

ABSTRACT

Popov V.Y. Methodology for investigating a terrorist act. – Qualification scientific work on the rights of manuscript.

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In the dissertation on the basis of conceptual bases of criminological science, the analysis of norms of the current legislation and modern practice of its application, the number of theoretical problems and practical recommendations concerning pre-judicial investigation of the terrorist act which have value for development of criminological techniques, the theory of criminal procedure and practical activity of law enforcement agencies is formulated and substantiated.

The study of the essence of terrorism as a socio-political phenomenon through a historical prism showed that in contrast to the early forms of terrorist activity, aimed mainly at using terrorist methods as a tool of political struggle, modern terrorism is a qualitatively new phenomenon, a special form of criminal conflict. violence as a means of intimidation, pressure or threat, creating an atmosphere of terror, an atmosphere of fear and hopelessness, achieving wide publicity and public resonance in order to achieve the relevant political, ideological or selfish goal by terrorist actors. It was found that the most characteristic features of modern terrorist activity should be considered its mostly organized nature, ideological cover of political or selfish motivation, merging terrorist activity with international crime, as well as the use of terrorist structures of globalization processes and integration trends as components of such influences. ideologies of terrorist communities in many countries around the world.

The author's definition of terrorism is proposed, which means publicly committed, socially dangerous criminal acts or threats that involve organizational, financial, logistical or other assistance to the direct commission of individual or a series of terrorist acts aimed at instilling terror and panic, creating an atmosphere of hopelessness, depression, anxiety for the purpose of direct or indirect influence on

the commission by government officials in favor of terrorists of specific actions or the implementation in their interests of the relevant set of political, social or economic measures.

Forensic characteristics of a terrorist act are considered as a system of forensically significant information about the elements of the mechanism of these crimes and correlations between them, which serve as a subject-information basis for the development of scientific and methodological recommendations addressed to investigative practice, and have independent practical significance for systematization and analysis initial information about a terrorist attack, nomination and verification of investigative versions, solving other tasks of the investigation in a specific investigative situation.

The elements of the method of a terrorist act are considered: methods of preparation, commission and concealment of a crime. Criminals take into account the most favorable conditions that are formed at the time of a terrorist attack and choose the method based on their own professional abilities, individual skills and abilities. It has been found that a special way of concealing a terrorist act should be to conceal the true purpose of a terrorist attack. The ideological basis of terrorist activity may in fact be hidden in tactics of political or geopolitical struggle aimed at weakening or eliminating political opponents, gaining full control over natural and energy resources, production and distribution chains and industries. The tendencies of modification of types of terrorist act and transition to cybernetic and biological terrorism in the future with preservation of all existing forms of terrorist activity are revealed.

It is determined that the forensic characteristics of a terrorist should include:

- 1) information about the motive for committing terrorist activities (terrorist acts are committed on the basis of national hatred, religious, political or ideological beliefs, extremist motives, etc.);
- 2) general biological information (age, sex, level of physical training, special features, etc.);
- 3) information on social characteristics of the individual (religion, professional affiliation, place of residence, marital status, social status, values, etc.);
- 4) information about personal qualities and psychological

characteristics (emotional vulnerability, attraction to religion, temperament, intelligence, abilities, mental disorders, psychological dependence, etc.); 5) information on the behavior of the suspect before, during and after the crime. In the course of the research it was established that terrorist organizations have a complex hierarchical structure, consisting of management, mediation and executive staff. Criminal roles and corresponding criminal functions as a part of terrorist formation are defined. Some typological characteristics of a terrorist's personality are considered.

The categories of persons - victims of a terrorist act, who are direct and indirect objects of criminal encroachment, have been singled out. In some cases, the victims are persons who become the objects of a terrorist attack by accident, as a result of a coincidence during their stay in crowded places, in others - these are specially appointed officials who perform certain official or official duties in the relevant industry.

It was found that the situation of a terrorist act is characterized by a set of socio-political and socio-economic conditions, phenomena and processes, other factors of objective reality that have developed in the country in a certain period of time, and a set of circumstances that have formed on the moment of the terrorist attack in a specific place and at a certain time and directly assisted or prevented terrorists in realizing their criminal intentions. The commission of a terrorist act is conditioned by its public and undisguised nature, characterized by the obvious nature of the crime itself. The choice of the direct object of a terrorist attack is determined primarily by the motives for the terrorist activity, the expected end result of a terrorist attack on a particular object or territory, as well as the predicted further negative consequences of a terrorist act.

It is noted that terrorists' choice of certain instruments of crime is determined primarily by the chosen method of criminal encroachment and a number of factors that are most favorable for the realization of their criminal intentions. As weapons and means of committing a terrorist act, criminals can use: explosive devices and explosives; small arms or artillery firearms; technical devices for immediate or

subsequent ignition, flammable materials and combustible substances; other means (computer viruses, biological or chemical weapons, production equipment, vehicles, household items, etc.).

It is established that the typical traces of a terrorist act may include: material traces of the crime (traces of explosion, arson, use of firearms, spread of toxic substances); ideal traces of the crime, which are reflected in the form of memorable images in the minds of victims, eyewitnesses and suspects; traces of computer information (traces of e-mail, visits to Internet resources with suspicious content, complex encryption of the operating system and hard disk, the use of botnets, complex chains of proxy servers, etc.). Trace information about the crime is correlated with the method of committing terrorist acts and can be found both directly at the scene of a terrorist attack and at the scene of a preparatory action.

It is argued that the circumstances to be clarified in the pre-trial investigation of a terrorist act should be considered as an independent and integral element of a separate forensic methodology. The list of circumstances included in the subject of evidence in criminal proceedings of this category is determined, taking into account the specific mechanism of terrorist activity and the peculiarities of the forensic characteristics of the analyzed crimes. Emphasis is placed on the fact that the list of these circumstances may contain facts and information that are in the process of proving auxiliary, indicative, but their establishment is of forensic importance to obtain additional irrefutable evidence of the investigated event and the guilt of the offender.

Depending on the completeness of the initial information about the nature and circumstances of the investigated event, which are known at the time of entering information about criminal proceedings in the Unified Register of Pre-Trial Investigations, the completeness and nature of initial information about the terrorist (members of a terrorist group or terrorist organization), which are made at the initial stage of the investigation of a terrorist act, the corresponding tactical tasks and algorithms of actions of the investigator to solve them are determined. Typical

investigative versions have been identified, which are subject to verification at the initial stage of investigation of these crimes.

The peculiarities of the organization and planning of the investigation of a terrorist act, which are connected with the optimization of this type of activity, are determined. It is noted that the effectiveness of the investigation of the analyzed crimes largely depends on the established coordination system of exchange of information on the course and results of the investigation between all members of the investigative task force, the use of public assistance and the latest information and communication resources. At the same time, the planning of directions of investigation of each specific criminal proceeding is carried out taking into account the initial investigative situation, the number of established episodes of terrorist activity, as well as predicted phenomena and processes that may lead to loss of important evidence or other negative consequences. Attention is drawn to the need to enshrine in the CPC of Ukraine provisions that would provide, if necessary, the possibility of verifying applications and notifications of criminal offenses before the pre-trial investigation, including by obtaining within the prescribed period the relevant expert opinion.

The forms of interaction of the investigator with operational units during the pre-trial investigation of a terrorist act are revealed and the requirements (principles) for the formation and functioning of the investigative task force as the most optimal form of interaction in the pre-trial investigation of analyzed crimes are outlined. In order to ensure the effectiveness of the investigator's activities with operational units, it is proposed to supplement the current CPC of Ukraine with relevant provisions concerning organizational forms of interaction between members of the investigative task force, as well as a clear delineation of competences of investigators and operational staff.

Forensic recommendations for effective inspection of the scene, interrogation and search during the investigation of the analyzed category of crimes are offered. It is emphasized that to solve the tactical tasks facing the investigator is possible only by involving in the relevant investigative (search) action of qualified specialists

of various profiles, which, depending on the method of terrorist acts, may be specialists in explosives, fire safety, chemical technology, information and telecommunication systems, forensic medicine, ballistics, forensic technology and other specialists.

The general provisions of the tactics of covert investigative (investigative) actions in the investigation of a terrorist act are revealed and the expediency of additional regulation of the procedural form of covert investigative (investigative) actions is substantiated, which would serve as a sufficient guarantee for obtaining reliable evidence and protection of human rights and freedoms.

Tactical operations are defined and characterized, which are carried out during the investigation of a terrorist act and are aimed at solving certain tactical tasks: "Motivation of the crime"; "Exposing and detaining a terrorist"; "Connection of a terrorist act with other crimes of general criminal orientation"; "Distribution of criminal functions of members of a terrorist group"; "Establishment of eyewitnesses of a terrorist act"; "Establishing the prevalence of a terrorist group."

The topical issues of assigning forensic examinations as the main procedural form of using special knowledge during the investigation of a terrorist act are considered. Emphasis is placed on the special role of the institute of special knowledge in information technology support of the investigation of crimes of this category, both for the successful solution of tactical tasks facing the investigation and for a full, comprehensive and objective pre-trial investigation, ensuring the objectivity of all circumstances. the event under investigation.

Key words: pre-trial investigation, terrorism, terrorist act, counteraction, forensic characterization of crimes, investigative task force, group (brigade) organization of investigation, investigative (search) actions, covert investigative (search) actions, tactical operations, forensic examinations.