

Список використаних джерел:

1. Кримінальний процесуальний кодекс: Закон України від 05.07.2012 № 5076-VI URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 17.10.2024).
2. Про судову експертизу: Закон України від 25.02.1994 р. № 4038-XII. Дата оновлення: 01.01.2023. URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text> (дата звернення: 17.10.2024).
3. Бідняк Г.С. Критерії оцінки висновку експерта. *Використання спеціальних знань у досудовому розслідуванні : матеріали наук.-практ. семінару*. Дніпро : ДДУВС, 2016. С. 32-34.
4. Амеліна А. С., Білоусов Б.Л.. Оцінка висновку експерта та його доказове значення. *Міжнародний юридичний вісник: Актуальні проблеми сучасності (теорія та практика)*. Вип. 1–2 (10–11) 2018. С. 185-192
5. Трофименко Н. С. Питання призначення та проведення деяких видів судових експертиз (за матеріалами узагальнення експертної практики). *Вісник Академії митної служби України. Серія «Право»*. 2013. № 1 (10). С. 107–112.

Єфімов М. М.

професор кафедри криміналістики
та домедичної підготовки, доктор
юридичних наук, професор,
Дніпровський державний
університет внутрішніх справ,

**SCIENTIFIC DISCUSSIONS ON THE IMPORTANCE
OF FORENSIC EXPERTISE DURING THE INVESTIGATION
OF CRIMINAL OFFENCES COMMITTED IN THE CONDITIONS
OF MILITARY CONFLICT**

The investigation of criminal offenses depends on an effective and complete set of procedural actions, the conduct of which corresponds to a specific investigative situation at a certain point in time. Among these actions, an important place is occupied by the appointment and conduct of forensic examinations. This is explained by the fact that their implementation is aimed at establishing accurate evidentiary information. It is clear that experts mostly carry out forensic examinations in special institutions. On the other hand, the most correct and consistent detection, inspection, fixation and removal of appropriate objects is also of considerable importance. In addition, it is no less important to accurately formulate the issues that the expert needs to resolve during the examination. In criminal proceedings initiated on the fact of committing unlawful acts in conditions of military conflicts, the indicated procedural actions do not lose, but on the contrary, increase their evidentiary value.

In view of the above, we consider it appropriate to quote the statement of

R. L. Stepanyuk, who noted that «...during the war, law enforcement practice in Ukraine faced new challenges related to the need to identify, disclose and investigate war crimes committed during the Russian aggression, especially in temporarily occupied territories and in regions where active hostilities are underway. They are significantly different from similar problems that existed earlier (since 2014). Currently, hostilities are being conducted with extremely high intensity. Shelling of civilian infrastructure continues. In the temporarily occupied territories, the aggressor establishes a harsh repressive regime and commits terror against the civilian population. After the de-occupation of the territories, cases of mass murders, torture, rape and other particularly serious crimes were discovered, the investigation of which is complicated by many factors, including the loss of time from the moment of committing criminal offenses, the difficulty of bringing to justice military personnel and mercenaries hiding in uncontrolled territory, a huge number of crimes committed in a short period of time, a significant number of human casualties and destruction, etc. The available forces and means of law enforcement officers are not always enough, and the need to work in extreme conditions leads to their moral and physical exhaustion, which does not contribute to the quality of the investigation. Accordingly, forensic science is faced with the task of developing effective recommendations aimed at improving the state of investigation of war crimes committed on the territory of Ukraine during the Russian aggression» [2, p. 30]. As we can see, the author emphasizes the need to develop effective practical recommendations that should be provided to law enforcement officers.

Quite often in a certain category of criminal proceedings there is a need to collect traces of a person of biological origin, as well as to appoint appropriate forensic examinations for their study. These situations mostly arise during the commission of murders, rapes, tortures and burials of citizens of Ukraine by the occupiers.

For their part, E. D. Lukyanchikov and B. E. Lukyanchikov also identified traces of a person of biological origin as a specific object of expert study. The scientists noted that «...to establish the person to whom they belong, samples are needed that must meet certain requirements for comparative material. Errors or intentional actions in the preparation of samples can lead to an expert error. Intentional actions with the substitution of biological samples for examination have been identified by international organizations, and a number of athletes of the Russian Federation have been deprived of medals and disqualified for a certain period or forever. That is why a necessary requirement for samples for expert research is their authenticity, their unquestionable belonging to a specific person» [1, p. 63].

In light of the above, we believe that the position of a group of scientists (M. G. Shcherbakovsky, A. M. Protsenko, A. E. Volkova) who proved that biological samples for examination must meet biological, informational, identification, procedural and evidentiary criteria is correct. Among the specified samples, the researchers identified the following: a) parts (tissues) of the human

body: hair, nails, skin flaps, etc.; b) secretions as products of human vital activity: blood, urine, sweat, semen, saliva, odor, etc.; c) prints of the relief of the skin of the human body: fingers, palms, lips, forehead, ears, feet, etc. In addition, forensic scientists have established that the persons from whom biological samples are taken are the suspect, victim, witness, and persons against whom coercive measures of an educational or medical nature may be applied. To achieve legality, objectivity, reliability of biological samples, preservation of health of persons being tested, the selection must be carried out in compliance with legal, ethical, medical, forensic conditions [3, p. 191].

Finally, we will cite the statement of R. L. Stepanyuk, who noted that «...from the practice of identifying victims of wars and other large-scale disasters it is known that the relevant activities must be carried out systematically, involving a significant number of forces and means and taking into account the specifics of the tasks set. It is necessary to competently select biological samples from corpses, to find out the availability of free biological samples of identified persons, to systematically identify relatives of persons who have disappeared and take DNA samples from them, to apply rapid DNA testing techniques and mobile DNA laboratories, to actively use the capabilities of automated accounting of human genomic information, etc. Investigators and prosecutors should be familiar with the modern capabilities of forensic DNA analysis and the requirements for biological material necessary for the identification of an unknown corpse. In general, the formation of a DNA registry of military personnel would significantly contribute to solving the problems of identifying people killed in the war by DNA. It is also important to fully provide domestic forensic genetics laboratories with the necessary equipment and reagents» [2, p. 31-32].

In conclusion, it should be noted that forensic examinations during the investigation of criminal offenses committed in military conflicts are of extremely important importance for proving the guilt of suspects. Currently, there is a fairly large number of orders for forensic biological and forensic genetic molecular examinations. For their optimal and effective conduct, it is necessary to fully and correctly extract evidentiary information during the relevant procedural actions (inspection of the scene, examination, and search).

Список використаних джерел:

1. Лук'янчиков Є. Д., Лук'янчиков Б. Є. Отримання зразків для експертизи за чинним КПК України. *Криміналістика і судова експертиза*. 2017. Вип. 62. С. 61–67.
2. Степанюк Р. Л. Актуальні проблеми експертно-криміналістичного забезпечення розслідування воєнних злочинів у сучасний період. *Теоретичні та прикладні проблеми судової експертизи і криміналістики* : тези доп. учасників наук.-практ. конф. (м. Харків, 30 вер. 2022 р.). Харків : НДІ ППСН, 2022. С. 30–32.
3. Щербаковський М. Г., Проценко А. М., Волкова А. Е. Біологічні зразки для експертизи : поняття, умови, тактика відбирання. *Вісник ХНУВС*. 2024. № 2. С. 189–203.