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Interrogation of victims and witnesses in proceedings concerning torture and the detention of civilians

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Abstract

The relevance of this article stems from the fact that, in the context of the Russian Federation's large-scale war against Ukraine, there is a growing need for the proper documentation of evidence, specifically through the interrogation of victims and witnesses in proceedings related to torture and the unlawful detention of civilians by the Armed Forces of the Russian Federation. The aim of the article was to examine the specifics of conducting interrogations in criminal proceedings concerning crimes related to cases of torture and unlawful detention. To achieve this aim, a wide range of scientific research methods were employed, including empirical, structural and systemic approaches. The theoretical basis of this work was formed by the works of both domestic and foreign researchers, dedicated to a detailed examination of issues related to the interrogation of victims and witnesses in cases concerning the torture and unlawful detention of civilians. An in-depth analysis of these academic sources contributed to the formulation of well-reasoned conclusions. The study identified the specific features of interrogations victims and witnesses in proceedings concerning crimes committed by members of the armed forces of the Russian Federation, as well as in the development of tactical approaches to interrogation, taking into account the specific nature of this category of offences. The research has shown that when conducting interrogations in criminal proceedings related to crimes committed in the context of an armed conflict, particularly in cases involving torture and the unlawful detention of civilians, the investigator must take into account the unique nature of this category of offences. Adherence to this approach is a key prerequisite for ensuring that witnesses and victims provide complete, logically consistent and meaningful testimony. Particular attention is paid to taking into account the specificities of working with individuals who have undergone traumatic experiences, and to providing the necessary support both before and after the interview. The practical value of the study lies in the identification of effective methods

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for the interrogation of victims and witnesses, aimed at obtaining the most comprehensive and informative testimony possible

Keywords:

overt investigative (detective) actions; war crimes; formation of the evidentiary base; information gathering; interview

Introduction

The current armed conflict poses a number of challenges for the conduct of criminal proceedings. Among these, the significant increase in the number of reported cases of war crimes committed by the occupying forces stands out in particular. The Russian Federation's invasion of Ukrainian territory is not only an encroachment on Ukraine's territorial integrity, but also an undermining of European values, which have been shaped over centuries in response to the tragic experience of war. As of July 2025, 5,600 civilians had been officially recognised as victims of torture (Synyuk, 2025). Among them are those whom Russian military personnel abducted at the very start of the full-scale war and who remain in captivity to current day, with no possibility of establishing any contact. Occasionally, during the repatriation of bodies, the Russian side hands over the remains of tortured civilians. For example, three men from the Kyiv region could only be identified through DNA analysis (Kostikov *et al.*, 2023). International law proclaims the prohibition of torture as an inviolable principle¹.

Armed conflicts are increasingly accompanied by large-scale acts of violence against the civilian population, as well as crimes against humanity (Felyk *et al.*, 2022). Systematic attacks targeting civilians are becoming an integral part of both the practical and doctrinal aspects of warfare (Megret, 2023). The components of the concept of investigating war crimes and crimes against humanity require the creation of a comprehensive system for the collection, systematisation and preservation of factual evidence. This must be a comprehensive activity carried out under specific conditions (Rogatinska *et al.*, 2023). An important task is working with the evidence base, in particular systematic activities to document and investigate war crimes in accordance with international standards of evidence. This process is implemented through the organisation of witness and victim interviews within the framework of criminal proceedings concerning war crimes (Pashkovskyi *et al.*, 2023).

The process of interviewing participants in criminal proceedings has always attracted interest among both academics and law enforcement officials, owing to its significance at the legislative, theoretical and practical levels. Despite significant progress in contemporary academic research, the conduct of interviews with victims and witnesses in cases involving torture and the

unlawful detention of civilians remains a subject of debate and has not been definitively resolved. This highlights the relevance and necessity of a thorough analysis of this issue. The interrogation procedure plays a vital role in the process of obtaining evidential information during the investigation of war crimes. This investigative (detective) procedure is a key element of the pre-trial investigation, without which the latter would be inconceivable. According to research by K.H. Shelemina (2021), interrogation is defined as an investigative (detective) procedure, regulated by the provisions of criminal procedural law, aimed at obtaining statements from witnesses, victims, suspects or accused persons. These statements relate to the circumstances of the case known to the interrogator and also include other information of significance to the criminal proceedings.

M.A. Gotvianska (2019) regards interrogation as a procedural action, which should be understood as an informational and psychological process of interaction between participants, governed by the rules of criminal procedure. The main purpose of interrogation is to obtain complete and objective information about facts known to the interrogator that are relevant to establishing the truth within the framework of criminal proceedings. O. Zhovtiuk (2024) notes that the examination of witnesses and victims in proceedings relating to war crimes requires consideration of their complex psychological state due to the traumatic experiences they have endured, including stress and post-traumatic stress disorder. To this end, it is necessary to ensure psychological safety, establish rapport, involve a psychologist, and apply Article 225 of the Code of Criminal Procedure of Ukraine² during interrogation in court (in particular, at off-site hearings) in order to record testimony in cases where there is a threat to life or health. This ensures the quality of evidence in accordance with the requirements of the current Code of Criminal Procedure of Ukraine and legislation. Yu.M. Chornous & S.O. Vlasenko (2022) note that interrogation is a key verbal investigative procedure that plays a primary role in the pre-trial investigation process. This procedure allows for the collection of necessary evidential information; however, its effective conduct requires consideration of specific tactical and psychological aspects. Interrogation is based on the application of various tactical methods and their combinations, aimed at

¹ European Convention on Human Rights. (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004.

² Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

establishing constructive psychological rapport with the individual and overcoming potential forms of interference with the investigation of criminal offences.

At the current stage of development of legislation, theory and practice, interrogation is regarded as a multifaceted phenomenon with several key aspects. Firstly, it is an investigative (detective) action, clearly regulated by the provisions of the Code of Criminal Procedure of Ukraine¹. Secondly, interrogation acts as a process of information-gathering and cognitive activity, involving the collection, clarification and assessment of data necessary for the conduct of a criminal case. And finally, it is a practical tool at the disposal of authorised persons acting in accordance with the provisions of the Code of Criminal Procedure of Ukraine to ensure proper evidence-gathering and the achievement of the objectives of criminal proceedings. In this context, both tactical and psychological factors are taken into account during the interrogation, as these are crucial for achieving effective results.

According to H.Yu. Nikitina-Dudikova (2020), the concept of interrogation was developed as a verbal investigative action requiring consideration of the tactics involved in its conduct. In particular, emphasis was placed on tactical techniques and forensic recommendations aimed at establishing psychological contact and obtaining important information from a child victim. According to M.D. Denisovsky & T.A. Rodenko (2023), these processes – the establishment, stabilisation and maintenance of psychological contact – are among the most complex and multifaceted processes in an investigator's practice during the conduct of investigative (detective) actions. This stage plays a key role, as it forms the basis for the start of a productive interview. Already at this stage, the investigator is forced to adapt to the specific situation and various factors that often cannot be accurately predicted or foreseen. Psychological contact involves the investigator's carefully planned, systematic and purposeful activities, aimed at creating favourable conditions for in-depth and effective communication with the person being questioned. Its main objective is to obtain complete and objective information that is of significant importance for establishing the truth within the framework of criminal proceedings. In her study, S.I. Hrechana (2023) outlined the grounds for conducting this type of interrogation, proposing a list of "other circumstances" as a reason for its implementation. These include: 1) poor health, advanced age of the person and other factors that may indicate risks regarding the ability to give evidence during court proceedings; 2) long-term business trips, travel for work, study or permanent residence outside Ukraine; 3) the

person's status as a foreign national, their permanent residence abroad or presence in Ukraine without legal grounds, with subsequent deportation from the country; 4) the person's service in the Armed Forces of Ukraine, as well as other categories of persons defined by the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection"².

The aim of the study was to take into account the specific features of crimes committed in the context of armed conflict in order to ensure an adequate evidential basis in the investigation of war crimes and to improve methodological approaches to the interrogation of witnesses and victims in proceedings concerning torture and the detention of civilians by the Russian Armed Forces.

Materials and Methods

The research employed both general scientific and specialised methods of scientific inquiry. Among the general scientific methods, the following were used: deduction, induction, analysis and systematisation. Specialised methods included the empirical method, statistical analysis, extrapolation, systems analysis, idealisation and hypothesis formulation. The synergy of these approaches enabled the creation of a comprehensive conceptual framework for the study, which ensured the achievement of the set objective. Data was extracted from the Unified State Register of Court Decisions covering the period from 2019 to 2026, specifically from the category of criminal cases, the section on "Criminal Offences against Peace, the Security of Mankind and the International Legal Order", and Article 438 (war crimes) of the Criminal Code of Ukraine³. Based on the context of the terms "torture, detention of civilians, witnesses", 50 existing cases were identified, of which 24 were from 2025, 19 from 2024, 4 from 2023, and 3 from 2026. These chronological boundaries were chosen because the current Russian-Ukrainian war began on 20 February 2014 and escalated into a large-scale invasion on 24 February 2022.

A systematic analysis has made it possible to justify the need to take into account the specific nature of crimes committed in the context of armed conflict, in order to improve methodological approaches to the interrogating of witnesses and victims in proceedings concerning torture and the detention of civilians by the armed forces of the Russian Federation. Based on the results of the analysis of empirical data, using the scientific research method of extrapolation, it became possible to analyse the key elements for developing a methodology regarding the tactics of interrogating victims and witnesses in proceedings concerning torture and the unlawful detention of civilians. Using a

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

² Law of Ukraine No. 3551-XII "On the Status of War Veterans, Guarantees of their Social Protection". (1993, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/3551-12#Text>.

³ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

structural method, the stages of interrogating this category of persons were identified and formulated.

The legal framework for this study comprises the following acts of Ukrainian national legislation: the Constitution of Ukraine¹, the Criminal Code of Ukraine², the Code of Criminal Procedure of Ukraine³, as well as international human rights instruments: the Convention for the Protection of Human Rights and Fundamental Freedoms⁴, the Geneva Convention relative to the Protection of Civilian Persons in Time of War⁵, the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly Resolution No. 3452 of 9 December 1975⁶, and the website of the General Prosecutor's Office of Ukraine (n.d.).

This Article draws specifically on these sources, as they govern social relations in the sphere of interrogating victims and witnesses in proceedings relating to torture and the unlawful detention of civilians by the Armed Forces of the Russian Federation. It is these regulatory acts that form the basic legal framework upon which research is conducted to improve methodological approaches to the interrogating of witnesses and victims of crimes committed in the context of armed conflict.

Results

The regulatory framework and the effectiveness of pre-trial investigation bodies and the public prosecutor's office. In accordance with Article 4(1) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949⁷, the protection of this Convention applies to persons who, at any time and under any circumstances in a situation of conflict or occupation, find themselves under the authority of a party to the conflict or an occupying power of which they are not nationals. In accordance with paragraphs 1, 2 and 3 of Article 6 of this Convention, its provisions shall come into force from the outset of any conflict or occupation as defined in Article 27, paragraph 1, which emphasises that persons protected by the Convention are entitled to respect for their person

and honour in all circumstances⁸. They must always be protected and treated humanely, ensuring that acts of violence, intimidation, insult or public humiliation are prevented. In accordance with Article 29 of the Convention, a party to the conflict which has control over protected persons is responsible for the conduct of its representatives towards those persons. This does not exempt representatives from their personal responsibility for their actions⁹.

In accordance with Articles 31-32 of the Convention, it is prohibited to use any form of physical or psychological coercion against protected persons, particularly for the purpose of obtaining information from them or from third parties. Any acts likely to cause physical suffering or result in the death of protected persons under someone's control are also prohibited. This provision applies not only to murder, torture, corporal punishment, mutilation or unjustified medical and scientific experiments, but also to any other cruel treatment by both military and civilian authorities. In the preamble to the Additional Protocol of 8 June 1977 to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts (Protocol I)¹⁰, the High Contracting Parties reaffirm that the provisions of the Geneva Conventions and of this Protocol shall apply in full, under all circumstances, to all persons under their protection. Article 146 of the Convention obliges the High Contracting Parties to enact the necessary laws to ensure effective criminal sanctions against persons who commit or order the commission of any grave breaches of this Convention as defined in this Article¹¹.

Article 1 of the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly Resolution No. 3452 of 9 December 1975 (hereinafter referred to as the Declaration), it is stated that torture is any act by which severe physical or mental pain or suffering is intentionally inflicted on a person¹². Such acts are committed by or at the instigation of a public official for the purpose of obtaining

¹ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-бп#Text>.

² Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

³ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

⁴ European Convention on Human Rights. (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004.

⁵ Geneva Convention relative to the Protection of Civilian Persons in Time of War. (1949, August) Retrieved from https://zakon.rada.gov.ua/laws/show/995_154.

⁶ Resolution of the UN General Assembly No. 3452 "Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". (1975, December). Retrieved from <https://ips.ligazakon.net/document/MU75010R>.

⁷ Geneva Convention Relative to the Protection of Civilian Persons in Time of War. (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_154.

⁸ Ibidem, 1949.

⁹ Ibidem, 1949.

¹⁰ Additional Protocol to the Geneva Conventions relative to the Protection of Civilian Persons in Time of War. (1977, June). Retrieved from https://zakon.rada.gov.ua/laws/show/995_200.

¹¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War. (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_154.

¹² Resolution of the UN General Assembly No. 3452 "Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". (1975, December). Retrieved from <https://ips.ligazakon.net/document/MU75010R>.

information or a confession from the person concerned or from a third party, as punishment for acts committed or suspected, or to intimidate the person concerned or others. Article 2 of the Declaration emphasises that any acts which may be classified as torture or other cruel, inhuman or degrading forms of treatment or punishment constitute an affront to human dignity¹. Such acts must be condemned as violations of the purposes of the Charter of the United Nations, human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights².

According to statistical data recorded by the Office of the Prosecutor General and summarised in Table 1, the number of criminal offences committed by the Russian Federation's armed forces during the Russian Federation's full-scale invasion of Ukraine under

Article 438 of the Criminal Code of Ukraine³, committed in violation of the laws and customs of war from 2022 to 2023, and Table 2, war crimes from 2024 to 2025, since Article 438 of the Criminal Code of Ukraine has borne the aforementioned title since 2004, amounts to a total of 206,002. At the same time, criminal offences during the aforementioned period in which individuals were served with a notice of suspicion under Article 438 of the Criminal Code of Ukraine amounted to 344 cases, representing 0.16% of the total number of criminal offences (Article 438 of the Code of Criminal Procedure of Ukraine). Proceedings referred to court (sub-paragraphs 2 and 3 of Article 283 of the Code of Criminal Procedure of Ukraine) regarding criminal offences involving war crimes for the specified years total only 155, which constitutes 0.07%

Table 1. Comparison of the number of criminal offences involving violations of the laws and customs of war (Article 438 of the Code of Criminal Procedure of Ukraine), 2022-2025

Years	2022	2023	Total
Number of criminal offences relating to violations of the laws and customs of war (Article 438 of the Code of Criminal Procedure of Ukraine)	60,387	60,944	121,331
Criminal offences in which individuals were served with a notice of suspicion	135	88	223
Where the location of the suspects is unknown	70	38	108
Due to the performance of procedural actions within the framework of international cooperation	0	0	0
Proceedings referred to court (sub-paragraphs 2, 3 of Article 283 of the Code of Criminal Procedure of Ukraine)	47	37	84
With a bill of indictment	47	37	84
Criminal offences in which proceedings were closed	33	5	38

Source: compiled by the authors

Table 2. Comparison of the number of war crimes (Article 438 of the Code of Criminal Procedure of Ukraine) for the years 2024-2025

Years	2024	2025	Total
Number of criminal offences relating to violations of the laws and customs of war (Article 438 of the Code of Criminal Procedure of Ukraine)	28,788	55,883	84,671
Criminal offences in which individuals were served with a notice of suspicion	64	57	121
Where the location of the suspects is unknown	30	29	59
Due to the performance of procedural actions within the framework of international cooperation	0	5	5
Proceedings referred to court (sub-paragraphs 2, 3 of Article 283 of the Code of Criminal Procedure of Ukraine)	46	25	71
With a bill of indictment	46	25	71
Criminal offences in which proceedings were closed	7	0	7

Source: compiled by the authors

Thus, the effectiveness of the pre-trial investigation authorities and the prosecution service in carrying out the tasks of criminal proceedings is extremely low. Overall, war crimes, acts of aggression, crimes against humanity and genocide, as well as military criminal offences – the rise in which is directly linked to the armed conflict – account for 41% of the total number of criminal offences recorded in the country during the relevant period of 2025. In particular, the total number of military criminal offences, which serves as an

indicator of the state of military crime, accounts for over 34% of the total number of registered criminal offences. These tasks entail ensuring prompt, comprehensive and impartial investigations so that every person who has committed a criminal offence is held accountable, in accordance with the extent of their guilt. At the same time, the possibility of unjustified procedural coercion against any person must be ruled out, and all participants in criminal proceedings must be afforded appropriate procedural safeguards (Bogutsky, 2025).

¹ Resolution of the UN General Assembly No. 3452 "Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". (1975, December). Retrieved from <https://ips.ligazakon.net/document/MU75010R>.

² Universal Declaration of Human Rights. (1948, December) Retrieved from <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

³ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

According to O. Dufeniuk (2022), the effectiveness of tasks related to the documentation of war crimes depends significantly on the application of a standardised approach and the systematisation of procedural actions. These actions are carried out taking into account international experience in investigating violations of international humanitarian law. Of particular importance is the development of specialised methodological guidelines, which can be classified according to criteria such as: the category of persons targeted by the attack; the object that was attacked; the means used to carry out the attack; the manner in which unlawful acts were committed against the victims; geographical location; as well as compliance with the provisions of the Special Part of the Criminal Code of Ukraine and other relevant factors.

One of the key mechanisms for securing evidence in criminal proceedings is the thorough and effective organisation of the interrogation of persons who have suffered from war crimes caused by the armed aggression of the Russian Federation. The main purpose of the interrogation is to obtain objective information from witnesses or direct victims of military actions; for example, in Case No. 2025 of the Khortytskyi District Court of Zaporizhzhia, six victims and three witnesses were identified and interrogated, and as a result, the court found the charges to be proven¹. In such circumstances, interrogation must be conducted in accordance with the provisions of criminal procedural law, in compliance with the principles of forensic methodology and taking into account the specific psychological state of the aforementioned participants in the criminal proceedings.

When conducting interrogation in criminal proceedings concerning crimes committed in the context of an armed conflict, in particular those involving acts of torture and the unlawful detention of civilians, the investigator must take into account the specific nature of this category of offences. For example, in the 2025 case of the Chernihiv District Court of Chernihiv Region, the guilt of the accused in committing a criminal offence under Part 2 of Article 28 and Part 2 of Article 438 of the Criminal Code of Ukraine² is confirmed by the testimony of two victims interrogated in the court session, as well as three witnesses. These statements, gathered during the criminal proceedings at the time of questioning and directly examined by the court, are certified as proper and admissible evidence³.

This approach is key to ensuring that detailed, consistent and substantive testimony is obtained from

witnesses and victims. The tactics for interrogating victims and witnesses in proceedings concerning torture and the unlawful detention of civilians involve the implementation of distinct stages as set out in Appendix 1. The tactics for interrogating witnesses and victims in the context of investigating cases of unlawful imprisonment and the torture of civilians can be represented as five stages.

Stage one – preparatory. Analysis of all available materials, including medical reports (in accordance with the Istanbul Protocol⁴), reports from human rights organisations, previous statements from victims or witnesses, CCTV footage and other accessible resources. Familiarisation with the personal files of the victim or witness (where available), focusing on aspects of vulnerability, previous injuries and psychological and emotional state.

Planning the location and time: a safe and neutral setting must be chosen. The room for conducting the interview should be selected with both the safety and comfort of the victim in mind. Standard police interview rooms, which may be associated with coercion or threats, should be avoided. The best option would be a specially equipped room for working with victims, a psychologist's office, the office of a human rights organisation, or another location that ensures confidentiality and a comfortable environment. No unauthorised persons should be present in the room to avoid fears of information being disclosed or of judgement. Allow sufficient time; this may sometimes take several hours or even several meetings. At the commencement of the interrogation, explain to the victim that they have full control over the process. Emphasise that they may stop at any moment, take a break, or refuse to answer specific questions. Avoid rigid time constraints to foster a conducive atmosphere for conversation. If the volume of information is significant or the emotional topics are complex, provide extra time or divide the process into several sessions. Do not rush; allowing more time results in higher quality and more detailed testimony. If the victim exhibits signs of severe stress, panic, or flashbacks, the session must be paused or rescheduled. If necessary, complex questions can be revisited later with the support of a specialist psychologist (Pylypenko, 2022).

Forming the team is a crucial stage, where each member must possess specific professional qualities and skills: the investigator, in particular, must have experience in investigating serious crimes, demonstrating a deep understanding of the specifics of such

¹ Judgment of the Khortytskyi District Court of Zaporizhzhia in Case No. 337/4647/24. (2025, May). Retrieved from <https://reyestr.court.gov.ua/Review/127424787>.

² Judgment of the Chernihiv District Court of Chernihiv Region in Case No. 743/262/24. (2025, February). Retrieved from <https://reyestr.court.gov.ua/Review/124852078>.

³ Ibidem, 2025.

⁴ Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1999, August). Retrieved from <https://ukraine.un.org/sites/default/files/2021-06/Istanbul%20Protocol%20in%20Ukrainian.pdf>.

proceedings and the ability to work effectively under highly complex conditions. An important aspect is the ability to apply a trauma-informed approach, which promotes a caring attitude towards victims, ensuring their comfort during communication. In addition, it is necessary to possess highly developed communication skills that allow one to establish contact with different people and gather information effectively. Patience and the ability to show empathy are of particular importance, as they help to build trust and mutual understanding with those involved in the process. An additional advantage is specialised training in areas relevant to such cases, which gives the investigator even greater competence and confidence in performing their duties. The psychologist plays a key role in assessing the psychological state of the victim, providing support during the interrogation, and advising investigators on conversational tactics. Their contribution may be direct (present during the interrogation) or indirect (observing via a one-way mirror). If the victim shows signs of withdrawal or panic, the psychologist has the right to intervene to suggest a break or a change of topic, in accordance with the principles of the Istanbul Protocol¹, ensuring access to professional psychological support is essential for both victims and witnesses of torture, as well as for members of the investigation team. Such support is particularly important in situations involving significant emotional strain. The psychological aspect of the victims' traumatic experiences must be taken into account, as recounting the violence they have endured may cause them to relive these events, creating a risk of their emotional state deteriorating. The involvement of a qualified specialist helps to minimise the negative impact of such experiences and prevent the onset of crisis reactions. Furthermore, hearing such testimonies is a challenging task for investigators as well. A psychologist provides them with support, helping to prevent professional burnout and avoid errors linked to reduced emotional sensitivity or excessive empathy. Thus, the involvement of a psychologist not only improves the condition of the victims but also contributes to the effective work of the investigative team (Zlivkov & Lukomska *et al.*, 2022). An interpreter may be engaged if necessary, but it must be ensured that this person is completely independent, qualified and well-versed in both the relevant subject area and ethical considerations. The involvement of relatives or acquaintances for translation purposes is strictly prohibited. A legal representative is mandatory in cases involving minors or persons with partial or complete incapacity. The victim's lawyer is also entitled to participate in the proceedings. Their presence is essential to ensure the protection of the victim's rights and interests.

The preparation of technical equipment is a critically important stage, where video and audio recording tools play a significant role. These instruments ensure not only an accurate record of the conversation but also help avoid the need for re-interrogation, which can be traumatic for the participants. Modern technology allows for the recording of an individual's emotional state and behaviour, while reducing the risk of claims regarding potential influence or pressure during the procedure. It should be noted that cameras must be positioned correctly: they must provide a full view of the situation and all present, yet without creating additional discomfort or stress for those involved. Directing cameras directly at the face should be avoided. Particular attention should be paid to interviews involving victims in cases concerning torture, violence or unlawful detention. In such cases, it is extremely important to preserve all details of the testimony in such a way that they remain as convincing as possible even after a considerable period of time. To this end, international guidelines, such as the Istanbul Protocol, recommend the simultaneous use of both video and audio recording, as well as the mandatory preparation of a written record. The use of a video camera allows not only the content of the victim's words to be recorded, but also their non-verbal cues of emotion, facial expressions and tone of voice, which are often of key importance in assessing the credibility and psychological state of the individual. Under the current Criminal Procedure Code of Ukraine², authorised officials, namely the investigator or prosecutor, are empowered to make video recordings of the interrogation process. Consequently, such recordings become an integral part of the criminal case file. Video recordings are particularly significant in cases involving war crimes. As investigations into such proceedings can last for years, the recordings help to preserve the testimony of key figures – both victims and witnesses. Experience from other countries convincingly demonstrates the importance of this approach. For example, in Georgia following the 2008 war, authorities faced situations where victims, long after the events, began to forget key details or were forced to relocate. In some cases, due to the passage of time, witnesses were no longer able to participate in proceedings for natural reasons, such as death or loss of contact with them (OSCE, 2009). In such circumstances, video recordings of interrogations serve as an indispensable source of evidence and a guarantee of the preservation of data that may be crucial for the fair administration of justice. Thus, the recording of testimony using modern technology is a vital element in ensuring the rule of law and the protection of human rights at the international level.

¹ Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1999, August). Retrieved from <https://ukraine.un.org/sites/default/files/2021-06/Istanbul%20Protocol%20in%20Ukrainian.pdf>.

² Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

Physical comfort involves creating a comfortable environment that promote a person's comfort and peace of mind. This includes providing a comfortable chair, an optimal temperature, and the absence of unnecessary noise. It is also important to inform the victim in advance of the location of the toilet, provide access to drinking water, and, in the case of lengthy interviews, ensure that meals are available. All of this is aimed at ensuring that the victim feels cared for and understands that their well-being is a priority during the investigation.

Stage two – commencement of interrogation and establishment of contact. The start and explanation of procedures (1) should be organised as follows:

- introduction (first name, middle name, surname, position), as well as an introduction to the specialists present (psychologist, interpreter or other participants);

- clearly stating the purpose of the interrogation – to obtain information to bring those responsible to justice;

- a step-by-step explanation of the audio and video recording procedure, explaining its importance, and outlining the group of people who will have access to the recordings;

- informing the victim or witness of their rights: the right to refuse to testify against themselves or their relatives, the right to legal assistance, access to medical or psychological support, and the right to take a break at any time;

- obtaining written consent to conduct the interview and record the information, having first provided comprehensive information about their rights. If the interrogation concerns a minor, ensure that the consent of their legal representative is obtained.

Building trust and ensuring a sense of safety during communication (2) is an extremely important aspect, particularly when working with victims or emotionally vulnerable people. To achieve this, several key recommendations must be followed:

- adopt an empathetic approach in communication. This may include using encouraging and supportive phrases, such as “I understand how difficult it may be to discuss this right now”. Such words are intended not only to lower psychological barriers but also to demonstrate genuine empathy, which helps to create an atmosphere of trust;

- always show respect for the person speaking, completely avoiding any signs of judgement or doubt regarding their words. It is particularly important to emphasise the significance of the victim's testimony, as this allows to feel their own worth and importance in the situation that has occurred. This approach will help strengthen the person's confidence in the correctness of their decision to speak about the problem;

- it is necessary to closely monitor the person's emotional state throughout the conversation. This task must be carried out by both the psychologist and the

investigator, who should carefully observe for any signs of anxiety or emotional overload. Through body language, intense crying, trembling, panic attacks or signs of dissociation, a person may signal that they need immediate help or a break to regain their emotional balance. In such cases, it is advisable to immediately stop discussing difficult topics and switch to neutral questions, or postpone difficult conversations until a later time. It is absolutely unacceptable to apply pressure or demand that the person ‘pull themselves together’, as this may not only worsen the victim's mental state but also seriously undermine their trust in the investigation process;

- it is important to support the person in practical ways: offer water, ask if they need a break or medical assistance. To reduce stress, the use of sedatives may be considered, but only on the advice of a doctor and preferably before the interview begins. This is particularly relevant in cases where the person is in a state of severe nervous tension and requires additional support. Overall, creating a safe space and paying close attention to the person's emotional needs not only facilitates successful communication but also helps prevent potential psychological trauma during the interaction.

Stage three – main interrogation stage (information gathering). Begin with general questions and an informal account of the circumstances, allowing the victim to speak freely (1). At this stage, it is important to establish an atmosphere of trust. The investigator should explain that the aim is to establish the truth, ensure justice and bring those responsible to account, rather than to force the victim to relive their pain. To this end, it is advisable to begin with friendly and neutral phrases, such as: “Please tell everything that happened to you, starting from (specify a specific moment, for example, the arrest), exactly as you remember it. Take your time”.

Subsequently, sufficient time must be allowed for a free account of the circumstances without unnecessary interruptions. Active listening techniques will be key: ensuring a comfortable pace of conversation for the victim, demonstrating patience, attention and empathy both through verbal communication and non-verbally. Avoid expressing doubt about the speaker's words, as well as showing visible shock or judgement, as this may complicate further communication and cause the speaker to become more withdrawn. It is recommended to ask open-ended questions that encourage the victim to provide detailed answers, such as: “Could you describe the circumstances of what happened in more detail?” Leading questions must be avoided, for example: “Were you subjected to electric shocks?”, as such questions may negatively affect the accuracy of memories. In accordance with the provisions of the Istanbul Protocol, the use of leading questions should be completely excluded to ensure the most objective and unbiased account of the facts regarding torture or unlawful detention. This

approach facilitates the collection of reliable information and protects the victim from re-traumatisation.

To simplify the process of reconstructing events, it is advisable to use diagrams, maps and images of the locations where they took place. Such visual aids help to organise information and reduce the fragmentation of memories. Practice shows that these tools help the victim to better recall the details of their experience, and enable investigators to obtain more accurate and complete testimony (Dragan, 2024). For example, a detailed map of the area on which the victim can mark specific places of detention, torture or any other important points, such as the locations of events related to their experience, as well as a diagram of the premises where they were held, can help recall additional details or memories of the events; for instance, in the 2025 case of the Chernihiv District Court in Chernihiv Region, where, according to the victims' testimony, they were repeatedly moved to different places of detention¹.

Using techniques that take traumatic experiences into account (2):

- avoid pressure and conflict. Do not force a person to share their most painful memories if they are not ready to do so;

- pay attention to sensory details. It is worth finding out what the person saw, heard, felt physically, and what smells or tastes they remember. This will help to better reconstruct the events, but at the same time may trigger difficult emotional experiences. Questions such as: "What did you feel at that moment?", "What sounds could you hear?", "What was around you?" may be particularly relevant;

- following the chronological order of events helps to structure memories, but it is important to allow the person to deviate from this sequence if it helps to describe the circumstances more accurately (Strok, 2022);

- examining the context leading up to the event is a crucial step. It is important to understand the circumstances that preceded the situation of captivity, as this allows for a deeper understanding of how events unfolded (Hrechana, 2023);

- a detailed description of the conditions of detention is essential. The parameters of the premises must be recorded: dimensions, lighting, temperature, sanitary and hygiene conditions (in particular the condition of sanitary facilities and access to water), the presence of everyday items (for example, beds or facilities for rest), meal arrangements, access to fresh air and natural light, the opportunity to communicate with other people, as well as the presence of technical surveillance or security equipment.

For example, in a 2025 case heard by the Balakliya District Court of Kharkiv Region, civilians were held in cells of a former temporary detention centre located on the ground floor of the building housing Police Station No. 1 of the Izium District Police Department of the Main Directorate of the National Police in Kharkiv Region. The victim was held in inhumane conditions, which could be regarded as offensive and degrading treatment. The cells were completely devoid of furniture, no hygiene products were provided, and access to toilets was prohibited. This forced people to relieve themselves directly within the detention premises. Food and water were provided in minimal quantities and at long intervals. Prisoners were held without access to fresh air, and no medical assistance was provided to them following the use of physical violence².

A detailed investigation into acts of torture and cases of unlawful detention requires an extremely meticulous approach to the collection and documentation of information (3). This is a complex process that encompasses several key aspects and demands prudence, objectivity and accuracy.

First and foremost, it is necessary to clarify as fully as possible all specific actions that were carried out against the victim or took place in their immediate presence. In this context, it is important to record every detail that may be significant: the position of the victim's body during various episodes of violence, the instruments used, the methods of influence, as well as the parts of the body targeted by the abuse. For example, in the village of Obukhiv, Vyshhorod District, Kyiv Region, during the occupation by Russian Federation military personnel, a civilian wearing civilian clothing who was protected by international humanitarian law – which prohibits attacks on such persons – was unlawfully deprived of her liberty. A Russian serviceman struck her in the face with the butt of an AK-74 assault rifle and then subjected her to a forced interrogation. He then struck the victim in the right thigh with the rifle, with the bayonet attached, and continuously beat her body and head with the butt of the weapon for 10-15 minutes. As a result of these actions, the civilian sustained bodily injuries: deep open wounds to the right thigh and the area of the left shoulder joint, and numerous bruises all over her body. This caused severe bleeding, significant physical pain, and psychological and emotional distress³. When interviewing individuals who have survived such traumatic events, particular attention should be paid to tact and to avoiding repetitive questions, especially if answers to them have already been obtained previously. However, should it

¹ Judgment of the Chernihiv District Court of Chernihiv Region in Case No. 748/2577/24. (2025, May). Retrieved from <https://reyestr.court.gov.ua/Review/127524899>.

² Judgment of the Balakliysky District Court of Kharkiv Region in Case No. 610/1715/24. (2025, December). Retrieved from <https://reyestr.court.gov.ua/Review/132801900>.

³ Judgment of the Ivankivskyi District Court of Kyiv Region in Case No. 366/1631/25. (2025, December). Retrieved from <https://reyestr.court.gov.ua/Review/132885340>.

be necessary to seek further clarification or gather additional facts, the utmost professionalism and caution must be exercised. This applies particularly to questions about moments that may re-enact scenes in the victims' memories, which could cause them psychological trauma or exacerbate existing trauma (Hrydkovets *et al.*, 2024);

When recording statements, it is advisable to carefully note the personal characteristics of individuals who may have been involved in unlawful acts. This includes aspects such as their appearance (distinguishing features, height, build, clothing), the specific tone of their voice and manner of speaking, as well as other notable features. If the suspects stated their names or nicknames, or if this information became known in any other way, it is particularly important to record it. Furthermore, details regarding the perpetrators' appearance are significant: the cut or style of their clothing, their behaviour during the events, the level of aggression, or conversely, a certain degree of control over their actions. Nor should the content of conversations between these individuals be overlooked. Words, phrases or characteristic expressions they used, particularly if spoken in a specific language or slang, may be key to the subsequent identification of the perpetrators.

A particular and extremely important task is to establish the chronology of events. In this context, it is necessary to determine with the utmost precision the duration of each specific act or episode of violence, as well as the frequency with which they occurred – whether the events took place hourly, daily, or at specific intervals over the course of weeks. This approach allows for the creation of a structured and coherent picture of the nature and extent of the victim's suffering. Furthermore, it helps to identify the intensity and regularity of the perpetrators' actions and to determine whether they were systematic in nature. A comprehensive approach to collecting such data is key to a productive investigation and makes an important contribution to ensuring justice and fairness. For example, in 2024, the Suvorovsky District Court of Odesa considered a case in which the sequence of events consisted of luring the victim to a prearranged location, abduction, imprisonment and torture. According to the victim's testimony, on 12 March 2022, he received a call from an unknown number from a local activist who had previously been a retired blogger. He suggested meeting at 17:00 near the bus station in the town of Kakhovka. Upon arriving at the location, the journalist was seized by Russian military personnel due to his pro-Ukrainian stance as a journalist for the Kherson regional newspaper "Novy Den", who had not taken part in hostilities but found himself under the control

of the occupying authorities during the conflict. Russian Federation soldiers, carrying out their commander's orders, arrived at the bus station in the town of Kakhovka at 17:00 that same day. Using physical force against the journalist, they pinned him to the ground, handcuffed him and forcibly placed him in a vehicle. The detained journalist was then taken to the Kakhovka District Police Department of the Main Directorate of the National Police in the Kherson region, where the victim was searched on the premises whilst being threatened with death. He was struck numerous times on the legs and torso with the butt of a weapon. These actions violated paragraph "b" of Article 3 of the Convention against the Taking of Hostages¹. In a cold room, the journalist was handcuffed to a radiator, held in conditions that were physically debilitating due to a lack of food and water, until 20 March 2022. During this period, he was forced to perform actions against his will. He was deprived of the opportunity to leave the premises, despite his unwillingness to remain there. He was thus unlawfully detained (imprisoned), with the aim of obstructing his professional activities as a journalist. These actions constitute a violation of paragraph "a" of Article 3 of the Convention, which prohibits inhuman or degrading treatment².

Particular attention must be paid to the acts committed and their consequences for the victim's physical and psychological condition. It is necessary to clarify the nature and severity of the bodily injuries sustained, such as bruises, wounds, fractures, etc. In addition to physical injuries, it is advisable to assess the victim's subjective perception of pain, as well as to document the presence of psychotraumatic manifestations, which may include fear, anxiety or humiliation. It is particularly important to pay attention to any physiological reactions of the body to the violence experienced, which may range from nausea or loss of consciousness to temporary loss of speech or spatial orientation. If the victim received medical assistance, it is necessary to note the extent of such assistance, the circumstances under which it was provided, and the persons who provided it, specifying the time. For example, in 2025, the Balakliya District Court of Kharkiv Region heard a case in which a civilian who had been unlawfully detained was held in conditions that fell under the definition of degrading and cruel treatment, as a result of which they developed post-traumatic stress disorder. The detention facility was devoid of furniture, lacked hygiene facilities, and access to toilets was prohibited, forcing detainees to relieve themselves directly in their place of confinement. Food and water were provided in minimal quantities and with significant delays. The detainee was not allowed to

¹ Judgment of the Suvorovsky District Court of Odesa in Case No. 523/224/23. (2024, March). Retrieved from <https://reyestr.court.gov.ua/Review/117988682>.

² Ibidem, 2024.

go outside, and no medical assistance was provided following the use of physical violence. As a result, the victim began to show signs of post-traumatic stress disorder. This disorder arose as a result of unlawful actions by Russian military personnel, which consisted of unlawful detention, confinement in a cell, the use of physical and psychological violence, and being held in inhumane conditions during the period from 18 April 2022 to 28 April 2022¹.

It is equally important to carefully document all verbal expressions or threats made by the perpetrators. These include, in particular, threats of violence or murder, abusive language or humiliating remarks. It is important not only to record the content of such statements, but also to describe their context, emotional tone and the victim's reaction to the statements made. Furthermore, note the frequency of such statements and their specific recipients, whether an individual or a group of people. For example, in 2026, the Khadzhibeyskyi District Court of Odesa considered a case involving not only the unlawful detention and torture of a civilian but also threats to kill the civilian and his family. The events took place in occupied Khereson; during the unlawful detention, Russian military personnel forcibly held the civilian in a fixed seated position with their hands bound by plastic zip-ties. Under orders, the victim was systematically subjected to brutal treatment, including beatings with hands, feet, and rifle butts to the torso, head, and legs. As a result, the civilian repeatedly lost consciousness. Automatic weapons were also pointed at him to simulate an execution. An unidentified Russian soldier fired twice near the victim's head, accompanying this with threats to kill both the civilian himself and his family – his wife and child. These actions caused severe mental and psychological suffering to the victim².

Finally, it is necessary to obtain information regarding the possible motives or objectives of the perpetrators' actions. In particular, it should be ascertained whether these actions were intended to obtain information, demonstrate power, impose punishment, tighten control over the victim, or whether they were accompanied by elements of entertainment, sadism or humiliation. For example, in 2025, the Chernihiv District Court of Chernihiv Region considered a case that occurred during the Russian Federation's occupation of the Ukrainian village of Desnyanka in Chernihiv Region, where three male civilians were detained with the aim of obtaining information about individuals collaborating with the Armed Forces of Ukraine and passing on

data regarding the location of Russian military personnel and equipment within the village. After transporting the victims to a farmstead not identified by the investigation, a group of unidentified servicemen of the Russian Armed Forces forced them out of the vehicle. Threatening to use weapons, the perpetrators pulled hoods over the victims' faces, covering their eyes. The victims were subsequently led into the courtyard of a neighbouring property, forced to lie face down on the asphalt surface of the courtyard and spread their arms wide apart. On the premises of this courtyard, unidentified servicemen of the Russian Armed Forces, acting with full awareness of the unlawfulness of their actions, used physical force against the victims. For approximately two hours, the perpetrators struck the three detained civilians repeatedly with a metal sledgehammer all over their bodies – from head to toe – causing them severe physical pain and suffering. Afterwards, the victims were placed in a cellar, where they remained until the following morning³.

It is also important to determine whether these actions were discriminatory in nature; for example, if they were directed against individuals on the grounds of their ethnicity, religious beliefs, gender identity or other characteristics. Analysing these factors will contribute to a comprehensive understanding of the circumstances of the offence and ensure justice is done. For example, in 2025, the Makariv District Court of Kyiv Region heard a case concerning discrimination on the grounds of national self-determination and identity. During the Russian Federation's occupation of the village of Havronshchyna in the Makariv Amalgamated Territorial Community of the Bucha District, a civilian was subjected to physical and psychological abuse due to his pro-Ukrainian stance. During a search of the civilian, a security guard at a golf club, Russian military personnel discovered a mobile phone in which a conversation between the civilian and his sister was found in a messaging app. In the conversation, he expressed his pro-Ukrainian position. Russian military personnel subjected the civilian to physical abuse. Subsequently, after approximately 2-3 minutes, in order to spare the civilian's life, they dug him out of the ground, tied him to a tree and held him for two days with his hands, feet and eyes bound, not allowing him to leave the location. In doing so, they deprived him of the ability to meet his basic needs for food, water, personal hygiene and protection from harsh weather conditions, which constituted cruel treatment of a civilian. He was then placed in a pit dug in the ground, where he was also forcibly

¹ Judgment of the Balakliya District Court of Kharkiv Region in Case No. 610/1715/24. (2025, December). Retrieved from <https://reyestr.court.gov.ua/Review/132801900>.

² Judgment of the Khadzhibeyskyi District Court of the city of Odesa Case No. 521/14869/23. (2026, January). Retrieved from <https://reyestr.court.gov.ua/Review/133106441>.

³ Judgment of the Chernihiv District Court of Chernihiv Region in Case No. 748/2577/24. (2025, May). Retrieved from <https://reyestr.court.gov.ua/Review/127524899>.

detained without the ability to leave the site or meet his basic needs¹.

Addressing inconsistencies and gaps in the perception and recollection of traumatic events is a key aspect of analysing victims' testimonies and statements (4). The human psyche often employs defence mechanisms, such as the repression of memories or the fragmentary reconstruction of experiences, which can affect the quality and completeness of the information provided. As a result, victims' testimonies often take on a fragmentary, inconsistent or even partially incomplete character. Experiences of physical violence, sexual offences, or situations of helplessness and uncertainty often lead to a loss of control over what was happening, which significantly complicates the process of comprehending and integrating these events into memory. In view of this, it is not advisable to highlight possible contradictions or gaps in the victim's initial account of events, as such characteristics naturally arise from the specific nature of psychologically traumatic situations.

Clarifying questions should only be used after the victim or witness has shared their account of the experience in a free and as detailed a manner as possible. The main purpose of such questions is to ensure the elaboration and clarification of information already received, whilst avoiding any pressure, the imposition of new circumstances, or the creation of false assumptions. The wording of questions should be based solely on what the victim or witness has said, remaining neutral and polite in both language and tone. For example, if a witness mentioned that it was cold during the events described, one might ask: "Could you clarify how you experienced this cold?". Or, if a blow is mentioned, it would be appropriate to ask: "Could you describe in more detail exactly where the blow was struck and with what object?". This method of structuring questions is designed to elicit the most accurate and comprehensive information possible. It also helps to minimise psychological pressure on witnesses or victims during questioning and facilitates the reconstruction of a clear sequence of events, even in complex and traumatic circumstances.

During interrogation, it is particularly important to adhere to the principle of avoiding leading statements or questions that might contain assumptions or prompt the interviewee to give a specific answer. Such questions not only undermine the reliability of the information obtained, but may also cause further psychological harm to the victim or witness. For example, a question such as: "Did the attacker hit you on the back with a stick?" is problematic, as it implies a specific method of violence. Such an approach may inadvertently distort the person's recollection of the event or create a false impression of what happened. Instead, it is better to

use open-ended questions, which allow the person to describe the circumstances of the incident freely and in their own words. For example, it is advisable to ask: "How exactly were you injured in the back?" Using such questions not only allows for obtaining more detailed and truthful information, but also reduces the risk of influencing the perception of the testimony (GSU of the Ministry of Internal Affairs of Ukraine, 2025). This helps to ensure maximum objectivity and accuracy when recording the facts, leaving minimal scope for bias or the influence of external factors.

Stage four – concluding the interrogation process. This part of the interrogation is aimed at ensuring the maximum effectiveness of the process, creating a comfortable environment for the interviewee, and providing further support after the interrogation has concluded. The first step is to provide an opportunity for additional information and clarifications (1). It is recommended to use neutral, open-ended phrasing that encourages a more detailed account without pressure. For example, one might ask if there is anything important that has been overlooked, or if the person wishes to add or clarify any details. This approach facilitates a deeper and more accurate account of the circumstances, helping to avoid the possible omission of key facts. Furthermore, it helps to create an atmosphere in which the victim or witness feels in control of the situation and psychologically safe whilst giving evidence.

Organisation of support measures (2):

- involves ensuring immediate access to resources and professional assistance following the conclusion of the interrogation. In particular, specialists in psychology or medicine should be engaged to respond promptly to the needs of those affected;

- providing contact details for institutions and organisations that provide legal, psychological, medical or social support to victims of torture. This approach guarantees comprehensive protection and facilitates the rehabilitation of individuals in difficult life situations.

Stage five – post-interrogation. When drafting the protocol, it is essential to ensure the highest possible accuracy, detail and objectivity, avoiding oversimplifications, generalisations or distortions of information. The document must reflect all the important details necessary to reconstruct the events and conduct a subsequent legal assessment. In particular, the protocol should include a description of the circumstances, the behaviour of individuals, the conditions of detention, the nature and consequences of the use of violence, as well as the statements of those involved in the events. Once the protocol has been finalised, the victim or witness should be given the opportunity to review its contents and make comments or

¹ Judgment of the Makarivskyi District Court of Kyiv Region in Case No. 370/2058/22. (2025, May). Retrieved from <https://reyestr.court.gov.ua/Review/127640506>.

clarifications, which must be duly recorded in the document (Dragan, 2024).

The decision on whether to conduct further interrogations should be considered in the context of minimising the negative impact on victims. One of the main objectives is to prevent situations where a person is forced to recount traumatic events time and time again. Repeated interrogations can exacerbate psychological trauma, so it is particularly important to ensure that all necessary and relevant information is obtained during the first interview. Questions should be formulated in such a way as to gather as much information as possible, both regarding the specific crime and the broader context of the situation (conditions of detention, information about other individuals who were also detained, details of possible accomplices and the circumstances of the crime). The record should note even those details which, at first glance, appear peripheral to the current investigation but may play an important role in establishing the full picture of a war crime (Glovyuk *et al*, 2022). For example, victims' references to other detainees or descriptions of guards may become significant evidence in other proceedings, including international ones. Ensuring such comprehensiveness helps minimise the need for re-interrogation of victims by different law enforcement agencies, which is important for preventing secondary victimisation. In this context, coordination between investigators and prosecutors dealing with different episodes of war crimes becomes critical. It is necessary to identify in which cases the same person appears as a witness or a victim, and to make maximum use of already documented testimony. European practice regards such measures as an integral part of victim protection: the state is obliged to ensure their effective participation in the justice process, to protect them from re-traumatisation, intimidation or retaliation by perpetrators, and to provide support for the recovery process (Popov & Poyedynok, 2024).

Providing support to the victim is an extremely important stage in the process of assisting a person who is in a difficult life situation. Once the interrogation has concluded, the victim must be provided with all forms of support that may be necessary for their recovery, in particular psychological support to help reduce emotional stress, and medical care aimed at improving their physical condition. This approach not only helps the victim feel cared for and supported, but also contributes to the overall process of their rehabilitation and return to a normal rhythm of life.

Ensuring the safety of victims of crime, as well as witnesses, is one of the key tasks of law enforcement agencies during the investigation. It is crucial to take measures that minimise the risk of psychological pressure or threats of external influence. This is particularly relevant in cases where crimes have been committed by military personnel of the Russian Federation or other associated entities. In such situations, victims may fear

persecution, reprisals or other forms of pressure from perpetrators, who often remain at large. This problem is particularly acute for residents of temporarily occupied territories or other vulnerable groups. One of the key priorities is ensuring the confidentiality of victims' personal data to prevent its unauthorised disclosure. In high-risk situations, procedural mechanisms for protecting information may be implemented. For example, to preserve anonymity, pseudonyms may be used in documentation, closed court hearings may be held, or other special measures may be employed (Solovyova, 2025). Such measures enhance the safety of victims and create conditions for their comfortable cooperation with the investigation. The state has a duty to ensure both the physical and psychological safety of victims of crime, witnesses and their family members. This includes protection from any form of pressure, threats or violence. In fulfilling this duty, the investigator, together with the prosecutor, must conduct a thorough analysis of potential risks to victims and those around them. If a risk is identified, appropriate security measures must be initiated. These may include providing physical protection, changing the person's place of residence, or enrolling them in a state witness protection programme. At the same time, all proposed actions must be agreed with the person under protection to ensure they feel in control of the situation. Guaranteeing safety is not only a practical aspect of law enforcement work but also an ethical obligation towards victims, demonstrating care for their needs and strengthening public trust in the justice system. Providing the necessary conditions for a sense of security reinforces victims' conviction that the state puts their interests first and acts solely with the aim of restoring justice.

Discussion

An investigator conducting an interrogation in certain circumstances must possess not only theoretical knowledge but also practical experience of working with people who have experienced traumatic events and are under stress. When interrogating witnesses and victims, it is essential to adhere to international human rights standards, ensuring compliance with the principles of legality, humanity, justice, respect for the dignity and honour of the individual, as well as the avoidance and prevention of any form of coercion. Furthermore, it is important to create conditions to ensure the safety and confidentiality of witnesses and victims so that they can feel at ease and open during investigative proceedings (Zhovtyuk, 2024). The researcher's conclusions are entirely appropriate; the presence of outsiders during questioning is unacceptable in order to prevent fear regarding the possibility of information being disclosed or of condemnation. Taking safety and comfort into account during the interrogation gives the victim a sense of security and confidence, which facilitates the provision of important information necessary for an objective investigation.

This position is also expressed by S.I. Hrechyna (2023), who emphasises that during the interrogation of a person in accordance with Article 225 of the Code of Criminal Procedure of Ukraine¹ the investigator or judge must take into account their difficult life circumstances, psychological or other vulnerable state, caused, in particular, by the commission of a criminal offence. In this regard, it is necessary to apply a special, psychologically sound approach to communicating with such a person. The author's assertion is consistent with the results of the analysis conducted above: during interrogation, particular attention must be paid to preventing any form of coercion or pressure. V. Shymko (2024) focuses on the use of linguistic indicators, particularly lexical and syntactic characteristics of texts, such as social media posts or self-reports. Paralinguistic features, in particular prosody, intonation and speech rhythm, have been studied less actively, despite their proven predictive significance. Most often, attention has been paid to personality traits such as extraversion and neuroticism, whilst agreeableness and conscientiousness have remained under-researched. At the same time, there is a trend towards integrating artificial intelligence into the development of personality questionnaires. The conclusions of this researcher, taking into account the results of this study, can be considered from another perspective, namely the use of active listening techniques, in particular demonstrating genuine attention to the interlocutor's words and establishing a comfortable rhythm of conversation, whilst avoiding any coercion that might force a person to relive their pain. It is essential to refrain from expressing doubts about their testimony, as well as to avoid visible reactions of shock or judgement, so as not to complicate further interaction or shut down the interlocutor. Particular attention should be paid to sensory details: exactly what the person saw, heard, physically felt, and which smells or tastes they remember. Questions such as: "What did you feel at that moment?", "What was around you?", "What sounds did you hear?" may be important. This will help to reconstruct the events in greater detail. No details relating to conditions of detention, instances of physical or psychological violence, or their frequency and duration should be overlooked.

According to V.M. Pletenets (2022), preparation for interrogation is a key prerequisite for conducting it effectively and to a high standard. A lack of proper preparation significantly complicates, and sometimes even prevents, the achievement of the main objectives of the interrogation, in particular, obtaining sufficient and substantiated information about the circumstances of the commission of a criminal offence and ensuring its proper legal assessment. At the same time, this creates difficulties in minimising the risks of psychological trauma to the person being questioned, who may be forced

to recount events of a tragic, violent or sexual nature. Such cases quite often accompany the relevant offences and, under martial law, have become significantly more frequent in the territories of Ukraine occupied by the Armed Forces of the Russian Federation. This researcher's assertions are valid, but it is also advisable to pay attention to the physical comfort of those being interrogated, which involves creating comfortable conditions: a comfortable chair, an optimal temperature, and the absence of unnecessary noise. It is important to inform them in advance of the location of the toilet, to provide water and, if necessary, the opportunity to eat during lengthy interrogations.

According to M.V. Lepei (2024), a critical component of preparing for an interrogation is ascertaining the personal interest of the interviewee in achieving specific outcomes in the case. It is also necessary to determine the nature of the relationships between participants using a structured scheme: witness and suspect, victim and suspect, victim and witness, or suspect and another accomplice. According to O.M. Pasko & V.V. Horoshko (2022), the investigator's communicative readiness during the conduct of investigative (detective) actions is of paramount importance. This aspect is viewed as a complex state that influences the investigator's ability to engage in effective social interaction. Particular attention is paid to the importance of ensuring an adequate level of communicative readiness during the conduct of investigative (detective) actions. In turn, the scholar I.A. Strok (2022) rightly emphasises the importance of structuring questions to the victim in such a way that they follow logically from one another. Each subsequent question must be linked to the previous one, creating a coherent and interconnected chain. This allows for a comprehensive reconstruction of the events as perceived by the interviewee as an eyewitness. This method facilitates the obtaining of the most complete answers, ensuring an accurate reconstruction of the situation. According to O. Chernovsky (2018), the incorrect choice of interrogation method by an investigator or prosecutor, as well as the disregard of the psychological characteristics of the person being questioned, lead to delays in the pre-trial and judicial investigation process. According to O.V. Fedorchuk (2020), the tactical conditions under which an interrogation is conducted directly affect its effectiveness and require special attention. Focus is placed on the potential consequences arising from investigative errors made during the interrogation. Interrogation is the most common method of obtaining information; however, it remains one of the most complex and responsible investigative (detective) actions, requiring not only deep theoretical knowledge but also high-level practical skills.

The analysis conducted reveals that the interrogation of witnesses and victims requires a thorough

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

professional approach, encompassing a high level of general and professional competence, as well as an understanding of human psychology, which plays a key role in establishing the veracity of the testimony obtained. The optimal way to organise a witness interview is to divide it into several separate stages. Such a methodological approach not only helps to structure the interview process but also ensures more effective information gathering. This allows the investigator to combine the advantages of various questioning techniques and creates the conditions for obtaining the most detailed and reliable testimony. Furthermore, this method minimises the risk of a significant decline in the quality of verbal communication, whilst maintaining the participants' focus on the details of each episode under discussion.

According to V. Osmolyan (2024), the accuracy of conveying information about a criminal offence depends to a large extent on the witness's ability to articulate their thoughts clearly. However, even with a high level of linguistic proficiency, there may be a discrepancy between what the witness meant and how they expressed it to the investigator (detective). Such distortions often arise due to the overly rapid pace of interrogation or difficulties in choosing the right words. Sometimes investigators (detectives) mistakenly interpret the slow pace of a witness's answers – where the witness ponders their words and pauses whilst giving evidence – as a sign of insincerity. It is important to bear in mind that, when giving evidence, a witness is not only conveying information about the offence to the investigator (detective), but is simultaneously analysing their own words and critically evaluating them, comparing them with their previous perceptions. Thus, the pace of the interrogation must not hinder the witness's ability to express their thoughts in a reasoned and considered manner.

In light of the findings of this study, it is advisable to consider the conclusions of these researchers from a different perspective. Specifically, one should take into account the possibility that it may become necessary to add further information or clarifications to the record during the interrogation. The investigator must therefore anticipate such a situation during the preparatory stage of the interrogation to ensure that this is possible. When drawing up the record, one should strive for maximum accuracy, objectivity and detail, avoiding oversimplifications and generalisations. S.V. Kobets (2022) emphasises that although interrogation is one of the most important and widespread sources of evidence in criminal proceedings, it remains one of the most complex investigative procedures in terms of the tactics employed. This conclusion stems from the fact that, to conduct an interrogation successfully, an investigator must not only possess legal knowledge but also understand the basics of psychology, as well as be able to establish effective rapport with the interviewee. This must

be done in such a way that the interviewee discloses important information to the investigator, even if they are not particularly inclined to do so. This involves establishing what is known as psychological contact – the most conducive psychological atmosphere during an interrogation, which facilitates the establishment of interaction and rapport between the parties. It is a certain mindset geared towards productive communication.

According to V.Yu. Shepitko (2023), criminalistics currently faces new challenges aimed at developing scientific approaches to documenting, recording and proving the commission of war crimes and other crimes of an international nature, as well as at the effective application of the capabilities of digital criminalistics. Video and audio recording are integral elements of the process. They help to avoid repeated interrogations and also allow the emotional state and behaviour of a person to be recorded. Of particular importance is the accurate preservation of victims' testimonies in cases involving torture or unlawful detention, to ensure their reliability even after a long period of time. During interrogation, it is recommended to use a video camera, which allows not only the content of what is said to be recorded, but also the victim's emotions, facial expressions and intonation to be captured.

O.E. Solovyova (2025) also holds this view, emphasising the issue of protecting victims and witnesses, as individuals who have suffered from war crimes are in a state of psychological trauma, which complicates the obtaining of credible and sufficient testimony, and the need to use video recordings of interviews for subsequent use in national and international courts. The assertions of these researchers are entirely well-founded and consistent with the present study, as providing support to victims is an extremely important element of assisting people who find themselves in difficult life circumstances. Particular attention should be paid to the safety of victims of crime, ensuring the confidentiality of their personal data to prevent unauthorised disclosure. An important component of the modern investigative process is the audio and video recording of interviews with witnesses and victims. The use of such methods ensures the accuracy of the recorded evidence and prevents its distortion. The main procedure comprises several key stages. Firstly, it is necessary to ensure that the technical equipment is functioning properly and that the recording conditions meet the required standards. Before commencing, the investigator must inform the individual that their testimony will be recorded via audio or video and obtain their consent, where required by law. During the interrogation, it is important to avoid any actions that could compromise objectivity or negatively influence the testimony. Recordings made during the interrogation are of great significance as evidence. They confirm the authenticity of the testimony and help the court assess its credibility. Furthermore, such materials serve as a vital element

in safeguarding the rights of those being questioned, as they reduce the risk of their answers being misinterpreted or manipulated by third parties. Access to these materials is restricted and governed by legal provisions that guarantee the protection of personal data.

M.G. Korabel & A. Pavlenko (2025) make a valid point when they argue that the examination of witnesses in proceedings relating to violent criminal offences is an extremely emotionally charged process. For the most part, these individuals have witnessed the suffering of their loved ones, which further complicates the situation. The main objective during the interrogation is to clarify the circumstances preceding the crime, as well as the events that occurred afterwards. In doing so, the professional experience of the witnesses and any particularities of their condition must be taken into account. The informational and psychological interaction between the participants in the process must take into account the emotional state of both the victims and the witnesses to ensure the most appropriate approach. It is particularly important to consider the presence of physical or psychological trauma both during preparation for the interview and directly during the interview itself. The conclusions drawn by the researchers are entirely relevant, as a thorough analysis of the individual and a preliminary examination of the circumstances of the crime, taking into account the individual characteristics of the witness or victim, allows for an assessment of their current emotional state and psychological profile, which is necessary for adapting the interrogation tactics. This approach ensures the collection of both verbal and non-verbal information.

The synergy of the conclusions drawn by all the scholars discussed above, taking into account the results of this study, has made it possible to identify the key features of conducting interrogations of witnesses and victims in cases of torture and the unlawful detention of civilians. The following aspects should be noted:

- a thorough analysis of the individual and a preliminary examination of the circumstances of the crime, taking into account the individual characteristics of the witness or victim. This allows for an assessment of their current emotional state and psychological profile, which is necessary for adapting interrogation tactics. This approach ensures the collection of both verbal and non-verbal information;

- ensuring psychological safety: establishing conditions that guarantee the interviewee's safety through both legal protections and a supportive, comfortable atmosphere during the session;

- conducting the interrogation separately from other witnesses to avoid mutual influence or pressure;

- strict adherence to procedural requirements in accordance with Article 224 of the Criminal Procedure Code of Ukraine¹;

- involvement of a psychologist: engaging a qualified psychologist helps to create safe conditions and ensure the interrogation is conducted properly;

- use of tactical techniques aimed at minimising psychological stress. Particular attention is paid to taking into account the traumatic experience of the witness or victim, which becomes critical during wartime;

- application of the provisions of Article 225 of the Criminal Procedure Code of Ukraine. In accordance with the law, to protect witnesses and victims and ensure the credibility of testimony, interrogations may be conducted in a court session, including through remote or mobile court hearings.

Conclusions

It was found that in order to obtain high-quality and maximum detailed testimony during the interrogation of witnesses or victims who have been subjected to unlawful detention or torture, the investigator must approach all stages of the process meticulously, starting from the preparatory phase. In summarising the results obtained, it can be noted that for a successful interrogation, an investigator must possess not only a thorough knowledge of the law and legislative norms but also demonstrate a deep understanding of the psychological aspects of human behaviour. Furthermore, it is extremely important to have developed communication skills that allow for the establishment of a trusting and effective relationship with the interviewee. The investigator must create conditions in which the person being interrogated is prepared to share relevant or key information, even if they are initially sceptical or disinclined to cooperate. Of particular importance here is the establishment of what is known as psychological contact – a favourable atmosphere that ensures harmonious mutual understanding between the parties. This is a complex process of building trust, aimed at creating an active and constructive dialogue that encourages the interviewee to be open and participate productively in the conversation. The findings suggest that the process of interrogating witnesses in proceedings relating to violent criminal offences is particularly challenging given the deeply emotional context of such situations. Often, witnesses find themselves in a difficult position, having observed significant suffering or even tragedies affecting their relatives or acquaintances. Such circumstances add additional psychological pressure, which significantly complicates the process of obtaining reliable and exhaustive testimony. In such cases, it is extremely important to take into account the specifics of the emotional state of both witnesses and victims. Conceptually, the above indicates that information-psychological interaction should be built on the basis of a highly delicate approach rooted in empathy, professionalism, and attentiveness to the psycho-emotional well-being

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/laws/show/4651-17>.

of every person involved. Only such a balanced and correct approach will contribute to minimising stress for the participants in the process and ensuring the objectivity of the information obtained.

Defining effective methodologies for conducting interrogations of persons who have become victims or witnesses of events is an important step in achieving a thorough and objective investigation. The main aim of such an approach is to obtain the most accurate, comprehensive and detailed testimony possible, capable of helping to establish the truth and ensure a fair outcome. The application of modern approaches, focused on creating a comfortable atmosphere for respondents, helps to minimise psychological pressure, strengthens trust and improves the quality of the information provided. A promising direction for further research in this field would be to ensure not only the physical but also the psychological safety of victims of crime. Particular attention should be paid to the development of detailed

methodologies that enable a thorough analysis of potential risks that may arise for victims and their immediate environment.

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Appendix 1. Strategies for interrogating victims and witnesses in proceedings concerning torture and the unlawful detention of civilians

I. Preparatory stage:				
1. Collection of preliminary information:				
Analysis of all available materials, including medical reports.		Familiarisation with the personal files of the victim or witness (where available), specifically examining indicators of vulnerability, past traumas, and current psychological state.		
2. Planning of place and time:				
Selection of a safe and neutral location: The interrogation room should be chosen to avoid any environmental associations with imprisonment or detention for the victim.		The interview should not be constrained by rigid time limits (it may be conducted over several sessions on different days, lasting several hours with breaks); if the interviewee experiences acute stress, flashbacks, or panic, the investigator should pause the proceedings or terminate the session for the day entirely.		
3. Formation of the team:				
An investigator with specialist training in this field (able to demonstrate empathy and patience).	A psychologist: to assess the psychological state of the victims, to provide support during interviews, and to advise the investigator on the appropriate approach to take.	An interpreter: if necessary (independent, competent, well-versed in the relevant subject matter and adhering to ethical standards. Translation by relatives or acquaintances is not permitted).	Legal representative: for minors or persons who have partial or total legal incapacity.	The victim's legal representative has the right to participate in the proceedings.
4. Preparation of technical equipment:				
Video and audio recording.		Physical comfort involves creating a comfortable environment: a comfortable chair, an optimal temperature, and the absence of unnecessary noise. It is important to inform the interviewee in advance of the location of the toilet, to provide water and, if necessary, the opportunity to eat during lengthy interviews.		
II. Commencement of interrogation and establishment of contact:				
1. Introduction and explanation of procedures:				
Provide an introduction by stating first name, middle name, surname, and position, and also introduce all persons present, including the psychologist, interpreter, or any other individuals involved in the process.	Clearly explain the purpose of the interrogation – to gather information with a view to bringing those responsible to justice.	Explain the audio and video recording process step by step, provide information on its importance, and clearly outline who will have access to the recordings.	Inform the victim or witness of their rights: the right to refuse to testify against themselves or their relatives, the right to legal representation, medical or psychological support, and the right to take a break at any time.	Obtain written consent to conduct the interview and record the information after providing detailed information about their rights. When working with minors, it is essential to obtain consent from their legal guardian.
2. Building trust and creating a safe environment:				
Empathetic approach: “I understand how difficult it is to speak about this right now”.	Maintain respect: Avoid any judgement or doubt regarding the victim's statements. Emphasise the importance of their testimony.	Continuously monitor their emotional state. In the event of signs of distress (such as uncontrollable crying, trembling, panic attacks, or manifestations of dissociation), a break must be taken immediately. The investigator may shift the conversation to a neutral topic or postpone the discussion of the most difficult moments to a later time. It is strictly prohibited to apply pressure or demand that the person “pull themselves together,” as this can severely damage their mental state and undermine trust in the investigation.		Offer support: Proactively offer water and check whether the participant requires a pause or medical assistance.
III. Information gathering:				
1. Commencing with general questions and an open-ended conversation:				
Start with general questions and an open-ended conversation: – It is important to establish an atmosphere of trust right from the start. The investigator should explain that the main aim is to ensure justice is done and to hold those responsible to account, rather than to make the victim relive their pain. For example, it is worth beginning the interview with the following words: “Please tell everything that happened to you, starting from (specify a specific moment, for example, the arrest), exactly as you remember it. Take your time”.	Allow sufficient time for the person to speak freely without interruption. Use active listening techniques: let the person speak at a pace that feels comfortable to them, and demonstrate patience, attention and empathy both verbally and non-verbally. Avoid expressing doubt about the victim's words or showing shock or judgement, as this may prevent them from communicating further. It is better to ask open-ended questions that encourage detailed responses (“Could you tell more about what happened to you?” rather than direct questions such as “Were you subjected to electric shocks?”). Leading questions should generally be avoided, as they can distort memories. According to the recommendations of the Istanbul Protocol, leading questions are completely excluded to ensure the most impartial account of the facts of torture or unlawful detention.		To facilitate the reconstruction of events, it is advisable to use diagrams, maps and photographs of the scene. Such visual aids help to organise information and reduce the fragmentation of memories. Practical experience shows that these tools make it easier for the victim to recall details of their experiences and enable the investigator to obtain more accurate testimony. For example, a map of the area on which the victim marks the locations of detention and torture, or a diagram of the room where they were held, can trigger additional memories and details.	

Appendix 1, Continued

2. Application of trauma-informed techniques:				
Avoid pressure and confrontation. Do not force a person to talk about their most painful experiences if they are not ready to do so.	Focus on sensory details. It is helpful to find out what the person saw, heard, felt (physically), smelled or tasted.	Following the chronology of events helps to structure memories, but it is important to allow the person to deviate from the chronological order if this is necessary to reflect the situation more accurately.	It is important to explore the context prior to the event. It is necessary to establish the circumstances preceding the person's captivity.	A detailed description of the conditions of detention. The characteristics of the premises should be recorded: their size, lighting, temperature, sanitary and hygiene conditions, such as the state of the toilets and access to water; the presence of everyday items (for example, a bed or facilities for rest); the meal schedule; access to fresh air and natural light; the opportunity to communicate with other people; and the presence of technical means of video surveillance or security.
3. Addressing inconsistencies and gaps in the perception and recall of traumatic events:				
The human psyche frequently employs defence mechanisms, such as the repression of memories or the fragmentary recall of traumatic experiences. Consequently, the information provided by victims may be disjointed, inconsistent, or incomplete. Thus, highlighting perceived contradictions or gaps in the victim's initial account is inappropriate, as such features are a natural consequence of psychotraumatic circumstances.		Clarifying questions should only be introduced after the victim or witness has provided a relatively free and as comprehensive an account as possible of the events experienced.	Avoid leading phrases or questions that contain assumptions or imply a specific answer. Such questions not only distort the reliability of the testimony but may also cause further trauma to the victim/witness. An alternative is to use open-ended questions, which allow the victim to describe the factual circumstances in their own words. For example: "How was the pain inflicted upon your back?", this minimises the risk of biased interpretation of the testimony and ensures maximum objectivity.	
IV. Concluding the interrogation process:				
1. Providing an opportunity to add further information. It is recommended to use neutral and open-ended phrasing, for example: "Is there anything else of significance that has not been discussed, or perhaps you would like to clarify or add something?" This method facilitates a more detailed and accurate account of the facts, helps to avoid the loss of potentially important information, and creates conditions for the victim or witness to feel in control and psychologically safe whilst giving evidence.				
2. Providing support and resources: – arrange immediate access to specialist services, in particular a psychologist or healthcare professional, following the conclusion of the interrogation; – provide contact details for institutions and organisations offering legal, psychological, medical and social support to victims of torture.				
V. Post-interrogation:				
1. Maximum accuracy of the record. When drawing up the record, it is essential to ensure that it is as accurate, thorough and objective as possible, avoiding any oversimplifications, generalisations or distortions of information. The document must contain all relevant details that are important for reconstructing the events and for subsequent legal assessment, in particular a description of the circumstances, the behaviour of individuals, the conditions of detention, the nature and consequences of the violence used, as well as the statements made by those involved.				
2. Assessing the need for repeat interviews. One of the priority tasks is to avoid repeatedly forcing victims to recount traumatic events. A repeat interview may cause re-traumatisation, so it is important to cover as much relevant information as possible during the initial session.				
3. Providing support to the victim. It is important to ensure that the victim receives the necessary psychological or medical assistance immediately following the conclusion of the interrogation.				
4. Ensuring safety. Measures must be taken to protect victims or witnesses from potential psychological pressure or external threats. In cases where crimes were committed by Russian Federation military personnel or affiliated entities, such individuals may fear reprisals or persecution (this applies particularly to residents of occupied territories or individuals whose perpetrators remain at large). The personal data of victims must be reliably protected; where necessary, procedural mechanisms for protecting information should be provided for (for example, the use of pseudonyms in case files or the conduct of closed court hearings).				

Source: compiled by the authors

Допит потерпілих і свідків у провадженнях щодо катувань і утримання цивільних

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Анотація

Актуальність статті зумовлена тим, що в умовах широкомасштабної війни Російської Федерації проти України зростає потреба в належному документуванні доказів, зокрема шляхом проведення допиту потерпілих і свідків у провадженнях, пов'язаних із катуваннями та незаконним утриманням цивільних з боку Збройних сил Російської Федерації. Метою статті є дослідження специфіки проведення допиту в кримінальних провадженнях щодо злочинів, пов'язаних із випадками катувань і незаконного утримання. Для досягнення поставленої мети було застосовано низку методів наукового дослідження, серед яких емпіричний, структурний і системний підходи. Теоретичною основою статті є праці як українських, так і закордонних дослідників, присвячені детальному вивченню питань, пов'язаних із допитом потерпілих і свідків у справах щодо катувань і незаконного утримання цивільних осіб. Поглиблений аналіз цих наукових джерел сприяв формуванню аргументованих висновків. У межах дослідження було окреслено особливості здійснення допиту потерпілих і свідків у провадженнях щодо злочинів, скоєних представниками військових формувань Російської Федерації, а також розроблення тактичних підходів до допиту з урахуванням специфіки цієї категорії правопорушень. Дослідження засвідчили, що під час проведення допиту в кримінальних провадженнях, пов'язаних зі злочинами, скоєними в умовах збройного конфлікту, особливо за обставин катувань і незаконного утримання цивільного населення, слідчий має зважати на своєрідність цієї категорії правопорушень. Дотримання цього підходу є ключовою передумовою для забезпечення отримання від свідків і потерпілих повних, логічно послідовних і змістовних свідчень. Увагу зосереджено на потребі врахування особливостей роботи з особами, які зазнали травматичного досвіду, та забезпечення підтримки як перед, так і після проведення допиту. Практична цінність дослідження полягає у визначенні дієвих методик допиту потерпілих і свідків, спрямованих на отримання максимально повних та інформативних свідчень

Ключові слова:

гласні слідчі (розшукові) дії; воєнні злочини; формування доказової бази; збір інформації; інтерв'ю