

3. Case of Huseyn and others v. Azerbaijan (Application nos. 35485/05, 45553/05, 35680/05 and 36085/05). URL: <https://hudoc.echr.coe.int/eng?i=001-105823>

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## **SOME FEATURES OF THE INTERROGATION OF WITNESSES AT THE INITIAL STAGE OF THE INVESTIGATION OF COLLABORATIVE ACTIVITY**

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At the initial stage of the investigation of collaborative activity (Article 111-1 of the Criminal Code of Ukraine), the testimony of witnesses is the one of the main sources of information about the circumstances of a criminal offense. According to Art. 65 of the Criminal Procedure Code of Ukraine, a witness in criminal proceedings is a person who knows or may know the circumstances to be proven during criminal proceedings, and who is summoned to testify [1].

Current and former colleagues of the probable criminal, his relatives and neighbors, other persons who know or may know the circumstances of the criminal offense or information about the person who committed it, may be questioned as witnesses in criminal proceedings about collaborative activity facts.

Establishing potential witnesses of manifestations of collaborative activity is possible by requesting information from state authorities (military-civilian administrations, law enforcement, control bodies) and local self-government about the functioning of points of crossing the demarcation line, filtering points, internally displaced persons and people who have left the temporarily occupied territory and, thus, may be witnesses to acts, provided for by the Article 111-1 of the Criminal Code of Ukraine [2, p. 27].

In addition to direct eyewitnesses of a criminal offense (journalists (bloggers) – authors of investigations and publications about probable collaborators, on the basis of which the criminal proceedings were initiated, may be questioned as witnesses. Such persons, among other things, must inform about the methods and sources of obtaining information about the manifestations of collaborative activity, the circumstances of a criminal offense known to them, etc.

It is worth noting that the interrogation of witnesses in criminal proceedings about collaborative activity facts may be carried out in the method of video conference, in particular in the cases of the inability of witnesses to participate in the pre-trial investigation in person due to the state of health, or for other valid reasons; due to the need to ensure the safety of persons; the need to take such measures to ensure the efficiency of the pre-trial investigation; persons residing in other regions of the country or abroad (except the temporarily occupied territories of Ukraine, the territory of the aggressor state), etc.

In the conditions of martial law, in accordance with Part 11 of Art. 615 of the Criminal Procedure Code of Ukraine, there is a possibility of using the testimony of witnesses and victims who were not directly accepted by the court during the proving in court proceedings. To do this, during the interrogation of such persons at the stage of the pre-trial investigation, it is necessary to carry out continuous video recording of the progress and results of the procedural action [3, p. 360-361]. Therefore, taking into account the potential absence of a witness during the trial (due to a change of residence, departure from Ukraine, mobilization to the Armed Forces, etc.), it is advisable to conduct all interrogations of witnesses of collaborative activity with the use of continuous video recording.

During the interrogation of eyewitnesses of manifestations of collaborative activity, the following typical circumstances are subject to establishment:

- profile data of the witness;
- the circumstances of the witness's stay in the temporarily occupied territory of Ukraine, their place of residence, type of activity, length of stay, time, route and other circumstances of their return to the territory controlled by the government of Ukraine;
- if the witness is personally acquainted with a person who probably committed a collaborative criminal offense – profile data of the alleged collaborator, their place of residence and work before committing the criminal offense, education, age, social and family ties; circumstances

of acquaintance; nature of relations with this person; time, method, circumstances and subject of the last communication with them);

– if the witness is not acquainted with such a person – a description of the appearance of the probable collaborator, the possibility of the witness to recognizing them;

– specific data regarding the action of the probable collaborator (nature of statements, occupation of positions in the bodies of the occupation authorities, etc.), place and time (period of time) during which the suspect committed a criminal offense, circumstances and setting of the act, presence or absence of coercion by representatives of occupation administrations, etc.;

– data on other persons who could have been eyewitnesses to the actions of the probable collaborator (profile data, occupation, degree of acquaintance and the nature of the witness's relationship with them, etc.).

Summing up, it should be noted that the interrogation of witnesses is one of the main sources of information about the circumstances of a criminal offense provided for in Art. 111-1 of the CPC of Ukraine. At the initial stage of the investigation of collaborative activity, in addition to direct eyewitnesses of the criminal offense, current and former colleagues of the probable collaborator, their relatives and neighbors, and other persons who know or may know the circumstances of the criminal offense, or information about the person who committed may be questioned.

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