



Tactics And Methodology For Interrogating Persons In Relation To State Or Hiv Disease/Aids Communication Crime

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Abstract

The article covers the questioning of victims, suspects, and witnesses of sexually transmitted or HIV/AIDS crimes. Because there are specific aspects of questioning them. Therefore, tactics and methods of interrogation of individuals are revealed. Also, some errors and shortcomings in the investigative practice related to the conduct of this investigative action, as well as justified proposals and recommendations for their elimination, were developed.

Key words: sexual intercourse, HIV, AIDS, virus, witness, victim, suspect, interrogation, criminal case, tactics, methodology, investigation.

Тактика И Методика Допроса Лиц В Связи С Государственным Или Вич- Болезнью/Спидом, Коммуникационным Преступлением

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Аннотация

В статье рассматривается допрос потерпевших, подозреваемых и свидетелей преступлений, передающихся половым путем, или преступлений, связанных с ВИЧ/СПИДом. Потому что есть специфические аспекты их допроса. Таким образом, раскрываются тактика и методы допроса лиц. Также разработаны некоторые ошибки и



недостатки следственной практики, связанные с производством данного следственного действия, а также обоснованные предложения и рекомендации по их устранению.

Ключевые слова: половой акт, ВИЧ, СПИД, вирус, свидетель, потерпевший, подозреваемый, допрос, уголовное дело, тактика, методика, расследование.

Таносил Ёки Оив Касаллиги/Оитсни Тарқатиш Жинояти Бўйича Шахсларни Сўроқ Қилишнинг Тактика Ва Методикаси

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Аннотация

Мақолада таносил ёки ОИВ касаллиги/ОИТСни тарқатиш жинояти бўйича жабрланувчи, гумон қилинувчи, гувоҳ каби шахсларни сўроқ қилиш ёритилган. Чунки уларни сўроқ қилишнинг ўзига хос жиҳатлари мавжуд. Шу боис, шахсларни сўроқ қилишнинг тактика ва методикаси очиб берилган. Шунингдек, ушбу тергов ҳаракатини ўтказиш билан боғлиқ тергов амалиётида йўл қўйилаётган айрим хато ва камчиликлар ҳамда уларни бартараф этиш юзасидан асослантирилган таклиф ва тавсиялар ишлаб чиқилган.

Калит сўзлар: таносил, ОИВ, ОИТС, вирус, гувоҳ, жабрланувчи, гумон қилинувчи, сўроқ қилиш, жиноят иши, тактика, методика, тергов қилиш.

INTRODUCTION

Comprehensive reforms are being implemented in the Republic of Uzbekistan in order to expand the population's access to guaranteed and high-quality medical care, maintain their health and improve their lifestyle. However, HIV infection is considered one of the most urgent problems of the 21st century, and this disease is spreading throughout the world, negatively affecting the socio-economic development of many countries. It is known that the problem



of AIDS is not only a problem of medicine, but also hinders the development of other fields [1].

Today, quality investigation of criminal cases related to the spread of sexually transmitted diseases or HIV/AIDS, in particular, timely identification of guilty persons, violations of the law committed by them when proving actions within the law, the testimony of the participants in the process, as a rule, is the main part of the evidence in the criminal case, and sometimes it is the only type of proof. Therefore, it is necessary to carry out a quality investigation of all types of crimes, including sexually transmitted diseases or crimes of spreading HIV/AIDS.

Literature Review

It was found that the specific features of interrogation, that is, preparation for conducting this investigative action, various aspects of its tactics, have been researched by many scientists. In particular, A.N. Vasiliev, L.M. According to L.M. Karneeva, "During interrogation, in almost every case, the most evidence is obtained to establish the truth. In this sense, questioning can be considered as the main source of obtaining evidence". N.I. Porubov notes that interrogation is the "cornerstone" of the investigator's activity. Skilled questioning requires not only knowledge of the law and its creative application, but also the ability to interpret and change various measures of influence on everyday experience, taking into account individual age characteristics of a person, and it is an art that requires high skill and ability". According to R.S. Belkin, "questioning tactics in general and all its elements should have a strong psychological basis as a necessary component of their scientific foundations". Also R.S. Belkin continues his above thoughts and says that "interrogation from a psychological point of view is communication between its participants, but it continues in strict procedural forms with mandatory elements provided for by law", and emphasizes that the main feature of communication during interrogation is to provide a psychological influence on the interrogated person. M.I. Enikeev and E.A. Chernykhs also point out that interrogation is the most psychologized investigative act, which is related to the personal characteristics of the interrogator and the interrogator, the mental interaction between them [2-5].

Research Methodology And Empirical Analysis

In the researched educational and scientific literature, when formulating interrogation tactics, the investigator is usually considered only the subject of



influence, and the interrogated only as an object, as if the person being interrogated cannot have any influence on the investigator and his emotional state with his behavior.

However, in our opinion, interrogation is a two-way interaction with the interrogated person, which takes place in accordance with all the psychological laws of communication between people. At the same time, interrogation is the process of obtaining information from the interrogated person in the full extent and most objectively relevant for the case.

In particular, in criminal cases related to sexual intercourse or the spread of HIV/AIDS, it is appropriate to first interrogate the victim. Because by communicating directly with the criminal, the victim has the opportunity to provide the most information about the circumstances of the crime and the identity of the criminal.

The tactical characteristics of interrogation of victims in criminal cases related to the spread of sexually transmitted diseases or HIV/AIDS are determined by a number of factors: among others, the presence of information about the person who committed a socially dangerous act in the victim; the relationship between the victim and the suspect (accused); the consequences of the disease, the volume of initial data and its content, etc. In some cases, the interrogation of the victims is carried out in the medical institutions where they are being treated, which undoubtedly affects the tactical features of this investigation, because the interrogation of the victim should be carried out immediately after the initiation of a criminal case.

In cases where the questioning of the victim is delayed, he may be negatively influenced by the perpetrators, their relatives and acquaintances, as well as by some employees of medical institutions where patients are treated with HIV. In addition, it is known that according to Article 116 of the Criminal Code of the Republic of Uzbekistan, close relatives of the suspect and the accused may be interrogated only with their consent [6]. Therefore, reducing the time interval between the initiation of a criminal case and the questioning of the victim is an important guarantee of increasing the acceptability of the investigation.

When interviewing a victim of a sexually transmitted disease or HIV/AIDS crime, it is recommended to focus on the following:

1. About the circumstances of the committed crime (which doctor or specialist the person consulted when he was sick, what symptoms of the disease



he had: liver, spleen pain, as well as fever, wounds in the genitals, pains in the genitals, rash on the body, face, etc.; how it was diagnosed, where and when, according to the victim, he may have contracted venereal disease, HIV or AIDS, whether he was treated in medical institutions, if so, where, when and what medical procedures were performed in a medical institution, and similar circumstances.

2. It is necessary to find out the following about the person who committed the crime: whether the victim knows the criminal, if so, under what conditions did he meet him, whether there are sexual partners or HIV/AIDS patients among his relatives or acquaintances, if so, when and under what conditions communicated with, used household items (electric razor, toothbrush, towel, etc.) of a person infected with genital or HIV/AIDS and similar important circumstances.

If the victim is not familiar with the perpetrator and the contact with him was accidental, the specific characteristics of the criminal (appearance, facial structure, clothes, etc.), his should be questioned in detail about behavioral characteristics, including promiscuity, drug use, and the like. Also, it should be determined which social circle the criminal may enter, whether he is known by his appearance and other signs, whether violence or unnatural sex has been committed against him.

3. It should be determined whether the victim himself, his lifestyle, family members, tendency to use drugs, had sexual or other relations with strangers, traveled abroad, received treatment for sexually transmitted diseases or HIV/AIDS.

During the interrogation, it is necessary to determine the psychological characteristics of the victim, for this it is appropriate to study his relations with family members, acquaintances, and classmates.

The above-mentioned list is not fixed and can be determined based on the specific circumstances of the committed crime. Also, during the questioning of the victims, tactical methods should be used depending on the situation and the behavior of the interrogated person.

It is recommended to use the details of the victim's testimony during the interrogation of the victim who knows the perpetrator of this type of crime, to determine in detail his relationship with the criminal. In the case of a crime committed by an unknown person, it is important for the victim to describe his



appearance in detail, distinguishing specific features and sometimes behavioral signs.

4. When interrogating the victims, it is necessary to take into account their behavior prone to committing crimes, for example, the fact that he himself had casual sex, used drugs using a single syringe or used alcoholic products together, and so on. During the investigation, the testimony of such victims needs to be critically evaluated and re-examined, because they are unethical.

Wanting to hide his actions, he tends to give false instructions in most cases. In such conflicting situations, the investigator should emphasize the official strict warning of the victim when explaining the requirements of Articles 238 and 240 of the Criminal Code of the Republic of Uzbekistan, and if necessary, record the interrogation process on a video recording.

In order to prevent or resolve the problematic situation regarding this type of crime, the investigator should explain to the victim the illegality and danger of his position, the consequences of his false testimony, and activate the use of the positive qualities of the person being questioned. If during the additional questioning the victim changes his previous testimony, the investigator is recommended to put forward the evidence that the person being questioned is an acquaintance of the person who committed the crime, or that he was influenced by interested parties, or that he received money to buy drugs.

5. It should be noted that genitals and HIV disease or AIDS patients lead to a different worldview in the public mind. These diseases are often seen as a natural consequence of immoral behavior by society. When a person develops a sexually transmitted disease, HIV disease or AIDS, there are cases of alienation from him by his acquaintances and even relatives. It should be remembered that such cases provoke a different worldview of the infected persons in relation to society, as well as their stable criminal attitude.

On the other hand, the patient's social adjustment prevents his aggressiveness towards society, the widespread and extremely dangerous psychological attitude to "revenge by spreading AIDS", and the temptation to engage in prostitution to escape material difficulties.

These diseases cause serious emotional and social consequences for the victim, change the usual behavior of the infected person, seriously affect family relations and legal status. Adapting to life in the context of sexually transmitted disease, HIV disease, or AIDS involves a constant struggle with psychotraumatic effects. As a result, most victims are under constant psychogenic stress, and



therefore the investigator or interrogator must take measures to mitigate its medical and social consequences before starting the interrogation. It is necessary to limit as much as possible the number of persons who have information about the identity of the victims. In certain situations, it is recommended to conduct a psychological interview before questioning the victim in an emotionally depressed state.

The task of the psychological interview is to determine the nature of the problem and restore the victim's self-control. Psychological conversation should be based on empathy and emotional support. The investigator helps to identify the problem, as well as take measures for his social adjustment.

It is recommended to use the following tactical methods when interrogating the victim for these crimes:

Creating an environment of psychological trust with the victim. In an uncomplicated situation, a friendly relationship with the victim can turn into a cooperative relationship, which is one of the tasks of the investigator. This technique is described in detail above in the section on preparing to interview the victim. Details of studies. The details of the instructions are obtained by comparing them with medical and other documents, comparing them with the instructions of other participants in the process, revising the questions and clarifying individual cases as much as possible.

The method of associative relations. In order to recall facts that are sometimes forgotten or poorly remembered by victims, the investigator compares the circumstances of interest to the investigation with the incident known to the victim. This method is recommended for use in identifying cases of sexually transmitted disease or HIV/AIDS, especially the location, time and identity of the suspect.

During an interrogation, the investigator must constantly seek to expand the evidence base by obtaining information relevant to the case from the interrogator. In particular, it is necessary for new witnesses to find out about the contacts of the suspect with other previously unknown persons and similar circumstances. During the questioning of the victim, the investigator must determine the authenticity of the uncomplicated situation, if necessary, tactically "prepare" him to face a person whose testimony is seriously contradictory, that is, a witness, a suspect, an accused.

In a complex situation, interviewing the victim is based on different tactics than in an uncomplicated situation. First of all, the investigator must find out the



reasons that motivated the victim to give false testimony. These can be family and other close relationships with the accused (suspect), reluctance to participate in exposing criminals and negative opinion of the population towards him, negative attitude towards law enforcement agencies, threats, revenge, fear, etc. The investigator should take measures to "remove" these negative factors tactically and psychologically in order to move from a complex situation to an uncomplicated situation.

Before officially warning the victim of criminal liability for knowingly giving false testimony or refusing to testify, the investigator must conduct appropriate psychological preparation, that is, convince the victim of the complete futility of his conflicting position. An investigator who warns the victim of criminal liability for knowingly giving false testimony or refusing to testify must, on the one hand, be very formal, and on the other hand, he must leave a real opportunity for him to change his opposite position.

Specific tactical aspects of interrogation of suspects and accused persons for this type of crime are as follows:

1. "Establishing communication": Building a relationship with the suspect or accused will help create a more conducive environment for open communication. A non-judgmental and respectful interrogator may encourage the individual to feel more comfortable with the interrogator and to be more willing to share his or her testimony.

2. "Active listening": paying attention to the suspect's or accused's verbal responses and facial expressions to the questions asked, actively listening to his answers, helps to identify inconsistent behavior in his testimony, which may be an attempt to deceive or cover up his actions.

3. "Confidence building": Reassuring the suspect or accused that any information he provides will be kept confidential and that his testimony will shed light on the situation, which may encourage the individual to be more forthcoming about the information.

4. "Use of Evidence": Presenting evidence that contradicts the suspect's or accused's testimony can sometimes induce him to reconsider his position or to provide more accurate information.

5. "Seek Advice": If necessary, seeking advice from an investigator who has investigated this type of crime before to ensure that interrogation tactics are appropriate, ethical, and legal will help to make the interrogation more effective.



At the same time, knowing that most of the victims and suspects in criminal cases related to the spread of HIV disease/AIDS refuse to come to the investigation, this is because in most districts of our republic, residents know each other closely, and therefore acquaintances who come to the IIB with their work meet them. and it has been determined that such circumstances are causing the danger that his illness will be disclosed to them.

It is possible to see that most of the participants of the process who came to the investigation of this type of criminal cases will not be called to the investigation again, and there are cases of requests that the information about their illness will not be disclosed to others. In such cases, it is necessary for the inquirer, the investigator to take measures to keep information about their personal life secret, to prevent disclosure of the secret of the investigation.

After all, part 1 of Article 17 of the Criminal Code of the Republic of Uzbekistan stipulates that "judges, prosecutors, investigators and investigators must respect the honor and dignity of persons participating in the case", and part 3 of this norm states that "human honor and dignity it is prohibited to take actions or make decisions that degrade the value of the person and lead to the spread of information related to his personal life.

The summoning of the participants in the proceedings of this type of criminal cases to the investigative units of the internal affairs bodies in their area of residence may be considered inconvenient for them, as well as the disclosure of information about their personal life, and as a result, their honor and dignity may be humiliated. After all, the majority of citizens in some small districts and cities they get to know each other well, and also keep informed about the events that happen in each other's daily life.

According to paragraph 67 of the order of the Minister of Internal Affairs of the Republic of Uzbekistan dated June 12, 2017 No. 100 "On the approval of the instruction on the procedure for the organization of inquiries and preliminary investigations in the internal affairs bodies of the Republic of Uzbekistan" is noted to be carried out [7].

Results

It is expedient to carry out the preliminary investigation of criminal cases provided for in Article 113, Part 4 of the Criminal Code by the Investigation Departments of the Ministry of Internal Affairs of the Republic of



Karakalpakstan, the Department of Internal Affairs of the city of Tashkent and the Department of Investigation of the Regional Ministry of Internal Affairs.

Therefore, in the future, in order to prevent the above-mentioned situations, to ensure a full, comprehensive and high-quality investigation of the victim and this type of crime, the Minister of Internal Affairs of the Republic of Uzbekistan dated June 12, 2017 "Organization of inquiry and preliminary investigation in the internal affairs bodies of the Republic of Uzbekistan" on approval of the instruction on the procedure of It is appropriate to add the sentence "Part 4 of Article 113" to Clause 67 of Order No. 100.

Conclusion

The statements of the suspect and the accused must be videotaped, even in the case of confessions. The video recording allows to refute his instructions about putting pressure on him later, to understand the appearance of the person being interrogated, his mental state, whether he was depressed during the interrogation or gave his instructions freely without expressing concern.

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