Republican Board of Bar Associations</p> <p><i>"Ensuring the principle of adversarial trial in criminal proceedings and overcoming the atavisms of the repressive past"</i></p>
<p><b>15.00 – 15.20</b></p>	<p><b>Mr Jim MURDOCH</b>, Venice Commission expert, Professor School of Law, University of Glasgow, United Kingdom (online)</p> <p><i>“The Proof of Guilt in the Adversarial Process”</i></p>
<p><b>15.20 – 15.30</b></p>	<p><b>Mr Daler KHOLIKMURODOZODA</b>, Judge of the Supreme Court of the Republic of Tajikistan</p> <p><b>"Adversarial trial and equality of arms in accordance with the legislation of the Republic of Tajikistan"</b></p>
<p><b>15.30 – 15.40</b></p>	<p><b>Mr Aslambek MERGALIEV</b>, Chairman of the Aktobe Regional Court</p> <p><i>"Ensuring real adversarial trial between the parties (prosecution and defence) in the proceeding"</i></p>
<p><b>15.40 – 16.00</b></p>	<p><b>Mr James HAMILTON</b>, Venice Commission expert, Chair of the Advisory Council against Economic Crime and Corruption, former Director of Public Prosecutions in Ireland (online)</p> <p><i>“Equality of arms in the adversarial system”</i></p>
<p><b>16.00 – 16.30</b></p>	<p><b>Coffee break</b></p>

16.30 – 16.50	<p><b>Ms Oleksandra SYTNYK</b>, Lawyer, European court of Human Rights, Council of Europe</p> <p><i>“The right to adversarial proceedings under the case law of the European Court of Human Rights of the Council of Europe”</i></p>
16:50 - 17:00	<p><b>Mr Keneshbek TOKTOMAMBETOV</b>, Judge of the Supreme Court of the Kyrgyz Republic</p> <p><i>"Implementation of the adversarial trial principle at the stage of litigation under the Code of Criminal Procedure of the Kyrgyz Republic"</i></p>
17.00 – 17.10	<p><b>Mr Mukhamedzhan NALIBAEV</b>, lawyer of the Akmola Bar Association, member of the Scientific Advisory Board of the Republican Bar Association</p> <p><i>"Problematic features of the implementation of the principle adversarial trial and equality of arms in criminal proceedings"</i></p>
17.10 - 17.40	<p><b>Discussions</b> <b>Questions and Answers</b></p>
17.40 - 17.50	<p><b>Conclusions of the first day</b></p> <p><b>Ms Laura AGYBAEVA</b>, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan</p>
17.50 - 18.00	<p><b>Mr Nicolae ESANU</b>, Venice Commission expert, Former Deputy Minister of Justice of the Republic of Moldova</p>
<p><b>Friday, 9 December 2022</b></p>	
09.30 - 10.00	<i>Registration of participants</i>
	<i>Connecting to the platform and registering participants</i>
<p><b>Second session (continuation): 10.00-13.00 (UTC+6)</b> <b>Adversarial trial and equality of arms during court proceedings</b></p> <p><i>Moderator: Ms Laura AGYBAEVA, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan</i></p>	

10.00 - 10.10	<p><b>Ms Sanabor MAMADALIEVA</b>, Judge of the Supreme Court of the Republic of Uzbekistan</p> <p><b><i>"Strict observance of the principle of adversarial trial in court as the main guarantee of ensuring the impartiality and independence of the judiciary"</i></b></p>
10.10 - 10.30	<p><b>Mr Pavel GONTŠAROV</b>, an expert of the Venice Commission, a judge of the Criminal Chamber of the Tallinn Circuit Court of Appeal, a member of the International Council under the Supreme Court of Kazakhstan</p> <p><b><i>"Challenges of implementation of adversarial court proceedings on example of Estonian criminal procedure"</i></b></p>
10.30 - 10.40	<p><b>Mr Murat AHMETOV</b>, Head of the Office for Oversight of the Legality of Entered into Force Sentences and Their Execution at the General Prosecutor's Office of the Republic of Kazakhstan</p> <p><b><i>"Strengthening of prosecutorial supervision for the observance of the constitutional rights of citizens"</i></b></p>
10.40 - 10.50	<p><b>Mr Murat ZHANBAYEV</b>, lawyer of the Almaty City Bar Association, member of the Scientific Advisory Council of the Bar Association of Kazakhstan</p> <p><b><i>"Problematic aspects of ensuring the principle of adversarial trial in criminal proceedings"</i></b></p>
10.50 - 11.20	
11.20 - 11.30	<p><b>Ms Aizhan KULBAEVA</b>, acting Chairman of the Specialized Interdistrict Court for Criminal Cases of city of Astana</p> <p><b><i>"The role of the jury in ensuring the adversarial trial"</i></b></p>
11.30- 11.50	<p><b>Mr Nicolae ESANU</b>, Venice Commission expert, Former Deputy Minister of Justice of the Republic of Moldova</p> <p><b><i>"Guaranties of independence and impartiality of a tribunal"</i></b></p>
11.50 – 12.00	<p><b>Ms Shynar YERGALIYEVA</b>, Judge of the Court of Astana</p> <p><b><i>"The act of accusation and the act of defense - the position of the parties in the trial"</i></b></p>

12.00 – 12.10	<p><b>Mr Yeldos ZHUMAKSANOV</b>, Head of the Communications Center of the Supreme Court of the Republic of Kazakhstan</p> <p><i>"The influence of the media on the objectivity of the trial"</i></p>
12.10 - 13.00	<b>Discussions, Questions and Answers</b>
13.00 - 14.30	<b>Lunch</b>
	<p><b>Second session (continuation): 14.30-15.30 (UTC+6)</b> <b>Adversarial trial and equality of arms during court proceedings</b></p> <p><i>Moderator: Ms Laura AGYBAEVA, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan</i></p>
14.30 – 15.00	<p><b>Mr Gunars KŪTRIS</b>, Former President of the Constitutional Court of Latvia (online)</p> <p><i>"Cooperation of the Venice Commission with the authorities of the Republic of Kazakhstan in the field of judiciary reforms"</i></p>
15.00 – 15.30	<p><b>Conclusions of the conference</b></p> <p><b>Ms Laura AGYBAEVA</b>, acting Chairman of the Judicial Collegium for Criminal Cases of the Supreme Court of the Republic of Kazakhstan Venice Commission representative</p> <p><b>Mr Nicolae ESANU</b>, Venice Commission expert, Former Deputy Minister of Justice of the Republic of Moldova</p>
15.30 – 16.00	<b>Coffee break</b>