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The Particularities of Psychological Judicial Expertise in Wartime

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Особливості психологічної судової експертизи у воєнний час

Abstract. Psychological expertise in the Republic of Moldova is an infant field compared to other types of judicial expertise. The peculiarities of the development of the society, in which we live, lately, impose different situations from those to which we were accustomed until recently. They also reflect changing problems that the modern judicial process has to solve which is more and more of the non-traditional form. Respectively, expert assistance in the current judicial process also requires a new approach in order to meet the requirements of up-to-date judicial practice. In conditions of war, the whole society has to endure changes in all kinds of relationships. The human psyche reacting to new circumstances behaves in a different way than in the situations that were accustomed to it. Respectively, this is reflected in the behavior of individuals in all circumstances, including any capacity in civil and criminal cases. These non-traditional situations also give rise to unknown problems, which the forensic-psychological expertise is meant to solve in order to determine the scientific truth necessary for the successful administration of justice. A practical approach to the solution of the non-standard objectives submitted to the forensic psychological expertise, judicial process in conditions of war time are considered.

Keywords: psychological expertise, war times, expert assistance, methodological assurance, non-standard objectives, modern judicial process.

Анотація. Психологічна експертиза в Республіці Молдова — доволі молодий вид судової експертизи порівняно з рештою. Сьогодні особливості розвитку суспільства навішують інші ситуації, аніж ті, до яких фахівці вже звикли. Вони також відображають мінливі проблеми, які має вирішувати сучасний судовий процес, набуваючи все більш нетрадиційної форми. Для того щоб відповідати вимогам сучасної судової практики, експертна допомога потребує нових підходів. В умовах війни суспільство зазнало змін у всіх видах відносин. Оскільки в таких умовах психіка людини реагує на нові обставини інакше, аніж зазвичай, то це відбивається на людській поведінці, включно із дієздатністю у цивільних і кримінальних справах. Ці нетради-

ційні ситуації також породжують нові проблеми, які покликана вирішити судово-психологічна експертиза з метою з'ясувати наукову істину, необхідну для успішного здійснення правосуддя. Розглянуто практичний підхід до розв'язання нестандартних завдань судово-психологічної експертизи, судового процесу в умовах воєнного часу.

Ключові слова: психологічна експертиза, воєнний час, експертна допомога, методичне забезпечення, нестандартні завдання, сучасний судовий процес.

We will first refer to the most common effects of war on the human psyche. The psychological effects of war are being studied by many researchers, given that such events are constantly present around the globe. Of course, the greatest interest in this sense is presented by the subjects directly involved in the actions of the war. Please note that, the effects of war on people are varied and depend on many different factors. Soldiers are affected by war in different ways by their families, who are also victims.

The effects of war on soldiers often involve emotional and psychological problems, as well as obvious physical damage resulting from combat. Many soldiers suffer from a condition known as post-traumatic stress disorder.

Soldiers' families are affected by the war and may suffer secondary trauma. People living in war-torn areas are innocent victims of the struggle, suffering physically and mentally.

Under such conditions, it is easy to understand that the imminent threat of physical and emotional integrity, emotional alienation, prolonged exposure to sources of stress make it difficult for the military to function within the limits of mental health.

Removal from the family is the main source of stress in the case of military personnel who went on foreign missions and settled on campuses in conflict zones. They cannot attend family events and cannot provide support and help for loved ones. They are deprived of affection, balance in areas of life and even enough sleep, aspects that often lead to burnout or the development of addictions that ensure a «toxic comfort». In these situations, excessive alcohol consumption becomes the most convenient medicine. In addition, as a result of exposure to dangerous sources of adrenaline, the military may develop aggressive behaviors [1].

Upon returning from the mission, the military has an increased risk of developing post-traumatic stress disorder. From here to the

depressive behavior (manifested or hidden) is just one step. All the evil felt in depression, the negative thoughts that seem to find no more reasonable solutions to life's problems, physical and emotional exhaustion have only one major risk: the suicide attempt.

That is why it is extremely important to listen to them, to pay attention to their scale of pessimism and to phrases such as: «life has no meaning anymore», «better cannon fodder than that», «if I die, I will escape» [1].

Post-traumatic stress disorder (PTSD) in the military is an anxiety disorder that they develop after being exposed to one or more traumatic events experienced in defense missions (which exceed people's ability to cope) and which involve experiencing feelings of intense fear and helplessness.

When experiencing such events, the military feels trauma both psychologically and physiologically. The body instantly triggers the «fight or flight» mechanism, and it is then relived, at the same or a similar intensity, even years after the incident. Thanks to this self-protection mechanism, many people are able to recover naturally after that traumatic event. However, the military, due to prolonged exposure to stressful situations, often end up developing a post-traumatic stress disorder after returning home.

Symptoms usually appear within three months of the trauma, and vary in duration. In these traumatic situations, the military reacts with intense fear, pain, hopelessness.

PTSD is known to occur in soldiers taking part in war, other military interventions. It seems that the name of the disorder is PTSD, with some military leaders claiming that soldiers do not seek help because of their labeling as mentally ill. PTSD continues to be considered a mental disorder according to DSM-5.

Posttraumatic stress disorder known as Posttraumatic Stress Disorder (PTSD), presented as an anxiety disorder in DSM-IV-TR (American Psychiatric Association, 2000), is included in a new chapter in DSM-5. Post-Traumatic Stress Syndrome (PTSD) is one of the psychiatric conditions that has undergone changes in DSM-5 (2013) [2].

Post-Traumatic Stress Syndrome or PTSD is primarily characterized by an individual's exposure to a catastrophic, traumatic event that exceeds his or her ability to cope with the traumatic situation. It is

stated in each of the diagnostic criteria that an adverse, catastrophic event precedes PTSD [2].

Most of the military manage to recover after a short period of time and do not develop this disorder, if the stressors did not accumulate due to vulnerabilities acquired from childhood or from the period before enlisting in the mission (exposure to trauma at an early age, poor level of socioeconomic and educational status, belonging to minority groups, psychiatric history of the basic family – depression, personality disorders-).

Some factors that can influence the development of PTSD include:

- Feeling of horror, helplessness and extreme fear after a traumatic event;
- Having little social support after the event;
- Addressing additional stress after the event;
- Having a pre-existing mental health condition or a state of substance use, such as depression or anxiety.

People living with or suffering from PTSD may also have the following symptoms:

- Sleep problems;
- Anger;
- Disconnect or withdraw;
- Depression;
- Anxiety;
- Flashbacks;
- Chronic feelings of being insecure;
- Thoughts of suicide [2].

All these changes, which are the result of intense emotional outbursts during military actions and operations, become the baggage with which the military returns home, in the family, in society. Which in turn, often causes difficulties in socialization and relationships, because for them the world is no longer the same.

That is why it is important and necessary to be included in special programs for assistance and therapy of post-traumatic stress, either in groups or individually. This is necessary precisely in order to be able to function as a personality both in family relationships and for social adjustment.

Often, such individuals are also the subject of crimes or various non-criminal litigation, but whose actions become the subject of prologue-judicial examinations. The Republic of Moldova is not an isolated country and is characterized by social changes specific to the adjacent time and space.

Currently, there is a need to develop training programs for prosecutors, lawyers and judicial experts in the field of psychological expertise, as in the Republic of Moldova, forensic-psychological expertise is a fairly young field, compared to other types of forensic expertise.

Similar conclusions regarding the psychological aspect in the investigation of crimes related to torture were made following the study of the Criminal Reform Institute (CRI), "Psychological-judicial expertise of victims of torture in the Republic of Moldova. Psychological-medical aspects", carried out in 2015 [3].

Since 2016, the field of psychological forensic expertise has been developed in the Republic of Moldova, so that today we have within the National Center of Forensic Expertise three forensic experts and one trainee; a forensic expert — in the Center for Forensic Medicine and three private forensic experts [4]. The domain is provided with methodological support necessary for the activity [5]. Notwithstanding the fact of providing methodological support, however, many times, psychological forensic experts are presented with objectives, which in the first opinion exceed the competence of psychological expertise, requiring integrated examinations. We intend to bring an example of the approach to integrated examinations that we have applied in our practice of psychological forensic expertise related to war crime.

In front of the forensic experts by the applicant (this was an extrajudicial expertise, conducted in 2019), the objective was set to establish, if the murder of a monk, the remains of the body of which were found about 70 years later (facts confirmed by forensic examination), presented a ritual murder.

The expertise was to be performed only on the basis of the documents present in the file taken from the archives. At first it was thought that it would not be possible to solve it within the psychological expertise. However, after carefully examining all the information provided, the idea arose to seek the assistance of a specialist in the

Orthodox religion, to study the wounds on the mutilated body, in terms of their shape and location.

The involvement of another specialist (non-existent specialty in the nomenclature of forensic expertise [6]) in conducting a forensic examination, at the initiative of the forensic expert, in the practice of the Republic of Moldova, is not common, although permitted by law [7].

Respectively, the theologian attracted as a specialist, finds that the mutilations are in the shape of a cross and located on those parts of the body, on which the sign of the cross (anointing with myrrh) is made during Orthodox baptism [8]. Summarizing all the findings made by the attracted theologian, including forensic doctors, as well as other relevant documents in the file made available, forensic experts concluded that the murder was an orthodox baptismal ritual.

This example is a good one to follow, given that such an approach allows for the resolution of objectives even in situations where we have situations where it is not possible to clarify problems in a field of science.

The integration of scientific knowledge into the theory and practice of forensic expertise is one of the dominant trends of our time. The need for a forensic expert to have a large amount of constantly updated information is already becoming more pressing. On the one hand, we notice a certain «specialization trend» in a single field — some states even limiting the areas of competence of an expert to one or possibly two if they are related — e.g. traceology and dactyloscopy; graphic and document expertise, video and digital photography, etc. This leads to the differentiation of the activity of experts: experts who possess a single specialty cannot master the entire arsenal of knowledge and specialize in certain narrow fields. The process of conducting forensic examinations, while differentiating, requires the integration of knowledge, which is manifested by the fact that in such conditions the examinations will be performed by a group of experts in related specialties or the same specialty, but with different directions of investigation, sometimes resulting in seemingly divergent opinions [9].

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The Issue of Psychological Forensic Expertise in the Republic of Moldova

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**Питання психолого-криміналістичної експертизи
в Республіці Молдова**

Abstract. Psychological expertise in the Republic of Moldova is a young field compared to other types of forensic expertise. The peculiarities of the development of the society, in which we live, lately, impose different situations from those with which we were accustomed until recently. These also reflect on the changing problems that the modern judicial process has to solve, which is more and more of the non-traditional ones. Respectively, expert assistance in the current judicial process also requires a new approach in order to meet the requirements of up-to-date judicial practice. The article elucidates the stages of development of psychological judicial expertise in the Republic of Moldova. The authors will light on the premises for the development of this kind of expertise, drawing attention to the problems they encountered during the training of the experts and the methodological assurance of the process of investigating the objects of psychological expertise.

Keywords: Psychological expertise, expert assistance, methodological assurance, training of experts, premises for the development.

Анотація. Психологічна експертиза в Республіці Молдова — доволі молодий вид судової експертизи порівняно з рештою. Сьогодні особливості розвитку суспільства нав'язують інші ситуації, аніж ті, до яких фахівці вже звикли. Вони відображають мінливі проблеми, які має вирішувати сучасний судовий процес, набуваючи все більш нетрадиційної форми. Для того щоб відповідати вимогам сучасної судової практики, експертна допомога потребує нових підходів. У тезах висвітлено етапи розвитку психологічної судової експертизи в Республіці Молдова. Автори аналізують передумови розвитку цього виду експертизи, звертаючи увагу на проблеми підготовки експертів і методичного забезпечення процесу дослідження її об'єктів.

Ключові слова: психологічна експертиза, експертна допомога, методичне забезпечення, підготовка фахівців, передумови розвитку.