



INVESTIGATIVE TACTICS OF DEMONSTRATION FOR IDENTIFICATION OF MINORS IN SPECIALLY EQUIPPED INVESTIGATION ROOMS

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ANNOTATION

The article analyzes the views of scholars on demonstration for identification of minors in specially equipped interrogation rooms, the location of participants in the investigation and the consideration of the characteristics of minors in the conduct of procedural actions. On this basis, recommendations have been given for the conduct of investigative actions of demonstration for identification in specially equipped interrogation rooms with the participation of minors.

Keywords:

Crime, minor, investigation, demonstration for identification, specially equipped interrogation room, suspect, accused, investigative activity.

Introduction

In recent years, several documents were received on the protection of the rights of minor offenders in criminal investigations and ensuring their safety in the course of the investigation.

In particular, special rooms were equipped with audio and video recording equipment based on the Resolution the President of the Republic of Uzbekistan in 2017, April 18, No. 2898 "On measures to radically improve the work of law enforcement agencies in the field of criminal investigation" for certain investigative actions ensuring their safety and preventing psychological pressure from adults.

Article 127 of the Code of Criminal Procedure of the Republic of Uzbekistan stipulates that, in order to ensure the security of the identifier, the demonstration for identification may be carried out under conditions in which the identification may not be carried out by the identifier, which serves as the legal basis for the investigative action.

In practice, investigative actions are being carried out in specially equipped investigation rooms set up in the Investigation Department under the MIA and its subsystems, such as interrogating, confronting and identifying minor participants.

Results and its discussion

Participants of demonstration for identification in the investigation should be invited to the specially equipped interrogation rooms in sequence and explained their rights and responsibilities. It is advisable to perform these actions in a room that is initially recognizable and where the statisticians are located. Once the rights and responsibilities are explained to the recipient, he or she will be given the opportunity to occupy the desired position among the statisticians. The investigator's next action will be to invite the identifier to the second room

and explain his rights and obligations to him.

Different views have been expressed by researchers who have conducted research on this topic on the participation of impartial witnesses in these processes and their place.

In particular, some authors have argued that four impartial witnesses should be involved in the process, two of whom should be in the room where the identifyees and statistician are located, and the other two should be in the room where the identifier is located [1]. V.Yu. Golubovskiy, N.N. Guseva argued that it was not advisable to increase the number of impartial witnesses in the investigative action from the point of view of ensuring the safety of the identifier [2].

Article 127 of the Code of Criminal Procedure of the Republic of Uzbekistan stipulates that the testimony for identification shall be in the room where the impartial witness is located when conducting the investigative action in conditions that exclude the identification and identification of each other. Article 352 of the CPC (Criminal Procedure Code) also stipulates that when several investigators or inquiry officers conduct the same investigative action in different rooms at the same time, at least two impartial witnesses must always be present in the presence of each investigator and inquiry officer.

The demonstration for identification process are carried out not only in specially equipped interrogation rooms, but in different rooms, but not at the same time, but at different times in the sequence. Accordingly, we believe that the legal requirement that impartial witnesses be present in each of the rooms does not apply to the process of conducting this investigative action. Also, while the identification of four impartial witnesses during the identification screening in specially equipped rooms serves to conduct the investigation in a comprehensive, complete and impartial manner, it may cause organizational inconvenience and increase the number of participants may adversely affect the juvenile.

Therefore, in cases where the identifier and the identifyee do not see each other for demonstration for identification, the impartial witnesses must first be in the room where the identifyees and statisticians are located, and then in the room where the identifiers are invited after the participants have fully participated in the relevant part of the investigation and participate in all subsequent processes of the investigative action.

Some authors have suggested changing the participation of impartial witnesses to another alternative measure in the demonstration for identification of investigative action, which takes place in specially equipped interrogation rooms involving minors. In particular, O.V. Polikashina stated that it was time to completely abandon the participation of impartial witnesses in the investigative action for the identification of juveniles [3]. Yu.V. Malakhova, on the other hand, recommended to refrain from the participation of impartial witnesses in the process of identification, which is carried out in conditions that exclude the identifier and the identifyee from seeing each other, and instead record the process on video [4].

According to Article 352 of the current CPC, the presentation for demonstration for identification is one of the investigative actions in which witnesses must be present, and there are no special circumstances that preclude their participation. In our opinion, the main purpose of the legislation is to ensure the impartiality of the institution of attestation, and to obtain objective information from them in resolving subsequent complaints and other possible controversial issues. However, today, in order to prevent uneasiness of citizens, these tasks can be solved through the judicious use of technical means.

In this regard, the proposals of O.V. Polikashina and Yu.V. Malakhova on the participation of impartial witnesses in the demonstration for identification test are well-founded, and it is advisable to exclude the participation of impartial witnesses in cases where the identification process is recorded on video.

The law stipulates that an attorney and his / her legal representative must be present in a specially equipped interrogation room for demonstration for identification of a minor. In this process, the fact that the legislation does not provide clear rules on which room the employee's lawyer will be in may lead to conflicting situations.

In this regard, A.N.Martyunov, E.G.Kravets and N.V.Shuvalov emphasized that employee's attorney, identifier and impartial witnesses should be in the same room [5].

According to E.N. Svechnikova, from the point of view of ensuring the safety of witnesses, the lawyer of the employee should be in the same place as the person under his protection [6].

A.R. Belkin suggested that the issue of determining the place of participation of the attorney in this form of identification should be left to the investigator and that this issue should be resolved by the investigator at the request of the defense for the security of the identifier. [7].

An analysis of the CPC norms shows that a attorney may participate in all investigative actions involving a suspect or accused, as well as in other investigative actions with the permission of the inquiry officer or investigator. However, there are no rules on the location of the attorney in the process of conducting a demonstration for identification in conditions that preclude the investigative action from being seen by the identifyee and the identifier. Therefore, regardless of the room in which the attorney is located, he or she is considered to have participated in this investigative action.

In this regard, the views expressed by A.R. Belkin are more acceptable, and it is expedient for the investigator to determine the place of the attorney based on the circumstances of the case when conducting the identification test with the participation of minors in specially equipped interrogation rooms. In cases where it is necessary to ensure the safety of a juvenile witness, measures should be taken to place the attorney in the same room with the person under his protection and not to allow him to meet with the minor.

Main task of the demonstration for identification conducting an investigative action in a specially equipped interrogation room is to determine are there identifyee he or she describes in his or her testimony.

To do this, the minor identifier should be asked to carefully observe the identified individuals and be asked a number of clarifying questions. Including:

- Is there a person you described in your testimony?
- under which number is he/she located;
- by what signs did you recognize him/her;
- When, where and under what circumstances did you meet this person.

The questions asked by the investigator to the identifier and his / her answers, the specific features and aspects of the identifyee, the identification act and the results should be reflected in the identification protocol [8].

Upon completion of the demonstration for identification with the participation of minors in specially equipped rooms, the protocol on the results of which should be read to the participants, their opinions should be heard and the protocol should be signed. The legislation does not specify the order in which these actions should be performed, when all participants are gathered in one room or in different rooms at different times.

When examining the norms of the CPC governing the formalization of the results of the investigative action and the reading of the protocol to the participants, it became clear that there is no requirement that these actions be carried out simultaneously and by bringing all participants together. Also, Article 131 of the CPC, which regulates the registration of results of direct identification, stipulates that in cases where demonstration for identification is carried out in conditions that preclude consideration, other relevant rules are not provided for

registration of the results of this form of identification.

Accordingly, it would not be unlawful for the participants to read the protocol in different rooms and take other actions related to the process. In our view, the investigator should come to a definite decision on the performance of this task based on the circumstances of the case and the circumstances of the investigation. If it is necessary to take measures to ensure the safety of a minor, witness or victim, the identifier and the identifyee shall not be allowed to see each other even after the end of the investigative action. If this is not necessary, the report may be read out and submitted for signature in the presence of all participants in the investigative action.

Conclusions

Based on the above, the following conclusions were drawn on the preparation, conduct and registration of the results of the demonstration of investigative action for identification with the participation of minors in specially equipped rooms:

1. In the course of a demonstrative investigative action for the identification of an identifier and an identifyee in a situation that excludes the presence of each other, the impartial witnesses shall be involved in the proceedings in both rooms.

2. It is expedient to provide in the legislation the rules for conducting the identification process with the participation of minors in specially equipped rooms without the participation of impartial witnesses in cases where the demonstration is recorded on video.

3. It shall be expedient for the investigator to determine the place of participation of the attorney in conducting the investigative action in specially equipped interrogation rooms for identification with the participation of minors, depending on the circumstances of the investigation.

4. If it is necessary to take measures to ensure the safety of a minor witness or victim, the investigator shall take measures to prevent the identifier and the identifyees from meeting each other even after the end of the investigative action.

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