

OPINION

● **The Product and Information Concept of Communication between Investigating Authorities and the Court.**

Anatoly M. Bagmet – PhD in Law, Director of the Institute of Professional Development of the Investigative Committee of the Russian Federation.

Yuri A. Tsvetkov – PhD in Law, Head of the Department of Investigative Agency Management at the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The authors of the article on the basis of empirical material analyse the system of communication “investigator – prosecutor – court” which is mediated through circulation of criminal cases as a special type of products of specific production activities, and also justifies the proposals aimed at increasing the effectiveness of this system.

Keywords: investigator; court; prosecutor; product; mediator; cost; information; entropy.

DISCUSSION FORUM

● **On Improving the Legal Basis for the Stage of Initiation of a Criminal Case, or Its Possible “Withering Away”?**

Vladimir A. Azarov – Doctor of Laws, Professor, Honoured Lawyer of the Russian Federation, Head of the Department of Criminal Procedure and Criminalistics at Dostoevsky Omsk State University.

The article discusses the current state and prospects of development of the system of initiation of a criminal case and the expediency of the presence in the domestic criminal process of a stage of that name. Reasons are given for the conclusion about the intrinsic value of this stage of pre-trial criminal justice process and the need for further strengthening of the means to achieve its objectives. It also examines the recent changes and additions to the RF Code of Criminal Procedure relating to the activities of authoritative parties to the criminal process when checking statements and reports of crimes. The author predicts the possible areas for the development of the criminal procedural legislation governing the procedure for carrying out procedural actions permitted by law prior to instituting criminal proceedings, and explores, in the light of the new requirements, the procedural status of the participants of the stage in question.

Keywords: stage of initiation of a criminal case; checking reports of crimes; tasks of pre-trial proceedings and means of addressing them.

● **On the Development of the Stage of Initiation of a Criminal Case.**

Anatoly M. Bagmet – PhD in Law, Director of the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The article analyses the problems arising in the examination of reports of crimes in relation to obtaining information from those involved in pre-investigation checking and the expansion of the procedural autonomy of the investigator. The author articulates the need for the changes to the criminal procedure law aimed at strengthening the responsibility of the participants who verify the reports of crimes for a refusal to testify and false testimony, and regulation of prosecutorial supervision at the stage of initiation of a criminal case.

Keywords: checking reports of crimes; interrogation; investigator; procedural independence of the investigator; prosecutor; prosecutorial supervision.

● **On the Powers of the Prosecutor at the Stage of Initiation of a Criminal Case.**

Yuri P. Borulenkov – PhD in Law, Associate Professor, Deputy Director of the Institute of Professional Development of the Investigative Committee of the Russian Federation.

In the article, the author examines problematic issues relating to prosecutorial supervision at the stage of initiation of a criminal case. It is noted that the architecture of a criminal prosecution system significantly depends on the place and the role given to prosecution in a particular country at a particular point in history. The author emphasizes that the typology of criminal proceedings as a methodological basis for its development and improvement should determine additions and changes to the procedural law, including in relation to the stage of initiation of a criminal case. The article also outlines the need for a balanced approach to proposals on the reorganization of the pre-trial stage of criminal proceedings.

Keywords: prosecutorial supervision; initiation of a criminal case; pre-trial stage of criminal proceedings.

● **The Stage of Initiation of a Criminal Case: Violating the Constitutional Rights of Citizens.**

Vasily V. Bychkov – PhD in Law, Associate Professor, Scientific Secretary at the Institute of Professional Development of the Investigative Committee of the Russian Federation.

The article reviews the provisions of the criminal procedure legislation and departmental regulatory acts related to the stage of initiation of a criminal case, from the point of view of protecting the constitutional rights of citizens. It examines how the constitutional rights of citizens are secured at this stage in terms of the time periods specified for checking the reports of crimes, the status of persons involved in checking those reports, detention and procedural steps, including investigative actions. The author articulates the need for the abolition of the stage of institution of a criminal case due to violating the constitutional rights of citizens.

Keywords: initiation of a criminal case; checking a report of crime; constitutional rights; time periods for checking reports of crimes; status of persons involved in checking reports of crimes; detention; procedural steps; investigative actions.

● **Initiation of a Criminal Case: Problems and Prospects.**

Lidia A. Voskobitova – Doctor of Laws, Professor, Honorary Worker of Higher Professional Education of the Russian Federation, Head of the Department of Criminal Procedure at Kutafin Moscow State Law University (MSLA).

The article examines the controversial issues connected with developing the initial stage of criminal proceedings and reasoned proposals to abolish the stage of initiation of a criminal case. Criticism is given of the main arguments of supporters of such a reform connected with improvement of the judicial statistics, increase of efficiency of the struggle against criminality, and protection of the rights of victim. It also analyses the novelties of the Code of Criminal Procedure of Ukraine, associated with refusal of the stage of initiation of a criminal case and its replacement with filing reports of crimes within a Unified Pre-Trial Investigations Register, demonstrating potential problems of application of such a law. Proposals are suggested to preserve this stage of the criminal process and make necessary changes to the existing practices of instituting criminal proceedings, to recover practices of dismissal of criminal case in the investigation stage, as well as proposals for the improvement of articles 140, 144 of the Code of Criminal Procedure of the Russian Federation.

Keywords: stage of initiation of a criminal case; reasons and grounds for initiation of a criminal case; verification activities; rights of victim; access to justice; statistics.

● **Initiation of Criminal Case in the Draft of the New Criminal Procedure Code of the Republic of Armenia.**

Artur S. Ghambaryan – Doctor of Law, Associate Professor, Chairman of the “Libra Legal Aid” Law Office.

Anna A. Hovhannisyan – Master of Law, Student in Prosecutor’s School of RA.

The article examines one of the most pressing issues in the science of criminal procedure – the necessity to enshrine in legislation the stage of initiation of criminal proceedings as a separate, initial stage in the overall system of proceedings on a case. The authors examine various approaches to this issue, presenting not only the current legislative regulations governing the issue in question, but also the approach of the legislator to this issue in the concept of the new criminal procedure legislation and the draft of the new Criminal Procedure Code of the Republic of Armenia.

Keywords: criminal procedure; institution of criminal proceedings; preliminary investigation; criminal case material; stages of criminal process.

● **Ensuring the Rights of the Individual and the Concepts of the Stage of Initiation of a Criminal Case.**

Aleksandr V. Grinenko – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article discusses the procedure of initiation of a criminal case in the Russian criminal process. Special attention is paid to creating an effective mechanism of activity of bodies and officials involved in criminal proceedings at this stage and simultaneous enshrining guarantees ensuring the rights of the individual in the Russian Criminal Procedure Code.

Keywords: criminal case; criminal process; initiation of a criminal case; statement of offence; applicant; signs of a crime.

● **The Stage of Initiation of a Criminal Case: Pro Et Contra.**

Iliya S. Dikarev – PhD in Law, Associate Professor, Director of the Institute of Law at Volgograd State University.

The article focuses on the problem of reasonableness of including a stage of initiation of a criminal case in the criminal procedure system of Russia. It discusses numerous practical difficulties caused by the current system of pre-trial proceedings, and analyses the reasons for the introduction into the criminal process of the stage of initiation of a criminal case. The author concludes that the costs connected with carrying out a preliminary examination of reports of crimes are now not at all justified due to that the stage of initiation of a criminal case has lost its remedial (human rights protection) potential previously inherent to it.

Keywords: stage of initiation of a criminal case; system of criminal process; preliminary examination of reports of crimes; inquiry in a reduced format; procedural guarantees.

● **Stage of Initiation of a Criminal Case: Preserve, Modify, or Abolish?**

Nikita A. Kolokolov – Doctor of Laws, Professor in the Department of Judiciary and Organization of Justice at the National Research University ‘Higher School of Economics’.

The author interprets the concept of ‘initiation of a criminal case’ as a statement of competent authorities of the beginning of public prosecution. At the same time, the author believes that a criminal case is not possible to be brought without a legal cause and relevant grounds. The notion of ‘cause’ can be easily formalized, and the concept of ‘ground’ is an evaluative category. The quality of the assessment would be directly predetermined by the degree of independence and professionalism of particular participants of the process. The authors of the idea of abolishing the stage of initiation of a criminal case deliberately substitute the

foundation of the dispute, putting an equality sign between statistical data on crime and specific procedural decisions.

Keywords: criminal procedure law; initiation of a criminal case; commencement of criminal proceedings; regulations on the stage of initiation of a criminal case.

● **Prosecutor's Powers at the Stage of Initiation of a Criminal Case in the Criminal Process in Russia.**

Svetlana V. Kornakova – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Baikal State University of Economics and Law.

Aleksandr V. Chubikin – Deputy Prosecutor of the City of Saint-Petersburg at the Saint-Petersburg Prosecutor's Office, State Counsellor of Justice, class 3.

The article, based on the analysis of changes in the criminal procedure legislation and theoretical viewpoints of scientists, discusses the issue about the procedural status of the prosecutor. It is noted that the prosecutor being such an important procedural figure of ensuring the rights and legitimate interests of participants in criminal proceedings, is himself significantly infringed in his authority. At present one can confidently assert that the prosecutor is authorized to cancel only illegal or ungrounded resolutions of the subordinate prosecutor and investigator, having no real mechanisms to respond to violations of the law by the bodies of preliminary investigation. This situation is not consistent with the objective of the prosecutor's activity which is to implement the supreme state supervision over exact and uniform execution of laws operating on the territory of Russia. The author concludes that the criminal procedure law should provide for a uniform, clear and effective procedure for the prosecutor to respond to illegal and unfounded decisions issued by both the preliminary inquiry body, inquiry officer, or the chief of investigation body, investigator.

Keywords: criminal procedure; prosecutor's powers; stage of initiation of a criminal case.

● **On the System of the Russian Criminal Process and the Specifics of Proof in the Course of Initiation of a Criminal Case.**

Roman V. Kostenko – Doctor of Laws, Professor, Head of the Department of Criminal Procedure at Kuban State Agrarian University.

In the article, the author comes to the conclusion that under the current RF CCP the organisation of the criminal procedural activities on initiation, investigation, consideration and resolution of criminal cases is implemented as a system of pre-trial and trial proceedings, consisting in turn of interrelated parts, stages of proceedings, coming one after the other. These stages of criminal proceedings in the structure of the Code are limited and defined, as a general rule, by separate sections in Parts II and III of the Code. Such understanding of the system of how the Russian criminal process is build up eliminates almost completely the need to distinguish between individual stages of proceedings in criminal cases. In this regard, the author discusses the specifics of proof in the course of initiating a criminal case.

Keywords: criminal process; pre-trial proceedings; system of criminal process; initiation of a criminal case; proof.

● **The Problems of the Initial Stage of Criminal Proceedings.**

Vasiliy D. Larichev – Doctor of Laws, Professor, Honoured Worker of Science of the Russian Federation, Leading Research Fellow in the Research Centre for Economic Security Problems, Counteracting Corruption and Providing Security to Persons Protected by Government at the All-Russian Scientific Research Institute of the MIA of Russia.

The author of the article focuses on the imperfection of legal regulations in the modern Code of Criminal Procedure of Russia governing the process of initiation of a criminal case or refusal to institute criminal proceedings and offers a solution to this problem.

Keywords: report of a crime; preliminary verification of reports of crimes; initiation of a criminal case; refusal of initiation of a criminal case; initial stage of criminal proceedings.

● **Commencement Stage of Pre-trial Proceedings in Some Countries of Europe.**

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Aleksandr G. Volevodz – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the MFA of Russia.

In the article, by examining Polish, Czech, Slovak and former Yugoslav states' law on initiation of criminal proceedings, the author identifies the existence of a stage, whatever form it takes, that precedes the commencement of full-blown pre-trial investigations, and points to the absence in European countries of any uniform approach to the construction of that phase in criminal proceedings.

Keywords: institution of criminal proceedings; pre-trial proceedings; Poland; Czech Republic; Slovakia; former Yugoslav states.

● **To Be or Not to Be for the Stage of Initiation of Criminal Case in the Criminal Justice Process in Russia.**

Nikolay A. Podolny – Doctor of Laws, Associate Professor, Head of the Department of Criminal Law, Criminalistics and Criminology of the Law Faculty at Ogarev Mordovian State University.

The article discusses the problem of the necessity of a stage of initiation of criminal case in the Russian criminal process. Arguments are reviewed, both in favour of abolition of the stage in question, and in favour of retaining it. At the same time, attention is drawn to the fact that this stage is absent in many democracies. But this argument is opposed to another, no less significant – this step has been introduced in the Russian criminal process in order to safeguard the rights and freedoms of citizens, prevent unwarranted prosecution. In addition, the article discusses the significance of this stage from the perspective of the process of proof in criminal proceedings.

Keywords: stage of initiation of criminal case; investigator; preliminary investigation; rights and freedoms of citizens.

● **Trying to Find the Problem But Not Where It Actually Is (Notes of a Man Dissatisfied with Everything).**

Boris G. Rozovsky – Doctor of Laws, Professor in the Department of Jurisprudence at the Institute of Jurisprudence and International Law of the East Ukrainian National University named after V. Dahl.

The article attempts to avoid the conventional reduction of the stage of initiation of criminal case to the imposition of a relevant ruling. A range of problems are analysed to be solved to ensure the effectiveness of pre-trial investigation.

Keywords: recording of statements and reports on the preparation or commission of a crime; pre-investigation examination of statements and reports; investigator's workload; criminal procedure's dependence of criminal law.

- **Initiation of a Criminal Case: The Intent of the Legislator and Its Implementation.**

Nikolay G. Stoyko – Doctor of Laws, Professor in the Department of Criminal Procedure and Criminalistics at Saint Petersburg State University.

The article is a reaction to the debate that has begun in Russian legal literature on the reform of the stage of initiation of criminal cases. The aim is to show the importance of this stage for the modern criminal process through comparison of the original intent of the legislator, the problems of its implementation in practice and recent changes in legislation. The author's conclusions are as follows: the stage of initiation of a criminal case must comply with the original intent of the legislator and substantially reform is not needed; to implement the intent of the legislator there is a need for a scientific discussion of the problems around the institutional organisation of pre-trial proceedings (in the aspect of conceptual unification and technical differentiation).

Keywords: criminal justice process; initiation of a criminal case; intent of the legislator and its implementation.

- **Initiation of a Criminal Case: An Independent Stage of Its Own in the Process, or “Beginning of Investigation”?**

Aleksandr A. Tarasov – Doctor of Laws, Professor, Head of the Department of Criminal Law and Criminal Procedure at the Bashkir State University.

Changes and additions to the Criminal Procedure Code of the Russian Federation introduced by the Federal Law from March 4, 2013, again have raised the question of whether a stage of initiation of a criminal case has all the attributes of a separate stage of the process, or it turns into the “beginning of investigation”, as it was called in the pre-revolutionary Russian theory of criminal procedure, that is into the initial phase of another stage of the criminal process. In the context of the legislative novels of 2013, there is a particular interest in the analysis of all previous regulatory transformations relating to the initiation of a criminal case in their comparison with the well-established theoretical conceptions of evidence and proof, of subjects and contents of procedural relationships.

Keywords: initiation of a criminal case; preliminary investigation; pre-trial proceedings; stage of criminal process; tasks of a stage of criminal process.

- **The Stage of Initiation of Criminal Case: Abolish or Retain It.**

Dmitry P. Chekulaev – PhD in Law, Associate Professor in the Department of Criminal Procedure, Justice and Prosecutorial Supervision of the Faculty of Law at Lomonosov Moscow State University.

In the context of historical development and comparative legal aspect, the article examines the question of the advisability of the existence of a stage of initiation of criminal case in modern Russian criminal process. Different options are analysed for the starting of pre-trial proceedings in criminal cases in the countries of “western” and “post-Soviet” models of criminal process of continental type, as well as the latest conceptual trends in the development of the stage of initiation of criminal case in Russian legislation (amendments to the Code of Criminal Procedure introduced by Federal Law No. 23-FZ of 04.03.2013). A conclusion is made that this stage in question is being unjustifiably “too much procedural” at the present point of criminal process developing, which makes it, in fact, look very much like a preliminary investigation itself, as it meets rather departmental interests without guaranteeing the observance of the rights of individuals in criminal proceedings. Based on the results of the analysis, the author suggests ways for reforming the pre-trial proceedings in criminal cases in the Russian Federation, including the example of Switzerland (police inquiry and preliminary prosecutorial investigation).

Keywords: criminal process; pre-trial proceedings; investigative actions; Russia.

- **On the Interpretation of the Elements of Embezzlement in the Resolutions of the Plenum of the Supreme Court of the Russian Federation.**

LEV L. KRUGLIKOV – Doctor of Laws, Professor, Honoured Worker of Science of the Russian Federation, Head of the Department of Criminal Law and Criminology at Demidov Yaroslavl State University.

The author examines the peculiarities of interpretations of the Plenum of the Supreme Court of the Russian Federation of problematic and controversial issues arising in practice in cases of embezzlement.

Keywords: Resolution of the Plenum of the Supreme Court of the Russian Federation; embezzlement.

- **Correction of the Offender as One of the Criteria of Punishment Effectiveness.**

Mikhail M. Lapunin – PhD in Law, Associate Professor in the Department of Criminal Law and Correctional Law at Saratov State Law Academy.

The article analyses the approaches of many scientists to understanding one of the purposes of punishment – the correction of the offender. The author's vision of this legal category is presented. It is proposed to expand the classification of types of offender corrections with a “biological” type. It is emphasized the inextricable link of corrections with private prevention. According to the author’s viewpoint, the correction should not be seen as an ideal state when a person has become fully confident that committing crimes is wrong and behaves exclusively obedient to laws due to the newly acquired moral qualities: the correction of the convict involves only the elimination of those deficiencies of his personality that led to the commission of the crime, as well as consolidation of the results of such education so that an act of public dangerous would not be committed again. In addition, the author offers a formula showing the effectiveness in achieving one of the purposes of punishment (correction of the offender) depending on the efficiency of special warning notifications and additional factor taking account of cases of partial correction.

Keywords: criteria of punishment effectiveness; purpose of punishment; correction of the offender; types of offender corrections.

- **On the Problem of Combining Different Types of Liability for Breach of Professional Duties.**

Nadezhda V. Miroshnichenko – PhD in Law, Head of the Department of Law of the Economic Faculty at Stavropol State Agrarian University.

One of the important issues of the modern criminal law is the search of ways for combining and differentiating of various types of responsibility for the offence, which is associated with violating of professional or other specific rules and entails publicly dangerous consequences. There are no clear and unambiguous solutions in this regard in the today law-making and law-enforcement practice. Based on the legal theory and the case-law of the Constitutional Court of the Russian Federation, the author of the present article presents her position on the issue. As a general conclusion the following provisions are formulated. The single offence could not entail different types of public liability, neither simultaneously, nor sequentially. The contrary would mean a violation of the constitutional principle of justice. The single offence could lead to only public and private liability simultaneously, still, under the condition that this offence entails several not interdependent consequences, each of which requires a separate legal reaction and presupposes individual mechanisms to minimize it.

Keywords: breach of professional duties; socially dangerous consequences; crimes; private liability; public liability; combining types of liability.

- **The Rule of Law as a Social and Criminal Legal Value.**

Evgeny V. Mochalov – Doctor of Philosophy, Professor, Head of the Department of Philosophy at Ogarev Mordovian State University.

Svetlana V. Anoshchenkova – PhD in Law, Senior Teacher in the Department of Criminal Law, Criminalistics and Criminology at Ogarev Mordovian State University.

The article brings to the fore the issue concerning the meaning of the category of 'law and order' in sociology and criminal law. The legal determination of law and order is provided, its characteristics are identified, and its meaning is defined. The evolution of the concept of law and order in the history of philosophical thought are outlined. The task as seen by the authors is to restore the category of 'law and order' within legal instruments aimed at stabilizing the social situation in general and fighting crime in particular, as a comprehensive category unifying all without exception social values protected by the Russian legislation.

Keywords: law; statute; law and order; crime; punishment; responsibility; society; social danger; illegality; social relations.

CRIMINAL PROCEDURE

- **On Some Innovations Introduced into the Code of Criminal Procedure of the Russian Federation in the Light of Federal Law No. 23 of March 4, 2013.**

Maksim O. Baev – Doctor of Laws, Professor in the Department of Judiciary and Law Enforcement Organization at Voronezh State University.

Oleg Ya. Baev – Doctor of Laws, Professor, Head of the Department of Criminalistics at Voronezh State University.

The article critically analyses the novelties of the Russian Code of Criminal Procedure on establishing a reduced format procedure for conducting inquiry in criminal cases, on a number of provisions which supplemented Art. 144 of the Code, as well as on substantial transformation to the system of witnesses of inquest being involved in certain investigative actions.

Keywords: inquiry; examination at the stage of initiation of a criminal case; witnesses of inquest.

- **Recorded Information: Legal and Forensic Aspects.**

Aleksandr N. Pershin – PhD in Law, Associate Professor, Higher Doctorate Candidate at Omsk Academy of the MIA of Russia.

The article focuses on recorded information as a legal and forensic category. The author examines the concept of 'recorded information' in general scientific and legal aspects. More precise definitions are given of the terms of 'recorded information' and 'evidentiary document'. The author describes in detail the process of creating social information on a material data storage device, as well as the peculiarities of this process with regard to digital information. Some types of recorded information having forensic significance are also outlined.

Keywords: information; document; stages of information recording; temporary information; constant information; data storage device; evidence.

- **The Systematicity of Legal Provisions on the Protection from Unlawful Violence by Law Enforcement Officials in Criminal Proceedings.**

Aslyam N. Khalikov – Doctor of Laws, Professor in the Department of Criminalistics at the Bashkir State University Institute of Law.

The article analyses the international, constitutional, criminal procedure and criminal law's provisions dealing with violence by law enforcement officials. It discusses the relationship and

unity of the international, constitutional, criminal procedure and criminal law' instruments aimed at absolute prohibition of torture and other violence against citizens by law enforcement officials. It is also noted that only considering the mentioned norms of law as a single system makes it possible to perform a full legal assessment of the social danger of violence by law enforcement officials.

Keywords: rules of international law; constitutional provisions; criminal procedure rules; criminal law rules; torture, violence; law enforcement officials.

CRIMINOLOGY

- **Probation in Russia: An Analysis of Official Statistics.**

Natalia A. Lopashenko – Doctor of Laws, Honorary Worker of the Ministry of Education of the Russian Federation, Professor in Saratov State Law Academy, Director of the Saratov Centre for Organized Crime and Corruption Problems Research.

Ruslan O. Dolotov – PhD in Law, Senior Lecturer in the Department of Criminal Law and Correctional Law at Saratov State Law Academy.

Based on the official statistics from the Judicial Department of the Supreme Court of the Russian Federation, the article analyses the current practices of applying probation sentencing in Russia in the period 2004 to 2012. It examines the indicators that reflect the dynamics of using probation sentences, provides the characterization of crimes for which a probation sentence is imposed, describes the characteristics of reoffending among offenders sentenced to probation, etc. The article concludes that the effectiveness of probation sentences is rather low, forecasting a reduction in frequency of using probation sentencing in the coming years.

Keywords: probation sentence; dynamics of probation sentencing; reoffending on probation; effectiveness of probation sentence.

CRIMINALISTICS

- **Typical Investigative Situations at the Initial Stage of Investigation of Violent Crimes Committed by Employees of Internal Affairs Agencies within the Field of Their Official Activities.**

Aleksandr S. Zhupina – PhD Candidate in the Department of Criminal Law and Justice at Zaporozhye National University; Senior Prosecutor of the Division For Supervision of Observance of Laws by Tax Police Agencies of the Zaporozhye Region Prosecutor's Office.

The article examines the peculiarities of the initial stage of investigation of violent crimes committed by employees of internal affairs agencies in the field of their official activities. It identifies factors that influence the formation and development of investigative situations. The author defines the typical investigative situations at the initial stage of investigation of violent crimes committed by employees of internal affairs agencies within the field of their official activities, as well as determines relevant lines of inquiry.

Keywords: violent crime; investigative actions; investigative situation.

- **Genesis of Theoretical Legal Views on the Problem of Forensic Support of Investigation of Unsolved Crimes of Past Years.**

Aleksandr S. Rubis – Professor in the Department of Criminal Procedure at the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

Dmitry A. Romanyuk – Postgraduate Student in the Scientific Pedagogical Faculty at the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

The article discusses the history of occurrence and development of the problem of forensic support of investigation of unsolved crimes of past years. It presents and analyses the legal measures that have been applied to solve this problem. Theoretical readiness to address the problem in question is covered. The article reviews the works of the authors engaged in scientific research into forensic support of investigation of unsolved crimes of past years. In addition, the author outlines the directions to improve the efficiency of the solution of the problem in the legal system of the Republic of Belarus.

Keywords: forensic support; investigation of crimes; unsolved crimes of past years.

● **On the Role of Modeling in the Process of Proof in Court: A Forensic Research Study.**

Anna E. Khorosheva – PhD in Law, Associate Professor in the Department of Criminal Law Disciplines.

In recent years, the legal scholars have become seriously attended to the state of modern forensics. One of the biggest arguments were the theses that forensic science stick behind the actual practices, and that many dogmas and doctrines of the Soviet science showed their unfitness under the proclaimed adversariality of procedure. Possible options out of this “scientific crisis” are seen by the author in developing the process of proof in court as a variety of forensic activity. Upon outlining the problem, the author proposes to solve it by looking from a different angle at the traditional scientific method of modeling. On the basis of the principles for the creation of models of complex systems, generally accepted in many fields of knowledge, the author defines the conditions for constructing adversarial trial model. Analysis of practice in criminal cases involving crimes against life, held for several years, has enabled the author to make an important, in his opinion, conclusion that forensic science should not seek at any cost to defeat anyone who might be wrong; but it should support any whose side the law, justice and common sense are on. This article is yet another attempt to justify this assertion.

Keywords: forensic methods; modeling; adversariality; system of evidence; prosecuting party, defending party.

● **Typical Investigation Situations at the Initial Phase of Investigating Crimes Connected with Illegal Trafficking of Potent and Toxic Substances.**

Lubov E.Chistova – PhD in Law, Associate Professor in the Department of Criminalistics at the Moscow University of the Ministry of Internal Affairs of Russia.

The article presents the views of forensic scientists about the concept, content and classification of ‘investigation situation’ as a forensic category. It details the typical investigation situations occurring in the initial stage of the investigation, in relation to each of the illegal actions with potent and toxic substances. A schedule of investigator (inquest officer) actions is also provided for each of the investigation situations.

Keywords: potent and toxic substances; typical investigation situations; illegal actions; schedule of investigator (inquest officer) actions.

LAW ENFORCEMENT AGENCIES

● **On the Interaction between the Ministry of Internal Affairs of the Russian Federation and the Federal Service for Ecological, Technological and Nuclear Supervision in Detecting and Solving Economic Crimes in the Field of Electric Power Industry.**

Oleg B. Abakumov – Deputy Head of the Department of Economic Security and Anti-Corruption Activities at the Jewish Autonomous Region Directorate of the MIA of Russia, PhD Candidate in the Far Eastern Law Institute of the Ministry of Internal Affairs of the Russian Federation.

The article discusses the issues which arise in the process of interaction between employees of internal affairs agencies and the Federal Service for Ecological, Technological and Nuclear Supervision when combating crime in the field of electric power industry.

Keywords: interaction; electric power industry; electrical equipment; administrative regulations.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

● On the Concept of “Transitional Justice”.

Nikolai A. Bobrinsky – PhD Student at Moscow State Institute of International Relations (University) of MFA of Russia.

The article gives a review of the concept of transitional justice: its scope, development and arguments for and against it. The concept is based on legal responses to gross and large-scale violations of human rights committed or sanctioned by governments, and coordination of these legal responses with objectives of political transformation and peace-building. The content of transitional justice is revealed through a number of UN documents providing for comprehensive recommendations on transitional justice. The article summarizes legal institutions covered by the concept, including sources of their regulation and basic problems of their practical implementation.

Keywords: transitional justice; gross and large-scale violations of human rights; political transformation; peace-building; impunity; criminal prosecution; ascertainment of truth; reparations; property restitution; vetting.

● Peculiarities of the Interaction Between the Bodies of Pre-Trial Investigation of Ukraine and Competent Authorities of Foreign States within the Framework of International Legal Assistance.

Yulia N. Chornous – Doctor of Laws, Professor in the Department of Criminalistics and Forensic Medicine at the National Academy of Internal Affairs of Ukraine.

The article focuses on the features of interaction in the implementation of international cooperation activities, and particularly international legal assistance as the most wide spread form, between pre-trial investigation bodies of Ukraine and competent foreign authorities. When solving international legal assistance problems, the pre-trial investigation bodies of Ukraine are empowered as: (1) central (authorised) body (Art. 541(6) and Art. 545 CPC of Ukraine); 2) competent body (Art. 541(7) and Art. 554 CPC of Ukraine). The General Prosecutor's Office of Ukraine is deemed to be the central body in the course of pre-trial investigation. However, in the event of direct intercommunications, in accordance with international treaties of Ukraine, the pre-trial investigation bodies of Ukraine provided for by the Criminal Procedure Code of Ukraine, may acquire the rights of an authorised body, to solve management problems, and at the same time to be competent in a general context – to make a request for international legal assistance or ensure its implementation by carrying out criminal proceedings. The interaction between the subjects in question is carried out in procedural and non-procedural forms, associated with the necessity to comply with the international treaties provisions and take account of the national legislations of states, and provides for solving a number of organizational issues.

Keywords: interaction; bodies of pre-trial investigation of Ukraine; competent authorities; international cooperation; international legal assistance.

- **Peculiarities of the Kingdom of Sweden's legislation on Extradition for Criminal Prosecution.**

Sergey P. Shcherba – Doctor of Laws, Professor, Honoured Worker of Science of Russia, Head of the Section for International Cooperation and Comparative Law at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

Tatiana A. Reshetnikova – PhD in Law, Leading Researcher in the Section for International Cooperation and Comparative Law at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

The article examines the peculiarities of criminal prosecution set by the laws of Sweden for crimes committed on the territory of Sweden and outside the Kingdom, the legal mechanisms of extradition of persons for criminal prosecution from Sweden to the states of Scandinavia (Denmark, Iceland, Norway, and Finland), to other countries not belonging to the Scandinavian States, as well as the peculiarities of extradition to Sweden. The article is of contemporary scientific and practical importance.

Keywords: grounds for extradition; procedure of extradition; Sweden; powers of prosecutorial bodies.

COMPARATIVE JURISPRUDENCE

- **Some Circumstances Excluding Criminal Responsibility in the Criminal Law of Canada.**

Svetlana T. Suleimanova – PhD in Sociology, Associate Professor in the Department of Criminal Law at Penza State University.

The article discusses the circumstances that in common law countries are referred to as defences and are divided into two groups: (1) 'justifying' circumstances, excluding wrongfulness of the act (justifications), and (2) 'extenuating' circumstances, excluding the guilt of the person (excuses). As a result of the study, all the circumstances excluding criminal responsibility are classified by the author, according to the sources of law into two groups: (1) the circumstances regulated by law and (2) established by common law. It is noted that the evolution in the sphere of regulating the circumstances excluding criminal act, has led to the abolition of the archaic circumstances (compulsion of spouse), and the introduction into legislation of the new circumstances (for example, the use of force by persons administering and enforcing the law).

Keywords: criminal law; Canada, defences; justifications; excuses; criminal code; common law.

METHODOLOGY OF LEGAL SCIENCE

- **On the Effectiveness of Implementing the Advances of the Science of Criminal Procedure into Practices of Criminal Proceeding.**

Aleksandr G. Volevodz – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article examines the problems in developing relations between legal practice and scientific research, and certain aspects of ensuring the effectiveness in applying the advances of legal science into practice. Attention is drawn to the factors, which can contribute to achieve an optimum ratio between theoretical studies in the science of criminal procedure and other criminal sciences, and practical implementation of these advances in modern criminal proceedings at the level of doctrine, legislation, investigative and judicial practice.

Keywords: science of criminal procedure; fundamental research; practices; implementation; stage of initiation of a criminal case; RF CPC.

- **Subjective Time and Proof in Criminal Cases.**

Sergey G. Oljkov – Doctor of Laws, Professor, Head of the Department of Theory and History of State and Law at Surgut State University.

The article examines the problem of improving the degree of accuracy of subjective evaluation of objective time, as a factor included in the subject of proof in criminal cases. The author has obtained the following scientific results: (1) construction of a mathematical model of subjective time expressed in objective time; 2) classification of types of subjective time; 3) determination of lines of the identification of trends and patterns of subjective time to correct possible errors of participants in criminal proceedings concerning time in the process of proof; 4) parameterization of some random functions of subjective time; 5) determination of the experimental strategy for studying the regularities of subjective time; 6) identification of methods of measuring deviations of subjective time from objective time. The practical significance of the above consists in the possibility of developing a methodology to adjust the subjective errors of participants in criminal proceedings regarding the time of the event of a crime.

Keywords: criminal process; time; proof.

REVIEWS

- **On the Monograph by R.G. Ardashev “The Issues of Theory and Practice in Investigating Homicides Followed by the Suicide of the Offender” (Irkutsk: Publishing House of Irkutsk State Technical University, 2013, 188 pp.)**

Vladimir A. Azarov – Doctor of Laws, Professor, Honoured Lawyer of the Russian Federation, Head of the Department of Criminal Procedure and Criminalistics of Dostoevsky Omsk State University.

Natalya I. Revenko – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics of Dostoevsky Omsk State University.

The review addresses a very original book of R.G. Ardashev, which presents the results of the research into a little-studied problem of detection and investigation of such dangerous class of crimes as homicides followed by the suicide of the offender. In addition to outlining the characteristics of a suicide following the crime, the monograph analyses the peculiarities of relevant investigative actions, the use of special knowledge and interaction between the investigator and representatives of operational services in criminal cases of this category.

Keywords: detection and investigation of homicides; suicide following the crime; use of special knowledge; implementation of investigative actions.

- **Authors Information**

- **Manuscripts Submission Guidelines**