Criminalistics and Crime Scene Investigation in Microgravity Space

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Addresses the challenges and considerations of criminalistics and crime scene investigation in extraterrestrial gravitational environments. Future space exploration may require the development of protocols for extraterrestrial crime scene investigations. Challenges in microgravity effects, confined space environments, forensic techniques, communication, coordination, and legal jurisdiction are highlighted in this brief. Microgravity effects create difficulties in displacing evidence, such as blood spatter patterns, which make interpretation of events difficult. Restricted areas such as spacecraft and stations require special techniques and equipment. Storing and securing evidence in microgravity makes traditional methods impractical. The lack of gravity affects fingerprint development and preservation, requiring the use of alternative methods. Compact and specialized equipment is required to analyze DNA in space. Communication delays hinder real-time collaboration between researchers on Earth and those in space. Guidance can be provided to personnel in space with remote technologies and autonomous systems. Determining legal jurisdiction for crimes committed in space or on spacecraft requires complex international cooperation and agreements. The development of space law, technology and international agreements is important to meet the challenges of extraterrestrial crime scene investigations. Future discussions and research will provide a basis for establishing protocols for extraterrestrial crime scene investigations to ensure effective and fair forensic practices. As space exploration progresses, advances need to be made in these areas. As space exploration advances, the development of space law, technology, and international

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agreements is crucial to meeting the unique challenges of extraterrestrial crime scene investigations. This summary provides a basis for future discussions and research regarding the establishment of protocols to ensure effective and fair forensic practices off Earth.

**Keywords:** Criminalistics; Microgravity; Crime Scene Investigation; Space; Gravity.

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**Formulation of Research Problem**

The disciplines of criminalistics and crime scene investigation, forensic science and space research in space are developing by merging and progressing in the future. However, it should be taken into consideration that crimes are committed in space and due to the micro-levels of gravity, and even due to the human factor that will increase with the increasing astronomy and space science in space where there is no gravity. It should be known how criminalistic and crime scene investigations should be carried out due to the possibility of any incident occurring in space as people are included in space and mission periods are extended. It is necessary to express the problem of uncertainty in the processes of crime scene investigation and criminalistic techniques in space, collecting, examining and analyzing scientific evidence for the purpose of solving the causes or qualities that can be considered forensic in any criminal activity or accident. In order to understand the investigation of crime scenes of different types and sizes in space, it is necessary to first know enough information about space and understand what kind of challenges the potential risks pose from a criminalistic perspective. The basis of these risks is living in space, working in an environment with microgravity, exposure to radiation and working in a closed environment, that is, in space vehicles, are some of the inherent dangers. In addition, some of the other dangerous situations that may occur inside and outside spacecraft are equipment malfunctions, medical emergencies and even intentional sabotage. Another problem in space is the knowledge of space researchers in criminalistics and crime scene investigation. It is important that forensic astronauts are trained to be able to conduct crime scene investigations in space, collect valuable evidence, and reconstruct the incident sequence to determine the cause or identify the people involved. Unlike Earth, 90 percent of gravity in space is reduced to microgravity. Microgravity, which begins in Earth orbit and continues in space, may vary depending on environmental conditions, that is, according to research conducted in space geology. In this case, microgravity brings
differences from standard environmental conditions in the evaluation of physical events by astronauts or forensic astronauts and criminal crime scene investigators. For example, blood spatter patterns may differ in microgravity conditions. This presents special challenges that must be taken into account in scientific and forensic analyzes of events occurring in space ⁴. With all this, examining crime scenes in space poses different challenges and risks compared to some traditional crime scenes, as well as physical, chemical, biological and geological conditions on Earth. For example, the absence of gravity and its presence at micro levels affects the movement and interaction of objects, making it difficult to determine the exact trajectory of bullets or the location of evidence or evidence at the time of the incident. Additionally, the absence or limited availability of vehicles and supplies in space may hinder the collection and preservation of evidence due to limited equipment and equipment. Astronaut forensic investigators must develop new techniques and adapt their practices to the environment, using new methods to effectively secure and analyze evidence. Overcoming such challenges is crucial to the successful investigation of emerging criminal activity or accident-related investigations ⁵.

In case investigation in space, it is important that astronauts, who are space officers, are competent in examining, researching and investigating crimes, even though they are not members of a special profession such as “forensic astronaut”. As life search activities increase in microgravity space, it is noteworthy that astronauts can apply criminalistic techniques at crime scenes in accordance with the environmental conditions ⁶. In recent years, with increasing space exploration and scientific research, criminalistic and forensic sciences have expanded their scope beyond Earth and into space. Increasing investments in colonization are indicators that crimes may occur as the number of people in space increases ⁷. A potential new area for future research to examine in forensic science, criminalistics, and crime scenes appears to be the microgravity of outer space ⁸. Of course, it is not possible to focus only on areas where colonization will occur. Space forensic officers will investigate accidents and crimes that may occur on celestial bodies within space geology. In addition to all these, there is a need to develop new forensic and criminal investigation techniques that can be applied in microgravity environments in cases of increased commercial tourism in space and events that occur or may occur during long-term

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space flights. The applicability of criminalistic techniques and space crime scene investigations to extraterrestrial samples and evidence will vary. Criminalistics and crime scene investigation involve many uncertainties due to new life forms, astrophysics and astrochemistry, and differences in conditions. Forensic scientists will play an important role in investigating crimes with autonomous astronomy systems, both on-site and remotely. Therefore, within astronomy, microgravity also has tremendous potential for crime scene investigations, criminalistic scientific discovery, and advancing our understanding of the cosmos. Space criminalists will be able to analyze artifacts or evidence in case of any crime or trace scientific research that may occur during their missions and other astronomical research.

Article Purpose

This study uses a literature review and conceptual analysis to understand hypothetical challenges associated with criminalistic and crime scene investigations in gravitational environments beyond Earth, specifically microgravity scenarios. This study conducted a literature review covering the existing literature regarding space forensic investigations and crime scene investigations. Published articles, books and scientific reports on criminalistics in space, microgravity effects, limited space environments and forensic science techniques were scanned and the knowledge on these subjects was summarized. The resulting literature was put through a conceptual analysis process. Potential challenges of crime scene investigations under microgravity conditions in space were identified and proposed solutions to deal with these challenges were examined. Conceptual depth is provided on forensic techniques, communication and coordination, crime scene investigations in limited areas, and legal jurisdiction. Additionally, the research includes suggestions and discussions on how criminalistic or forensic science investigations and crime scene investigations in space can be improved, providing a basis for future research. Suggested methods and explanations are presented to provide guidance for future researchers. This method and methodology aims to understand the information in the literature on criminalistics and crime scene investigations in extraterrestrial microgravitational environments and to create a framework for future research in this field.

Main Content Presentation

Procedures for Conducting Crime Scene Investigations in Space

Crime scene and criminalistic investigation in space and astronomy is a relatively unexplored area of forensic science compared to other areas. As space scientific research increases, there is a need for appropriate procedures for crime scene investigation in space, and the standards of criminalistic investigation techniques need to be determined. Different conditions need to be taken into account when determining such principles. When a crime occurs within space stations or on spacecraft, it is necessary to have systematic approaches

and procedures to ensure that evidence is collected, classified, protected and analyzed correctly. It is necessary to determine forensic space criminalistic and crime scene investigation procedures externally, outside of spacecraft, that is, in the conditions of planets in celestial bodies, geological structures in stars and in the cosmos, including the universe space 11. The main risk and difficulty of crime scene investigations in space for astronauts who will be able to conduct criminal investigations will be microgravity 12. For this reason, the first stage of the research should be to ensure the safety of the area examined by the astronauts and the protection of the crime scene. It is inevitable to use special tools designed for fixing evidence in the air gap, establishing boundaries, for example, for evidence in liquid form 13.

Once crime and accident crime scenes are secured, the next step is to document them. Astronauts’ investigations into and around the station require continuous photographic and video recording to document the location of detailed evidence. In cases where it is very difficult to retrieve evidence that will be thrown into the void due to lack of gravity due to an accident-related explosion in space, these documents will provide the opportunity to examine the remarkable evidence quality. In addition, researchers must prevent contamination (darkening) of evidence due to restricted air circulation in spacecraft or stations 14.

While examining crime scenes in space at all these stages, the use of robotic autonomous vehicles that can act against microgravity and ensure the safety of astronauts will allow the technical development of criminalistics. Thanks to autonomous vehicles, researchers will be able to carefully document evidence, given the fragile nature of evidence in space. Additionally, appropriate surveillance procedures should be followed to ensure the security of the integrity of the evidence. An on-site examination should be carried out depending on the circumstances of the evidence and the equipment at the technical vehicle or station. Depending on the evidence, safe transportation to Earth should be provided for analysis when necessary 15.

**Evidence Collection and Preservation in Microgravity Field**

Collecting and preserving evidence in a low-gravity environment requires special methods, techniques, and equipment to ensure the integrity of the evidence. One of the main challenges is that evidence is susceptible to contamination due to its low mass. For similar reasons, astronauts must know and be able to apply special

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methods for collecting and preserving evidence. To collect evidence in low-gravity space, astronauts or researchers may use special equipment different from that used on Earth. Because the possibility of radiation on the evidence from outside the station requires attention and similar situations are possible. For this reason, radiation tests are required while securing the evidence. It should not be forgotten that if not performed, it may also damage the evidence. Evidence collection kits and storage containers and similar tools are designed to secure evidence, preventing it from being lost or corrupted. As an example, a specially designed evidence immobilization collection kit consists of adhesive strips or lidded containers that can be sealed to prevent movement of evidence. In addition, astronauts need to be careful about evidence whose components may change and deteriorate due to movements that may occur due to contact with the evidence. The portable laboratory must be protected within the station, and gloves and protective equipment are required to prevent deterioration in the examination of evidence.

Criminalistic Challenges in Microgravity Field

Criminalistics in space is the technical field that combines the principles of forensic science with unique challenges in a microgravity environment. The main difficulties here are the physical conditions in examining the crime scene as well as the preservation and collection of evidence. Due to the absence of gravity or being at micro levels, objects tend to move freely due to their mass. This is a situation that puts evidence at risk in the event of a crime or accident.

Lack of gravity in space can also cause evidence to be dispersed, corrupted or contaminated, negatively affecting investigations. Another challenge is the effects of the lack of gravity on the human anatomy that criminalists can examine in microgravity space, and this should be taken into consideration for both fatal cases and the investigator. Astronauts or cosmonauts in space experience physical changes similar to muscle atrophy and loss of bone density due to low gravity. This situation creates a complicating effect on investigating biological evidence, cryopreservation may be preferred to prevent contamination in space and for reliable analysis. Additionally, digital imaging and recording devices should be used to detect visual evidence and ensure that important information is properly protected.

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crime scenes and applying criminalistic methods and forensic procedures. Cosmonauts and astronauts can generally examine crime scenes in isolation, on or off various spacecraft, simultaneously in the same environment or in different locations. Any lack of communication or cooperation inside and outside spacecraft will present additional challenges in criminalistics. Criminalistic investigations and forensic investigations often require team collaboration and information transfer. Space criminal and forensic investigators need to improve their communication systems to avoid fraud, and establishing assignment protocols is essential. Also mentioned here is the importance of communication with the world, as it is possible that the need for various guidance and expertise may arise. When all is observed, crime scenes are only found on the earth's surface, and criminalistic investigations can also be carried out in space, although they involve difficulties. At this point, the importance of criminalists in space and astronomy sciences emerges. Because, in the face of the difficulties of crime scenes in the sky and on earth, investigating and solving the trace and crime path requires the unique application of special techniques and methods. Unlike on Earth, it requires special equipment and training processes to ensure the integrity and security of evidence in the face of microgravity. Only forensic scientists and criminalistic experts should use or apply alternative criminalistic methods for crime scenes in space. All of these are important for the development and future of the search and investigation of crime scenes outside the Earth's atmosphere.

**Material Evidence in Microgravity**

So far, there have been no criminal cases in space for criminalistics and crime scene investigation. Although committing a crime in space and carrying out judicial investigations is an idea that is not yet foreseen in international law systems, it does not mean that it will not happen. It is clear why we will see concrete steps on this issue in the future. Astronauts, cosmonauts and space agencies sent to space and operating in space conduct research and work for peaceful goals. However, if crimes are committed in space in the future, how these events will be handled and possible issues of examining crime scenes should be subject to the legal framework or laws. Providing evidence or searching for evidence at crime scenes, as well as criminal investigations, is only possible if the crime is determined by law. The necessity of regulating and establishing universal and international space laws is likely due to these reasons.

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Since the staff at space stations, such as the current International Space Station, are responsible for teams with joint working and security protocols and legal protocols, they can provide material evidence under the same conditions and manage criminal investigations\(^\text{28}\). However, due to the increasing private sector in space, tourism, scientific research activities and the possibility of active projects such as settlement projects in space in the future, necessary precautions will need to be taken. The issues of committing crimes in microgravity space and examining related crime scenes and judging them with concrete material evidence should be based on a common scientific idea with legal regulations that increase in importance with colonization and space field research\(^\text{29}\).

It is not always possible to conduct a crime scene investigation in remote control spacecraft and in any environmental conditions in space. The way to deal with this situation can be prevented by the development of space technology and forensic technology\(^\text{30}\). For example, negative situations resulting from the accident of the station or vehicle in space may also activate new crime scene reconnaissance tools with autonomous control tools. With visual and audio analysis, studies can be developed to identify the causes of the incident, identify problems in the system and prevent similar problems in the future. Crime scenes and criminal investigations in space activities are too sensitive to be left to space companies and independent experts\(^\text{31}\).

For this purpose, criminalistic investigations should be carried out by joint or autonomous space forces of states and scientists. Of course, it should be noted at this point that space vehicles and equipment are in use and a confidentiality principle is required for access to the criminal laboratories to be established within the stations\(^\text{32}\). In the scientific crime laboratories to be established, not only crime scenes will be examined with spectrometers, probes, swabs and other measuring devices\(^\text{33}\). It should be considered that it can contribute to research for signs of life on planets. Because the atmospheric conditions examined, the components in rock or soil and similar samples can be evaluated as scientific data in subsequent cases or accidents. The main reason for this situation is the formation of colonies as a result of life-search discoveries that will be opened to space in the future\(^\text{34}\). Crime scene investigations with spacecraft allow us to learn more about planets, satellites, asteroids and other celestial objects. This information helps us deepen our understanding of the formation and development of the universe and provides important data for future space exploration and colonization.

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\(^{33}\) Adli Bilimlerde …. DOI: 10.37609/akya.1428 (date accessed: 06. 02. 2024).

attempts. The task here is space forces, astronaut forensic scientists will only be able to conduct such examinations in low gravity areas. Some of the duties of the Space Force in investigating crimes can be listed as follows: Management of space activities, space security and defense, space communication and exploration, determination of space attack capacity, provision of space intelligence, investigation of crimes and conducting forensic investigations for their recovery. The missions of space forces may vary depending on the country’s policies and strategies, the purposes of space activities and military requirements. Countries’ space forces often work in cooperation with other military forces and civilian space agencies. The branch of ballistics has the biggest impact on space research today and in the future. In this respect, as a different similarity, the importance given to ballistic science in criminalistic and crime scene investigation applications is different. Currently, the possession of firearms in space is prohibited for defensive purposes under the 1967 bilateral International Outer Space Treaty with the United States and the Soviet Union and is considered a weapon-free zone. However, there is no law preventing space forces from carrying a small weapon. However, firearms cannot be used as a criminal element in space. The reasons for this are gravity at micro levels as well as the lack of oxygen to react with during ignition. However, considering that modernized weapons that may be used in the future have oxidizers, they will have an ignition effect thanks to the chemical that reacts instantly. However, if it is considered according to criminalistics and astronomy, when the gun is fired, the effect will be equal to the reaction force according to Newton’s 3rd law, and the result will be a reversal due to microgravity. The bullet of a gun fired in micro-level gravity in space may not stop until it hits a fixed object in space because the universe is growing faster than the moving object. Considering that the scene of the incident is a fixed or moving object and its mass is calculated, it can be measured how much impact the object it hits will suffer due to the ballistic

properties created by the bullet or low gravity. Although there is no concrete example of crimes committed with firearms in space so far, it seems theoretically possible to conduct a crime scene investigation regarding crimes committed with weapons in space. In 2021, Russia deliberately tested weapons to destroy one of its own satellites, Cosmos 1408, and thousands of pieces were thrown into space. Similar tests by the United States, China, India and Russia have tested anti-satellite weapons in space. However, the United States became the first state to ban anti-satellite weapons in 2021. Microgravity effects should be handled in different ways in criminalistic investigations in the space field, which should be understood from the symptoms. It is possible to observe that material evidence exhibits variable trace evidence, unlike in the world due to the lack of gravitational force. As understood especially from ballistic studies, the main reason for this is that the laws of physics work differently than in the world. Differences will inevitably be observed in chemical and biological evidence. Displacement of Evidence: Objects can float freely as soon as the effect of motion due to a standard force due to microgravity is observed. In this case, deterioration in the evidence may cause location changes, making it difficult to identify the actual crime scene. Blood Spatter Models: Another aspect of crime scene investigation that may require criminalistic examination for crimes that may be committed in space, although not currently, is blood spatter-related analyzes and tests. Traces of blood, which can be found in liquid or dry form due to the lack of gravity, behave differently in the space environment and may affect the investigation of criminal investigation differently.

**Forensic Techniques**

*Fingerprint:* This type of trace evidence can be inside spacecraft or in the environment where humans may live, where a colony may have been created. The reason is to wear protective clothing in open remote areas. Therefore, microgravity has little effect on fingerprints. The same applies to footprints.

*DNA Analysis:* Necessary DNA analyzes in space can be performed with compact and special equipment. However, it is difficult to detect this type of evidence at crime scenes in microgravity, because this evidence, which may be quite small, may be overlooked and lost in the air space.

Crimes are actually being committed in space, even now, with technological tools.

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Because this is because internet networks surround the world from space. For this reason, there are concepts of “Cyber Space, Cyber Space and Cyber World” 49. When considered from a criminalistic perspective, all areas where cyber crimes occur are considered crime scenes. To give an example of the reason, disrupting, damaging or destroying an internet network and the technological tools connected to it, that is, the system of satellites, is considered a crime. Any change or touch made remotely in any system will cause many problems such as drifting in the microgravity field in space or a satellite falling to the earth in the near-earth area. If external cyber crimes are committed in outer space, the destruction of the defense systems of states will result in serious risky consequences 50. In addition to cyber security and informatics tools, the increase in artificial intelligence studies means that crimes can be committed through AI in space. Since artificial intelligence and technological devices can be used in a microgravity environment, it can be considered as a crime scene investigation, concretely or abstractly. It is necessary to collect evidence in case artificial intelligence remote sensing devices or autonomous vehicles are attacked in space where gravity is low. It is only possible to access the causes and consequences through recording systems. In addition, obtaining data mines safely will help shed light on the events 51.

Conclusions

Although criminal investigations are not currently common in space, forensic investigations will increasingly be conducted in the future because gravity is low. Its main source is the increasing speed of space and astronomy research. There is no doubt that space exploration research, including the idea of searching for life and establishing colonies, will gain differences in criminal crime scene investigations in the microgravity environment in the future. Forensic research and the examination of criminal trace evidence or crime scenes concern not only the space area where the human factor is located, as it is thought, but also all kinds of material evidence of criminal elements originating from human-dependent autonomous vehicles or technological means.

Space incident investigation is an important field that combines forensic science or criminalistics and space exploration. This discipline has become increasingly critical with the increase in space missions. In the event of a crime in space, collecting and analyzing evidence is vital to astronaut safety and the success of space missions. However, difficulties such as this low-gravity environment and limited resources make crime scene investigation in space different from the gravitational world. Increasing crime scene investigation experiments and research in space can increase the safety of future space missions and contribute to more effective space exploration. Additionally, it will be valid for colonization in space and space tourism. Advances in this field could accelerate scientific discoveries about crimes in space and analysis of extraterrestrial samples. Thus, not only criminal research and development is limited, but also leads to scientific discoveries.

about the universe that are waiting to be discovered.

Depending on all these, it is inevitable to create relevant legal laws in order to prevent crimes committed in space and those that may be committed in the future. This situation has become even more critical with the increase in the exploration and use of space. Existing similar instruments, such as the International Outer Space Treaty, support the use of outer space for peaceful purposes, but do not contain detailed provisions regarding crimes. For this reason, it is obvious that there is a need for regulation in order to prevent and address the problems and risks that will be encountered in future space and astronomy activities. Establishing an effective legal framework to combat crimes in space will require international cooperation and the active participation of states with a presence in space. With the creation of the necessary laws, criminalistic and forensic science research will also increase.

Collaboration between space agencies, legal experts, and scientists is critical to identifying crimes, defining penalties, and establishing trial processes. It provides concrete evidence of scientific findings and research results, which are also mentioned in criminalistic and crime scene investigations in microgravity space. With the research conducted, it is possible to determine that it will gain more importance in the coming years in order to ensure security and order in space.

Криміналістика та розслідування місця злочину в мікрогравітаційному просторі

Ключові слова: криміналістика; мікрогравітація; розслідування на місці злочину; космос; гравітація.
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References


Kriminalistik ; ed. O. Karakuş. 2nd ed. Ankara [in Turkish].


The Article Purpose is to specify peculiarities of the initial investigation stage of deliberate murder motivated by racial, national or religious intolerance. To fulfil this goal, the author uses general scientific and special research methods: analysis, synthesis; formal-logical; logical-legal; legal analysis. The author studies into peculiarities of the initial investigation stage of deliberate murder driven by racial, national or religious intolerance. Emphasis is made on the importance of identifying typical investigative situations at the initial investigation stage, where specific investigative (detective) actions are taken to collect information, identify signs of a crime and develop investigative leads. At this investigation stage, forensic experts solve specific tasks, assess investigative situation, identify sources of information, determine investigation direction, plan interaction with operational agencies, and collect information about crime circumstances, the victim, and the suspect. The author notes the difficulty of determining the motive of intolerance at the initial stage and the possibility of changing criminal law qualification in the course of pre-trial investigation. The paper highlights the necessity for thorough investigation at the initial stage, especially during the development of forensic methodology, to distinguish murders based on intolerance from other types of murders. It has been established that urgent investigative (search) actions at this stage are: inspecting...
crime scene, interrogating witnesses, and appointing and conducting forensic examinations. Classification of investigative situations based on the sources of initiation of pre-trial investigation and information components serves as the basis for efficient investigation planning.

**Keywords:** pre-trial investigation initial stage; deliberate murder; intolerance motive (racial, national, religious); investigative situation.

### Research Problem Formulation

The initial stage of investigating deliberate murder with motives of racial, national, or religious intolerance has a particular nature. The investigation process for this category of crimes cannot be effectively conducted without outlining the necessary investigative (search) actions and subsequent steps of the investigator. This process is crucial as it contributes to obtaining information about criminal actions, developing a specific investigative lead, and identifying suspects.

Successful resolution of tasks at the initial investigation stage can significantly enhance the efficiency of the entire investigation process and help reveal the truth about a committed crime.

These activities should be carried out under the requirements of current Criminal Procedure Law and scientific guidelines.

### Article Purpose

To outline peculiarities of the initial investigation stage in cases of deliberate murder motivated by racial, national, or religious intolerance.

### Research Methods

To achieve the set goal, general scientific and special research methods have been employed: analysis, synthesis; formal-logical; logical-legal; legal analysis.

### Analysis of Essential Researches and Publications

Peculiarities of the initial investigation stage (particularly, deliberate murder with motives of racial, national, or religious intolerance) have been studied by both domestic (A. Borovyk 1, A. Volobuiev 2 with co-authors, O. Harasymiv 3 with

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1 Боровик А. М. Особливості криміналістичної характеристики злочинів, вчинених з мотивів расової, національної чи релігійної нетерпимості, і предмету доказування у досудовому розслідуванні : дис. ... канд. юрид. наук. Мариуполь, 2021. 246 с.
co-authors, I. Kohutych, T. Pazynych, V. Tishchenko, V. Shevchuk, and others), and foreign researchers (C. Roberts and co-authors, M. Hagerlid and G. Granström, M. Juutinen). Nevertheless, despite the existing theoretical and practical developments in this area, multidisciplinary research on the peculiarities of the initial investigation stage of deliberate murder motivated by racial, national, or religious intolerance requires subsequent research.

**Main Content Presentation**

The initial investigation stage into deliberate murder committed on grounds of racial, national, or religious intolerance is of particular importance. In order to ensure full collection of information about committed crimes, it is vital to conduct appropriate investigative actions at the initial investigation stage, which will contribute to establishing features of a crime, collecting initial evidence from the crime scene to identify suspects, and developing and verifying specific investigative leads. The initial investigation stage determines the general direction of investigation, aims at developing evidentiary basis, which allows establishing the suspect’s guilt in committing a murder. Therefore, efficiency of investigating this crime category depends on the completeness and quality of the initial criminal procedural activities conducted by law enforcement agencies.

Thus, V. Shevchuk emphasizes that the *crime investigation stage* term defines a specific period (phase) within the overall process of investigating a crime. This stage reflects the status of the investigation and aims to address specific tasks related to establishing the subject of proof and making procedural decisions in a crime. These decisions are influenced by investigation circumstances and peculiarities of conducting investigative, operational (search), and other actions, tactical-forensic complexes, including tactical operations.

Currently, we observe a trend towards reducing the number of stages in criminal
Eluchka Kazarian. Initial Stage of Deliberate Murder Investigation
Motivated by Racial, National or Religious Intolerance. DOI: 10.32353/khrife.1.2024.09

investigation methodology. A. Milevska notes that earlier most researchers preferred to distinguish three stages of pre-trial investigation (initial, subsequent, and final) with certain variations in their names. At present, in connection with the updating of the Criminal Procedure Law of Ukraine, the emphasis is made on two stages of this stage 12.

M. Juutinen points out that a criminal proceeding begins with crime notification, which is recorded by the police. The police consider notifications of crimes in two stages, the first of which is preliminary investigation of offenses. The actual pre-trial investigation constitutes the second stage. During preliminary investigation, the police establish grounds for suspicion of committing an offense, and if such grounds exist, they initiate pre-trial investigation 13.

As set out in Part 1 of Article 214 of the Criminal Procedure Code of Ukraine (hereinafter referred to as the CPC of Ukraine), “investigator, inquiring officer or public prosecutor shall immediately but in any case no later than within 24 hours after submission of a report, notification on a criminal offence that has been committed or after he has learned on his own from any source about circumstances which are likely to indicate that a criminal offence has been committed, to enter the information concerned in the Unified Register of Pre-Trial Investigations, and to initiate investigation” 14. In urgent situations, it is permissible to conduct scene inspection before entering information into the Unified Register of Pre-trial Investigations (hereinafter referred to as the URPI); in such cases, the information is entered promptly after inspection completion 15.

In addition to scene inspection, the Law of Ukraine On the National Police envisages the following preventive measures:

1) document check of the person;
2) questioning of the person;
3) frisk and inspection;
4) stopping a vehicle;
5) requiring to leave the place and restricting access to the specific territory;
6) restricting of movement of the person or the vehicle or actual ownership of a thing;
7) entering the home or other property of the person;
8) verification of compliance with requirements of the permit system of bodies of internal affairs;
9) use of technical equipment and technical means which have functions of photo and filming, video recording, photographic, filming and video equipment;
10) control of compliance with restrictions established by law in respect of persons who are under administrative supervision, and other categories of persons;
11) police custody” (Part 1 Art. 31) 16.

The initial stage of investigating any criminal offense includes a set of

15 Ibid.
organizational measures (planning the start of investigation, developing leads, etc.), urgent investigative (search) actions, and operational (search) actions.

For example, V. Maliarova, defining the content and limits of the stages of crime investigation, notes that the initial stage begins with the registration of information about the event in the URPI and ends with the issuance of a written notification of suspicion taking place when there is sufficient evidence (clause 3 of Part 1 of Article 276 of the Criminal Procedure Code of Ukraine) 17. I. Kohutykh differentiates between three stages in the process of investigating crimes (including murders):

1) the initial stage, which includes the period of conducting investigative (search) actions, the time aspect of which is characterized by urgency. According to the author, it starts simultaneously with the pre-trial investigation, as specified in Part 1 of Article 214 of the Criminal Procedure Code of Ukraine, and ends with fulfilment of tasks associated with this stage;

2) the next (subsequent) stage encompasses the period of conducting remaining investigative (search) actions aimed at systematically and thoroughly collecting and examining evidence in a proceeding;

3) the final stage begins from the moment the investigator (prosecutor) decides to complete the investigation and continues until an authorized person adopts one of the procedural decisions stipulated in Article 283 of the Criminal Procedure Code of Ukraine 18.

So, there are various approaches to staging the process of investigating crimes, which significantly affect determination of boundaries for these stages.

We find the viewpoint regarding determination of the initial stage boundaries quite controversial, particularly the identification of its beginning with the start of pre-trial investigation, which (as envisaged in clause 5 of Part 1 of Article 3 of the Criminal Procedure Code of Ukraine) is a stage of a criminal proceeding that begins from the moment information about a criminal offense is entered into the Unified Register of Pre-Trial Investigations 19. Since investigative (search) actions can be carried out before information about a crime is entered into the Unified Register of Pre-trial Investigations, the initial stage of pre-trial investigation begins earlier. For example, in the case of a murder, after which a crime scene investigation team is dispatched to the scene of the murder where it conducts informational and investigative activities, i.e., examines the crime scene and the body, and identifies, collects physical evidence.

According to V. Tishchenko, the tasks of the initial stage of investigating crimes include:

- without a delay identifying and documenting evidence of the investigated crime at the scene;
- taking measures to prevent the loss of evidentiary information contained in traces, documents, and other objects, and its timely detection and documentation;
- clarifying and assessing the investigative situation developed after the criminal case is initiated;

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• determining sources of information about the investigated crime;
• developing an investigation plan;
• selecting forms and methods of interaction with agencies and services involved in operational (search) activities;
• searching for and gaining information about the mechanism and circumstances of a committed crime;
• collecting and studying information about the victim;
• searching for, obtaining, and analyzing information about persons who have committed a crime, as well as searching for and apprehending them.

In turn, H. Moskalenko emphasizes that the tasks of the initial investigation stage are:
• clarification and assessment of the investigative situation that has occurred after the start of criminal investigation (further leads are developed, tactical tasks are determined, and means for their verification and resolution are selected);
• identifying sources of information about the crime being investigated;
• determining the direction of the investigation and developing an investigation plan;
• selecting forms and methods of interaction with agencies and services engaged in operational activities;
• searching for and obtaining information about the mechanism and circumstances of the committed crime;
• collecting and analyzing information about the victim;
• searching for, collecting and analyzing information about the perpetrators of the crime, as well as searching for and arresting them.

The initial stage of qualifying a socially dangerous act containing features of a criminal offense is entering information about the commission of a criminal offense into the URPI. Thus, according to clause 5 of Part 5 of Article 214 of the Criminal Procedure Code of Ukraine, the following information shall be entered in the Unified Register of Pre-Trial Investigations: provisional legal qualification of the criminal offence with indication of Article (part of the Article) of the Ukrainian law on criminal liability. This provision is duplicated in paragraph 6 of clause 1 of Chapter 1 of Section II of the Provisions on the Unified Register of Pre-trial Investigations, its Formation and Maintenance.

M. Hagerlid and G. Granström point out that challenges related to collecting evidence confirming the presence of intolerance motives arise during the investigation stage. Thorough documentation of a crime at the initial investigation stage is

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20 Тіщенко В. В. Оп. cit.
crucial for further investigation and trial. Additionally, measures should be taken to document the existence of intolerance motives: photographing symbols of intolerance, verifying inconsistencies in the perpetrator’s statements; investigating signs of repeat offenses; and checking the perpetrator’s membership in organizations associated with intolerance 24.

O. Harasymiv and his co-authors note that it is not always possible to qualify the suspect’s actions during investigation of violent crimes based on intolerance motives at the beginning of pre-trial investigation. Such qualification becomes possible only from the moment when the suspect is identified as the perpetrator of the crime, i.e., from the moment of suspicion announcement, because the motive is an element of the subjective side of a crime, and its proof is practically impossible without the participation of the suspect or the accused. What is more, the information entered into the URPI should contain details about the initial criminal legal qualification. Therefore, in the investigation of crimes committed for intolerance motives, the primary criminal-legal qualification always includes the qualification as a crime against life and health, without specifying any qualifying signs or other qualifying features that are evident at the time of entering the information into the URPI 25.

It is worth mentioning that at the initial stage of investigating deliberate murder based on racial, national, or religious intolerance motives, it is quite challenging to prove the fact of deliberate murder specifically motivated by racial, national, or religious intolerance. Events under such conditions can be classified as murder (Part 1 of Article 115 of the Criminal Code of Ukraine 26, hereinafter referred to as the CC of Ukraine) or as a murder based on hooligan motives (clause 7 of Part 2 of Article 115 of the CC of Ukraine 27). After registering a criminal proceeding and conducting overt and covert investigative (search) actions aimed at clarifying case circumstances, and in the availability of sufficient evidence confirming commission of deliberate murder specifically motivated by racial, national or religious intolerance, investigators change the legal qualification of the criminal offense from Part 1 of Article 115 of the Criminal Code of Ukraine or clause 7 of Part 2 of Article 115 of the Criminal Code of Ukraine to clause 14 of Part 2 of Article 115 of the Criminal Code of Ukraine 28.

The decision to amend initial legal qualification is typically taken prior to formally informing a person of suspicion, and is accompanied by an appropriate resolution. If new factual details pertaining to a criminal offense come to light during the pre-trial investigation or trial involving the accused, there exists the possibility of adjusting the offense’s qualification. This may involve creating a new suspicion or modifying a previously issued one. The change in the notice of suspicion may be expressed in a change in the qualification formula or only in a change in the scope of charge without changing the qualification formula. Where notice of suspicion was given by the public prosecutor, only the public prosecutor shall have the right to

27 Ibid.
28 Ibid.
notify of the new suspicion or to change previously notified suspicion 29).

For instance, in criminal case No. 12020050790001071, the legal qualification of the criminal offense was changed from Part 2 of Article 15, clause 7 of Article 115 of the Criminal Code of Ukraine to Part 2 of Article 15, clause 14 of Article 115 of the CC of Ukraine based on the fact of attempted deliberate murder motivated by religious intolerance. After collecting enough evidence to suspect a person of committing the crime, a suspicion notice for committing the criminal offense under Part 2 of Article 15, clause 14 of Article 115 of the Criminal Code of Ukraine was drawn up 30.

From O. Pchelina’s perspective, the main tactical tasks of the initial investigation stage are:
- establishing location, time, and circumstances of a crime;
- identifying, documenting, and collecting evidence of a crime and other physical evidence;
- identifying, searching for, and apprehending the suspect;
- assessing the extent of damage and searching for stolen or seized property to ensure compensation for losses incurred;
- gathering sufficient evidence to bring charges against a person;
- identification of possible witnesses, etc.” 31.

C. Roberts and co-authors focus on certain patterns leading to incidents motivated by intolerance. As an example, they note that in areas with high societal tension, incidents may occur in “chains” or sequentially, as the processes of action and reaction are linked to specific events in time 32.

The circumstances requiring clarification during the investigation of deliberate murder motivated by racial, national, or religious intolerance unquestionably demand thorough examination when forming a distinct forensic methodology. This is stipulated in the provisions of Part 2 of Article 9 of the CPC of Ukraine: “Public prosecutor, chief officer of pre-trial investigation agency, investigator shall be required to examine the circumstances of criminal proceedings comprehensively, fully and impartially; find circumstances both of incriminating and exculpatory nature in respect of the suspect, the accused, as well as the circumstances mitigating and aggravating their punishment; provide due legal evaluation thereof and ensure the adoption of lawful and impartial procedural decisions 33.

Particularly, it is important to pay attention to the circumstances that make it possible to distinguish deliberate murder motivated by racial, national, or religious

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intolerance from other types of murders at the initial investigation stage. These circumstances include:

- a victim’s belonging to a specific race, nationality, or religion or a perpetrator’s acceptance of such belonging;
- existence of reasons indicating the perpetrator’s desire to prove the victim’s inferiority due to belonging to a certain race, nationality or religion, demonstrating prejudice and hatred towards a certain social group.

T. Pazynych has identified the following urgent investigative (search) actions at the initial stage of investigating murders with signs of racial, national, or religious intolerance motive:

- inspection of the scene to identify features indicating a xenophobic motive for the crime (such as the presence of specific items, attributes, inscriptions, symbols, etc.);
- interrogation of witnesses and eyewitnesses about circumstances preceding a crime, circumstances of the attack itself, and events afterward;
- submission of a request to the criminal investigation unit for information regarding the whereabouts of an individual registered in connection with the case;
- submission of a request to the criminal investigation team to look into youth groups with the aim of locating suspects and monitoring pertinent internet resources in order to gather potential information about the conducted action;
- conduct of personal searches and presenting apprehended suspects for identification;
- arrangement and appointment of forensic medical examinations of the corpse and other examinations depending on seized objects (trace evidence, dactyloscopic, ballistic, forensic, cold weapons, forensic medical, molecular-biological [DNA analysis], etc.)

Stemming from the above, at the initial stage of investigating deliberate murder motivated by racial, national, or religious intolerance, the following investigation program can be developed:

- analyze the initial information and typify investigative situations considering information about the perpetrator and the victim;
- develop investigative leads about a committed crime (regarding a crime, method of commission, etc.);
- identify primary and secondary investigation tasks.

To address the tasks at the initial stage of investigating deliberate murder motivated by racial, national, or religious intolerance, the investigator should: inspect a crime scene; record information in the URPI; interrogate the applicant and witnesses; appoint forensic examinations. After entering the information into the URPI, it is advisable to conduct these investigative (search) actions:

- interrogate eyewitnesses of a murder in order to gather their testimonies as witnesses to a crime;
- interrogate individuals who possess information about the perpetrator and the victim (origin, distinctive marks, etc.);
- appoint forensic examinations.

In Ye. Khyzhniak's view, the investigative situation, much like the forensic profile, is a vital tool for investigators, allowing them to maximize the efficiency of crime investigations. Knowledge of typical investigative situations helps identify priority tasks and avoid waste of time and effort. By comparing a typical investigative situation with that encountered during the investigation of a specific crime and considering the relationships between components of the forensic profile for this group of crimes, investigators can develop an investigation plan and effectively solve the task of establishing the perpetrator's identity.

Other scientists are convinced that the investigative situation is a category of forensic tactics. For example, V. Veselskyi asserts that the investigative situation belongs to the realm of concepts of forensic tactics and, like other tactical-forensic terms, is implemented in forensic methodology. He justifies this conclusion by stating that the investigative situation specifically defines the tactics of certain investigative actions.

In our opinion, the investigative situation can be viewed as both a forensic tactic and a forensic methodology. However, forensic methodology takes precedence because the investigative situation arises at the beginning of the preliminary investigation and investigative actions serve as a means of investigating a crime.

V. Piaskovskyi has found out that typification of investigative situations at the initial stage of crime investigations may stem from various criteria, namely: the volume and content of data for entry into the URPI; the nature of the typical "trace pattern"; methods for crime commission (situations of preparation, immediate commission, concealment, and use of criminal activity outcomes).

It is worth pointing out that the classification of typical investigative situations at the initial stage of investigating deliberate murder motivated by racial, national or religious intolerance may include such characteristics as: the amount of evidence obtained, the presence of suspects, the presence or absence of forensically significant information during the investigation process, etc.

Specifically, A. Volobuev, along with co-authors, notes that typical investigative situations at the initial investigation stage are of particular importance for developing specific practical guidelines for each individual investigation methodology. He views the investigative situation in criminalistics as the conditions of investigating a criminal offense at a certain point in time. Scholars highlight the following investigation factors:

- informational (in particular, data about a crime: evidence, operational search information);
- procedural (for example, the presence of a suspect at a certain point in an investigation);
- tactical (for example, the position taken by the suspect during interrogation);

• psychological (peculiarities of the psychology of persons participating in an investigation);
• material, technical and organizational (availability of necessary resources and possibilities for their use) 38.

Researchers acknowledge that they approach the investigative situation concept broadly. However, while developing specific investigation methodologies, they have found it challenging to typify certain factors (such as psychological, material-technical, and organizational). Consequently, in forensic methodology, the *investigative situation* term is used narrowly, referring to a compilation of crime-related information that dictates investigative tasks and corresponding methods for their resolution, encompassing both overt and covert investigative actions. Typical investigative situations emerge within specific investigation methodologies during the initiation of a criminal proceeding, contingent upon the nature of the initial crime-related information 39.

T. Volikov defines a typical investigative situation as “a set of conditions at a specific moment in the investigation of a criminal offense that influences the selection of actions by authorized individuals for the optimal resolution of tasks in a criminal proceeding” 40.

In proceedings involving deliberate murder motivated by racial, national, or religious intolerance, it is essential to clarify the following circumstances:
• the place, time, and environment, including events that preceded and could have provoked the attack on a person;
• the method of committing a murder, means and instruments of a crime, the number of accomplices, and their roles;
• the existence of statements or actions (gestures, looks, etc.) of a xenophobic nature from the suspect before, during, or after the attack;
• information about the suspect’s identity that could mitigate or aggravate a punishment;
• data about the victim, including their belonging to a specific racial, national, or religious group;
• detailed circumstances of the victim’s presence at the site of the attack;
• the victim’s actions before and during the attack, and the presence or absence of conflict, provocation, or attempts to resist the perpetrators;
• types of violence inflicted on a victim, including physical injuries resulting in death 41.

Given the above, let’s note that typical investigative situations are a significant component of the methodology for investigating certain types of crimes, specifically deliberate murders motivated by racial, national, or religious intolerance. For example, K. Nazarenko emphasizes the significance of analyzing and evaluating the investigative situation, as it enables an understanding of the wide range of

39 Ibid.
facts and phenomena associated with the perpetrator at this stage of an investigation. Additionally, the scholar notes that this process contributes to the understanding of scientific knowledge in forensic science, particularly concerning typical physical evidence (traces). This approach enables the study of methods and practices for locating sources, extracting information from them, documenting it, and preserving it. The researcher emphasizes that the investigative situation influences the formulation of leads regarding the whereabouts and traces containing information about the perpetrator. Consequently, this aids in selecting the most suitable tactical approaches, combinations, and recommendations for evidence collection. It should be noted that the analysis of the investigative situation helps the authorized person to select effective forensic techniques and methods for fulfilling the goal, as well as the most efficient forms of applying specific expertise and cooperating with investigative bodies in order to obtain forensically significant information about the perpetrator. Thus, the analysis of specific typical investigative situations aids in the resolution of all the mentioned tasks.

Depending on the level of conflict, investigative situations are divided into conflictual (when the subject withholds information); non-conflictual (when the subject reports known information without withholding or distorting anything), and weakly conflictual (when the subject has important information to convey but, due to certain subjective or objective factors, perceives and reproduces it with misrepresentation). Let’s point out that during the investigation of criminal proceedings involving deliberate murder motivated by racial, national, or religious intolerance, conflictual investigative situations may take place (especially during procedural actions involving the suspect) along with non-conflictual investigative situations (during interrogation of individual witnesses).

Investigative situations at the initial stage of investigating deliberate murder motivated by racial, national, or religious intolerance can be classified based on the characteristics of the investigation progress, which encompass typical investigative situations according to the criteria listed below:

- source of information about the crime event;
- level of the suspect’s awareness regarding the identification of features indicating his / her involvement in the murder;
- counteraction to murder investigation.

Stemming from the analysis of criminal proceedings, it is important to emphasize that typical investigative situations at the initial stage should be classified depending on the source of information about the committed criminal offense. Such an approach impacts the volume of initial objective data and determines the moment of commencement of a criminal proceeding. Typical investigative situations at the initial investigation stage should be defined in accordance with the grounds for initiating pre-trial investigation set out in Article 214 of the Criminal Procedure Code of Ukraine. According to the materials of criminal proceedings related

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42 Назаренко К. Ю. Розслідування злочинів, пов’язаних зі створенням або утриманням місць розпусти і звідництв : дис. ... канд. юрид. наук. Дніпро, 2016. 218 с.

to deliberate murders motivated by racial, national, or religious intolerance, pre-trial investigations are initiated upon the appeal of individual citizens, particularly when information is received from an eyewitness to a murder. In such investigative situations, after entering the information into the URPI to establish the circumstances of a criminal offense, the applicant is interrogated as a witness.

For instance, the verdict of the Zhytomyr Oblast Court of Appeals in criminal case No. 1201706017000543 states the statement on the committed offense that the wife reported that her husband had been stabbed by an unknown person and that she had also been physically assaulted in.

It is also important to consider the suspects’ level of awareness about the discovery of their crime by relevant authorities when determining the direction for an investigation, especially with regard to whether investigative (search) actions are sudden in nature. For example, if: 1) the involvement of individuals in the discovered crime by law enforcement agencies is known, their actions are either completed or interrupted; 2) certain individuals are aware of crime discovery, but the criminal activity has not completely ceased; 3) persons involved in a crime are aware that law enforcement agencies are cognizant of their criminal activity, which has not ceased. From the perspective of countering the investigation at the initial stage, the following types of similar situations can be distinguished: 1) lack of resistance to investigation; 2) resistance to investigation.

A. Borovyk distinguishes the following two typical investigative situations at the beginning of pre-trial investigations into crimes committed on grounds of racial, national, or religious intolerance:

1) the first investigative situation occurs when a suspect as well as information about his/her identity and specific circumstances of a crime at the time of opening a criminal proceeding have been identified. This situation is marked by the fact that the information about the crime entered into the URPI contains sufficient features of motive, and the crime is classified according to the article of the Criminal Code of Ukraine that directly envisages this qualifying feature. Consequently, the perpetrator committed the crime with a specific motive, reflecting a hostile and biased attitude towards the victim based on his/her race, nationality, or religion;

2) the second investigative situation arises when the suspect is not identified at the time a criminal case is opened and must be searched for and identified, while certain circumstances of the crime are already known. This investigative situation is characterized by the fact that information entered into the URPI does not contain sufficient features of motive. Therefore, the crime is qualified without specifying the article that defines this qualifying feature.
Another investigative situation should be mentioned: a person suspected of committing deliberate murder motivated by racial, national, or religious intolerance has been identified, but is evading pre-trial investigation authorities in order to avoid criminal liability.

An example of such an investigative situation is the ruling of Krasnohvardiisky District Court of Dnipropetrovsk City in criminal case No. 12020050790001071, where during the pre-trial investigation it was established that the suspect avoided appearing at the investigator’s summons (without a valid reason failed to appear more than twice), was placed on the international wanted list, and is currently on the territory of the Russian Federation, which is recognized as an aggressor state (according to the appeal of the Verkhovna Rada of Ukraine No. 129-VIII dated 27.01.2015). The search for the suspect continues; he has not received permits to cross the contact line within the Donetsk region and has not crossed the state border of Ukraine. The court ruled that there is reasonable suspicion of this person committing criminal offenses, as he / she intentionally evades investigation and court on the territory of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state, in order to avoid criminal liability, as specified in Part 2 of Article 15 and Part 1, clause 14 of Part 2 of Article 115 of the Criminal Code of Ukraine. Consequently, he / she has been declared internationally wanted, thus providing all legally defined grounds for initiating special pre-trial investigation regarding this suspect.

Let’s note: it is necessary to possess exhaustive information about a murder and its participants in order to typify investigative situations. Thus, during investigation of deliberate murder motivated by racial, national, or religious intolerance, based on information about the victim and the perpetrator of the murder (i.e., the informational component), the following typical investigative situations at the beginning of a pre-trial investigation can be singled out:

• identities of both the victim and the perpetrator are known;
• the victim is known, but the perpetrator is unknown;
• the victim is unknown, but the perpetrator is known;
• both the victim and the perpetrator are unknown, and the motive, time, place, and other circumstances of a murder are unknown;
• both the victim and the perpetrator are known, but the perpetrator is evading pre-trial investigation authorities in order to avoid criminal liability.

Conclusions

We have thoroughly analyzed approaches to defining the concept of the initial investigation stage and investigative situation, noting the complexity of...
determining the motive of intolerance at the initial stage and the possibility of changing the criminal-legal qualification during a pre-trial investigation. We have identified various types of typical investigative situations at the initial stage of deliberate murder motivated by racial, national, or religious intolerance, depending on the source of initiation of a pre-trial investigation and the informational component.

**Початковий етап розслідування умисного вбивства з мотивів расової, національної або релігійної нетерпимості**

**Елучка Казарян**

Мета статті полягає в окресленні особливостей початкового етапу розслідування умисного вбивства з мотивів расової, національної або релігійної нетерпимості. Для досягнення поставленої мети використано загальнонаукові та спеціальні методи дослідження: аналіз, синтез; формально-логічний; логіко-юридичний; юридичного аналізу. Розглянуто особливості початкового етапу розслідування умисного вбивства з мотивів расової, національної або релігійної нетерпимості. Наголошено на важливості визначення типових слідчих ситуацій на початковому етапі розслідування, де проводяться конкретні слідчі (розшукові) дії зі збору інформації, виявлення ознак злочину та формування слідчих версій. На цьому етапі розслідування фахівці розв’язують конкретні завдання, оцінюють слідчу ситуацію, виявляють джерела інформації, визначають напрям розслідування, планують взаємодію з оперативними органами, збирають інформацію про обставини злочину, потерпелого й підозрюваного. Зауважено складність визначити мотив нетерпимості на початковому етапі та можливість змінити кримінально-правову кваліфікацію у процесі досудового розслідування. Підкреслено необхідність ретельного дослідження на початковому етапі, особливо під час розроблення криміналістичної методики, для відмежування вбивства на грунті нетерпимості від інших видів убивств. Визначено, що невідкладними слідчими (розшуковими) діями на цьому етапі є: огляд місця події, допит свідків, призначення та проведення судово-медичних експертиз. Класифікація слідчих ситуацій на основі джерел початку досудового розслідування й інформаційних компонентів є підґрунтям для ефективного планування розслідування.

**Ключові слова:** початковий етап досудового розслідування; умисне вбивство; мотив нетерпимості (расової, національної, релігійної); слідча ситуація.

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**References**

national or religious intolerance, and its connection with the subject of proof]: dys. ... kand. yuryd. nauk. Mariupol [in Ukrainian].


Milevska, A. O. (2016). Slidchi sytuatsii na pochatkovomu etapi rozsliduvannia kryminalnykh pravoporushen, poviazanych


Moskalenko, H. V. (2009). Poniattia ta osoblyvosti etapiv rozsliduvannia zlochyniv [Concept and features of the stages of crimes investigation]. Aktualni problemy derzhavy i prava. Vyp. 49. URL: http://www.apdp.in.ua/v49/64.pdf [in Ukrainian].

Nazarenko, K. Yu. (2016). Rozsliduvannia zlochyniv, poviazanych zi svorenniam abo utyranniam mists rozpusty i zvidnytstvom [Investigation of crimes related to the establishment or maintenance of brothels and procurement]: dys. ... kand. yuryd. nauk. Dnipro [in Ukrainian].

Pazynych, T. A. (2016). Osoblyvosti rozsliduvannia vybyvstv z motyvyv rasovoi, natyonalnoi chy relihiinoi neterpymosti [Features of investigation of murders on reasons of racial, national or religious intolerance]. Aktualni problemy vitychnianoi yurysprudtsii. № 5. URL: https://dspace.univd.edu.ua/items/84e23b5a-ac49-40bb-998e-064872aaf48a [in Ukrainian].


https://orca.cardiff.ac.uk/id/eprint/58880/1/


Tishchenko, V. V. (2007). *Teoretychni i praktychni osnovy metodyky rozsliduvannia zlochyniv* [Theoretical and practical foundations of crime investigation methodology]: monohrafiia. Odesa [in Ukrainian].

Veselskyi, V. K. (2011). Slidcha sytuatsiia yak katehoriia kryminalystychnoi taktiky [Investigative situation as a category of forensic tactics]. *Borotba z orhanizovanoi zlochynnistiu i koruptsiieiu (teoriia i prak-


Vyhivskyi, I. M., Drozd, V. H. (2023). *Teoretychni ta praktychni osnovy formuvannia metodyky dosudovoho rozsliduvannia zakhoplennia zaruchnykov* [Theoretical and practical bases of developing methodology for pre-trial investigation of hostage-taking]: monohrafiia. Kyiv. URL: https://dspace.ouduvs.edu.ua/items/0acc7a5d-81af-4cd7-9c59-c1dab9f1c1a2 [in Ukrainian].