

Despite the improvement of methods of theft of energy carriers, traces of interference in their work are always displayed on the external and internal surfaces of metering devices. The full and scientifically substantiated evidence of interference in the operation of accounting devices is precisely the conclusion of the experts, which is based on the results of a traceological study conducted in expert institutions using modern forensic equipment.

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Traces of violence on the corpse

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The paper outlines the definitional difficulties of violence. It is defined both as "a single or repeated intentional act or omission that violates the rights or personal rights of persons" and "something what includes three measurable aspects, namely affect (anger), behavior (e.g. physical damage) and intention (harm)". It is stressed that forensic-medical assessment of such traces is of great importance for the legal qualification of the act. Biological and material traces are distinguished and considered within the scope of criminology and forensic medicine.

Keywords: traces of violence, corpse, sexual freedom, damage to physical or mental health, forensic-medical assessment, biological traces, material objects, post-mortem imaging

Сліди насильства на трупі

Елжбіета Живуцка-Козловська

У науковій праці окреслено труднощі визначення поняття насильства. Воно визначається як «одноразова або повторювана навмисна дія чи бездіяльність, яка порушує права чи особисті права осіб», так і «щось, що включає в себе три вимірні аспекти: афект (гнів), поведінка (наприклад, фізична шкода) і намір (шкода)». Наголошується, що судово-медична експертиза таких слідів має велике значення для правової кваліфікації діяння. У рамках криміналістики та судової медицини виділяють і розрізняють біологічні та матеріальні сліди.

Ключові слова: сліди насильства, труп, статеві свободи, шкода фізичному чи психічному здоров'ю, судово-медична експертиза, біологічні сліди, матеріальні об'єкти, посмертна зйомка.

The traces of violence on the corpse are nothing revealing. They have been known to humanity for thousands of years, although probably in those distant times no attention was paid to them. The essential fact was the death of a man, and how he died was of secondary importance, if at all. Today the view is different. Violence of human against human is a reprehensible phenomenon, punishable under the applicable law. It is also punishable to desecrate human corpses and remains.

Considering violence, it is impossible not to emphasize the definitional difficulties of this term, which is pointed out in many scientific works [1]. The Act on Counteracting Domestic Violence of July

29, 2005 defines violence as "a single or repeated intentional act or omission that violates the rights or personal rights of persons, in particular exposing these persons to the risk of loss of life and health, violating their dignity, bodily integrity freedom, including sexual freedom, causing damage to their physical or mental health, as well as causing suffering and moral harm to people affected by violence" [2]. Violence defined in this way has a wide scope. Anna Seredyńska recalls the definition of Kevin Browne and Martin Herbert, emphasizing its three measurable aspects, namely affect (anger), behavior (e.g. physical damage) and intention (harm) [3].

Traces of physical violence are visible both on the body of a (living) person, but also on human corpses and remains. Forensic-medical assessment of such traces is of great importance for the legal qualification of the act (bodily injury causing a specific effect). This report is focused solely on the traces of violence on corpses, and therefore the considerations are limited. The literature on the subject does not lack works referring to traces of violence discovered on skeletons or mummified corpses [4]. Wiesław Więckowski and Janusz Wołoszyn emphasize the importance of bioarchaeology's achievements in the study of both biological material and artefacts. The authors also point to the grave context, including not only gifts placed with the deceased in the grave, but also material objects that may indicate violence (arrowheads) [5]. Comparing the above views, it can be assumed that traces on human corpses are preserved long after death, which is important not only for archaeologists, but also forensics. In this perspective, it is reasonable to adopt a dichotomous division of traces resulting from violence into: biological traces and material traces.

Biological traces are understood as those that cover the body, while material traces are a product of human activity (objects of material culture). Joanna Szymoniczek writes about the material traces of crime, about war cemeteries, about "foreign" graves, which are traces and evidence of violence, aggression of man towards another man [6].

Within the scope of these considerations, traces will be understood both in the perspective of criminology and forensic medicine. It is rightly noted that the most frequently cited definition of this term is the one proposed by Jan Sehn, "according to which traces in the forensic sense are all changes in the objective reality which, as perceptible features of the events under investigation, constitute the basis for reconstructing the course of these events in accordance with reality" [7].

In forensic medicine, traces are all kinds of changes on the corpse and inside it. The literature on the subject describes cases in which traces of violence on corpses have been established beyond any doubt. It is worth mentioning some of them here. Tomasz Konopka, Krzysztof Woźniak, Jerzy Kunz, Dagna Frączek and Joanna Kozioł described the injuries on the body of the victim of a sexual homicide, which were signs of violence, namely "the autopsy showed numerous bruises all over the body, mainly on the face, bruises on the left nipple, insertion into the vagina of three branches, 1.5—3 cm thick, with tearing of the

walls of the vagina and insertion into the peritoneal cavity to a depth of 35 cm. The characteristic injuries of the neck organs allowed for choking as the cause of death" [8, S. 79]. In another case described by the cited authors, "an autopsy showed that a metal poker had been inserted through the left ear into the head, with fractures of the skull bones and lacerations to the brain, a shallow wound below the right nipple and extensive bleeding, fractures of many ribs. Through the torn vagina, two sticks entered the peritoneal cavity, one reaching the pelvis, the other piercing the diaphragm and reaching level of III the left rib [8, S. 80]. The kind of injuries described by the cited authors is characteristic of sexual homicides. Other traces of violence are gunshot wounds, wounds cut, bruised, chopped, torn, torn. There are also traces of choking, suffocating, holding, electrocuting, burning with fire. The most important thing in examining traces of violence on corpses is to determine the vitality of these injuries, which is emphasized by S. Raszeja [9]. Currently, post-mortem imaging of corpses (especially computed tomography) is used more and more often, thanks to which it is possible to reveal important data affecting the final conclusions of forensic medics [10]. It is also worth mentioning that corpse injuries revealed at autopsy usually vary in nature and it is important to determine which of these resulted in death. Suicides are special cases in the practice of forensic physicians. In the perspective of these considerations, traces of self-aggression fall within the scope of violence. Usually these are cut wounds, signs of violent suffocation (hangman's groove), traces of a gunshot. According to statistics, hanging is the most common method of taking one's own life in Poland. The number of cases of suicidal hanging accounts for about 73 % of all methods leading to suicide [11]. Each trace on the corpse requires examination, determining the mechanism and time in which it was created (injury). Each such trace is extremely valuable for determining the circumstances of a person's death. Some of such traces may be carriers of biological material of the murderer. In conclusion, it is necessary to mention the traces of violence other than those described earlier, which are the result of human activity aimed at corpse destruction (dismemberment, burning, dissolution in acids and alkalis). Such cases are rare, but described in the literature [12].

These types of traces, as the name suggests, have a material character. They are durable, although it depends on the material from which they are made. They can last not only years, but centuries. In the

so-called recent graves (from the 20th century), traces of violence were revealed on the remains, as well as material evidence of it. K. Persak described the traces of war crimes committed by the Soviets during World War II. "The exhumation and research carried out by specialists in forensic medicine, anthropology and forensic science have broadened the knowledge about the last moments of the murdered officers, allowing us to draw conclusions about the "technology" of the execution, but also raised new question marks. Some of the skulls found in the graves near Kharkiv bear traces of a bullet to the back of the head. The executioner shot the victim in the back of the head, and the exit hole of the bullet was usually located near the frontal bone. It was a typical method of killing used by the NKVD, known from Katyn and Miednoje. This is also how people whose remains were exhumed from "Soviet" graves in Piatichatki were also killed. On some of the skulls there were traces of two or even three shots, indicating that the victims had been finished off. The same is evidenced in several percent of cases — both in "Polish" and "Soviet" graves — damage to the skulls caused by a blow with a blunt object, perhaps with the butt of a revolver or rifle" [13]. Material traces are items left next to (or on top of) a corpse at the place where it was found (or revealed). In 2022, the world was circulated by photographs from the Ukrainian Bucha. The photos showed human corpses with tied strings, scraps of fabric, wire in their hands. The cause of death was most often gunshots (including artillery). There is no doubt that these crimes were committed against Ukrainian civilians by the Russian soldiers [14].

Any entity is such cruel as a human who can kill another one for no reason, for pleasure, for fun, for amusement. Only a human can be such cruel torturing to humiliate and kill. That one always leaves traces on the corpses of his victims, which are legible, even after many years, leading to the perpetrator of violence of cruel features.

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Дисциплінарна відповідальність судових експертів як засіб забезпечення якості судово-експертної діяльності в Україні

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З урахуванням змін законодавства та практики дисциплінарного провадження щодо судових експертів розглянуто сутність спеціальної дисциплінарної відповідальності судового експерта, визначено межі, мету і завдання вказаного виду провадження.

Ключові слова: дисциплінарна відповідальність судового експерта; дисциплінарний проступок судового експерта; дисциплінарне провадження щодо судового експерта.

Disciplinary responsibility of forensic experts as a way for ensuring quality of forensic expert activity in Ukraine

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Taking into account changes in legislation and in practice of disciplinary proceedings against the forensic experts, the essence of a special disciplinary responsibility of a forensic expert has been considered; the scope, goal and tasks of the mentioned type of proceedings have been determined.

Keywords: disciplinary responsibility of a forensic expert; disciplinary offence of a forensic expert; disciplinary proceeding against a forensic expert.

Висновок судового експерта становить важливе джерело доказів (засіб доказування) і в багатьох випадках є незамінним,

а нерідко — обов'язковим елементом провадження у справі. Щодо суб'єктів проведення судової експертизи законодавство висуває низку вимог,