THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE DNIPROPETROVSK STATE UNIVERSITY OF INTERNAL AFFAIRS

TACTICAL FEATURES OF CONDUCTING AN INSPECTION OF THE SCENE OF THE INCIDENT IN THE DE-OCCUPIED TERRITORIES

Methodical recommendations





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These methodical recommendations stipulate algorithm of actions for the National Police during inspection of the incident scene under active military operations. This publication is directed to practitioners of the National Police of Ukraine, scientists, lecturers, cadets, students, trainees, graduate students and adjuncts of higher educational institutions of the MIA system of Ukraine and other legal institutions.

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INTRODUCTION

Armed conflicts and wars have become a global problem of modern times, in terms of which the norms of international humanitarian law as well as legal rights and freedoms of a person are violated. In course of wars the significant number of both military staff and civilians dies; the quantity of refugees is rocketing; social problems in society are increasing.

Armed aggression of the russian federation against Ukraine is accompanied by massive bombings and shelling of objects of military and civil infrastructure, mass deliberate murders, robberies, burglaries, looting and rapes are committed, illegal deportation of people, arrests and displacement of civilians to the remote regions of russia are performed. During documentation of criminal actions dreadful facts of cruel tortures of civilians, including women, children and elderly people are disclosed. Law enforcement agencies are investigating a substantial number of aggression crimes and ware crimes, thousands of injuries and homicides of civilians as well as the great number of damages to the objects of civil infrastructure. Simultaneously, russian soldiers continue committing crimes at the areas of active hostilities and at the occupied territories, which will become the subject of proceedings in domestic and international courts after the liberation of such territories.

Investigation of criminal violations is connected with collecting due, reliable and admissible evidence. The principle method of their collection is the implementation of investigative (search) actions, where inspection is one of the most important among others. Thus, inspection of areas, buildings and premises destroyed or damaged in the result of artillery shelling or bombings is an integral part of criminal proceedings, while the information obtained during inspection is significant in course of proving war crimes.

SECTION 1 CRIMINAL PROCEDURAL PECULIARITIES OF INSPECTION OF THE INCIDENT SCENE UNDER THE ARMED CONFLICT

Inspection of the incident scene is an investigative (search) action, which includes visual observation and direct perception of material object signs with the aim to detect and fix data regarding the circumstances of a criminal violation.

It is established that depending on the inspection object the criminal national procedural legislation stipulates the following types of inspection: area inspection, premises, things and documents inspection (part 1 of Art. 237 of the Criminal Procedure Code of Ukraine), incident scene inspection (part 3 of Art. 214 of the Criminal Procedure Code of Ukraine), inspection of accommodation or another possession of a person (part 2 of Art. 237 of the Criminal Procedure Code of Ukraine), corps inspection (Art. 238 of the Criminal Procedure Code of Ukraine) as well as corps inspection in terms of exhumation (Art. 239 of the Criminal Procedure Code of Ukraine).

Moreover, incident scene inspection is the first stage and urgent investigative (search) action, which operative and efficient performance substantially impacts further investigation of a criminal violation. General procedural requirements to inspection, in particular, incident scene inspection, are stipulated by Art. Art. 214, 237 and 238 of the Criminal Procedure Code of Ukraine.

According to part 1 of Art. 237 of the Criminal Procedure Code of Ukraine, inspection is performed with the aim to detect and fix data regarding the circumstances of a criminal violation. In every case of the incident scene inspection its expediency and timeliness shall be estimated, taking into account all circumstances of a criminal violation, criminal proceedings, conditions and time of inspection. The principles of the incident scene inspection are as follows:

- timeliness (urgency);
- objectivity and completeness;

- activity;
- methodicality (regularity, consistency);
- application of scientific technical means;
- unified management.

Procedural order of inspection is stipulated in Art. 237-239 of the Criminal Procedure Code of Ukraine and includes the following. Inspection is carried out by an investigator, inquirer or prosecutor. The ground for inspection of accommodation or another possession of a person is a voluntary consent of a person possessing them or ruling of an investigative judge, while for corps inspection in terms of exhumation - prosecutor's resolution. A victim, a suspect, a defense counsel, a legal representative or other participants of criminal proceedings, including a specialist, who has the right to make measurements, fix with technical means, make plans and schemes, produce graphic images of objects, make prints and modules, inspect and withdraw objects important for criminal proceedings at the request of an investigator or prosecutor, can be involved in inspection. It is mandatory to involve a coroner or (in case of impossibility of his/her timely arrival) a doctor for corps inspection. Corps exhumation shall be performed by the officials of local self-government in presence of a forensic medical expert. Besides, an investigator or prosecutor is obliged to involve not less than two witnesses to examine accommodation or another possession of a person and for corps inspection, including in terms of exhumation. In course of inspection an investigator and prosecutor have the right to prohibit individuals to leave inspection scene upon its completion and interfere its implementation. Things and documents important for criminal proceedings found in course of inspection or withdrawn from circulation are subject to inspection and withdrawal. At this, they are sealed and certified with the signatures of persons participated in the investigative (search) action. In case of unfeasibility to examine things and documents onsite or their inspection is associated with complications, they are temporarily sealed and stored in such condition before their final inspection.

The Law of Ukraine "On Making Amendments in the Criminal Procedural Code of Ukraine as Regards Enhancement of the Criminal Proceedings Performance Order under Martial Law" № 2201-IX as of 14.04.2022 introduced changes in Art. 615 of the Criminal Procedural

Code of Ukraine connected with the peculiarities of performing investigative (search) actions, in particular, incident scene inspection under martial law. However, these conditions face serious challenges at investigating criminal violations connected with martial law.

Incident scene inspection under martial law has its own specificity connected with the peculiarities of its preparing and performing, fixing its results, counteraction between agencies and subdivisions, application of specific forensic equipment, etc. In the conditions of armed aggression of russian federation this issue is becoming even more actual, since law enforcement officers have to conduct large-scale inspections of shelling and mass burials daily. It is a scrupulous work, which shall be performed under the conditions of real or potential risk for life and health of its participants. Bringing responsible persons to justice not only under the national legislation, but also submitting evidence to the International Criminal Court depends on the quality of the incident scene inspection.

According to para. 1 part 1 of Art. 615 of the Criminal Procedure Code of Ukraine, incident scene inspection can be carried out in urgent cases before adopting a decision on the start of pre-trial investigation by an investigator, inquirer or prosecutor (decision shall be adopted immediately after inspection).

According to para. 4 of Art. 223 of the Criminal Procedure Code of Ukraine, performance of investigative (search) actions within the night hours (between 10 p.m. and 6 a.m.) is prohibited, except for urgent cases, when the delay may lead to the loss of criminal violation traces or suspect's escape, as well as execution of criminal proceedings in accordance with the order stipulated by Art. 615 of this Code. Therefore, prohibition to perform investigative and search actions between 10 p.m. and 6 a.m. becomes null and void under martial law.

Changes have also been introduced in search / inspection of accommodation, other possessions and conducting a frisk. Involving witnesses in investigative (search) actions may be dangerous or impossible under martial law. In such situations conducting a frisk and inspection or search of accommodation or other possessions of an individual can be performed without witnesses. At this, fixing of a frisk or inspection with technical means, i.e. uninterrupted video recording, is mandatory. Simplification of conducting a frisk and inspection or search of possessions and conducting a frisk allows fixing procedural actions in criminal

proceedings with maximum following safety rules under martial law, since safety and life of every person is the most value.

It should be noted that according to paragraph 2 para. 1 part 1 of Art. 615 of the Criminal Procedure Code of Ukraine, procedural actions in criminal proceedings shall be fixed in relevant procedural documents as well as with technical means of fixing criminal proceedings, except for cases when fixing with technical means is unfeasible due to technical reasons. The link to relevant procedural documents points at fixing procedural actions according to generally established order, i. e. in accordance with chapter 5 of the Criminal Procedure Code of Ukraine: in a protocol; at a data carrier, where procedural actions have been fixed with technical means. According to part 2 of Art. 104 of the Criminal Procedure Code of Ukraine, fixing procedural actions in course of pre-trial investigation with technical means shall be noted in the protocol.

SECTION 2 ORGANIZATIONAL AND TACTICAL PECULIARITIES OF INSPECTION OF THE INCIDENT SCENE UNDER THE ARMED CONFLICT

2.1 Incident scene inspection organization

Incident scene inspection shall be performed in the daytime respecting the requirements of criminal procedural legislation in case of security of the territory of potential shelling and following personal safety means.

Inspection is allowed exclusively after confirmation of the absence of hazardous explosives at the incident scene inspection from relevant specialists – engineers or sappers. It is recommended to specify such area to a mentioned specialist immediately and obtain information regarding the safe zone and disposed hazardous items.

The composition of an investigative team is determined taking into account the following:

- 1. An object being an incident scene, in particular, the place of mass shooting of civilians or an equipped torture chamber, a line or a group of shot cars, a place of impact of a rocket artillery or shelling, mass burial of civilians.
 - 2. Inspection borders and possible quantity of traces.
 - 3. Method of committing a crime.

To perform inspection an investigator or prosecutor form an investigative team that may include:

- operational units staff;
- forensic specialists;
- engineers or sappers;
- specialists in application of military aviation, rocket forces and artillery, who are invited from the corresponding military units or military management bodies to provide assistance in defining possible directions of shelling, which led to death or injury of individuals and/or damage or destroy of objects, as well as determining the types of weapons used for shelling;

- forensic medical expert or doctor;
- unmanned aerial vehicle operator for distant perceiving of surrounding and in a real-time mode with its transmission on site;
 - K-9 team representative with a service rescue dog.

To perform inspection other participants may be involved whether necessary:

- staff of the State Emergency Service of Ukraine;
- military staff as local guides;
- specialists in estimation of a price of damaged or destroyed property, determination of its approximate value;
- volunteers or morgue staff, who will transport examined corpses, and persons, who will; conduct grave digging works.

Safety rules during incident scene inspection:

- inspection participants, whether necessary, shall be provided with the following: individual means of ballistic protection – bullet-proof vests, helmets; armored cars, etc.;
- engineers or sappers shall examine territory or premises in advance and dispose of explosives or explosive items whether necessary and determine safe zones.

All citizens and inspection participants are obliged to follow requirements and instructions of engineers or sappers at an incident scene as regards secure behaviour when handling explosive materials and determining dangerous zones.

Additionally, it is necessary to pay attention to security provision of an investigative team and avoiding possible final collapse of buildings and premises damaged due to the explosion; during their inspection it is necessary to give preference to distant means of making pictures or video recording, in particular, quadcopters, especially inside of huge stores, hangars, etc.

The first step actions of the inspection participants upon the arrival at the incident scene:

Upon the arrival at the incident scene **engineers or sappers** in the first turn shall:

- define radius of an exterior dangerous zone, give recommendations regarding its expansion according to potential affected areas;
- define the borders of interior dangerous zone, places for establishing a control point to perform special explosive technical works, storing associated ignition materials and explosives;

- determine and agree with an investigator or prosecutor appropriate routs of approach to and retreat from an incident scene;
- instruct K-9 team representatives and other inspection participants involved in searching objects similar to explosives or substances as regards following security means;
- organize and control actions of specialists during the search of explosives in premises, at the territory, inside vehicles, etc.;
- agree with an investigator or prosecutor actions in case of changes in surrounding conditions directly on site with the aim to prevent from losing criminal violation traces;
- fill in the protocol on the object inspection as for availability of explosive substances, explosives or objects structurally similar to them according to the established form upon the results of searching explosives and materials or objects similar to them, and provide them to an investigator or prosecutor.

An investigator and/or prosecutor at the incident scene:

- performs single management of the inspection, bears responsibility for it, accurate and complete research of the surrounding, fixing of progress and results of investigative (search) actions. All other inspection particip, ants are subordinate to him/her. He/she determines the incident scene borders, chooses the method of inspection, and withdraws documents and things important for criminal proceedings;
- allows access of other inspection participants to the incident scene territory after the search of explosives or materials similar to them by engineers or sappers and obtaining information on their absence;
- before the inspection it is necessary to provide and separate the territory of violation, as well as the surrounding territory, which could be a part of the incident scene and has any evidence connected with the crime:
- allows access to the incident scene territory of an investigative team exclusively and prohibits unauthorized parties to entry;
- performs the incident scene inspection and other investigative (search) actions alone with other participants, whether necessary;
- fixes the incident scene surrounding, establishes victims and witnesses, interrogates them or authorize another authorized person to conduct interrogation, detects evidence as regards the application of prohibited means and methods of warfare;

- has the right to prohibit any person to leave the incident scene before its completion and perform any actions interfering investigative (search) actions;
- collects all relevant material evidence, for instance, binding objects: ropes, clamps, zip-ties, etc.; bullet fragments, shells and ensure each material evidence to be packed in a separate package, duly sealed and signed;
- shall ensure all collected evidence to be checked with the incident scene scheme, i.e. the place was accurately fixed;
- shall fill in accompanying documentation as regards the order of moving all collected material evidence, pointing out the persons working with evidence, reason of getting evidence, date and time as well as details on its further handling.

Operative subdivision employee:

- 1. Detects witnesses and victims of the crime, conducts their interview or interrogation at the request of an investigator.
- 2. Detects places, where shelling of the inspection object was carried out from, during inspection of a line or group of shot cars, shelling place or a place of impact of a rocket artillery, etc.
- 3. Defines data of relatives and family members of tortured or shot persons during the inspection of mass shooting of civilians, mass burial of civilians or an equipped torture chamber.

During the interrogation of the victims and eyewitnesses of the event, the following questions are clarified:

- date, time and place of shelling;
- location of the person during the shelling and his surroundings;
- the direction of the shelling, whether the person saw or could see the location of the means of destruction or military equipment from which the shelling was carried out;
- what sounds (whistling, buzzing, etc.) did the person hear before the shelling, which signaled the approach of the attack;
 - whether the person saw the explosion and can describe it;
- how many explosions there were, how long the shelling lasted, whether there were breaks between them;
- did the person see the movement of military equipment from which the fire could be fired (if so, it is necessary to establish the exact date and time, describe the equipment, in particular, its designation and designation of the persons who operated it, were near this equipment

or moved with it, as well as the characteristic differences between "own and foreign" in clothing, namely: white bandages on the hands and feet, chevrons, the language used by individuals to communicate with each other, the direction of movement of equipment);

- which objects were damaged;
- whether material damage was caused to a person as a result of the shelling, if so, what it consisted of, as well as how much it can be estimated;
- can a person provide legal documents, cost documents, technical documentation for property that was destroyed or damaged;
- whether the person suffered injuries or other injuries from the shelling, which ones exactly;
- whether other persons were injured or killed as a result of the shelling;
- whether the person has projectile fragments as a result of shelling;
- whether the person has medical documents drawn up based on the results of his examination after the shelling as a result of his injury or the death of other persons;
- obtain from the person information about the medical institution where the examination of the person who received physical injuries was carried out;
- whether objects that could be military targets (military units, units of the Armed Forces of Ukraine, checkpoints, etc.) were located near the place of shelling;
- whether there are photo and video materials of the shelling, as well as the consequences of the shelling;
- whether the person applied to law enforcement or other state bodies regarding the destruction of property;
- whether the person gives voluntary consent to the further use of the testimony given by him to the International Criminal Court in the European Court of Human Rights, in the International Court of the United Nations and in other international judicial institutions (certify with a separate signature or statement).

A forensic specialist using special knowledge and skills, scientific and technical means and special equipment conducts:

- photographing the scene of the event and the surrounding environment, the main nodes and individual traces of the crime by means of indicative, overview, nodal and detailed photography;

- video recording using an unmanned aerial vehicle (UAV) remotely controlled by an operator who wears glasses or uses a screen to view realtime video from a camera mounted on the drone;
 - responsible for high-quality recording of all trace information;
- makes a photo table for the inspection protocol of the scene of the incident:
 - conducts measurements;
- detects, records, removes and packs material objects that carry trace information of a committed crime;
 - makes schemes, plans;
- provides consultation to the investigator on issues requiring relevant special knowledge and skills;
- is responsible for the high-quality recording of all trace information, the completeness of the data displayed on this in the inspection protocol and the scheme, plan to it. In particular, during the inspection of a convoy or a cluster of shot cars, a forensic specialist measures the location of cars relative to permanent landmarks, traces of shelling on vehicles (the direction from which the shelling was fired, localization of traces of shelling on parts of the car, their nature, etc.

The following rules must be observed when removing material evidence:

- clothes and other small things must be removed in full;
- it is necessary to cut out (sawing, etc.) the area with traces from bulky objects so that these traces do not occupy the entire perimeter of the site;
- if it is impossible to fully remove the physical evidence or its part, the suspicious stain should be scraped or wiped with a piece of gauze moistened with water, the gauze should then be dried at room temperature;
- wet material evidence or traces that have not dried should be dried at room temperature;
 - physical evidence must be stored in paper envelopes, packages.

When inspecting the place of shelling or hitting by a rocket artillery projectile:

- photographs and captures the explosion by inspecting the scene to determine the possible direction of the shooting;
 - measures the shape and size of the tear using a tape measure;
- captures the coordinates of the center of the tear using a tablet, phone or navigator and records in the coordinate lists with the fixation number;

- makes a large-scale plan of the scene of the event (during an artillery shelling on a scale of 1:10,000, and during a missile attack on a scale of 1:5,000);
- determines the coordinates of finding the remains of ammunition and records them in lists with the recording number.

During the inspection of the equipped premises of the torture chamber and the place of mass execution of civilians:

- searches for, fixes and removes traces of biological origin (traces of blood, traces of other human secretions (saliva, urine, etc.), hair, pieces of body tissue), items of binding (collars, ties, ropes, etc.), shell casings, fragments of bullets, knives and other items that could be used as instruments of torture;
- when searching for traces of blood: you need to pay attention to the possibility of preserving traces of blood in "hidden places" (under the nail spaces on the hands of a corpse, on the edges of pockets and sleeves of clothes, in seams and under the lining, in the cracks of the floor, under plinths, in recesses and joints of furniture parts, door handles, water faucets, crime tools, vehicles, etc.), on a possible change in the color of blood stains, if they are located on a dark, variegated background or washed out (blackish, greenish, yellowish colors). If the marks are not detected during the examination in bright sunlight or electric light, but their presence is assumed, then it is necessary to apply the examination in through light with the help of a magnifying glass;
- when searching for hair, the presence of which is assumed to be on crime instruments, clothing or a person's body, a vehicle: it is worth paying attention to the need to examine with a magnifying glass in bright light; handle your hair with care to prevent damage or loss;
- when pieces of body tissue are detected: it is advisable to pay attention to the need (depending on the size and purpose of the study) to either dry the pieces of body tissue at room temperature, or fill them with a formalin solution, placing them in a glass with a tight lid.

During the inspection of the place of mass burial of civilians:

- records the location of the mass burial site, sets its coordinates;
- measures the place of mass burial (graves), the depth at which persons were buried;
- records signs of objects in which people were buried (coffins, bags, sheets, etc.);
 - takes samples and soil samples from the burial site.

Specialists in the use of missile forces and artillery, as well as military aviation, are invited from the relevant military units or military administration bodies and are involved in the inspection of the scene of the incident if it is necessary to determine the likely directions of shelling that led to the death or injury of persons and/or damage (destruction). objects, and establishing the types of weapons that were used to carry out shelling. Such specialists are involved in the inspection of the site of shelling or hitting of a rocket artillery projectile.

A forensic medical expert is called in to conduct an examination in the event of the presence of dead bodies at the scene. According to Art. 238 of the Criminal Procedure Code of Ukraine, the examination of the corpse can be carried out together with the examination of the scene of the incident and is carried out with the mandatory participation of a forensic medical expert or a doctor, if it is not possible to involve a forensic medical expert in time. On the basis of this norm, a forensic medical expert, who has the rights and duties of a specialist, is involved in the inspection of a cluster of shot cars or a convoy, the site of a rocket artillery projectile hit or shelling, the site of a mass shooting of civilians, the site of a mass burial of citizens, where corpses are found. established in Art. Art. 71, 72 of the CPC of Ukraine. He provides advice to the investigator on matters requiring relevant special knowledge and skills in the field of forensic medicine, in particular, establishes:

- location and posture of the corpse;
- appearance of his clothes and shoes;
- nature of clothing damage, presence of traces, stains, etc.;
- individual characteristics of body parts, their damage and other traces on the body;
 - features of the corpse bed, objects on it and immediately near it.

Considerable attention is paid to establishing the signs of death, in particular cadaveric changes and their nature: cadaver stains, the presence and degree of cadaveric incantation, as well as identifying general data about the identity of the cadaver. Particular attention is paid to identifying the presence and nature of gunshot injuries, establishing the number of wounds, whether they correspond to each other in terms of localization on the clothes and body of a person.

2.2 Peculiarities of gathering evidence in criminal proceedings regarding attacks (shelling) on the civilian population and objects of civil infrastructure

The organization of detection, recording and collection of data is carried out in the following directions:

- 1. Detailed recording of the situation at the scene of the incident, destruction as a result of shelling (combat operations), determination of the amount of material damage as a result of shelling (combat operations), establishment of the direction from which the shelling of the relevant territory was carried out, if possible, the location of the positions of the fire means of defeating the enemy from close range tongue to the area.
- 2. Establishing witnesses from among the civilian population and persons who were harmed as a result of shelling.
- 3. Identification of signs that, individually or collectively, may indicate the use of prohibited means and methods of conducting hostilities. Fixation of the presence (or absence) in the immediate vicinity of the scene of the incident (fire) of military objects and the enemy's choice of the method of defeat.

The following rules are followed when removing physical evidence:

- if possible, it is necessary to remove from the scene all objects or their parts on which traces of soot were detected;
- soil samples are collected from the place (epicenter) of the explosion (in the case of an explosion on the ground or when a funnel is formed from a projectile, soil is taken from the deepest part of the funnel, the highest and from a distance of at least 10 meters from the funnel for comparison, and each soil sample is packed in special separate container);
- remnants of concrete and/or plaster (if the explosion occurred indoors);
 - parts with traces of melting (in case of an explosion in a car), etc.;
- samples are packed in airtight containers (glass containers, special polyethylene bags, etc.);
- detected explosive substances (if their mass is small) are removed completely, in other cases in samples;
 - the wing of the stabilizer of the rocket, projectile;
- parts of kamikaze drones (FPV-drones) unmanned aerial vehicles with an integrated warhead; impressive ammunition;

- each object is packed in a separate hermetic container (glass containers, polyethylene bags, etc.) in compliance with the requirements for the transportation of explosives;
- seized cold weapons, firearms and ammunition are stored in specially designated places of units of the National Police of Ukraine, the Security Service of Ukraine, the main departments and departments of the Security Service of Ukraine after their verification using the information resources of the unified information system of the Ministry of Internal Affairs of Ukraine and research by a state specialized institution that carries out judicial expert activity. If it is necessary to place samples of ammunition, firearms or melee weapons in natural reference collections, such samples may be stored in a state specialized institution that carries out forensic expert activities, in agreement with the prosecutor (procedural manager in the relevant criminal proceedings);
- confiscated weapons, military supplies, military equipment attached to military units, bodies and units of the Armed Forces of Ukraine, other military formations, special purpose law enforcement agencies, other state bodies, servicemen and employees who are legally granted the right to store and carry service firearms and ammunition for it, must be transferred to storage as appropriate, if such actions will not cause damage to criminal proceedings;
- explosive substances recognized as physical evidence are sent for storage to the warehouses (arsenals, bases) of the Armed Forces of Ukraine or relevant state enterprises, and poisonous substances to the warehouses of economic entities that have a permit for this and appropriate special conditions for storage, upon agreement with their commanders (chiefs) and leaders.

If the seized objects have large dimensions, it is necessary to ensure the availability of transport, which according to the parameters can accommodate physical evidence.

2.3 Conducting an inspection of the scene after the use of certain types of weapons

When planning the inspection, it should be taken into account that in some modifications of modern rocket systems of salvo fire, missile systems and cruise missiles, highly toxic synthetic liquids are used, the residues of which after detonation negatively affect the environment and living organisms in the affected area.

Inspection of the epicenter of the explosion, as well as the remains of the carrier, must be carried out in compliance with all safety rules. It is advisable to involve a canine inspector with a service dog in the inspection of such an object in order to search for explosive materials. In the event that a service dog "took a trail", the investigator must find out from the canine inspector the place where the trail was taken, and subsequently take air samples from the specified place.

Internal and external perimeters are defined for inspection of the scene. The inner perimeter is the distance in the explosion zone from the epicenter of the eruption to the last detected fragment of the explosive device. The outer perimeter is the distance from the last detected fragment of the explosive device, with an additional 50 % of this distance added, regardless of the consequences of the explosion.

The inspection of the vent should begin with the epicenter of the explosion and the soot around it, then measure its diameter, depth and height of the ridge and the distance from the center to the nearest stationary landmarks. Carefully inspect metal objects, melting, bending and fractures of an explosive nature, including particles of unused explosive substance, its micro-traces and various impurities.

It is necessary to take a soil sample from the bottom of the pit, its side surfaces and ridge, as well as water or vegetation to determine the type of explosive used. Pack each sample separately in polyethylene bags, indicate on the tags serial numbers, place and time of removal of physical evidence. For further comparative research of objects with traces of an explosive substance, take control samples of soil, dust, snow, water and vegetation samples from different places of the territory where the remains of an explosive substance were found.

When fragments are detected in any details, objects, buildings, it is necessary to describe the changes that have happened to them as a result of the impact of fragments, carefully remove them, recording

the depth of their penetration. If possible, select a fragment of material with a fragment.

To establish the remains of an explosive device on surrounding objects, first of all, the smokiest places are investigated. It is best to remove soot together with objects or their parts, as well as by scraping or washing with organic solutions.

The scraping is carefully removed with a spatula made of soft material and transferred to plastic bags, which should be numbered.

The surface of the baked objects is treated with a gauze swab moistened with organic solutions (alcohol, acetone), a swab sample is applied as a control.

When an object that is similar to an explosive object is detected, a detailed description, photography or video recording of its appearance is carried out. The information to be ascertained includes: appearance, dimensions, color of the item itself and other specific features.

A diagram of the area of the explosion and photographs (panoramic, nodal and detailed) must be attached to the report of the inspection of the scene of the incident. Physical evidence recorded at the scene is sequentially numbered and indicated on the diagram and detailed photographs. Such a sequence is reflected in the review protocol and subsequently facilitates the conduct of expert research.

If it is possible to select samples for research, taking into account the high degree of evaporation of synthetic components of this type of fuel, it is recommended to do so immediately after obtaining the specialist's permission. It is strictly forbidden to transport them in closed bodies of passenger motor vehicles. A particularly high concentration can be found in the comb funnel, in the part derived from the direction of the impact agent's fall. Soil samples should be packed in hermetically sealed bags, which will prevent evaporation of chemical compounds or spillage of the samples themselves.

If it is impossible to remove the remains of the weapon (due to their massiveness, possible detonation or ignition, the risk of their transportation and the decision of explosives specialists to destroy them on the spot), it is recommended to carry out photo fixation using stereo photography or three-dimensional 3D photography.

2.4 Peculiarities of the inspection of buildings and structures that were subjected to artillery shelling and bombing

Inspection of buildings and structures that have been subjected to artillery shelling and bombing contains danger due to the risk of further destruction of building structures, the possible presence of explosive objects, radioactive, chemical substances and their residues at the inspection site.

Therefore, the inspection of damaged objects is carried out in territories where active phases of hostilities are absent or have been completed, after the completion of a set of preparatory measures as part of urgent works to eliminate the consequences of the armed aggression of the Russian Federation, related to the damage to buildings and structures, namely:

- after carrying out an examination (demining) and performing pyrotechnic works related to the disposal of detected explosive objects, with the involvement of units of the State Emergency Service of Ukraine, the National Police, as well as, if necessary, units of the Armed Forces of Ukraine and the Security Service of Ukraine;
- after performing work on the initial dismantling of parts of objects or its individual structural elements (if necessary) in order to ensure access to damaged objects of civil defense forces for emergency rescue and other urgent works.

In addition, it is a priority to carry out work to search for the injured and dead by relevant specialists, and to provide them with assistance.

During the liquidation of the consequences of the event, the possibility of explosions of secondary explosive devices, explosive fragments remaining after the explosion of ammunition, natural gas, fuel and lubricants, electric shock should not be excluded. Therefore, an important task of experts of explosives and rescue services is to check the presence of derivative (secondary) explosive devices and fragments that did not explode after the main explosion. Such actions will ensure the safety of the participants of the review and prevent threats to the life and health of the participants of this investigative (search) action. On the other hand, participants in the inspection of buildings and structures that have been subjected to artillery fire and bombardment should be especially careful if the object is located in the zone of active hostilities, because there is a risk of repeated artillery fire and bombardment.

Therefore, the inspection of buildings and structures that were subjected to artillery shelling or bombing begins only when the rescue work is completed and all dangerous factors are eliminated.

At the beginning of the inspection, the boundaries of the territory to be inspected should be determined, the main goals and objectives of this investigative (search) action should be determined, and measures should be taken to prevent possible harmful consequences. Measures are also taken to protect the scene of the incident, suggestions are made regarding the composition of the investigative team and specialists who must be involved in the direct inspection, the readiness of technical means is checked, and all inspection participants are briefed. First of all, it is necessary to identify eyewitnesses to the explosion and other witnesses who could provide the necessary information, as well as information about the circumstances of the event.

If there is a probability of repeated shelling and it is impossible to ensure the safety of the participants of the inspection of the scene of the incident due to the maximum approach to the border of active hostilities, continuous video recording or a quadcopter should be used. At the same time, witnesses are not invited under such circumstances, as this is a direct threat to them.

According to the criminal procedural legislation, a search and examination without the involvement of witnesses can be carried out only if their safety is ensured, but under such conditions these procedural actions are recorded by available technical means by means of continuous video recording. In the absence of the possibility of drawing up procedural documents about the progress and results of investigative (search) actions or other procedural actions, the recording is carried out with the subsequent drawing up of the corresponding protocol no later than seventy-two hours after the completion of such investigative (search) actions or relevant procedural actions.

Therefore, taking into account the permission of the legislator, in order to ensure the safety of the inspection participants, it is better to draw up the inspection report of the scene of the incident in a safe place, where there is no probability of repeated artillery fire and bombing.

For a successful inspection of the site of buildings and structures that were subjected to artillery shelling and bombing, one should think in advance of the list of technical and forensic means that are necessary for the detection, fixation and extraction of physical evidence, vehicles, packaging materials, etc. It is also necessary to think over access routes to the scene and ways of safe transportation of survey participants and objects that will be removed from the scene.

In particular, the investigator must ensure in advance:

- specialized transport for moving forensic teams to the scene, transportation of technical and forensic tools and equipment, transportation of recovered material evidence, including explosive devices, substances and their fragments, mobile forensic laboratories, mobile DNA laboratories, earthmoving and trucking equipment, mobile refrigerators for moving the bodies of the dead to the morgue, providing them with fuel;
- technical and forensic means intended for photography, video recording, provision of aerial photography with the help of UAVs at the scene of the incident, technical means of collecting information about explosive devices, substances, their packaging, etc.;
- personal protective equipment (helmets, bulletproof vests, explosive suits, protective suits, respirators, masks, etc.);
- fencing devices, measuring devices, lighting devices, walkie-talkies and other means of communication, cartographic materials, etc.).

The composition of forensic teams should include investigators, specialists of various profiles, doctors, operatives, persons who will guard the scene of the incident, carry out transportation, accommodation, food, etc.

Acquaintance with the content of the scene and selection of its key parts, selection of inspection methods, identification of specialists of the activity profile whose knowledge may be needed, which could not be determined before arriving at the site.

The objects of shelling (bombing) are examined using static and dynamic stages. During the static stage, by using the observation method, the authorized person perceives the general picture of the scene. During this, the state and degree of damage to buildings, the possibility of their structures collapsing, and collapse, which may pose a safety threat to the members of the investigative team and outsiders, are assessed. Selection of key points for inspection and photo, video recording using appropriate methods of orientation, survey shooting.

Large areas of objects can be inspected using such methods as "by squares". This becomes especially important when inspecting the sites of mass shootings with a significant number of victims, destroyed objects. The review in this case will be conducted by a separate group within the boundaries of the square attached to it. At the same time,

all groups must implement their actions in accordance with the principle of single leadership with the coordination of efforts carried out by the most experienced investigator.

At the discretion of the investigator, such methods as frontal, sectoral inspection methods can also be used. Their selection is due, on the one hand, to the need for the most effective way of learning the circumstances of a single criminal offense, as well as the available time, material, technical, and human resources, on the other.

The use of eccentric or concentric methods of inspection is determined by the investigator taking into account the possibility of determining the center of the scene of the incident, which may be represented by a destroyed/damaged building with objects available in the adjacent territory, which are important in establishing the circumstances of the committed criminal offense. In addition, the corpses of people, or their parts, which have become victims of shelling, can act as a center.

It is of great importance to find out the place of direct impact of the projectile on the building with the determination of its type, the type of tactical and technical characteristics and the degree of damage of the destruction, and traces on the objects, based on the study of which it is possible to determine the vector from where the shot was fired.

The material objects found at the site of the shelling should be properly described in the protocol, recorded in the annexes (photo tables, diagrams, plans, etc.) and seized to form the evidence base.

Typical traces of a criminal offence qualified under Art. 438 of the Criminal Code of Ukraine may include:

The material objects found at the site of the shelling should be properly described in the protocol, recorded in the annexes (photo tables, diagrams, plans, etc.) and seized to form the evidence base.

Typical traces of a criminal offence qualified under Art. 438 of the Criminal Code of Ukraine may include:

- ammunition (whole and their parts);
- materials of the building and its parts, with traces of damage caused by the impactors;
- internal environment with traces of blast wave and munition impact, parts of ammunition;
- bodies of the deceased and their parts with traces of damage caused by the munitions' destructive elements, glass of parts of the destroyed building;

– military and civilian equipment, its parts used in the commission of a criminal offence, ammunition, equipment, maps, tablets, identity documents (passports, military ID, officer's certificate, travel orders, etc.) personal or looted items, including jewellery.

The explosion causes the formation of such traces:

- shock wave in the form of destruction, deformation of objects, obstacles;
- lying debris, fragments of ammunition in the form of numerous dents, holes, chips, etc;
- high temperatures in the form of deformation of structures, melting of metals, charring of objects;
- chemical reactions with the release of relevant products in the form of soot, chemicals and their compounds, rocket fuel, explosives, lubricants, etc.

In addition, paintwork, micro-traces, traces of biological origin may be found at the site of the shelling. Traces of trace evidence are of great importance in establishing the circumstances of the attack, namely:

- vehicles and their parts (tyre treads, track tracks of civilian and military vehicles);
 - human (fingers, toes, bottom of shoes);
 - traces of tools and mechanisms (drilling, cutting, chopping), etc.

The removal of detected traces is carried out with extreme caution, ensuring the preservation of traces, if possible, together with their carriers (with the object in which they remained, formed the trace). In case of impossibility, photographic fixation is carried out using large-scale photography, three-dimensional traces in the form of casts can be removed using synthetic polymeric materials It should be borne in mind that the surfaces of damaged objects may contain explosive residues, parts of explosive devices, traces of hands, feet, bottom of shoes, hair, blood, etc.

Objects to be seized require a thorough and accurate description in the inspection report and packaging in special envelopes (boxes, plastic safe bags, etc.) to ensure that they are transported with no damage or unauthorised access.

Based on the study of the material situation at the scene, experts can make assumptions about the direction and trajectory of the projectile (missile), the spread of fragments of the shock wave, and the assessment of the power of the munition charge and its type (type).

The thickness and material of the destroyed/damaged walls of the object, the existing degree and nature of damage to buildings or structures located at a suitable distance from the object are subject to recording. Based on this, reasonable assumptions can be made about the type and type of munition used, the weight of its warhead (in TNT equivalent). establish the direction from which the attack was carried out. Subsequently, the data obtained will be verified using special investigations, including ballistics, interviews with witnesses, determining the sector and location of the shot, determining the involvement of the relevant persons and providing a legal assessment of their actions.

The final stage of the inspection consists of drawing up an inspection report, appendices to it (diagrams, drawings, illustrative tables, etc.), packaging and seizure of the identified material objects. In case of impossibility to remove objects of significant size and weight, they shall be entrusted to the owner or other authorised persons for protection. Familiarisation of all participants with the contents of the inspection report and confirmation of its relevance to the circumstances of the criminal offence, making additions if necessary. In addition, the evidentiary value of the totality of the information obtained may be assessed, as well as the need to conduct this action in more convenient conditions (weather, involvement of specialists in the relevant field of activity, use of necessary technical and forensic means, etc.).

SECTION 3 RECORDING THE RESULTS OF THE SCENE INSPECTION

During the inspection of the scene, a protocol is drawn up, which includes:

- display the date, time, GPS coordinates, name of the settlement, address, other georeferencing, and weather conditions;
- indicate the presence or absence of craters at the scene and their parameters: diameter, depth, material on which the crater was formed (soil, asphalt, reinforced concrete, wood, etc.), its exact military coordinates (information can be provided by an invited specialist in the use of weapons), angle of inclination, and the relationship of its location to the cardinal points;
- show the extent and nature of the damage: depressions in the wall or other objects, glass breakage in building windows and the distance of these windows from the explosion site;
- reflect the traces of the explosion on objects (presence of soot, nature and intensity of its distribution, etc);
- indicate the remains of mines/shells/missiles, their length, diameter, angle of inclination in the crater, coordinates and their location according to the cardinal points, etc. (with the involvement of a specialist in the use of missile and artillery forces);
- indicate civilian casualties (dead and wounded), destroyed buildings/facilities, damaged buildings/facilities;
- reflect the presence of traces indicating the movement of objects (vehicles, corpses, debris) at the scene before the inspection, the coordinates and their location in accordance with the cardinal points;
- record conclusions based on the results of the examination of the shelling site (date and time of the shelling; direction of the shelling; distance from which the shelling was carried out; weapons used during the shelling, types of ammunition, calibre, angle at which they entered objects or the ground, and the number of shells used);
- indicate the coordinates of all objects to be inspected and their location in accordance with the cardinal points (information can be provided by an invited expert on the use of weapons), etc.

Appendices to the scene inspection report:

- a photo table, video recording indicating the time and date of the shelling, the direction from which it was carried out, and fragments of ammunition;
 - video recordings made with the use of unmanned aerial vehicles;
- scheme of the attack (firing position from which the attack was carried out, type of weapon, distance, time of attack) with mandatory reference to the cardinal points, which is made by a weapons specialist);
- explanations (written) of the specialists who participated in the investigative action, etc.

Further actions after the inspection of the scene.

The investigator and the prosecutor, if necessary, send inquiries:

- to the General Staff of the Armed Forces of Ukraine or subordinate military command and control bodies, the Defence Intelligence of Ukraine and the Foreign Intelligence Service to provide available materials on the decoding of satellite imagery of the area from which the attack was carried out;
- to the General Staff of the Armed Forces of Ukraine or subordinate military command and control bodies, the headquarters of the Joint Forces Operation, the National Guard of Ukraine, the State Border Guard Service of Ukraine, the Defence Intelligence of Ukraine and the Foreign Intelligence Service, and operational units of the Security Service of Ukraine and the National Police of Ukraine to provide information on the location of objects that could be military targets (military units, subdivisions, checkpoints, etc.) on the territory of the shelled settlement or in the vicinity.

Material evidence seized during the inspection of the scene may be subject to such forensic examinations:

- forensic explosive examination;
- forensic examination of materials, substances and products;
- military expertise;
- forensic medical examination;
- automotive expertise;
- construction and technical expertise;
- engineering and environmental expertise;
- ballistic expertise;
- fire engineering expertise and others.

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NOTES

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