

The International Cooperation in the Field of Criminal Investigation and Forensic Activities: Informative Support and Instruments

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This paper explores the various forms of international cooperation in the field of criminal investigation and forensic practice. It defines the roles of INTERPOL and the International Criminal Court in conducting investigations into international crimes, including those occurring during the Russian-Ukrainian war. It focuses on the international collaboration during forensic practice, the systematization of international forensic science institutions networks, and their competencies. International institutions play a crucial role in standardizing forensic methodologies and introducing advanced technologies and modern tools for conducting forensic examinations. Specifically, ENFSI serves a vital function in certifying and standardizing forensic laboratories and research for European forensic science organizations, optimizing the conduct of forensic examinations, and providing better forensic output.

Keywords: international cooperation; criminal investigation; forensic practice; information support; information tools; international standards.

Міжнародне співробітництво у сфері кримінального розслідування та судово-експертної діяльності: інформаційна підтримка й інструментарій

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Розглянуто форми міжнародного співробітництва в галузі кримінального розслідування та судово-експертної діяльності. Визначено роль Інтерполу та Міжнародного кримінального суду у здійсненні розслідування воєнних та інших злочинів міжнародного характеру під час російсько-української війни. Приділено увагу міжнародній взаємодії під час проведення експертної діяльності, систематизації міжнародних судово-експертних мереж і їхньої компетенції. Міжнародні інституції мають важливе значення в стандартизації експертних методик, запровадженні новітніх технологій і сучасного інструментарію проведення експертних досліджень. Зокрема, ENFSI для експертних організацій європейських країн виконує важливу функцію із сертифікації та стандартизації експертних лабораторій і досліджень та сприяє оптимізації проведення судових експертиз, підвищує якість результатів експертної роботи.

Ключові слова: міжнародне співробітництво; кримінальне розслідування; судово-експертна діяльність; інформаційна підтримка; інформаційний інструментарій; міжнародні стандарти.

International cooperation in criminal investigation is important and essential. International cooperation requires the national efforts of individual states to comply with international standards, promote the convergence and compatibility of national laws, and conduct comprehensive procedural reforms in the field of investigation and prosecution at the national and international levels.

Mechanisms for international cooperation in the criminal investigation is included mutual legal assistance, extradition, transfer of prisoners, transfer of criminal proceedings, international cooperation for the purpose of confiscation of proceeds of crime and return of assets, and so on. Mechanisms for international cooperation are based on bilateral and multilateral agreements or arrangements, and in some cases on the national law. In this sense, the United Nations Conventions are important: 1) Convention against Transnational Organized Crime; 2) Convention against Corruption; 3) Convention for the Suppression of the Financing of Terrorism; and others.

A special role in combating modern (transnational) crime belongs to international law enforcement agencies. One such body is the International Criminal Police Organization (INTERPOL). INTERPOL is an international law enforcement organization of the criminal police, which coordinates the international cooperation of police bodies (institutions) of different countries in the fight against general criminal offences.

The records of INTERPOL and the NCBs of the states that are members of this international organization are: 1) an alphabetical file of persons with a criminal record suspected of committing crimes; 2) file of data on the appearance of the offender (file «S»), which contains 177 indicators, including the place of the crime, race, nationality. The «S» file is used in cases when the identity of the offender cannot be established either by dactyloscopic or by the photo file; 3) file of documents and names. In particular, in the section of documents the information on passports, identity cards which were used by criminals is placed; documents for the right to own an aircraft, car, firearms; 4) file of crimes (especially the method of commission); 5) dactyloscopic file; 6) photo library (photos of more than 20 thousand most dangerous criminals); 7) file of missing persons; 8) file of stolen cars; 9) file of pieces of art, cultural values, antiques, precious jewelry; 10) reference file of hand-held firearms.

Counteracting international crimes (crime of aggression, crime of genocide, crimes against humanity, war crimes) has always been the subject of cooperation of the international community. At the same time, quite often the states cannot prove the guilt and bring to justice specific persons (the highest officials of the state) who committed mass extermination.

In Art. 17 of the Rome Statute refers to the principle of complementary («additional»). It means that the International Criminal Court is accepted jurisdiction only in those cases, which state did not have a will or ability to investigate independently. Today, the jurisdiction of the International Criminal Court is already partially recognized by Ukraine. At the beginning Ukraine took part in the preparation of the Rome Statute and signed it on January 20, 2000 but has not ratified it yet.

Ukraine has twice applied to the International Criminal Court for recognition of its jurisdiction in February 2014 and 2015 under part three of Article 12 of the Rome Statute. The first statement concerned the commission of crimes against humanity by senior government officials during peaceful protests between November 2013 and February 22, 2014. The second alleges crimes against humanity and war crimes by senior Russian officials and leaders of the Donetsk Peoples Republic and Luhansk Peoples Republic terrorists organizations, as well as aggression that had a goal the annexation of Autonomous Republic of Crimea.

The reports of the International Criminal Court on the actions of the preliminary investigation of 2017, 2018 and 2019 on these issues are remarkable. In 2020 was made Independent Expert Review of the International Criminal Court and the Rome Statute System Final Report [1, P. 137-154].

Article 15 of the Rome Statute provides that the Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court (part 1). The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non- governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court (part 2). In addition, in Part 3 of Art. 15 of the Rome Statute states that «victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence».

The activities of the International Criminal Court is provided for the possibility of applying special knowledge. A form of international cooperation in the field of forensic activities is the participation of forensic experts from different countries in the investigation and trial of violations of humanitarian law and other crimes of an international nature.

The Regulation of the International Criminal Court is contained Regulation 44 «Experts». It provides the possibility of involving experts in the activities of the International Criminal

Court. Paragraph 2 of this Regulation states that «the Chamber may direct the joint instruction of an expert by the participants». Paragraph 5 is paid attention to next formulation: «the Chamber may issue any order as to the subject of an expert report, the number of experts to be instructed, the mode of their instruction, the manner in which their evidence is to be presented and the time limits for the preparation and notification of their report».

The Rules of Procedure and Evidence of the International Criminal Court are also included possibilities of using special knowledge. Rule 19 «Expertise in the Unit» regulates the possibility of requesting an examination in the different cases.

The International Criminal Court must be a symbol of international justice that makes fair decisions. The International Criminal Court is one of the most important institutions of international criminal law, which uses mechanisms to investigate international crimes and protects human rights at the international and national levels.

There are various forms of international cooperation in the field of forensic sciences. The main ones are: 1) exchange of information (scientific and information exchange); 2) holding joint scientific and scientific-practical events (conferences, symposia, congresses, etc.); 3) training of expert staff and advanced training abroad; 4) cooperation within the framework of improving the quality of forensic sciences in different countries; 5) international standardization of forensic activity; 6) interaction within international forensic associations (organizations); 7) involvement of forensic experts from different countries in the investigation and trial of crimes of an international nature (for example, in the activities of the International Criminal Court).

The exchange of information on improving the quality and training of non-governmental organizations (for example, the European Network of Forensic Institutions (ENFSI) [2], the International Association for Identification (IAI) [3], etc.) is important in international cooperation in the field of forensic activities. Significant influence on the development of forensic activities is the development of relations within the European Network of Forensic Institutions (ENFSI), which includes participation in the organization of thematic conferences, exchange of methods and reference materials, replenishment of the list of members.

Today the national Forensic Examination cannot exist in isolation from the institutions of Forensic examination and Criminalistics of other states. International cooperation of expert institutions is necessary for the exchange of experience, professional development of forensic experts, considering modern advances in science and technology, the creation of standardized expert methods.

Forensic examination activities of states must comply with national principles and international legal and professional standards. The problem of using uniform methods of conducting forensic examinations, expert methods, defining a unified system of training within the framework of international cooperation is relevant in the countries of Eastern Europe.

Today there are ten international forensic networks, which unite the scientific reserves of forensic institutions of different countries:

- 1) European Network of Forensic Science Institutes, ENFSI (since 1995) is recognized as the pre-eminent voice in Forensic Sciences throughout Europe [4];
- 2) Southern Africa Regional Forensic Science Network, SARFS (since 2008), which includes the African region [5];
- 3) Asian Forensic Sciences Network, AFSN (since 2008), which includes 64 member institutes from 17 countries (as at November 2022) and has 9 technical workgroups (Crime Scene, Investigation, Digital Forensics, DNA, Fingerprint, Forensic Medicine, Illicit Drugs, Toxicology, Trace Evidence, Questioned Document), a Quality Assurance and Standards Committee [6];
- 4) International Network of Environmental Forensics, INEF (since 2008), with mission to assist for forensic experts in the field of ecology and specialists in the investigation of environmental crimes [7];

- 5) TRACE the Wildlife Forensics Network, TWFN (since 2006) is a non-profit organization dedicated to promotion of Forensic Science in wildlife conservation and law enforcement [8];
- 6) DNA for Africa (since 2005) is a unique platform created to facilitate an all-African network around Forensic DNA profiling [9];
- 7) Latin American Academy of Criminalistics and Forensic Studies, AICEF (since 2004) is composed of 27 research institutions representing 18 Latin American countries and Spain and Portugal [10];
- 8) American Society of Crime Laboratory Directors, ASCLD (since 1973) is a nonprofit professional society of crime laboratory directors and Forensic Science managers dedicated to providing excellence in Forensic Science through leadership and innovation [11];
- 9) National Institute of Forensic Science Australia New Zealand, NIFS ANZ (since 1992) is a peak body forensic representation from Australia and New Zealand. NIFS ANZ strategic intent is to promote and facilitate excellence in Forensic Science [12];
- 10) International Forensic Strategic Alliance, IFSA (since 2021) – is multilateral partnership between regional networks of operational Forensic laboratories across the global. IFSA is composed 6 distinct regional networks of Forensic Science professionals. The networks represented on IFSA are: AICEF, ASCLD, AFSN, ENFSI, NIFS ANZ, and SARFS [13].

Today, many countries around the world are addressing the need for standardization and unification of forensic science. Verification of the results of expert research and certification of expert methods is required.

A form of international cooperation in the field of forensic activities is the participation of forensic experts from different countries in the investigation and trial of violations of humanitarian law and other crimes of an international nature.

Membership in ENFSI is included two different approaches – membership of forensic institutions of EU countries and membership of forensic institutions of non-EU countries. The activities of ENFSI are as follows: 1) organization of meetings and scientific seminars, exchange programs and vocational training; 2) recommendation of relevant partners in the field of forensic science; 3) publication of practical publications and dictionaries in the field of forensic science in several languages.

The main activity of ENFSI is to try to achieve a high level of organization in the field of Forensic Science in Europe and the world by developing the quality of forensic services at all stages of the proceedings. This is ensured by the following conditions: a) membership in ENFSI combines production, scientific and methodological capabilities of forensic institutions; b) the expansion of ENFSI membership strengthens the credibility of this organization by law enforcement agencies and courts; c) business relations with other organizations, the activity of which is connected with criminology and forensic examination, are established and maintained in an organized manner; d) the activities of all ENFSI member institutions that implement modern research methods, international standards and ensure the competence of experts in certain types of examinations are strongly encouraged.

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Resilience of the Expert Justice Support System to Contemporary Challenges

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The paper examines the concept of resilience in the field of expert support of justice, the impact of crisis situations on expert institutions and ways of their adaptation to emergency situations. Given the academic interest in public administration in the context of resilience, there is a lack of consensus on its definition and how it works, highlighting the need for additional knowledge on the possibilities and conditions that constitute resilience in the field of expert support of justice. This paper proposes tools for restoring the stability of expert institutions in crisis situations. The author emphasizes the importance of developing the resilience of forensic research institutions, especially in times of uncertainty, to ensure the continuity of their activities in military invasion conditions.

Keywords: *resilience; military intervention; forensic research institutions; crisis situations.*

Стійкість сфери експертного забезпечення правосуддя до викликів сучасності

Сергій Тюленєв

Досліджено концепцію стійкості у сфері експертного забезпечення правосуддя, вплив кризових ситуацій на експертні установи та шляхи їх адаптації до надзвичайних ситуацій. Зважаючи на академічний інтерес до публічного адміністрування в умовах стійкості, бракує консенсусу щодо її визначення та того, як вона працює, підкреслюючи потребу в додаткових знаннях щодо можливостей та умов, які складають стійкість у сфері експертного забезпечення правосуддя. Запропоновано інструменти відновлення стабільності експертних установ у кризових ситуаціях. Підкреслено важливість розвитку спроможності судово-експертних установ до стійкості, особливо в часи невизначеності, щоб гарантувати безперервність їхньої діяльності в умовах військового вторгнення.

Ключові слова: *стійкість; військова інтервенція; судово-експертні установи; кризові ситуації.*

Resilience plays a crucial role in ensuring the viability of any sphere of state activity, including the field expert support of justice. Challenges of our time: COVID-19, emergencies and terrorist attacks, and military intervention, require rapid adaptation, and development of proposals for effective crisis management. The field of expert support of justice in Ukraine has demonstrated extraordinary adaptive potential in difficult conditions. However, there are still issues that need to be resolved promptly in the conditions of martial law.

In recent years, the concept of resilience has gained relevance. The process of restoring the resilience of the Ukrainian sphere of expert support of justice is currently being implemented in military conditions. It is doubtful that the sphere of expert support of justice