

PERSONALIA. IN MEMORIAM R.S. BELKIN

Toward the 95th anniversary of R.S. Belkin – a scientist and a teacher

Elena R. Rossinskaya – Doctor of Laws, Professor, Director of the Forensic Expertise Institute, Head of the Forensic Expertise Department at Kutafin Moscow State Law University.

The article is dedicated to the 95th anniversary of R.S. Belkin, the eminent Soviet scientist and Russian criminologist, Honored Scientist, Doctor of Legal Sciences, Professor. The main stages of his creative way in the development of Russian forensic science are considered, and a detailed description of his most significant scientific works is given.

Keywords: Raphail Samuilovich Belkin; forensic science; general theory of forensic science; methodology of forensic science; forensic tactics; tactical techniques; tactical combination.

Forensic characterization of crimes and mechanism of crimes: creative heritage of R.S. Belkin and the current concept

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The article makes a comparative analysis of the use of the concepts of «mechanism of crime (criminal activity)» and «forensic characterization of crimes» in the forensic science, with account taken of the opinion of Professor R.S. Belkin. The author suggests to use the category «typical mechanism of crimes of a certain (individual) type», including «the typical mechanism of crimes of a certain (individual) type» instead of the term «forensic characterization of crimes». The necessity is substantiated for studying this category systematically at four levels of its development. Within the structure of a typical mechanism of crimes, homogeneous, transformable, combined, interrelated or newly emerging crimes are identified, whose identification is an additional task of investigation of the majority of willful crimes.

Keywords: mechanism of crime; forensic characterization of crimes; Professor R.S. Belkin.

Several informal reminiscences of R.S. Belkin.

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

In this article, the author shares his personal memories of R.S. Belkin, whose friend he was for many years.

Keywords: Raphail Samuilovich Belkin.

The role of R.S. Belkin in the formation and development of forensic science in Kazakhstan.

Lev V. Vinitzky – Doctor of Laws, Professor, Professor in the Law Department of the Faculty of History and Law at Smolensk State University.

July 11, 2017 marks the 95th anniversary of a brilliant scientist, a talented teacher and a great man. He is the object of reminiscences of the author, a student of Professor R.S. Belkin, who had a decisive influence on formation of the author as a scientist and as a man. The author cites some bibliographic episodes from life with the participation of the Professor. The author shows the role of Professor R.S. Belkin in the formation and development of the science of criminology in Kazakhstan, his outstanding successes in the training of academic personnel. The author analyzes qualities of Prof. Belkin as a respected person and a brilliant scientist. A

brief analysis of a wide range of his scientific interests is given. Many research areas in forensic science have been further developed thanks to the innovative areas formulated by Professor Belkin. Importance of his scientific research is shown not only in the past, but also in these days.

Keywords: Raphail Samuilovich Belkin; founder of scientific school; founder of research areas in forensic science.

The role of professor R.S. Belkin in forming the situational approach in forensic science

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The article is devoted to the analysis of the development of the doctrine of investigative situation and to specific features of development of the situational approach in forensic science. The author emphasizes the special role of Professor R.S. Belkin in the formation, development and identification of prospects of the situational approach in forensic science.

Keywords: investigative situation; situology; situational approach.

Worldview as the dominant of the scientific exploit of Raphail Samuilovich Belkin

Aleksandr F. Volynskiy – Doctor of Laws, Professor, Professor in the Department of Criminalistics at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article analyzes the merits of R.S. Belkin in the creation of methodological foundations of forensic science; his influence on the formation of an integral worldview of the forensic community and, in particular, the importance of his creative heritage for the scientific research of the author of this article is shown.

Keywords: worldview; forensic examination; forensic science; course system; methodology; organization; investigation of crimes.

Situational approach and its impact on organization and tactics of investigation of property crimes committed in railway transport and air transport

Oleg P. Gribunov – Doctor of Laws, Associate Professor, Head of the Department of Criminalistics at East Siberian Institute of the MIA of Russia.

The article is devoted to the study of investigative situation as a key forensic category. Investigative situation is one of the most important elements of forensic support to detection and investigation of crimes, since investigation of crimes, being an activity, is always characterized by situationality. It is on the basis of analysis of informational awareness about a crime, as well as the state of the investigation process that has taken shape at any certain point in time, that the investigator develops the investigation tactic, including that for property crimes committed in railway transport and air transport.

Keywords: investigative situation; investigation of crimes; property crimes; railway transport and air transport; investigative actions.

From the origins of forensic science to the superproblem of today

Evgeny P. Ishchenko – Doctor of Laws, Professor, Head of the Department of Criminalistics at Kutafin Moscow State Law University.

The article is devoted to the analysis of views of R.S. Belkin and other prominent scientists on the origins of the forensic science, to clarification of its relations with criminal procedure, to analysis of the relationship of the latter to objective truth, to combat against crime in general, and against cyber crime in particular.

Keywords: forensic science; criminal procedure; Hans Gross; R.S. Belkin; combat against crime; objective truth; cyber crime.

Works of professor R.S. Belkin as the basis for development of the doctrine of forensically significant information

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The article explores the informational essence of investigation of crimes and notes that Professor R.S. Belkin, having created a general theory of forensic science and a whole number of individual forensic theories, has largely changed the idea of evidence, the importance of orienting information in the process of investigating crimes. Influence and significance of R.S. Belkin's works on the formation and development of the doctrine of forensically significant information are analyzed. Importance of information about criminal subculture for investigation of crimes is noted.

Keywords: investigation of crimes; forensically significant information; operative and search information; information about criminal subculture.

From the mechanism of crime to means and methods of identifying the criminal event taken place

Anatoly M. Kustov – Doctor of Laws, Professor, Head of the Department of Judiciary and Management of Law Enforcement Activities at the Academy of the Prosecutor General's Office of the Russian Federation.

The article considers issues of the beginning of formation of individual categories of forensic science: subject of the science, mechanism of crime, doctrine of the mechanism of crime, forensic techniques, means and methods, investigation of crimes.

Keywords: Raphael Samuilovich Belkin; way of committal crime; forensic techniques and means; mechanism of crime; forensically significant information; objective laws.

Toward the 95th anniversary of Raphael Samuilovich Belkin

Vladimir M. Meshkov – Doctor of Laws, Professor, Professor in the Department of Criminalistics at St. Petersburg University of the MIA of Russia (Kaliningrad branch).

The author recalls Professor R.S. Belkin, his influence of the appearance and development of the new scientific area: study of time in forensic science and elaboration of the foreign doctrine of temporal relations and links during investigation of crimes.

Keywords: Raphael Samuilovich Belkin; time in forensic science.

Combined technologies in modern criminal procedure and forensic science

Sergey B. Rossinskiy – Doctor of Laws, Associate Professor, Professor in the Department of Criminal Procedure at Kutafin Moscow State Law University.

In this article, the author attempts to carry out comprehensive consideration of all combined technologies used currently in criminal procedures and forensic tactics. Tactical combination is analyzed. In addition, the author pays attention to a special operation: organizational form of an investigative action, which is characterized by a large number of participants and is associated with perception of multiple fragments of objective reality, elements of the in rem situation, which fragments are located in a territory considerable by its size. And, finally, the author considers procedural combination: a set of certain mutually conditioned investigative and other procedural actions which are envisaged by the criminal procedural legislation and which are aimed at solution of individual (local) tasks of criminal proceedings and which are made on the basis of general procedural solution.

Keywords: forensic tactics; procedural combination; special operation; tactical combination; tactical operation.

Dactyloscopic formula of man: history and contemporary meaning

Sergey S. Samishchenko – Doctor of Laws, Professor, Professor in the Forensic Expertise Department at Kutafin Moscow State Law University.

The article considers historical and contemporary aspects of the notion of dactyloscopic formula. The author presents results of the study of normal distribution of dactyloscopic formulas on an array of 2,849,318 dactylograms. The full qualitative and quantitative characteristics of the dactyloscopic formulas of the young male population of Russia were obtained for the first time. Comparative studies of dactyloscopic formulas of groups of people with deviant behavior (maniacs, persons convicted according to the articles of the Criminal Code of the Russian Federation, children with deviant behavior) with a normal distribution of dactyloscopic formulas are carried out. The outspoken quantitative and qualitative differences of the formulas for persons with deviant behavior are established. Versions of the use of human dactyloscopic formulas for prediction in dactyloscopy and dermatoglyphics are proposed.

Keywords: dactyloscopy; dermatoglyphics; dactyloscopic formula; normal distribution of dactyloscopic formulas; deviant behavior; comparison; prediction.

Realization of the ideas of professor R.S. Belkin in the field of olfactor investigation of the smelling human footprints

Vasily I. Starovoitov – PhD in Law, Associate Professor, Associate Professor in the Forensic Expertise Department at Kutafin Moscow State Law University.

In retrospective form, the article deals with the history of the emergence and development, in this country, of an area of olfactory investigation called «forensic odorology». The important role of Professor R.S. Belkin in defending the idea of researching smelling footprints of humans for evidentiary purposes is shown. Realization of his ideas for the procedural presentation of the results of olfactory research using specialized dogs. Implementation of the creative heritage of this outstanding scientist by the experts of the forensic expert subdivisions of the Departments of the Interior of Russia at the present stage is considered.

Keywords: olfactory method; expert review of smelling footprints; small; smelling footprints; «forensic odorology»; reliability of results of using a dog; detection dogs; evidentiary importance of olfactory investigation.

On forensic systematics as a part of the scientific heritage of R.S. Belkin

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The article is dedicated to the jubilee of Raphail Samuilovich Belkin, one of the most outstanding scientists of the 20th century, who had laid down, by his works, the fundamental basis into the modern forensic science. His rich scientific heritage includes, among other things, the development of the foundations of forensic systematics, a special section of the general forensic theory. The article reveals the goals, objectives, content and significance of this section for science and practice. Principal provisions of the systemic-cum-structural approach to the study of the phenomena of reality underlying the forensic systematics are given. Importance of systematic scientific research of R.S. Belkin not only in the past, but also for our time. From the positions of the basic principles of systematization of scientific knowledge developed by him, a system of forensic technique is proposed, which consists in combining, in its structure, the knowledge of skills as forensically significant properties of a human being and singling out an independent branch «Forensic study of human skills and their mappings» on this basis.

Keywords: Raphail Samuilovich Belkin; general forensic theory; forensic systematics; system of forensic science; system of forensic technique; forensic study of human skills.

On the problems of preventing expert errors (in the light of conceptual ideas of R.S. Belkin)

Lyudmila G. Shapiro – Doctor of Laws, Associate Professor, Head of the Department of Criminalistics at Saratov State Law Academy

The article is dedicated to the 95th anniversary of the birth of the outstanding Russian scientist R.S. Belkin who had multifaceted scientific interests in the field of forensic science, criminal procedural law, operative and search activity and forensic expert activity. In his writings R.S. Belkin paid well-deserved attention to the problems of identifying and preventing expert errors, which remain relevant at the present time. The author focuses attention on the problems of involving competent forensic experts into the criminal procedure for the purpose of preventing expert errors, and offers options for their solution.

Keywords: Raphael Samuilovich Belkin; identification and prevention of expert errors; competence of expert; expert opinion.

Investigative thinking in the aspect of the history of formation of investigatory bodies

Nicolay P. Yablokov – Doctor of Laws, Professor, Professor in the Department of Criminalistics at Lomonosov Moscow State University.

The article gives a brief historical outline of the formation and development of the investigative bodies of Russia, against which background the importance of appropriate thinking in investigators is revealed and the role of R.S. Belkin in the popularization of the importance of this thinking in investigators in his works is shown.

Keywords: investigative bodies; pre-trial investigation process; investigative thinking; investigative skills and abilities; scientific recommendations.

OPINION

Concept of series of crimes: logical-cum-philosophical basis of legal terminology

Victor V. Pushkarev – PhD in Law, Associate Professor in the Preliminary Investigation Department at Moscow University of the MIA of Russia named after V.Ya. Kikot, Associate Professor in the Department of Legal Regulation of Economic Activity of the Financial University under the Government of the Russian Federation.

The article describes the results of study of the phenomenon of serial crime from the point of view of forensic science. The author concludes that in modern forensic science, various methodological approaches and terminology are used to describe the nature and content of serial crimes. The author substantiates objective possibility and necessity of applying a single scientific approach to the expression of the basic definition of the conceptual apparatus that describes this phenomenon. The term «series of crimes» is formulated and is proposed to be used in developing measures to combat this type of crime.

Keywords: series of crimes; serial crime; pre-trial investigation; criminal prosecution.

CRIMINAL PROCEDURE

Theory of evidence and proving: the evidence system as a house of cards.

Yury P. Borulenkov – PhD in Law, Associate Professor, Pro-rector of St. Petersburg Academy of the Investigative Committee of the Russian Federation.

The author of the article considers the evidence system used in judicial proceedings from various points of view. The system, in terms of its form, can be represented as a pyramid whose point is directed upwards. The author lays to the basis the content of a certain set of so-called primary procedural (or material) evidence including physical evidence and indirect evidence established during the judicial investigation. The upper levels are composed of derivative evidence. The formed set of evidence is a system that forms the object of possible interpretations. The author emphasizes that the evidence content (fact, information, data),

rather than the means of proving, takes part in proving as substantiation of the statement (thesis). The author notes that the evidence system (the system of proving) is much broader than the system of procedural evidence. The expansion of the system is due to arguments and submissions. The problem of proof in legal proceedings is in the fact that the argument (evidentiary fact) used in the proving can lead to probable knowledge only, since the fact that is its minor premise (the content of a procedural evidence) cannot be absolutely verified, since it mainly concerns actions that are not directly perceived or communicated by others.

Keywords: procedural cognition; retrospective cognition; logical proving; instrument of knowledge; facts; proving in legal proceedings; procedural evidence; arguments; submissions; legal fact.

Exercise of the right of the accused above sixty-five years to have his/her criminal case considered by the court with participation of jury members

Vladimir V. Dubrovin – PhD in Law, Associate Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article is devoted to the study of problems of legal regulation of exercise of the right of the accused above sixty-five years to have his/her criminal case considered by the court with participation of jury members in accordance with the current criminal procedural legislation of Russia, with account taken of legal positions of the Supreme Court of the Russian Federation and the Constitutional Court of the Russian Federation.

Keywords: accused above sixty-five years; court with participation of jury members; judicial practice.

«Knowledge» or «expertise» – isn't it time to understand?

Vadim S. Latypov – PhD in Law, Deputy Head of the Department of Criminal Procedure at Ufa Law Institute of the MIA of Russia.

The law currently does not contain a legal definition of the concept of «special expertise» or «special knowledge», which provokes heated discussions in the scientific literature and inconsistencies, in the law enforcement practice. The author conducted in his study historical and legal analysis of the regulatory acts adopted in Russia since the second half of the 19th century, in terms of existence of mentions of terms of interest in them, analyzed the available scientific research on the use and application of special expertise (knowledge) in the criminal procedure, as well as prepared, on the basis of analysis of extensive materials of judicial practice, a proposal that allows to fix the identity of these concepts.

Keywords: expertise; knowledge; expert; specialist; competent persons; proving.

Rejection of candidates to jury members

Tatyana V. Moiseeva – PhD in Law, Counselor of the Judicial Board for Criminal Cases of the Supreme Court of the Russian Federation.

The article considers issues of formation of the jury, which are related to the rejection of candidates for jury members.

Keywords: criminal procedure; formation of jury; rejection.

Methodology for assessment of the expert's opinion by the prosecutor – the public prosecutor

Elena V. Pavlova – PhD Candidate of the Academy of the Prosecutor General's Office of the Russian Federation, Deputy Head of the Criminal Judicial Administration – Head of Public Prosecutions Department at The Prosecutor's Office of Moscow Region.

The article discusses the methodology for assessment of the expert opinion by the prosecutor – the public prosecutor in preparation for participation in consideration of the criminal case by the court of first instance. The author analyzes the views of legal scholars as to what the

assessment of the expert opinion is, formulates and substantiates the conclusion about the existence of a methodology for such assessment, which is due to the multi-stage procedure for appointment and performance of forensic expertise, a number of conditions whose observance by the investigator and experts should be taken into account when assessing the opinion, and also specific features of its content as evidence.

Keywords: public prosecutor; expert opinion; assessment of evidence; assessment of expert opinion; methodology for assessment.

Use of evidence as an element of criminal procedural proving

Aleksandr B. Solovyev – Doctor of Laws, Professor.

Neither the criminal procedural legislation nor the procedural theory of the Soviet and post-Soviet periods paid due attention to the use of evidence in criminal proceedings. The said problem is especially relevant for pre-trial stages where the evidential base is being formed, which base is later verified in court and serves as a basis for passing a lawful, reasonable and fair verdict. For cognitive purposes, the process of investigation of crimes is considered by the article as a criminal procedural activity consisting of formation of evidence including its collection, verification and evaluation, as well as its use. Following the Russian legislator, an overwhelming majority of modern Russian scientists who are processualists include the use of evidence in the assessment of evidence, they do not see the use of evidence as an independent important element (stage) of criminal procedural proving. However, the science has another, opposite point of view shared by the author of the article which analyzes the process of criminal procedural proving and presents arguments in favor of recognizing the use of evidence as the final independent element (stage) of this activity.

Keywords: criminal procedural proving; formation and use of evidence; circumstances to be proven; assessment of evidence; use of findings of operative-search activity and other evidence in proving.

CRIMINALISTICS

Content of the data constituting brief forensic characterization of fraud committed by convicts in corrective institutions

Aleksandr V. Akchurin – PhD in Law, Associate Professor, Head of the Department of Criminal Procedure and Criminalistics at the Academy of the Federal Penitentiary Service of Russia.

On the basis of analysis of the materials of criminal cases instituted in 2009–2015, the article reveals certain typical features that make up the brief forensic characterization of fraud committed by convicts while serving their sentences in the form of imprisonment in correctional colonies of general, strict and special regimes. The author reveals that the typical kind of fraudulent actions committed by convicts is fraud using mobile communication devices. The data have been analyzed which characterize certain circumstances of committal, by convicts, of crimes under Article 159 of the Criminal Code: the method of committal and the method of concealment of the crime, the situation, place, time, the identity of the likely offender, the probable motives and purposes of the crime. Short forensic characterization of the category of crimes in question is formulated.

Keywords: fraud; penitentiary crimes; convict; correctional colony; mobile communication devices; forensic characterization.

Tactical features of various types of search as a non-verbal procedural step in checking a crime report

Albina R. Arslanova – Deputy Head of the Investigative Department at Police Office № 1 of the MIA of Russia in Ufa.

The article considers problems of using tactical techniques within the framework of procedural actions of non-verbal character prior to institution of a criminal case. The author proposes to use the situational approach when performing non-verbal procedural actions in respect of selection, implementation and combination of tactical techniques, based on solution of the tactical tasks set.

Keywords: tactical techniques; procedural actions prior to institution of a criminal case; pre-investigation check.

Physiognomics and diagnosis of the person

Aleksandr M. Zinin – Doctor of Laws, Professor, Professor in the Forensic Expertise Department at Kutafin Moscow State Law University.

The article briefly considers some aspects of diagnostics of the personality traits whose knowledge is required in the course of detection and investigation of crimes. The author notes that psychological and psychiatric typologies of people can be the basis for such diagnostics. Some recommendations of practical psychologists and specialists in the field of physiognomy are presented, which suggest using physiognomy as a simple and accessible diagnostic tool for evaluating the personal characteristics of a man. The author emphasizes that it would not be correct to present the relationship between the properties of a person and certain features of the external appearance of a person simplistically. A critical position of the author of this article is presented regarding the recommendations of some authors regarding the use of physiognomic methods in assessing individual traits of a person, including that when solving forensic tasks.

Keywords: diagnostics of personality; types of personality; physiognomy; identification of individual traits by means of signs of appearance of man.

Judicial practice within the system of sources of private methodologies of investigation of crimes

Vyacheslav N. Isaenko – Doctor of Laws, Professor, Professor in the Department of Judicial, Prosecutorial, Investigative Activities at Kutafin Moscow State Law University.

The article considers materials of judicial practice as sources of the formation of private forensic methodologies for investigating crimes of certain types. The author is in agreement with the position of forensic scientists who consider it necessary to use such materials in their improvement. The importance of the trial is noted, which consists of the fact during trial, gaps in pre-trial proceedings are revealed. The gaps can be caused both by the poor-quality investigation of certain crimes and by shortcomings of the investigation techniques. The study and analysis of materials of judicial practice contribute to their improvement. The systemic interrelation of materials of judicial practice with other sources of forensic methodologies is declared.

Keywords: forensic methodology; investigative practice; sources of forensic methodologies; materials of judicial practice; generalization and analysis.

Technical and forensic principles of investigative actions

Yuliya S. Komyagina – PhD in Law, Associate Professor in the Department of Criminal, Ecological Law and Criminology at Saratov National Research State University named after N.G. Chernyshevsky.

The article considers the essence and significance of the principle of investigative action, the system of technical principles of investigative actions, whose implementation contributes to their optimization.

Keywords: investigation of crime; investigative action; principle of investigative action.

Concealment of crime and its place within the mechanism of behavior of the criminal

Sergey V. Lavrukhin – PhD in Law, Associate Professor, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

The article considers the following: the essence, content and mechanism of concealing a crime as a behavior pattern of the criminal, its place in the pre-trial activities of the criminal; relation between the concepts of «concealment of a crime» and «counteraction to investigation».

Keywords: behavior of the criminal; mechanism of behavior of the criminal; concealment of crime; counteraction to investigation.

Expansion of the subject of forensic science: is it a success or a crisis of contemporary science?

Sergey M. Pleshakov – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Law, Criminalistics and Criminology at the National Research Ogaryov Mordovian State University.

The article presents an analysis of the opinions of various forensic scientists on the subject of forensic science. The author believes that the use of its capabilities beyond the framework of combating crime is not a basis for expanding the subject area of this science.

Keywords: subject of forensic science; development of science; judicial proceedings.

Genesis of scientific beliefs on forensic methods and means to combat crimes associated with narcotic drugs, psychotropic, potent and poisonous substances

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The article traces the ways of the emergence of certain methodologies for investigating specific types of crime associated with illicit trafficking in narcotic drugs, psychotropic, potent and poisonous substances and justifies the need to create a unified basic methodology that would allow to unite all existing illegal actions in this sphere into a single chain and to develop typical recommendations on investigation of the crimes of the types covered by this methodology, as a whole.

Keywords: narcotic drugs; psychotropic, potent and poisonous substances; investigation of crimes; methodology for investigation; basic methodology.

FORENSIC EXAMINATION

Compulsory genomic registration in Russia from the point of view of forensic medical expert: problems and prospects

Evgeniya V. Abdulina – PhD in Medical Sciences, Associate Professor in the Department of Forensic Medicine at Kirov State Medical University.

The aim of the work is to study the problems of legislation on compulsory genomic registration in Russia. A comparative analysis of the current state of genomic registration in Russia and abroad is carried out. Difficulties in enforcing the law in forensic institutions of the core of Russia and in Russian regions are identified. Deficiencies of the legal regulatory and methodological base of genomic registration are revealed. The possible options for genomic registration in practical activities of forensic medical institutions are considered.

Keywords: forensic medicine; genetic research; compulsory genomic registration; legislation.

On improvement of practices of using results of molecular genetic research in pre-trial proceedings on criminal cases

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The article considers the role and importance of forensic medical expert review of material evidence by the method of molecular genetic identification in establishing and exposing individuals who have committed crimes on sexual grounds, including crimes of serial character. Some reasons for the expert's inability to give a definitive conclusion on all questions posed by the investigator are analyzed, and an opinion is stated on the feasibility of improving the practical use of the opportunities provided by the above-mentioned expert review in criminal proceedings.

Keywords: expert opinion; forensic medical expert review; molecular genetic identification; samples for comparative study.

LAW ENFORCEMENT AGENCIES

Prosecutor's supervision over procedural activities of pre-trial investigation authorities.

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The article analyzes certain powers of the prosecutor at the stages of institution of a criminal case and pre-trial investigation in terms of correlation of the supervising functions assigned to him/her and, criminal prosecution.

Keywords: prosecutor's supervision; criminal prosecution; criminal procedure; crime.

INTERNATIONAL CRIMINAL LAW AND JUSTICE

Impartiality, objectivity and justice as international standards of the prosecutor's activity in the field of criminal proceedings

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Sergey P. Shcherba – Doctor of Laws, 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.

The article analyzes international documents (acts) determining the standards of the prosecutor's activity in criminal proceedings, the article discloses the essence, meaning and content of standards of objectivity, impartiality and justice of the prosecutor in criminal proceedings.

Keywords: international law documents; objectivity; impartiality; justice; Council of Europe; the prosecutor's activity; criminal proceedings.

Toward the issue of the legal nature of the obligation to extradite or exercise prosecution by law (aut dedere aut judicare) in the international criminal law

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It is well-known that the extradition of criminals is one of the most politicized institutions of international criminal law, which constantly causes debate in doctrine and in practice. In the current time period, development of this institution is largely associated with the observance, by states, of their obligation to extradite or to exercise prosecution (aut dedere aut judicare), enshrined in numerous international treaties on combating international and transnational crimes. In this article, the author considers in detail the genesis and content of this obligation in the context of completion of the work of the UN International Law Commission on its codification. Four regulatory elements that form its legal nature are taken as the basis of the research: the origin of the obligation; the primacy of one part of the alternative over the other;

the scope of the crimes and the relationship with universal jurisdiction and international jurisdiction.

Keywords: extradition of criminals; aut dedere aut judicare; international criminal jurisdiction; universal jurisdiction; international crimes; International Law Commission; codification; international law practice.

National Pre-Trial Investigations into War Crimes Committed Abroad

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Recent years have witnessed states building capacity in ensuring respect for international humanitarian law (IHL) by parties to the armed conflicts, in which those states themselves take no part. One of the methods allowed and approved by contemporary IHL to enforce the observance of its rules is criminal investigations of war crimes by third countries. These investigatory activities, however, inherently require that the forum state's jurisdiction be substantiated, and the correlation between international and domestic pre-trial investigations be demonstrated. The present article, based mostly on the RF Investigative Committee's enduring engagement in this field, fills some gaps in literature on IHL and criminal procedure concerning those issues.

Keywords: international humanitarian law; extraterritorial criminal jurisdiction; international standards of investigation; quasi-investigative bodies; legal assistance; international law immunities; res judicata; forensic activities.

COMPARATIVE LAW

Prevention of oil theft according to the law of the people's Republic of China

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The article considers legal regulation of prevention of oil theft according to the law of the People's Republic of China. Criminal legal regulation of prevention of this type of theft in the People's Republic of China is analyzed. A number of court verdicts on cases associated with oil theft are considered. As a result of the study, conclusions are made about effectiveness of the current legislation in this area after the entry of the new law into force.

Keywords: oil theft; oil pilferage; oil; the People's Republic of China.

METHODOLOGY OF LEGAL SCIENCE

Content analysis of dactyloscopic literature for the purpose of improvement of educational training of experts in the USA

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The article analyzes the effectiveness of content analysis used to improve training programs for expert dactyloscopists in the USA. Content analysis was used to determine the status and degree of elaboration of the relevant topics arousing the greatest research interest in foreign dactyloscopy.

Keywords: content analysis; training programs; dactyloscopy; upgrade.

Presentation for identification: legal and organizational aspects

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Elena Yu. Alontseva – PhD in Law, Senior Lecturer in the Department of Criminal Procedure at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article considers problematic issues of legal regulation of, as well as the procedure for, presentation of objects for identification. Particular attention is paid to ensuring the rights of the person involved in this activity. As a result, proposals have been developed which are aimed at improving the legislation currently in effect and the practical implementation of this investigative action.

Keywords: criminal case; pre-trial investigation; investigator; interrogator; investigative action; identification; evidence; proving.

Psychological features of persons who have committed crimes of mercenary thrust and of mercenary violent thrust and, their registration in activities of employees of law enforcement authorities

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The article considers psychological features of the persons who have committed mercenary crimes and mercenary violent crimes (theft, robbery, armed assault) who serve sentences in detention facilities, as well as the socio-demographic and psychological features of the participants in criminal groups that commit these types of crime. On the basis of psychological studies made, generalized psychological portraits of such individuals are suggested. With account taken of the psychological features revealed, measures are suggested for psychological and pedagogical influence on these persons at the time of their serving their sentences.

Keywords: mercenary crimes and mercenary violent crimes; psychological portrait of criminal; psychological profile; organized gang; forensically meaningful features.

Specific features of using techniques aimed at recollection in the description of the outer appearance of a person

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The practice of detection and investigation of crimes shows that it is sometimes very difficult to describe a person's appearance. Even experienced employees are at a loss in this respect. The use of various techniques aimed at recollection in the description of the outer appearance of a person helps to awaken in memory some individual details of the person or the details of the event as a whole. The article particularly emphasizes the role of associative connections which will help the eyewitness in recollecting the characteristics of appearance of a person.

Keywords: forensic techniques; habitoscopy; appearance of a person; subjective portrait.