

## CURRICULUM VITAE

### NIKOLAY KOVALEV

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### CITIZENSHIP STATUS

Citizen of Canada and Citizen of Kazakhstan

### EDUCATION

Certificate of Qualification. 2014. National Committee on Accreditation of the Federation of Law Societies of Canada

Ph.D. in Law. 2007. School of Law, Queen's University Belfast, NI, United Kingdom  
Dissertation: *Lay Adjudication Reforms in Transitional Criminal Justice Systems of the Commonwealth of Independent States*

Supervisor: John D. Jackson, Professor of Comparative Criminal Law and Procedure

LL.M with thesis. 2003. Maurer School of Law, Indiana University at Bloomington, IN, USA  
Thesis: *Jury Deliberations: Principles, Standards and Rules: A Comparative Analysis of Common Law Jury Systems*

Supervisor: Joseph L. Hoffmann, Harry Pratter Professor of Law

B.A. in Law. 2001. West Kazakhstan State University, Uralsk, Kazakhstan  
Thesis: *The Role of the Defence Counsel in Criminal Process*

### ACADEMIC APPOINTMENTS

July 2014-present Associate Professor of Criminology (tenured), Wilfrid Laurier University  
Tenure recommended by Criminology Department and Appointment Promotion Committee (5 votes for and 0 against) on October 15, 2013; approved by the Senate Promotion and Tenure Committee voted unanimously (7-0) on November 14, 2013; and granted by the President and Vice-Chancellor Dr. Max Blouw on November 15, 2013 with promotion effective July 1, 2014  
*Undergraduate Teaching:* Police Investigation of Crimes; Crime, Sentencing and Punishment; Comparative Criminal Justice; Criminal Courts and Trials in Canada  
*Graduate Teaching:* Charter and Criminal Justice System; Transnational Crimes  
*Administrative Services:* Criminology Hiring Committee; Laurier Brantford Undergraduate Research Ethics Committee; Department of Criminology Ethics Committee

- July 2009-June 2014 Assistant Professor of Law & Society and Criminology  
*Undergraduate Teaching:* Restorative Justice; Crime and the Justice System; Law, Morality, and Punishment; Comparative Criminal Justice; Evidence and Procedure; Canadian Legal System I; Crime, Justice, and Law in Cyberspace (special topic); Death Penalty in the World (directed studies); Police Brutality in International Perspective (directed studies)  
*Graduate Teaching:* International Human Rights in Criminal Justice; Charter and Criminal Justice System  
*Administrative Services:* Merit Committee; Curriculum Committee; Criminology Hiring Committee; Law & Society Hiring Committee; MA Development Committee in Criminology  
*Community Services:* Member of the Brantford Community Assessment Team (committee evaluating applications from inmates for placement in Brantford halfway houses)
- July 2007-June 2009 SSHRC Postdoctoral Fellow, University of Toronto, Munk School of Global Affairs  
*Graduate teaching:* Human Rights in Europe (Seminar)
- Sept. 2005-Dec. 2006 Teaching Assistant, Queen's University Belfast, School of Law  
 Taught tutorials in Evidence for third year law students and delivered a lecture on juries for the Criminal Process course
- Sept. 2001-Jun. 2002 Assistant Professor, West Kazakhstan State University, School of Law  
 Taught Criminal Procedure and Advocacy courses

## **FELLOWSHIPS, GRANTS AND SCHOLARSHIPS**

- Laurier International Travel Grant. 2016.  
 Laurier Brantford Research Grant. 2012.  
 Laurier International Travel Grant. 2011.  
 Laurier International Travel Grant. 2009.  
 SSHRC Postdoctoral Fellowship. 2007-2009.  
 Law and Society Association International Research Collaborative Travel Grant. 2007.  
 Queen's University Alumni Fund Travel Scholarship. 2003-2005.  
 Overseas Research Students Award, Queen's University Belfast. 2003-2006.  
 Edmund Muskie/Freedom Support Act Fellowship for LL.M. Study in the United States, Indiana University. 2002-2003.  
 Academic Excellence Scholarship of the President of the Republic of Kazakhstan, West Kazakhstan State University. 1999-2001.  
 Alexander Pushkin Academic Excellence Scholarship, West Kazakhstan State University. 1998.

## **PROFESSIONAL QUALIFICATIONS**

- Barrister and Solicitor. June 2016. Law Society of Upper Canada (Ontario).

## **PUBLICATIONS**

### **Book**

Kovalev, N. (2010). *Criminal Justice Reform in Russia, Ukraine, and the Former Republics of the Soviet Union*. Edwin Mellen Press.

### **Academic Journal Articles and Book Chapters**

Kovalev, N. (2016). *The Canadian Criminal Justice System*. Brian H. Greenspan, Barrister and Solicitor, Certified Specialist in Criminal Law, In Goodman-Delahunty, J. and Das, D.K. (eds.) *Trends in Legal Advocacy: Interviews with Leading Criminal Defense Lawyers and Prosecutors Around the World* 71-87 CRC Press.

Kovalev, N. and Thaman, S.C. (2016). *Special Investigative Techniques in Post-Soviet States: The Divide Between Preventive Policing and Criminal Investigation*, In Ross, J.E. and Thaman, S.C. (eds.) *Handbook of Comparative Criminal Procedure* 453-474 Elgar Press.

Jackson, J.D. and Kovalev, N. (2016). *Lay Adjudication in Europe: The Rise and Fall of the Traditional Jury*, 6 *Oñati Socio-Legal Series* 368-395.

Kovalev, N. (2015). *Penal Law Sanctions. National Report on Canada*, In Sozuer, A. (ed.) *Second Criminal Law Reforms Congress: Criminal Sanctions, The Gap Between Idea and Use*, Volume I. Istanbul University Press.

Kovalev, N. (2014). *Selection of Jurors and Lay Assessors in Comparative Perspective*, 2 *Russian Law Journal* 9-62.

Kovalev, N and Smirnov, A. (2014). *The Nature of the Russian Trial by Jury: 'Jurata Patriae' or 'Raison d'État'*, 22 *European Journal of Crime, Criminal Law and Criminal Justice* 115-133.

Light, M. and Kovalev, N. (2013). *Russia, The Death Penalty, and Europe: The Ambiguities of Influence*, 29 *Post-Soviet Affairs* 528-566.

Kovalev, N. (2011). *Jury Trials for Violent Hate Crimes in Russia: Is Russian Justice Only for Ethnic Russians?* 86 *Chicago-Kent L. Rev.* 669-736.

Kovalev N. and Suleymenova, G. (2010). *New Kazakhstani Quasi-Jury System: Challenges, Trends and Reforms*, 38 *The International Journal of Law, Crime, and Justice* 261-278.

Kovalev, N. (2008). *Trial by Jury in Russian Military Courts*, 8 *The Journal of Power Institutions in Post-Soviet Societies*, available at <http://www.pipss.org/document1533.html>.

Reprinted in Asifa Begun (ed.) (2009). *Military Law and Justice* 238-273. The Icfai University Press.

Kovalev, N. *Criminal Procedure System of the Republic of Kazakhstan*, in Pavisic, B. (ed.) (2008) *Decennium. Collected Papers* 424-444. Pravni fakultet Sveucilista.

Jackson, J.D. and Kovalev, N. (2006). *Lay Adjudication and Human Rights in Europe*, 13 *Colum. J. of Eur. L.* 83-123.

Kovalev, N. (2006). *Lay Participation in the Administration of Justice in CIS Countries: Trial by Jury or Schoffen?* 2(55) *Sravnitel'noe Konstitutsionnoe Obozrenie* (Comparative Constitutional Review), 3-20 (Russian language).

Kovalev, N. (2004). *Lay Adjudication of Crimes in the Commonwealth of Independent States: An Independent and Impartial Jury or a Court of Noddors?* 11 *J. of East Eur. L.* 123-158.

### **Professional Legal Journal Articles**

Kovalev, N. (2008). *Judicial Arrest Warrant: International Experience and Prospects for Kazakhstan*, 3(81) *Jurist* 89-91 (Russian language).

Kovalev, N. (2007). *Remand in Custody by the Court's Decision in Europe (Germany, Italy, England, and France)*, 7(73) *Jurist* 89-94 (Russian language).

Kovalev, N. (2005). *Why did Texas Court with Jury Convict and Sentence Asel Abdygaparova to Life Imprisonment?* 4(46) *Jurist* 41-43 (Russian language).

Kovalev, N. (2005). *In Search for an Independent and Impartial Jury for Kazakhstan*, 2(44) *Jurist* 28-38 (2005) (Russian language).

Reprinted in Dmitry Nurumov (ed.) (2005). *Trial by Jury and Possibilities of Its Introduction in the Republic of Kazakhstan*. OSCE.

Kovalev, N. (2005). *The Jury on Trial*, 1(27) *Pravovaia Reforma v Kazakhstane* 3-8 (Russian language).

Kovalev, N. (2005). *Juries Help Criminals to Go Free?* 1(27) *Pravovaia Reforma v Kazakhstane* 39-41 (Russian language).

Kovalev, N. (2005). *The Case of Jury Courts: The Verdict of the Supreme Court of the Republic of Kazakhstan* 8(50) *Jurist* 36-43 (Russian language).

Reprinted in Dmitry Nurumov (ed.) (2005). *Introduction of Trial by Jury in the Republic of Kazakhstan: Issues of Theory and Practice* 126-148. OSCE.

### **Reports, Expert Opinions, and Analytical Notes (selected)**

Open Society Georgia Foundation. (2015). *Analysis of the Draft Law of Georgia Amending the Criminal Procedure Code of Georgia with regards to Jury Trials*.

United Nations Office on Drugs and Crime. (2014). *Analysis of the Draft Criminal Procedure Code of the Kyrgyz Republic*.

United Nations Office on Drugs and Crime. (2014). *Analysis of the Legislation of the Kyrgyz Republic on Special Investigative Measures*.

International Commission of Jurists. (2012). *Report on the Arrest, Detention, and Trial of Azimzhan Askarov* (Report prepared by Róisín Pillay, Daniyar Kanafin, Eva Rieter,

Nikolai Kovalev and Temur Shakirov), available at <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/09/Askarov-Report-2012-Eng-004.pdf>.

Kovalev, N. (2010). Jury Trials in Terrorism Cases: An Overview of Foreign Experiences, International Union of Assistance to Justice, March 18, 2010, available at <http://www.iauaj.net/node/296> (Russian language).

Kanafin, D. and Kovalev, N. (2010). Report on Independence of the Judiciary in Kazakhstan. Report prepared for OSCE/ODIHR and Max Plank Institute for Comparative Public and International Law.

Kovalev, N. (2009). Memorandum on Legal Safeguards Against Application of Torture and Other Cruel, Inhuman or Degrading Treatment by the Law Enforcement Agencies in Kazakhstan. The Legal Policy Research Centre, available at [http://www.lprc.kz/en/images/pdf/LPRC\\_Memo\\_on\\_Torture\\_N.Kovalev.doc](http://www.lprc.kz/en/images/pdf/LPRC_Memo_on_Torture_N.Kovalev.doc).

Kovalev, N. (2009). Commentaries on Draft Criminal Procedure Code of the Republic of Tajikistan, available at [http://www.humanrts.tj/public/userfiles/downloads/reports/Commentaries\\_Draft\\_CPC\\_Kovalev\\_march09\\_rus.pdf](http://www.humanrts.tj/public/userfiles/downloads/reports/Commentaries_Draft_CPC_Kovalev_march09_rus.pdf) (Russian language).

Kovalev, N. (2008). Assessment of Kyrgyz Criminal Procedure Legislation and Its Compliance with the International Covenant on Civil and Political Rights. Report prepared for American Bar Association/ Rule of Law Initiative.

Kovalev, N. (2008). Penitentiary Systems: Benchmarking institutional Forms, Analytical Note Written for the Legal Policy Research Centre, (2008), available at [http://www.lprc.kz/en/index.php?option=com\\_content&task=view&id=81](http://www.lprc.kz/en/index.php?option=com_content&task=view&id=81).

Kovalev, N. (2008). The Role of Prosecutor in Criminal Procedure At the Stage of Taking an Accused into Custody, available at <http://www.zakon.kz/engine/print.php?page=1&newsid=101189> (Russian language).

Kovalev, N. (2007). Commentaries on the Draft Law of the Republic of Kazakhstan on Amendments to the Legislation on Application of Arrest 11(77) Jurist 31-36 (Russian language).

Kovalev, N. (2007). Expert opinion on the Draft Law “On amendments to Criminal Code and Code of Criminal Procedure Regarding Termination of the Procedure Due to Reconciliation Between Parties”, available at [http://online.zakon.kz/Document/?doc\\_id=30107618](http://online.zakon.kz/Document/?doc_id=30107618) (Russian language).

Kovalev, N. (2006). Commentaries on the Draft Law of the Republic of Kazakhstan ‘On Amendments to the Legislation on the Jurisdiction of Courts’ 1(31) Pravovaia Reforma v Kazakhstane 47-50 (Russian language).

Kovalev, N. (2005). Analysis of the Draft Law Regarding Introduction of the Trial by Jury in the Republic of Kazakhstan 1(27) Pravovaia Reforma v Kazakhstane 83-94 (Russian language).

## **PROFESSIONAL PRESENTATIONS**

### **Major Invited Talks**

- “Trail by Jury in Russia and Foreign Countries: Recent Trends and Reforms”  
The Institute of State and Law of the Russian Academy of Sciences, Moscow, Russia, July 2016.
- “Analysis of the Draft Law of Georgia Amending the Criminal Procedure Code of Georgia with regards to Jury Trials”, Open Society Georgia Foundation Round Table on Jury Trials, Tbilisi, Georgia, October 2015.
- “The Jury Systems in Post-Soviet States: Russia and Kazakhstan”  
Istanbul Şehir University Legal Theory Colloquium, Istanbul, Turkey, November 2014.
- “Human rights in Criminal Proceedings”  
Seminar for Turkmen judges and law enforcement officials organized by the Organization for Security and Co-operation in Europe, Ashgabat, Turkmenistan, July 2010.
- “Criminal Justice Reform in Medvedev’s Russia: Developments in Jury Trials and Sentencing”  
Russian-American Rule of Law Consortium Meeting, Cambridge, Massachusetts, United States, March 2010.
- “Analysis of the Draft Criminal Procedure Code of Tajikistan”  
Round Table “Draft Criminal Procedure Code of Tajikistan” organized by American Bar Association/ Rule of Law Initiative and the Council of Justice of Tajikistan, Dushanbe, Tajikistan, April 2009.
- “Trial by Jury in Foreign Countries”  
Round table “Trial by Jury in Russia” organized by Russian Public Chamber, United States Embassy in Moscow, United States Department of Justice, Moscow, Russia, March 2008.
- “Analysis of the Draft Law ‘On amendments to the Legislation on Application of Arrest’”  
OSCE/ODIHR Round Table on Judicial Authorization of Arrest, the Parliament of Kazakhstan, Astana, Kazakhstan, December 2007.
- “Conditions for Effective Functioning of the Jury”  
International Seminar ‘Citizen’s Participation in Administration of Justice: Perspectives for the Kyrgyz Republic’, Issyk-Kul’, Kyrgyz Republic, December 2005.

### **Conference Paper Presentations**

- “Jury Trials in Georgia: Trial and Error?”  
Law and Society Association Annual Meeting, New Orleans, LA, June 2016.

- “Penal Sanctions in Canada, National Report”  
2<sup>nd</sup> Criminal Law Reforms Congress, Istanbul, Turkey, June 2015.
- “Privacy and Police Investigation in Central Asian States”  
Fifth Expert Forum on Criminal Justice for Central Asia, Conference organized by the Organization for Security and Co-operation in Europe and United Nations Office on Drugs and Crime, Bishkek, Kyrgyzstan, November 2014.
- “Government Control over Jurors in Kazakhstan and Russia”  
The Third International Conference on Empirical Studies of Judicial Systems – Citizen Participation around the World, Taipei, Taiwan, September 2014.
- “Lay Adjudication in Eastern Europe and Eurasia: The Rise and Fall of the Traditional Jury”  
International Institute for the Sociology of Law, Oñati, Spain, June 2014.
- “Trial by Jury and State Control: Justice Without the State or State Without Justice?”  
Workshop on “Extrajudicial and Judicial Conflict Resolution”, Goethe-University, Frankfurt, Germany, November 2012.
- “International Impact on Criminal Justice Reforms in Eurasia”  
Fifth Annual Global Studies Conference, Moscow, Russia. June 2012.
- “Juries and Mixed Courts in Europe”  
Law and Society Association Annual Meeting, Honolulu, HI, June 2012.
- “Jury Trials for Violent Hate Crimes in Russia”  
Law and Society Association Annual Meeting, San Francisco, CA, June 2011.
- “Orality and Written Evidence in Post-Soviet Criminal Procedure”  
International Conference “Oral v. Written Evidence in Criminal Process: Comparative Perspective”, University of Bologna in Ravenna, Italy, May 2011.
- “Lay Judges (Quasi-Jurors) in the Eyes of Kazakhstani Legal Professionals”  
Academy of Criminal Justice Sciences Annual Meeting, Toronto, ON, March 2011.
- “Manipulation and Control of Juries in Russia”  
International Conference “Criminal Justice: Connection of Times”, Saint Petersburg, Russia, October 2010.
- “In Search of “Quality” Juries: Secret Background Checks and Manipulation of Jury Selection”  
Canadian Law and Society Association Annual Meeting, Montreal, QC, June 2010.
- “In Search of “Quality” Juries: Secret Background Checks and Manipulation of Jury Selection”  
Law and Society Association Annual Meeting, Chicago, IL, May 2010.
- “Russian Jury Under Attack: Can the Institution Survive?”  
Law and Society Association Annual Meeting, Denver, CO, May 2009.
- “Trial by Jury in Russian Military Courts”

Law and Society Association Annual Meeting, Montreal, QC, May 2008.

“Lay Adjudication and Human Rights in Europe”

International Conference of the International Association for Support of Justice  
“Strategies of the Criminal Procedure”, St. Petersburg, Russia, October 2007.

“Ethnic Tensions and Trial by Jury in Russia”

Law and Society Association Annual Meeting, Berlin, Germany, July 2007.

“Jury Reform in Russia: Ten Years After”

Law and Society Association Annual Meeting, Las Vegas, NV, June 2005.

“Lay Participation in Adjudication in NIS: An Independent Jury or a Court of ‘Noddors’?”

Law and Society Association Annual Meeting, Chicago, IL, May 2004.

## **TEACHING AND RESEARCH INTERESTS**

Canadian Criminal Law and Procedure, Law of Evidence; Juries in Canada and in the World; Canadian Charter of Rights and Criminal Justice; Comparative Law and Legal Traditions; Courts and Justice in Canada; Wrongful Convictions; Human Rights in Criminal Procedure; Criminal Justice Reforms in Europe and Asia

## **EXPERT AND CONSULTANCY WORK**

- |                     |  |
|---------------------|--|
| Aug. 2016-present   | External Consultant, Office of Public Defender (Ombudsman) of Georgia <ul style="list-style-type: none"><li>• Provide expert analysis of best practices and international standards in relation to the general inspectorate in law enforcement agencies</li></ul>  |
| Sept. 2015-present  | Comparative Criminal Law and Procedure Expert, Engaged by Jones Day Law Firm in an international arbitration case <ul style="list-style-type: none"><li>• Have written two expert reports on the subjects of comparative criminal law and procedure and will testify as expert witness at the International Centre for Settlement of Investment Disputes in March 2017</li></ul> |
| July-Dec. 2015      | External Consultant, Open Society Georgia Foundation <ul style="list-style-type: none"><li>• Conducted assessment of the Criminal Procedure Code of Georgia and draft law on amendments to the Criminal Procedure Code of Georgia regarding jury trials</li><li>• Presented analysis of the draft law on amendments at a roundtable in Tbilisi, Georgia</li></ul>                |
| Feb. 2014-Jul. 2015 | Comparative Criminal Law and Procedure Expert, Engaged by Waldman & Associates for an immigration case <ul style="list-style-type: none"><li>• Wrote expert report on issues of comparative criminal law and procedure</li></ul>   |
| 2013-2014           | External Consultant, United Nations Office on Drugs and Crime  |



- Conducted assessment of the draft Criminal Procedure Code of the Republic of Kyrgyzstan
  - Conducted assessment of the current police investigation legislation of the Republic of Kyrgyzstan for consistency with international human rights standards
  - Authored a report on special investigative measures in the Republic of Kyrgyzstan
- Feb. 2012-Sept. 2012 Expert on Comparative Criminal Law and Procedure, Engaged by Waldman & Associates and Heller, Rubel for an criminal/immigration case
- Wrote an expert report on issues of comparative criminal law and procedure
- 2008-2010 External Consultant, American Bar Association/Rule of Law Initiative and the United States Department of Justice
- Assessed the criminal procedure legislation of the Kyrgyz Republic for consistency with international human rights standards. Key contributor to the comprehensive report presented to the government of the Kyrgyz Republic
  - International expert providing support to a Russian civil society organization Jurors' Club, which brings together former jurors, judges, lawyers, and academics to advocate for the institution of the jury system in Russia
  - Completed analysis of the draft Criminal Procedure Code of the Republic of Tajikistan with focus on compliance with international human rights standards and consistency with fundamental principles of criminal procedure in developed countries
- 2004-2016 External Consultant, Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR)
- Conducted analysis of legislation and government policies of post-Soviet states regarding introduction of trial by jury
  - Contributed to the jury trial monitoring project and conducted expert review of the project report
  - Completed assessment of legislation on reconciliation between parties, detention, and arrest warrants in the Republic of Kazakhstan. These projects resulted in eight published expert opinions
  - Provided expert input at international conferences, roundtables, and workshops involving legal practitioners from across post-Soviet states, the United States, and the European Union
  - Served as a rapporteur on Central Asian countries for the OSCE/Max Planck Institute for Comparative Public and International Law project on judicial independence in OSCE member states
- Summer 2003 Criminal law reform intern, American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI), Washington D.C.

- Conducted legal research on court systems, organized crime, and criminal justice systems in Central and Eastern European and Central Asian countries
- Developed and facilitated contacts with legal professionals, academics, and policy makers in the United States, Eastern Europe, and Central Asia
- Played a substantial role in consultations and meetings with judges, prosecutors, defense attorneys, and public officials from Central Asian and Central and Eastern European countries
- Provided input in workshops on legal systems in post-Soviet countries for new ABA/CEELI country liaisons
- Delivered a presentation on criminal justice systems in Central European countries for students of the FBI National Academy in Quantico, Virginia

## **LANGUAGES**

English and Russian

## **PROFESSIONAL AFFILIATIONS**

Law Society of Upper Canada  
 Canadian Bar Association  
 Canadian Association of Refugee Lawyers  
 Criminal Lawyers Association  
 Law and Society Association

## **REFERENCES**

John Jackson, Professor of Comparative Criminal Law & Procedure. University of Nottingham, School of Law, Room C55 Law and Social Sciences Building, University Park, Nottingham, NG7 2RD, UK, (0115) 951-5723, J.Jackson@nottingham.ac.uk

Peter H. Solomon, Ph.D., Professor Emeritus. University of Toronto, Munk School of Global Affairs, Room 324N, 1 Devonshire Place, Toronto, Ontario, M5S 3K7, Canada, (416) 946-8959, peter.solomon@utoronto.ca

Stephen C. Thaman, Professor of Law. Saint Louis University, School of Law, 100 N. Tucker Avenue St. Louis, MO 63101-1930, United States, (314) 977-3306, thamansc@slu.edu

Neil Vidmar, Ph.D., Russell M. Robinson II, Professor of Law and Professor of Psychology. Duke University School of Law, 210 Science Drive Box 90360, Durham, NC 27708-0360, (919) 613-7090, vidmar@law.duke.edu

Date: September 14, 2016