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Organizational and procedural aspects of obtaining testimony during a court interrogation

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Abstract

The article makes a meaningful analysis of the scientific works and the rules of the Code of Criminal Procedure of Ukraine, which define the concept of testimony as a procedural source of evidence in criminal proceedings, its methods of obtaining, verifying, and evaluating. The legislative regulations and procedural procedure for the judicial interrogation of participants in criminal proceedings have been studied. Attention is paid to certain innovations in legislation that require scientific understanding, interpretation, and choice of appropriate tactics by a defense attorney, prosecutor, and judge. The methodological basis of the article is the complex application of general methods and special methods of scientific knowledge in its relationship, selected considering the purpose and objectives of the study, its object and theme. By way of conclusion, the proposals and recommendations of an organizational and tactical nature are based, aimed at improving police practice to address the existing problems of obtaining, verifying, and evaluating testimonies in the evidentiary process.

Keywords: criminal proceedings; evidence; testimony; judicial interrogation; tactics.

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Aspectos organizativos y de procedimiento de la obtención de testimonio durante un interrogatorio judicial

Resumen

El artículo realiza un análisis significativo de los trabajos científicos y las normas del Código de Procedimiento Penal de Ucrania, que definen el concepto de testimonio como fuente procesal de prueba en los procesos penales, sus métodos de obtención, verificación y evaluación. Se ha estudiado la normativa legislativa y el procedimiento procesal del interrogatorio judicial de los participantes en un proceso penal. Se presta atención a ciertas innovaciones en la legislación que requieren comprensión científica, interpretación y elección de tácticas apropiadas por parte de un abogado defensor, fiscal y juez. La base metodológica del artículo es la aplicación compleja de métodos generales y métodos especiales de conocimiento científico en su relación, seleccionados teniendo en cuenta la finalidad y objetivos del estudio, su objeto y tema. A modo de conclusión, se fundamentan las propuestas y recomendaciones de carácter organizativo y táctico, encaminadas a mejorar la práctica policial para abordar los problemas existentes de obtención, verificación y evaluación de testimonios en el proceso de prueba.

Palabras clave: proceso penal; prueba; testimonio; interrogatorio judicial; táctica.

Introduction

The main purpose of criminal procedural evidence is to obtain an investigator, prosecutor, court complete and reliable knowledge about the event of a criminal offense, the guilt of the accused in its commission, other circumstances relevant to the proper resolution of criminal proceedings. Such knowledge is obtained in the manner prescribed by the Criminal Procedure Code of Ukraine (hereinafter - the CPC of Ukraine), as defined in Part 2 of Art. 84 of this Code of Procedural Sources. One of them is the testimony of participants in criminal proceedings, which are the most common source of evidence. Based on them, the circumstances of the criminal offense to be proved are established. Often such circumstances are established solely on the basis of testimony, resulting in a court decision.

The change in the methodological paradigm, which occurs in connection with the adoption of the new Criminal Procedure Code of Ukraine, has significantly affected the legal regulation of obtaining and using in evidence the testimony of participants in criminal proceedings (Shilo, 2015). At the same time, the procedure for obtaining testimony in court defined in the CPC of Ukraine, as well as the peculiarities of using

testimony as evidence in evidence, are an important guarantee against abuse by persons conducting criminal proceedings.

The success of obtaining and verifying evidence in criminal proceedings is possible only when the tactics developed by criminology and based on the data of psychology and the results of generalizations of forensic practice are used.

In forensic science, tactics for obtaining testimony are studied and developed mainly for investigative (search) actions, which are carried out during the pre-trial investigation. Similar techniques, although they can be used during judicial interrogation, require, however, significant refinement and improvement, because judicial interrogation is perhaps the most complex forensic action, which has procedural, organizational, forensic, psychological and ethical aspects. Skillful interrogation requires creative application not only of the law, but also of knowledge in the field of criminology, psychology, pedagogy, ethics, and life experience (Maksymyshyn, 2016). The above necessitates the study of the legal nature of testimony, legislative regulation of the procedure for obtaining and using it in evidence in criminal proceedings.

Thus, the current issues are the development of not only general theoretical (methodological), but also private-scientific provisions of forensic tactics as a branch of forensics, which would raise to a higher level the tactical skills of persons empowered to obtain testimony from participants in criminal proceedings.

1. Methodology of the study

The methodological basis of the scientific article is the dialectical-materialist method of scientific knowledge of social and legal phenomena and general scientific and special methods based on it.

Methods of logic (induction, deduction, analogy, analysis, synthesis, etc.) were used in the study of regulations, materials of criminal proceedings, concepts, points of view of the authors on certain issues included in the subject of the scientific article, their generalization and formulation of conclusions; descriptive-analytical - to interpret legal categories, formulate definitions and clarify the conceptual and categorical apparatus; modeling - during the formation of proposals and conclusions in the work; comparative legal method - when comparing scientific research and concepts available in legal science, the provisions of regulations.

The analysis of the norms of the current criminal procedural legislation and the practice of its application, the interpretation of the provisions of the relevant normative legal acts and materials of judicial practice was carried out using formal-dogmatic and hermeneutic methods. The method of theoretical and legal modeling allowed to substantiate the proposals aimed at improving the theoretical and applied aspects of obtaining the

procedural order of testimony of participants in criminal proceedings. The analysis and generalization of criminal proceedings was carried out with the help of sociological and statistical methods.

2. Analysis of recent research

The problem of testimony, their collection, verification and verification of the formation and use in criminal proceedings traditionally belongs to those that attract the most attention of specialists. However, in the perspective of the latest legislation of Ukraine, not many scientific works have been devoted to their study so far. In particular, it is necessary to point out the scientific achievements of such scientists as M. Turkot (Turkot, 2020), H. Teteriatnyk (Teteriatnyk *et al.*, 2021), P. Zinchenko (Zinchenko, 2011), V. Goncharenko, V. Nor, M. Shumilo (Goncharenko *et al.*, 2012), O. Dekhtyar (Dehtyar, 2013), O. Shilo (Shilo, 2015), N. Maksymyshyn (Maksymyshyn, 2016), M. Pohoretsky (Pohoretsky, 2008), V. Shepitko (Shepitko, 2007), I. Kohutych (Kohutych, 2009), V. Babunych (Babunych, 2011) and other scientists.

The study of the current state of forensic support of judicial interrogation in the criminal process of Ukraine led to the conclusion that the existing system of tactics developed by forensic science, their content needs further analysis, systematization and refinement. There are still controversial issues regarding the procedural possibilities of participants in criminal proceedings to collect and verify testimony as sources of evidence, the legal definition of judicial interrogation and delimitation of its types, the subject composition of some of them, the admissibility and necessity of tactical means and others.

The purpose of the article is to clarify the normative content of certain provisions of the CPC of Ukraine, which define the concept of testimony in criminal proceedings as a procedural source of evidence, their types, methods of obtaining, verification, and evaluation during the trial.

To achieve the goal of the study, the following main tasks are set: to clarify the essence of the testimony as a source of evidence in criminal proceedings; determine the legal nature and tasks of judicial interrogation and its types; generalize scientific ideas about the concepts and features of judicial interrogation; outline the range of subjects of judicial interrogation and the specifics of their participation in it; identify typical tactics of the prosecutor-public prosecutor, defense counsel and judge in the preparation and conduct of judicial interrogation.

3. Results and discussion

In accordance with Part 1 of Art. 95 of the CPC of Ukraine testimony as a procedural source of evidence - is information provided orally or in writing during the interrogation of suspects, accused, witnesses, victims, experts on the circumstances known to them in criminal proceedings that are relevant in these criminal proceedings (Criminal procedure code of Ukraine, 2012).

Signs of testimony as a procedural source of evidence, based on their legal definition, are: 1) testimony - is information provided during the interrogation (orally or in writing) (a sign relating to the procedural form of testimony); 2) testimony may be given by a suspect, accused, witness, victim, expert (a sign concerning the subject of their provision); 3) the connection of the information that makes up the content of the testimony, with the circumstances relevant to the criminal proceedings (a sign concerning the content of the testimony). The absence of these features deprives the information obtained of the value of testimony as a procedural source of evidence in criminal proceedings (Shilo, 2015).

As indicated in paragraph 8 of the Letter of the Supreme Specialized Court of Ukraine for Civil and Criminal Cases dated 05.10.2012 № 223-1446 / 0 / 4-12 "On some issues of the procedure for judicial review in court proceedings in the first instance in accordance with the Criminal procedural code of Ukraine", the court, guided by the general principles of criminal proceedings, before the direct examination of evidence must ensure adversarial proceedings, equality of arms, freedom in presenting their evidence and in proving before the court their persuasiveness, self-defense and defense of their legal positions, exercise of other procedural rights by them, in particular regarding the submission of a petition for declaring evidence inadmissible, as well as information indicating their obvious inadmissibility, etc.

In this regard, the court in determining the amount of evidence to be examined and the procedure for their examination must consider the views of the parties to the criminal proceedings on these issues and the possibility of proper exercise of their procedural rights and procedural obligations. In addition, determining the order of examination of evidence, the court must proceed from the rules of Part 1 of Art. 349 of the CPC of Ukraine, which stipulates that the evidence on the part of the prosecution is examined, first of all, and on the part of the defense - in the second.

Based on the content of Part 2 and 3 of Art. 95 of the CPC of Ukraine, for the accused, the victim to testify during the trial is their right, and for a witness, an expert - a duty. The obligation to ensure the presence of prosecution witnesses during the trial in order to exercise the right of the defense to be questioned before an independent and impartial court rests with the prosecution (Part 3 of Article 23 of the CPC of Ukraine).

As some authors of the scientific and practical commentary to the CPC of Ukraine note, "such an approach is a manifestation not only of the principles of direct examination of testimony, but also the principles of adversarial proceedings and the right of the accused to a fair trial" (Goncharenko *et al*., 2012: 89). In particular, paragraph "e" of Part 3 of Art. 14 of the International Covenant on Civil and Political Rights, adopted on December 16, 1966 by the UN General Assembly and ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic № 2148-VIII of 19.10.1973 provides that everyone has the right to consider any to prosecute witnesses who testify against him or to have the right to have those witnesses questioned and to have the right to summon and question his witnesses on the same terms as witnesses testifying against him. (International covenant on civil and political rights, 1966).

A similar rule is enshrined in paragraph "d" of Part 3 of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950, ratified by the Law of Ukraine of 17.07.1997 № 475/97-VR, which stipulates that everyone accused of committing a criminal offense has the right to interrogate prosecution witnesses or demand, to interrogate them, as well as to demand the summoning and interrogation of defense witnesses on the same terms as prosecution witnesses (Convention for the protection of human rights and fundamental freedoms, 1950).

Forensics examines the interrogation in terms of tactics used during its conduct, the place of interrogation in the methodology of investigation in order to form evidence. In forensic psychology, interrogation is seen as a process of specific communication between the interrogator and the interrogated, studies the psychological phenomena associated with the judicial (investigative) action, as well as the laws of the human psyche, manifested in the interrogation. From the point of view of the criminal process, interrogation is a process of obtaining and verifying testimony regulated in detail by law (Pohoretsky, 2008).

The genre of interrogation is a complex genre with several participants, each of whom strives for a certain goal. The greatest linguistic contribution to the judicial interrogation is made by the representatives of the prosecution and defense in the criminal process and, of course, by the person being interrogated. The judge is considered the most eloquent participant in this genre. Verbosity is initially characteristic of a judge in adversarial proceedings. According to the English researcher K. Evans, who characterizes the trial in England:

> In the adversarial system ... the judge acts as an impartial person, watching the lawyers play some kind of court tennis. If the lawyers know their case well, then, in theory, the judge should sit through the whole process without saying almost anything. In ancient times in England, a new judge was advised to take a sip of holy water in his mouth at the beginning of the case and keep it there until the end (Evans, 1995: 89).

The procedural procedure of judicial interrogation is regulated by the norms of the CPC (Articles 224–226, 232, 351–354, 356, 490, 491, 567), which regulate the general procedure and sequence of interrogation, interrogation of witnesses, victims, suspects and accused, features of interrogation of minors and minors, persons of different procedural status, conducting interrogation by video conference, etc. Failure to comply with the procedural rules of interrogation is a violation of the law and entails the invalidity of the investigative or forensic action and the inadmissibility of the testimony obtained as a source of evidence.

A characteristic feature of a court interrogation is that it is conducted during the trial, and the interrogated person at this stage may be prompted to testify not only by the prosecutor or the court, but also directly by the accused, his defense counsel, victim and other participants in the trial.

Judicial interrogation as a way of gathering and verifying evidence has its own norms and methods that can be characterized as a means of obtaining evidence (procedural, tactical, psychological). As N. Maksymyshyn rightly points out, judicial interrogation can be said as an independent way of obtaining information about the circumstances of the event under investigation, which is characterized by its specifics of obtaining and recording relevant information, which in criminal proceedings belongs to the court (Maksymyshyn, 2016). Thus, judicial interrogation is an independent way of both gathering and verifying evidence. By obliging the investigator, the prosecutor, and, in part, the defense counsel and the court to examine the evidence, the legislator suggests how they should carry out this collection and verification.

From the standpoint of defense counsel and the court, judicial interrogation is a way to obtain testimony from interrogated persons, and for the public prosecutor, in addition, it is also a way to expose those accused of committing a crime. For the victim of a crime, it is a form of exercising the right to testify, file petitions and objections, complaints, that is a way to protect their own interests, and so on. For the accused, judicial interrogation is a form of exercising such rights as the right to testify, file objections, petitions, complaints, that is a way of protection against the accusation. In particular, participation in the interrogation allows them to learn about the activities of the relevant officials.

The above gives grounds to summarize that judicial interrogation as an activity and independent investigative (search) action carried out during the trial is a set of actions of the public prosecutor, defense attorney and court, as well as other participants in the trial and the interrogated person (witness, victim, accused, expert) in relation to: a) giving testimony and receiving them (perception and clarification, if necessary - involvement of an interpreter or specialist in the interrogation) by the person conducting the judicial interrogation; b) asking questions to the interrogated in order to

encourage the addition of testimony, or expert opinion; c) the use of audio recording, video recording during this investigative (search) action, etc.

V. Shepitko specifies judicial interrogation as a common procedural action during court proceedings. We share his position that this is a complex and multi-subject process of communication between the people involved. Such communication is public and open. This is the process of information exchange, the process of interaction, mutual perception of participants (Shepitko, 2007). It has its own features, namely: 1) an expanded range of participants in judicial interrogation; 2) complicated information exchange between interrogation participants; 3) the special role of the judge as a regulator of information exchange; 4) repeatability of reported readings (replay); 5) adversarial nature of judicial interrogation; 6) the complexity of reflexive management of participants in judicial interrogation; 7) publicity, openness: the interrogation is conducted not by one person, but by a number of participants in the process; 8) those who interrogate, as a rule, got acquainted with the testimony given earlier in the pre-trial investigation, etc. (Shepitko, 2007).

Judicial interrogation consists of several main stages, at least the free story of the interrogated and the respondent's answers to the questions of the prosecutor, victim, civil plaintiff, civil defendant and their representatives, defense counsel, accused, judges (judges) (Shepitko, 2007). We consider such order quite correct as the free story promotes full reproduction of circumstances, allows to state certain information completely. When the interrogated is not free to report all the circumstances of the case known to him (minor or juvenile witness, victim, accused), the judicial interrogation takes place only in the form of questions and answers.

The decision (adoption) of a lawful, reasonable, motivated and fair court decision (sentence or court decision of a sentence) depends on the skillful conduct of interrogations in court. It is in this, among other things, it is justified to see the most relevant meaning and task of judicial interrogation.

It is extremely important to establish psychological contact, which includes information about the study of the interrogated person, which is contained in the materials of criminal proceedings, testimony of witnesses and victims, characteristics obtained as a result of operational and investigative activities. Analysis of this information allows you to create a preliminary psychological and social image of the person to be interrogated.

During the establishment of psychological contact during the interrogation, the prosecutor-prosecutor, defense lawyer, judge, etc. get a direct impression of the identity of the interrogated, should create a favorable atmosphere that will encourage the interrogated to communicate. Achieving such an atmosphere is quite difficult, because the participants in the interrogation are different people - young, frank and vice versa, polite,

and "cheeky", sociable and non-contact, as well as people who do not want to communicate due to various emotional or other states and intentions (Maksymyshyn, 2016).

During the interrogation of a conscientious person who intends to give truthful testimony, psychological confrontation does not arise and the interrogation is mostly without problems. However, in the interrogation of persons who not only do not want to establish an objective reality in the case, but also oppose it, psychological confrontation becomes the most important component of the interrogation, which significantly complicates the achievement of its objectives. This is especially true for interrogations conducted by the public prosecutor or defense attorneys in the context of interrogations of prosecution witnesses and victims. Of course, both the prosecutor and the lawyer should try to overcome this barrier by using the possibilities of psychological influence on the interrogated. Such influence has the form of emotional and logical character.

In our opinion, the evidentiary value of judicial interrogation consists of an informational and argumentative component. The process of interrogation, that is the actions of interrogators to establish questions, the reaction of the interrogated, his answers, other accompanying moments of the situation in court, affects the formation of the judge's belief in the quality of testimony. In case of doubt, the chairman himself has the right to take measures to eliminate them by asking questions.

In conditions of competitive competition, every piece of evidence, including testimony, must be examined from two sides on all points that are of substantive interest to establish the disputed circumstances of the criminal proceedings. The specificity of the examination of personal evidence is that it examines not only the content of the testimony, but also the ability of the person to provide the court with reliable information about the circumstances of the criminal offense.

Interrogation is also a way for a party to realize its procedural function, its procedural interest. But on the basis of the results of the interrogations of the parties on the comparative analysis of the testimony obtained at the relevant stage of the interrogation, the judge can make a reasonable conclusion as to whether this person can be trusted and considered evidence of his testimony. This comparison of testimony received by different parties from the same interrogated person reveals the strength of the evidence or, conversely, its inability to convince someone and prove something.

The parties must be active in conducting interrogations, but the presiding judge has the right to monitor compliance with the rules by interrogators and testimonies, to create optimal conditions for clarifying the true content of the information obtained about the circumstances of the criminal offense. Testimony, as a source of evidence, is the result of the

formation of the judge's inner conviction in the accuracy of the information communicated to the interrogated. If we consider reliable information as a fact, then only the judge's opinion can be an indicator of reliability. The judge will believe the witness's report during the interrogation - and from his testimony an evidentiary fact is formed, he doubts - the testimony will be rejected and there will be no evidentiary fact.

Judges in the adversarial process, as well as the professional representatives of the prosecution and defense, have a regulatory role. This role is to create a business environment for litigation, to define and regulate communication, to eliminate sharply conflicting relationships, and to reduce excessive emotional arousal among participants. All this is not inherent, in fact, for judicial interrogation. We share the position of those who believe that a judge in the interrogation process, as well as during all judicial evidence in general, should keep the initiative (Kohutych, 2009).

In providing this initiative, the functions of psychology, among other things, are related to the three processes that determine the scope and level of the actual cognitive knowledge during the court interrogation. In particular, they include a) diagnosis of the respondent (type of temperament, character, psychological state, level of intelligence, social status, predisposition to alcoholism); b) a system of psychological techniques that contribute to obtaining information; c) evaluation of information obtained during the interrogation from the standpoint of its reliability and probative value (Konovalova and Shepitko, 2008).

We consider it possible to allow certain forms of administrative activity of a judge in relation to judicial interrogations. First of all, he cannot remain passive in determining the subject and limits of the interrogation. He has the right to control the attitude to the case of both questions and answers, to terminate the protracted interrogation, which does not bring any concrete results. On the other hand, the presiding judge, without contradicting the prohibition to perform the function of a party to the prosecution, has the right to take measures to fill the gaps in the evidence base of a particular criminal proceeding and to use interrogation for this purpose.

Activity in this direction is quite justified when it comes to obtaining evidence in favor of the accused or to verify reasonable doubts about his guilt. The presiding judge, restoring the fairness of the trial, has the right to participate in interrogations to remove obstacles to a comprehensive and objective consideration of the case, including to correct minor violations of criminal procedure or other legislation during the pre-trial proceedings.

In general, it can be summarized that the presiding judge is responsible for the proper organization of the fact-finding process from the evidence presented and obtained by the parties during the trial. Due to the direct perception of the course of judicial interrogations, behavior to the

participants of the interrogated process, and even more so by asking questions to the interrogated, removal of incorrect questions that do not belong to the case, the presiding judge participates in the interrogation and evidence in criminal proceedings.

The analysis of the CPC of Ukraine leads to the conclusion that depending on the procedural position of the interrogated in court there are interrogations of: a) the accused; b) the victim; c) a witness; d) interrogation of the expert. To clarify certain features of this investigative (search) action, we consider it appropriate to clarify the procedural and tactical aspects of obtaining and verifying the testimony of a witness, accused and victim in criminal proceedings.

At present, we consider it indisputable that the effectiveness of any kind of judicial interrogation depends not only on compliance with the rules of criminal procedure legislation, but also on the use of tactics developed by forensic science. That is why its tactical content plays a significant role in the execution of judicial interrogation.

The procedure for questioning witnesses in court is quite clearly regulated. In particular, in Art. 352 of the CPC of Ukraine states that a witness is a natural person who knows or may be aware of the circumstances to be proved during criminal proceedings, and who is summoned to testify (Part 1 of Article 65 of the CPC of Ukraine).

In the list of witnesses, which is formed at the request of the prosecution and defense (such witnesses are referred to as prosecution or defense witnesses) may also be listed in accordance with para. 4 h 7 Article 140 of the CPC of Ukraine are understood as witnesses of a certain investigative (search) action and persons who conducted covert investigative (search) actions or were involved in their conduct (Part 2 of Article 256 of the CPC of Ukraine). At the same time, the persons defined in Part 2 of Art. 65 of the CPC, except as provided in Part 3 of Article 352 of the CPC of Ukraine, that is when the persons defined in paragraphs. 1-5 part 2 of this article were released from the obligation to maintain professional secrecy by the person who entrusted it, in the specified last amount and in writing.

The order of questioning of witnesses is determined at the request of a party to the criminal proceedings, in the absence of such a request - at the discretion of the court in accordance with the decision of the latter, determined to determine the amount of evidence to be examined. After that, the presiding judge warns the witness of criminal liability for refusing to testify (Article 385 of the Criminal Code of Ukraine), except when such refusal in accordance with applicable law is the right of this person, and knowingly false testimony (Article 384 of the Criminal Code of Ukraine). Each witness is questioned separately, except as provided in Part 14 of Art. 352 of the CPC of Ukraine, when two or more already interrogated persons

are interrogated simultaneously to find out the reasons for differences in their testimony (Criminal procedure code of Ukraine, 2012).

It is worth noting that the interrogation of a witness in court is significantly different from the interrogation during the pre-trial investigation on the following grounds:

- The interrogation of a person (accused, victim, witness, expert) in court is significantly more distant in time from the event of a criminal offense than the interrogation of a person during the pre-trial investigation.
- Judicial interrogation is public, while the testimony of a witness to the investigator (prosecutor) may take place alone.
- As a rule, this type of interrogation for a person is shorter than during the pre-trial investigation.
- The parties may not use a significant number of tactical techniques during the court interrogation (in particular, in court it is not possible to present the document and offer to comment on its content immediately after the answer of the accused, witness, victim; the party may not immediately appoint a simultaneous interrogation with his participation, the prosecutor or defense counsel have no right to wait until the person is psychologically adjusted to testify, etc.).
- Judicial interrogation provides for a mandatory dialogue format of communication between the party with the victim, witness, expert, while during the pre-trial investigation testimony may initially be given in the form of a free story.
- Testimony, even provided in accordance with Art. 225 of the CPC of Ukraine, are not always sufficient for the court.

The stated features may equally apply to the interrogation of those witnesses who are witnesses of a criminal offense or other circumstances relevant to the criminal proceedings.

It is clear that there is hardly a witness who is able to testify about all the circumstances to be proved in criminal proceedings. At the same time, the value of eyewitness testimony as a source of evidence is beyond doubt. During the interrogation, the opposite situation may occur, when thanks to the witness the circumstances in favor of the accused will be clarified, which will lead to a change in the legal qualification of the act, reduction of the accusation, closure of criminal proceedings, etc.

In addition, the witness eyewitness during the interrogation may provide not only information relating to the subject of evidence, but also

information on other circumstances referred to in Art. 96 of the Criminal Procedure Code of Ukraine. These circumstances are: a) the ability to perceive the facts in respect of which in criminal proceedings another witness (victim, expert) testified; b) in relation to other circumstances that may be relevant for assessing the reliability of the testimony of a witness. In this case, the witness is obliged to answer questions aimed at determining the veracity of his testimony.

Thus, when defining witnesses whose testimony is a source of evidence in criminal proceedings, we mean: witnesses - eyewitnesses of a criminal offense; eyewitness witnesses of other circumstances that may be relevant for the assessment of evidence for their affiliation, admissibility, reliability and sufficiency to make an appropriate procedural decision; witnesses who testify from other people's words.

The choice of tactics of interrogation of a witness in court is determined by a number of specific factors inherent only in judicial interrogation: 1) it is the public nature of judicial interrogation of a witness, lack of "intimacy" of the situation, and the entire courtroom, which has a special psychological impact on the witness; 2) a certain formality of judicial interrogation, due to strict regulation of the trial; 3) a significant gap in time from the event of a criminal offense to the process of direct receipt of testimony, which complicates the reproduction of previously perceived; 4) special nature, as the mechanism of reproduction of testimony by witnesses during the judicial interrogation includes not only personal memories of the witness, but also his and the experience of communication with individual authorized participants in criminal proceedings; 5) the interrogation of a witness in court is not so much of a verification nature as during the pre-trial investigation, but of a verification and identification test.

According to O. Bedrizov, these factors cause a significant narrowing of the set of tactics used. For example, it is difficult to apply in court those techniques that focus on investigative (search) actions carried out in the absence of outsiders. The significance of the suddenness factor is also lost, as witnesses know in connection with which they give the testimony they usually gave during the pre-trial investigation (Bedrizov, 2018).

The tactics of questioning a witness in court should be based on his personality, attitude and involvement in the case. We consider the following tactics of interrogation of witnesses in court to be the most effective: 1) timely demonstration of visual evidence in criminal proceedings (material evidence, expert opinions containing photographs and diagrams, plans-schemes drawn up by the interrogated themselves, etc.). Of course, the use of this technique will facilitate the perception of information provided by a witness in court; 2) increase or decrease of the pace of speech during the interrogation, periodic return of the person interrogating to the initial question; 3) The application of techniques developed in Western

criminology, based on the so-called "loop principle" (for example, "looping" in American criminology), which consists in the repeated mention of the same facts in each question (Osterburg *et al.,* 2011), R. 14).

The prosecutor's efforts should be aimed at creating an environment that ensures that witnesses receive reliable information about the facts and events being investigated in court. The most common tactical recommendations for a defense attorney to question witnesses in court are: each question must have a purpose; it is not advisable to ask about obvious or well-established circumstances; each question should be based on a reasonable calculation, and so on.

According to the CPC of Ukraine, the interrogation of a witness is initiated by the party on whose initiative he was summoned, that is the prosecution witness-prosecutor, and the defense witness-defense counsel, the accused. The court, at the moment, does not conduct the interrogation, but only monitors the observance of the rules of its conduct by the parties in order to avoid wasting time, protect witnesses from insults and ensure the necessary order of the court session. The court should not interfere in the interrogation of the parties, that is the judge can only remove issues that do not relate to the essence of the criminal proceedings at the protest of the party.

In case of ambiguity in the testimony of a witness regarding the presence or absence of specific circumstances, the court may require the witness, the victim to give an unambiguous answer to the question - "yes" or "no" (Part 10 of Article 352), but the presiding judge and judges may in accordance with parts 11 and 13 of Art. 352 of the CPC of Ukraine, only after the witness is asked questions by the victim, civil plaintiff, civil defendant, their representatives and legal representatives or in the examination of other evidence.

It should be noted that in Art. 352 of the CPC of Ukraine does not specify anything about the proposal of the presiding witness or the victim to freely testify, this provision applies only to the interrogation of the accused, as in Part 1 of Art. 351 of the CPC of Ukraine, the legislator explicitly states that the interrogation of the accused begins with the proposal of the presiding judge to testify in criminal proceedings, after which the accused is first interrogated by the prosecutor and then by the defense counsel.

The legislator does not provide for the use of the terms "direct" and "cross-examination" in relation to the interrogation of the accused. As V. Babunych rightly emphasizes, during the interrogation the witness gives his testimony not in the form of a consistent story, but in the form of answers to the parties' questions. Each of the parties interrogates the witnesses presented by him (direct interrogation, main interrogation), remaining within the circumstances that he wishes to prove by the testimony of this

witness; after the main interrogation, the opposite or cross-examination begins, during which it is allowed to ask leading questions (Babunych, 2011).

The answers of the prosecution witness during the direct interrogation must disclose all the circumstances that are subject to proof in the implementation of the legal position of the prosecution, and the defense witness - the legal position of the defense. If the party does not ask the right question, the information will remain undisclosed and not established, because from now on the court does not have to ensure the completeness of the trial and as a result the court will not be able to refer to information that was not voiced by a witness. It is noteworthy that perhaps the most common mistake in the direct interrogation of a witness is the use of leading questions, which are the exclusive prerogative of cross-examination.

In this regard, V. Babunych rightly points out that the interrogation, which is conducted according to special rules, and which should be limited to the circumstances clarified during the direct interrogation or concerning the reliability of testimony and can be conducted only by participants who have the right to initiate judicial interrogation, and whose interest differs from the interest of the person who conducted the direct interrogation (Babunych, 2011).

Defined in Art. 23 of the CPC of Ukraine, the principle of direct examination of testimony, things and documents prohibits the recognition of evidence of information contained in the testimony of a person (accused, victim, witness, expert), and was not submitted by the parties in court. According to the content of this procedural norm: the testimony of the participants in the criminal proceedings is received orally by the court; the information contained in the testimony, which was not the subject of direct investigation by the court, may not be recognized as evidence, except in cases provided by the CPC of Ukraine.

The court may accept as evidence the testimony of persons who do not give them directly at the hearing, only in cases provided by the CPC of Ukraine. In this case, the prosecution is obliged to ensure the presence of prosecution witnesses during the trial in order to exercise the right of the defense to be questioned before an independent and impartial tribunal. This requirement follows from the provisions of subparagraph “d” of paragraph 3 of Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (European Convention for the Protection of Human Rights and Fundamental Freedoms) and paragraph 5 of Part 2 of Art. 87 of the CPC of Ukraine (Inadmissibility of evidence obtained as a result of significant violation of human rights and freedoms). Part 2 of Art. 17 of the Criminal Procedure Code of Ukraine (Criminal procedural code of Ukraine, 2012).

The concept of "beyond reasonable doubt" was interpreted in the judgment of the European Court of Human Rights in the case of Korobov v. Ukraine of 21 July 2011 № 39598/03. According to the content of this interpretation, there may be some doubt about each piece of evidence during its evaluation, but if this doubt is within reason, a conviction may be reached. The situation itself "beyond a reasonable doubt" arises when assessing the evidence that the existence of doubt is not consistent with the standard of proof (Judgment of the European court of human rights in the case of "Korobov v against Ukraine").

In the cases of John Murray v. The United Kingdom (№ 18731/91, 8 February 1996), Falk v. Netherlands (№ 66273/01, 19 October 2004), Capo v. Belgium (№ 42914/98, of 13 January 2005) (McBride, 2010: 272-274) The European Court of Human Rights has pointed out that shifting the burden of proof in one way or another to the defense violates the presumption of innocence. In Zhukovsky v. Ukraine (№ 31240/03, 3 March 2011) the applicant was convicted of a particularly serious crime on the basis of the testimony of witnesses, none of whom were present during the criminal proceedings in Ukraine. The court did not hear the testimony of these witnesses directly, and the accused did not have the opportunity to cross-examine them (Judgment of the European court of human rights in the case "Zhukovsky v. Ukraine").

That is, in case of restriction of the rights of a suspect, accused to interrogate a witness of the opposing party or violation of his right to cross-examination, the court decision will most likely be overturned by a higher court on the grounds of significant violation of criminal procedure law.

It should be noted that the main purpose of cross-examination is, inter alia, to discredit the witness of the opposing party by demonstrating the complete failure of his testimony, to prove by leading questions that the witness either gives false testimony or is honestly wrong.

However, the main problem of such an interrogation is that it is difficult to prepare for it in advance because leading questions must be formulated "on the spot" and asked immediately after the direct interrogation. This is a complex analytical work, in which everything depends on the mastery of interrogation tactics, professionalism, even the acting skills of the person conducting it. Therefore, to get the desired answer, it is necessary to ask the right questions and, if necessary, to conduct a certain check of the previously voiced testimony (Maksymyshyn, 2016).

Occasionally, we highlight the signs of cross-examination: it is a type of judicial interrogation; the testimony obtained during such interrogation has signs of proof; conducted after a direct interrogation and may relate to the reliability of the testimony; may be conducted only by the participants in the proceedings whose personal or procedural interest differs from the

interest of the person who conducted the direct interrogation; carried out for the purpose of verification obtained during investigative (search) actions, first of all, direct interrogation of information, disclosure of contradictions in testimony, detection of errors and knowingly untruths, clarification or detailing of testimony previously obtained in court; conducted with the participation of one person - the interrogated and at least one interrogated; prompts are allowed during the event.

Execution of any kind of judicial interrogation is accompanied by an active combination of tactical actions of defense and prosecution on the one hand, and appropriate actions of a judge to resolve a criminal case on the other. By interacting with each other, these main participants in the proceedings contribute to the performance of its tasks in accordance with their procedural position. And they do it, and using tactics tested by forensic science, based on knowledge of psychology and jurisprudence, in order to obtain from the interviewees complete, truthful and convincing testimony (Maksymyshyn, 2016). At the same time, it should be emphasized that the actions of each of the participants are different from each other.

The actions of a defense attorney are characterized by the fact that they focus on the proper preparation and real judicial clarification of the circumstances that justify or mitigate the punishment of his client. Defense counsel is trying to use tactics to refute the prosecution's evidence. Defense tactics facilitate a comprehensive examination of the evidence by articulating their arguments regarding the relevant criminal case in order to convince the court of the correctness of their position.

The tactics of the prosecutor of the public prosecutor, in turn, also follow from the procedural tasks solved by him, namely: to effectively investigate the evidence provided by the pre-trial investigation, to check them, substantiating the admissibility, reliability and sufficiency; seek to create conditions for a comprehensive, objective and complete examination of the evidence, not to ignore and respond to any attempts to illegally influence witnesses and other participants in the trial; timely detect and tactically competently neutralize false refutation, falsification, substitution of evidence; fill in the gaps and errors of the investigation in court; to counteract the attempts of the accused to avoid reasonable responsibility. Thus, these tasks convince that the tactics of the public prosecutor during the interrogation in court is to prepare for future court interrogation and clarify during its conduct the circumstances of the case by using appropriate tactics and other means.

It is worth pointing out certain features of the court's tactics in conducting this (investigative. However, it is carried out taking into account the tactical lines of the prosecutor and defense counsel. This process is complex and multifaceted. "Court tactics absorb (Vorobiev, 1998) The tactical line of the court is aimed at solving the problems of criminal proceedings, taking

into account the views of the parties. expressing his opinion in another way provided by law.

The tactics of the court are determined by the fact that the trial is a continuous work of the constant composition of the court. This circumstance leaves its mark on the content of his work. Evidence is available. However, they must be examined individually, while not losing sight of their totality, that is bearing in mind the entire system of evidence in their combination, and even in terms of questions from the parties and other participants in the proceedings.

Depending on the purpose of judicial interrogation, a number of typical situations are distinguished: conflict-free; conflicting with minor rivalry; conflict with significant rivalry (Baev, 2003). The nature of the situation largely depends on the procedural position of the respondent.

Practice shows that the most effective tactic is to use the contradictions identified during the analysis of the information available in the testimony of the interrogated and other evidence. Usually, this looks like a concentration of the interviewee's attention on the existing contradictions in his testimony with the case materials. The psychological essence of this technique is not to present evidence, but to use the identified contradictions.

In our opinion, for the successful completion of the interrogation, it is necessary to follow the plan in the following sequence: a summary of the testimony of a particular person in the pre-trial investigation; a list of circumstances that need to be investigated in this criminal proceeding; questions to be asked to the interrogated; tactics that should be used for the best conduct of the interrogation as a whole, and additional techniques in case the interrogator does not receive the "necessary" answers to the questions; aspect of the order of evidence. If the interrogation is carried out for several episodes, the scope of the plan will usually be increased, but the structure will remain unchanged.

The use of tactics of judicial interrogation is due to a number of factors: 1) the attitude of the accused to the accusation formulated in the indictment, 2) the presence or absence of a conflict situation, 3) the level of activity of the parties to the adversarial process, etc. If during the interrogation in the judge (court) there are doubts about the veracity of the testimony of the accused, then he has not only the opportunity but also the obligation to psychologically influence him to obtain true testimony. The main thing is that this influence does not go beyond the law and morality.

In general, it should be noted that the success of the application of tactics of judicial interrogation is difficult to predict in advance, as it depends on many factors, especially the characteristics of the interrogated person: his intellectual, emotional, cultural levels and life experience.

The general tactics of interrogation of the accused by the presiding judge are similar to those for interrogation performed by a prosecutor or a lawyer. In particular, if the accused gives confessions, it is advisable to use tactics that ensure a full, comprehensive and impartial clarification of all the circumstances of the case. The establishment of this information is necessary in order to verify the testimony of the accused with other evidence: we must not forget about the possibility of self-incrimination, as a result of pressure on the accused by certain persons during the pre-trial investigation and an attempt to help accomplices. During the interrogation by a court of an accused who does not plead guilty, it is necessary to detail, clarify his testimony and compare them with other relevant evidence in the case in order to draw a definite conclusion about the guilt or innocence of the interrogated. The probative value of the facts with which the defendant's answers during the interrogation are compared should not be overestimated.

The testimony of the victim in court is important for evidence in various categories of criminal cases. Quite often they are the only direct proof of the guilt of the accused. Given the fact that the victim is criminally liable for giving knowingly false testimony under Art. 384 of the Criminal Code, his interrogation begins with the delivery of the court administrator of the relevant memo on his rights and responsibilities, and the chairman finds out whether he understands his rights and responsibilities under Articles 56, 57 of the CPC of Ukraine, and if necessary, explains them (Article 345 of the CPC of Ukraine). Then, in accordance with the procedure established by Art. 353 and parts 2, 3, 5-14 of Article 352 of the CPC of Ukraine, the chairman invites the victim to tell everything he knows in the case. After that he is interrogated by a prosecutor, defense counsel, accused, judge (Criminal procedural code of Ukraine, 2012).

In assessing the testimony of the victim, who, along with the accused, is also interested in the outcome of the case, the court must be balanced and critical. Such interest is natural, as the victim is a person who has suffered moral, physical or property damage as a crime (Article 55 of the CPC of Ukraine) (Criminal procedural code of Ukraine, 2012).

The victim interrogated according to the rules of interrogation of witnesses (Article 353 of the CPC of Ukraine). In the vast majority of cases, the victim interrogated before witnesses are questioned. In addition, the victim as a participant in criminal proceedings not removed from the courtroom. His testimony is not only a source of evidence, but also a means of protecting his interests.

The legislation provides an opportunity for the victim to take an active part in the judicial investigation. Thus, after finding out from the accused whether they have admitted their guilt or not, the court hears the opinion of the victim about the procedure for examining the evidence. The provisions

of the CPC of Ukraine define an important provision on equal rights of the victim in court proceedings with the accused, defense counsel, civil plaintiff, civil defendant and their representatives regarding the presentation of evidence, participation in the investigation and petition.

By analogy with the judicial interrogation of the accused, during the interrogation of the victims it is important to establish whether there are any contradictions between their testimonies, which were reported during the pre-trial investigation and in court. If they exist, the court, using specifying, clarifying, control and additional questions, establishes the causes of these contradictions and eliminates them.

It should be borne in mind that not every contradiction is significant and indicates a change in the victims' positions compared to the pre-trial investigation. Often such contradictions are only imaginary (they seem so). In case of revealing significant contradictions in the testimony, the court has the right to announce the testimony that was given to the victim during the pre-trial investigation. We would like to emphasize once again that it is expedient to do this only after a detailed and comprehensive interrogation of such a victim and establishing the causes of contradictions.

Thus, during the interrogation, the actions of the court are aimed not only at gathering evidence, but also at their verification and evaluation, because in this procedural action such elements of the evidentiary process are inseparable from each other. The court, hearing the testimony of the victim, witness, accused, compares them with the already available set of evidence, checks them in terms of authenticity and relevance, but, as already noted, the court is not bound by the evidence provided by the parties.

The scope of the article does not provide an opportunity to explore all the procedural and organizational-tactical aspects of judicial interrogation. First of all, we are talking about the interrogation of juvenile victims, the interrogation of an expert in court, the interrogation by video conference.

Conclusions

Summarizing the above, it should be noted that judicial interrogation is a process of formulating and investigating in court the procedural source of evidence - testimony, and forming on this basis the internal conviction of the court (judges) on the event under investigation in court, its circumstances and other issues relevant to correct resolution of criminal proceedings.

The interrogation should be considered not only as an investigative (search) action, as one of the ways provided by law to collect, verify and evaluate evidence, but from different angles: as an institution of criminal procedural law and forensic category; as one of the powers of the public

prosecutor, defense counsel and court; as one of the forms of exercising criminal procedural functions in court proceedings; as one of the ways provided by law and developed by criminology to expose persons guilty of a crime; as a procedural way of forming testimony; as a way to protect the accused from prosecution; as a way to protect their own rights and legitimate interests of victims of crime and witnesses.

Direct examination of the testimony during the judicial interrogation allows the court both to fully clarify the circumstances of the criminal proceedings and to prevent the distortion of factual data relevant to a particular criminal proceeding during their receipt and recording. If the testimony was not the subject of direct investigation by the court (except as provided by criminal procedure law), the information contained therein in view of Part 2 of Article 23 of the CPC of Ukraine cannot be recognized as evidence and used in court decisions.

The tactics of interrogation in court is a complex concept, as it is a coordinated combination of tactics of judicial interrogation of the public prosecutor, defense counsel and the court, because they provide the purpose and objectives of criminal proceedings based on their responsibilities. Thus, the tactics of judicial interrogation is a part of judicial tactics as a set of theoretical provisions and recommendations developed on their basis on the most rational tactics, methods and means of effective preparation and conduct in court by the public prosecutor, defense attorney and judge (court) of interrogation.

A high level of knowledge of the psychology of perception of events by individual participants in criminal proceedings and the component of the judicial situation, as well as skillful psychological influence on the interrogated person will facilitate the effective participation of authorized subjects in judicial interrogation and, in turn, establish the circumstances to be proved, to resolve the issue of the need for other investigative (search) actions in the framework of the trial.

Consideration by the court, prosecutor, defense counsel, and other participants in the court proceedings of the organizational and tactical recommendations we have received will help to purposefully prepare for the interrogation of the accused, victim, witness, expert, directly conduct this investigative (search) action, select the most appropriate tactics in each situation.

Bibliographic References

BABUNYCH, Vladimir. 2011. "The essence and significance of cross-examination. Procedural features of cross-examination in criminal cases

in court" In: Bulletin of Ivan Franko Lviv National University. The series is legal. No. 53, pp. 322 - 328.

BAEV, Oleg. 2003. Tactics of investigative actions. "Exam", Moscow, Russia.

BEDRIZOV, Alexey. 2018. "Tactical recommendations for the judicial examination of witnesses in criminal cases" In: Proceedings of Tula State University. No. 2, pp. 32-37.

CONVENTION ON THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS of 04.11.1950, ratified by the Law of Ukraine of 17.07.1997 № 475/97-VR. Available online. In: http://zakon2.rada.gov.ua/laws/show/995_004. Consultation date: 26/10/2021.

CRIMINAL PROCEDURE CODE OF UKRAINE. 2012. On April 13. Available online. In: https://zakon.rada.gov.ua/laws/show/4651-17. Consultation date: 26/10/2021.

DEHTYAR, Oksana. 2013. "Implementation of the principle of immediacy of the examination of testimony ... Implementation of the principle of immediacy of the examination of testimony, things and documents during the trial of a criminal case by the court of first instance" In: Our right. No. 7, pp. 136-142.

EVANS, Keith. 1995. Advocacy in Court. A Beginner's Guide. 1995. Oxford University Press. Oxford, UK.

GONCHARENKO, Vladlen; NOR, Vasil; SHUMILO, Mykola. 2012. Criminal Procedure Code of Ukraine. Scientific and practical commentary. Justinian. Kyiv, Ukraine.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. 1996. Adopted on December 16, 1966, by the UN General Assembly and ratified by Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR № 2148-VIII of October 19, 1973. Available online. In: http://zakon1.rada.gov.ua/laws/show/995_043. Consultation date: 26/10/2021.

KOHUTYCH, Ivan. 2009. The use of knowledge and tools of forensic tactics and methods in criminal proceedings in court. Monograph. Triada plus. Lviv, Ukraine.

KONOVALOVA, Valeria; SHEPITKO, Valeriy. 2008. Legal Psychology: Textbook. Second edition. Right. Kharkiv, Ukraine.

KOROBOV v. UKRAINE: judgment of the European Court of Human Rights (application № 39598/03). Available online. In: http://zakon2.rada.gov.ua/laws/show/974_790. Consultation date: 20/10/2021.

MAKSYMYSHYN, Natalia. 2016. Judicial interrogation: procedural and forensic investigation. Lviv, Ukraine.

McBRIDE, Jeremy. 2010. European Convention on Human Rights and Criminal Procedure. KIS, PP. 272–274. Kyiv, Ukraine.

ON SOME ISSUES OF PROCEDURE FOR TRIAL IN THE PROCEEDINGS AT FIRST INSTANCE UNDER THE CRIMINAL PROCEDURE CODE OF UKRAINE: Letter of the High Specialized Court of Ukraine for Civil and Criminal Cases of 05.10.2012 p. № 223-1446 / 0 / 4-12 Available online. In: http: // zakon4.rada.gov.ua/laws/show/v1446740-12. Consultation date: 26/10/2021.

OSTERBURG, James; WARD, Richard; MILLER, Larry. 2010. Criminal Investigation: A Method for Reconstructing the Past, Sixth Edition. Routledge, England.

POHORETSKY, Mykola. 2008. "Investigative actions: concepts and classification" In: Scientific Bulletin of the Kyiv National University of Internal Affairs: scientific-theoretical journal. No. 1, pp. 142148.

SHEPITKO, Valery. 2007. Forensic tactics: system – structural analysis: monograph. Kharkiv, Ukraine.

SHILO, Oksana. 2015. "General characteristics of testimony as a procedural source of evidence in criminal proceedings" In: Bulletin of criminal proceedings. No. 1, pp. 151 156.

TETERIATNYK, Hanna; RYZHYY, Oleksii; FEDOROVA, Anna; VYKHODETS, Yurii; MARKO, Vitalii. 2021. "Activities of the court to investigate the circumstances of criminal proceedings and their assessment under the laws of Ukraine" In: Cuestiones Políticas. Vol. 39, No. 70, pp. 195-211.

TURKOT, Mykola. 2020. Judicial interrogation: scientific and practical manual. The third edition, re-edited and supplemented by Turkot M. and others. Norm of Law, Ukraine. Kyiv, Ukraine.

VOROBIEV, George. 1998. Tactics and psychological features of judicial actions. Textbook. Krasnodar, Russia.

ZHUKOVSKY v. UKRAINE: Judgment of the European Court of Human Rights (application № 31240/03). Available online. In: http://zakon5.rada.gov.ua/laws/show/974_714 Consultation date: 26/10/2021.

ZINCHENKO, Pavel. 2011. Tactics of interrogation by the public prosecutor. Moscow, Russia.

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