

**CRIMINAL PROCEDURE AND CRIMINALISTICS**DOI <https://doi.org/10.30525/978-9934-26-313-2-46>**PREPARATION FOR INTERROGATION OF THE VICTIM  
IN CRIMINAL PROCEEDINGS ON THE FACTS OF RAPE****ПІДГОТОВКА ДО ДОПИТУ ПОТЕРПІЛОЇ ОСОБИ  
У КРИМІНАЛЬНИХ ПРОВАДЖЕННЯХ  
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Among the criminal offenses against a person's sexual freedom and sexual integrity (Chapter IV of the Criminal Code of Ukraine), the most widespread is rape, i.e. committing acts of a sexual nature, connected with vaginal, anal, or oral penetration into the body of another person using the genitals or any other subject, without the victim's voluntary consent (Article 152 of the Criminal Code of Ukraine). Both, female and male person can be a victim of such a crime.

The most common investigative (search) action conducted at the initial stage of a rape investigation is the interrogation of the victim. Its importance for establishing the circumstances of a criminal offense is difficult to overestimate, since only during interrogation it is possible to obtain testimony directly from the victim about the circumstances of the crime and the identity of the criminal.

In the forensic literature, interrogation is defined as an investigative (search) action, which is an informational and psychological process of communication of the persons participating in it, regulated by criminal

procedural norms, aimed at obtaining information about the facts known to the interrogated, which are important for the investigation [1, p. 308].

It is advisable to interrogate a rape victim as soon as possible after the pre-trial investigation has begun.

For the successful conduct of the interrogation, it is important to properly prepare it, which consists in carrying out a certain range of organizational measures. Taking into account the specifics of the rape investigation, the following should be taken into account when preparing for the interrogation of the victim:

1. Determining of the subject of the interrogation. The subject of questioning of a rape victim is:

- circumstances preceding the crime: how, where, under what circumstances the acquaintance with the suspect took place, in what condition the victim was at the time of the acquaintance (meeting, etc.), the nature of their relationship, etc.;

- the circumstances of the crime: when, where and in what circumstances the rape was committed; the nature of the suspects actions and the victim's opposition to them (where the victim resisted of nit, if so, how did resistance manifest, what traces could be left on the suspect's clothes and body; did the victim call for help etc.);

- consequences of the crime: the presence, number, nature and degree of severity of bodily injuries, possible diseases, mental disorders, damaged or stolen things and valuables;

- information about the evidence and its sources (presence of damage, traces of the crime and the criminal on the clothes and other things of the victim, signs of valuables, things or objects stolen from her; possible traces at the scene, clothes and/or the body of the criminal);

- information about the identity of the suspect: does the victim know the suspect, if so, who they are, if not, would the victim be able to recognize the attacker (if so, by what features of his appearance, if not, why); whether the suspect tried to disguise his appearance and/or voice; whether the suspect was under the influence of alcohol or drugs; what he was doing, what he was talking about before the rape, whether he was offering to have sexual intercourse voluntarily; did he use violence (what and how it was expressed); whether he took advantage of her helpless condition; how he acted at the scene of the crime: did he confidently navigate the area or the premises; if he used weapons or ropes – whether he brought them with him, found them accidentally at the crime scene or took them from a hiding place; whether the victim saw the rapist after the crime, if so, how did he behave, what he said,

did he ask to withdraw the statement, what he promised for this, did he threaten with reprisals in case of refusal to fulfill his demands;

– information about the state of the victim in the pre-criminal situation: state of physical health, presence and degree of intoxication, helplessness and its nature, presence of pregnancy, menstruation, diseases, in particular venereal, mental state (fatigue, anxiety, was the attack expected, at which moment a feeling of danger occurred, etc.) [2, p. 57].

2. Study of the victim's personality. The investigator must find out the level of intelligence, education, social and psychological characteristics of the victim. To establish certain facts of life, in particular, whether this person was previously a victim of similar crimes. It is also advisable to study the profile of the victim in social networks. This will come in handy when establishing psychological contact with the interrogated person, determining the line of behavior of the investigator, and will help in evaluating the testimony received.

3. Selection of the place of interrogation of the victim. According to Part 1 of Art. 224 of the Criminal Procedure Code of Ukraine, the interrogation is conducted at the place of the pre-trial investigation or in another place with the consent of the person to be interrogated. When deciding on the place of interrogation of the victim during the rape investigation, the investigator should remember that the victim usually does not want publicity about the event in which she is a direct participant. Therefore, it is advisable to choose the office of the investigator as the place of conducting such an interrogation, and not the place of residence or work of the victim.

4. Choosing the method of summoning for questioning. Calling the injured person for questioning must be done by phone. In order to avoid unwanted publicity, it is impractical to summon the injured person with a summons or through the administration of the institution or organization where they work.

5. Choosing the time of the interrogation. The time of such an interrogation should be convenient for the victim, so that they do not have to explain to anyone the reason for their absence for a certain time (excuse themselves from work, postpone events planned with their participation, etc.).

6. Preparation of technical means of fixation. The decision to record the interrogation using technical means is taken by the investigator. However, taking into account the fact that the victim of rape may be afraid that the audio or video recording of their interrogation will reach third parties, it is advisable for the investigator to limit himself to drawing up the protocol of the interrogation, without using technical means of recording.

7. Drawing up an interrogation plan. If the investigator is experienced enough, as a rule, it is enough for him to make a list of questions, the answers

to which to be obtained from the victim during interrogation. At the same time, the list of questions should be formed based on the above-mentioned circumstances to be established, which are the subject of the interrogation of the victim. In other cases, it is expedient for the investigator to draw up an interrogation plan in which to reflect the circumstances to be ascertained, the materials that the investigator has under the given circumstances, formulated questions and materials that will be expedient to present to the victim at a certain stage of the interrogation.

Summarizing the above, it should be noted that the given recommendations for preparing for the interrogation of the victim in criminal proceedings on the facts of rape are not exhaustive and may change depending on the personality of the victim and the circumstances of the specific crime.

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