

Overview Related to Exhumation of Animal Corpses: Theoretical, Legal and Organizational Principles

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The procedure for conducting and problematic aspects of examination associated with the exhumation of animal corpses as a procedural action in criminal proceedings is outlined. It is proposed to supplement the criminal procedural legislation of Ukraine with a new Article 239-1 "Examination associated with the exhumation of animal corpses". The definition of "exhumation of animal corpses" is formulated for the first time. It is stated that the objects of exhumation can be whole animal corpses regardless of species, age, sex, breed, including aborted fetuses, stillborn or live-born animals; remains of any degree of integrity (fragmentation), in particular, in a state of criminal destruction. It is noted that participants in the examination of an animal corpse associated with exhumation are a prosecutor, investigator or investigator, as well as a veterinary medicine specialist, specialists of the State Service for Food and Consumer Protection (in particular, laboratories of various levels of this State structure), at least two witnesses and technical staff. The content of examination stages (preparatory, main (exhumation and forensic veterinary examination), final) of the animal corpse(s) associated with exhumation is argued, each of which contains its own phases. It is emphasized that the procedure for examination associated with exhumation of animal corpse(s) set out in this research paper can become a component of methodological recommendations for law enforcement agencies and courts during pre-trial investi-

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gation or judicial investigation in criminal proceedings regarding crimes against health and life of animals. For achieving this goal, interrelated methods were used (analysis, synthesis, analogy; formal-logical one; logical-grammatical one; systemic-structural one; theoretical-legal modeling; comparative-legal one).

Keywords: *exhumation; examination; animal corpses; veterinary medicine specialist; criminal proceedings.*

Research Problem Formulation

Criminal Procedural Code of Ukraine provides that *“tasks of criminal proceedings are <...> to ensure a prompt, complete and impartial investigation and trial so that everyone who has committed a criminal offense is brought to justice to the extent of his or her guilt, no innocent person is accused or convicted, no person is subjected to unreasonable procedural coercion and due process is applied to each participant in criminal proceedings”* (part. 1 of Article 2)¹.

Thus, investigative actions in criminal proceedings are aimed at solving crimes (in particular, against the health and life of animals²). One of the means of solving such offenses is forensic veterinary examination³, the which objects are most often exhumed animal corpses (putrefactive, skeletal, fragmented ones, etc.)⁴. A significant obstacle to the legal exhumation of animal corpses is the lack of procedures for its appointment and conduct in Ukrainian legislation, which may raise doubts about the admissibility of

- 1 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).
- 2 Randour M. L., Smith-Blackmore M., Blaney N., DeSousa D., Guyony A.-A. Animal Abuse as a Type of Trauma: Lessons for Human and Animal Service Professionals. *Trauma, Violence, & Abuse*. 2021. Vol. 22. Is. 2. Pp. 277–288. DOI: [10.1177/1524838019843197](https://doi.org/10.1177/1524838019843197) (дата звернення: 10.01.2025) ; Song T., Luo Z., Huang Yu., Li Y., Fang L., Chang J. A data set of the crackdown on cross-border wildlife crimes in China, 2014–2020. *Ecology: Ecological Society of America*. 2023. Vol. 104. Is. 6. Art. e4046. DOI: [10.1002/ecy.4046](https://doi.org/10.1002/ecy.4046) (дата звернення: 10.01.2025) ; Wainwright Sh. H., Cunha C. W., Webb B., McGregor B., Drolet B., Welch J. B. Reemerging / Notifiable Diseases to Watch. *The Veterinary Clinics of North America. Food Animal Practice*. 2024. Vol. 40. Is. 2. Pp. 317–335. DOI: [10.1016/j.cvfa.2024.01.007](https://doi.org/10.1016/j.cvfa.2024.01.007) (дата звернення: 10.01.2025) ; Juszkiewicz M., Walczak M., Woźniakowski G., Podgórska K. African Swine Fever: Transmission, Spread, and Control through Biosecurity and Disinfection, Including Polish Trends. *Viruses*. 2023. Art. 15(11):2275. DOI: [10.3390/v15112275](https://doi.org/10.3390/v15112275) (дата звернення: 10.01.2025).
- 3 Siqueira A. de, Campusano Cuevas S. E., Salvagni F. A., Maiorka P. C. Forensic Veterinary Pathology: Sharp Injuries in Animals. *Veterinary pathology*. 2016. Vol. 53. Is. 5. Pp. 979–987. DOI: [10.1177/0300985816655850](https://doi.org/10.1177/0300985816655850) (дата звернення: 10.01.2025) ; Rebollada-Merino A., Barcena C., Mayoral-Alegre F. J., Garcia-Real I., Dominguez L., Rodriguez-Bertos A. Forensic cases of suspected dog and cat abuse in the Community of Madrid (Spain), 2014–2019. *Forensic science international*. 2020. Vol. 316. Art. 110522. DOI: [10.1016/j.forsciint.2020.110522](https://doi.org/10.1016/j.forsciint.2020.110522) (дата звернення: 10.01.2025).
- 4 Geissenberger J., Ehrenfellner B., Monticelli F. C., Pittner S., Steinbacher P. Dismembered porcine limbs as a proxy for postmortem muscle protein degradation. *International Journal of Legal Medicine*. 2021. Vol. 135. Is. 4. Pp. 1627–1636. DOI: [10.1007/s00414-021-02571-6](https://doi.org/10.1007/s00414-021-02571-6) (дата звернення: 10.01.2025).

evidence obtained during criminal proceedings. We consider it expedient to regulate the examination of animal corpse(s) related to exhumation in the system of investigative actions and to improve relevant provisions of national criminal procedure legislation.

Analysis of Essential Researches and Publications

The issue of examining the corpses of people after exhumation was considered

both by Ukrainian scientists (O. Baulin ⁵, H. Hetman ⁶, O. Horlova and O. Zavorina ⁷, P. Denysiuk and M. Shevchuk ⁸, T. Dubovyk ⁹, O. Kovtun and G. Sukhina ¹⁰, Ya. Konyushenko ¹¹, M. Patsula ¹², V. Slivinsky and V. Rybalko ¹³, R. Khalilev and L. Legeza ¹⁴) and foreign ones (W. Jilala with co-authors ¹⁵, D. A. Mansegosa with co-authors ¹⁶). At the same time, the problems of legal, tactical, organizational and moral and ethical regulation of exhumation of corpses of animals are not suffi-

- 5 Баулін О. В. Огляд трупа, пов'язаний з ексгумацією, під час здійснення досудового розслідування. *Криміналістика і судова експертиза*. 2022. Вип. 67. С. 201–213. DOI: [10.33994/kndise.2022.67.22](https://doi.org/10.33994/kndise.2022.67.22) (дата звернення: 10.01.2025).
- 6 Гетьман Г. М. Огляд трупа, пов'язаний з ексгумацією: порівняльно-правовий аспект. *Юридичний науковий електронний журнал*. 2022. № 11. С. 626–629. DOI: [10.32782/2524-0374/2022-11/151](https://doi.org/10.32782/2524-0374/2022-11/151) (дата звернення: 10.01.2025).
- 7 Горлова О. В., Заворіна О. П. Деякі особливості огляду трупа, пов'язаного з ексгумацією. *Процесуальне та техніко-криміналістичне забезпечення досудового розслідування*: мат-ли наук.-практ. конф. (Харків, 28.11.2019). Харків, 2019. С. 209–212. URL: https://univd.edu.ua/general/publishing/konf/28_11_2019/pdf/75.pdf (дата звернення: 10.01.2025).
- 8 Денисюк П. Д., Шевчук М. М. Особливості ексгумації трупа в кримінальному провадженні. *Молодий вчений*. 2017. № 5.1 (45.1; спецвип.). С. 32–34.
- 9 Дубовик Т. С. Щодо питання отримання згоди родичів померлої особи на огляд трупа, пов'язаного з ексгумацією. *Південноукраїнський правничий часопис*. 2022. № 3. С. 66–70. DOI: [10.32850/sulj.2022.3.10](https://doi.org/10.32850/sulj.2022.3.10) (дата звернення: 10.01.2025).
- 10 Ковтун О. О., Сухіна Г. Ю. Особливості огляду трупа, пов'язаного з ексгумацією як слідчої дії. *Юридичний науковий електронний журнал*. 2020. № 3. С. 384–386. DOI: [10.32782/2524-0374/2020-3/92](https://doi.org/10.32782/2524-0374/2020-3/92) (дата звернення: 10.01.2025).
- 11 Конюшенко Я. Ю. Учасники проведення огляду трупа, пов'язаного з ексгумацією. *Науковий вісник Міжнародного гуманітарного університету. Серія: Юриспруденція*. 2020. № 47. Т. 2. С. 112–115. DOI: [10.32841/2307-1745.2020.47-2.23](https://doi.org/10.32841/2307-1745.2020.47-2.23) (дата звернення: 10.01.2025).
- 12 Пацула М. П. Правові аспекти ексгумації трупа у кримінальному провадженні. *Вчені записки Таврійського національного університету імені В. І. Вернадського. Серія: Юридичні науки*. 2019. Т. 30 (69). № 1. С. 124–127. URL: http://nbuv.gov.ua/UJRN/UZTNU-law_2019_30%2869%29_1_23 (дата звернення: 10.01.2025).
- 13 Слівінський В. В., Рибалко В. В. Правові та морально-етичні проблеми проведення ексгумації трупа у кримінальному провадженні. *Юридичний науковий електронний журнал*. 2022. № 5. С. 600–602. DOI: [10.32782/2524-0374/2022-5/144](https://doi.org/10.32782/2524-0374/2022-5/144) (дата звернення: 10.01.2025).
- 14 Халілев Р. А., Легеза Л. А. Спірні питання процесуальної регламентації ексгумації трупа в кримінальному провадженні України. *Пропілеї права та безпеки*. 2022. № 1 (1). С. 46–51. DOI: [10.32620/pls.2022.1.06](https://doi.org/10.32620/pls.2022.1.06) (дата звернення: 10.01.2025).
- 15 Jilala W., Russa D., Ng'walali P., Balandya E., Lwoga N. Forensic exhumation and human remains identification: A gap between the Inquest Act 1980 and medico legal education in Tanzania. *Forensic Science International. Synergy*. 2022. Vol. 5. Art. 100276. DOI: [10.1016/j.fsisy.2022.100276](https://doi.org/10.1016/j.fsisy.2022.100276) (дата звернення: 10.01.2025).
- 16 Mansegosa D. A., Giannotti P. S., Marchiori J. I., Jofré F. N., Aballay F. H., Aisa C. F. The story of a homicide: The location, exhumation, and multidisciplinary analysis of a clandestine

ciently covered in the scientific legal and veterinary literature (C. S. Takenaka et al.¹⁷, D. Shkundya and Ya. Serdyukov¹⁸, I. Yatsenko and R. Kazantsev¹⁹).

Since the conceptual foundations of the examination of animal corpses associated with exhumation as a procedural action in criminal proceedings remain unexplored, we consider scientific research in this area to be timely.

Article Purpose

Outline the procedure and problematic aspects of examination related to the exhumation of animal corpses as a procedural action in criminal proceedings. Propose appropriate additions to the criminal procedural legislation of Ukraine.

Research Methods

In order to successfully perform research tasks, the following interdependent methods were used: analysis, synthesis, analogy, formal-logical, logical-grammatical, system-structural, theoretical-legal modeling, comparative-legal ones.

The empirical basis of the research is the materials of criminal proceedings of 2010–2024 regarding animal cruelty (Article 299 of the Criminal Code of Ukraine), illegal hunting (Article 248 of the Criminal Code), ecocide (Article 441 of the Criminal Code)²⁰.

Main Content Presentation

Let's consider the meaning of the concept of *examination of corpses of animals(s) associated with exhumation*. *Exhumation* (Latin *ex* — from, *humus* — earth) — removal of a corpse from the ground (from the place of its burial) for examination (forensic veterinary, forensic examination, patho-anatomical analysis, etc.). These aspects are interdependent: there is no point in conducting an exhumation without examining the corpse, nor is it possible to examine a buried corpse without exhuming. If the corpse of animal is removed from people homes: cellar, barn, basement, etc., such an investigative action is not an exhumation: it is carried out according to the rules of inspection (Article 237 of the Criminal Procedural Code of Ukraine),

burial. *Forensic Science International: Reports*. 2021. Vol. 3. Art. 100165. DOI: [10.1016/j.fsr.2020.100165](https://doi.org/10.1016/j.fsr.2020.100165) (дата звернення: 10.01.2025).

17 Takenaka C. S., Souza de C. N. A., Momo C. Case studies and technical aspects of the forensic necropsy of exhumed companion animals. *Forensic Science International*. 2023. Vol. 345. Art. 111624. DOI: [10.1016/j.forsciint.2023.111624](https://doi.org/10.1016/j.forsciint.2023.111624) (дата звернення: 10.01.2025).

18 Шкундя Д. Ю., Сердюков Я. К. Методологія визначення давності настання смерті в м'ясоїдних свійських тварин біофізичними методами. *Біоморфологія XXI століття* : зб. тез доп. XIV Міжнар. наук. конф. присвяч. 100-річ. з часу заснув. каф. анат., гіст. і патоморф. тварин ім. акад. В. Г. Касьяненка (Київ, 23–24.09.2021). Київ, 2021. С. 78–79. URL: https://nubip.edu.ua/sites/default/files/u331/zbirnik_biomorfologiya_2021.pdf (дата звернення: 10.01.2025).

19 Yatsenko I., Kazantsev R. Cytomorphological characteristics of necroptates of internal organs of dogs in the early post-mortem period in the aspect of forensic veterinary examination. *Ukrainian Journal of Veterinary Sciences*. 2022. Vol. 13. No. 4. Pp. 60–74. DOI: [10.31548/ujvs.13\(4\).2022.60-74](https://doi.org/10.31548/ujvs.13(4).2022.60-74) (дата звернення: 10.01.2025).

20 Кримінальний кодекс України від 05.04.2001 р. № 2341-III (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 10.01.2025).

search (Article 234 of the Criminal Procedural Code of Ukraine) ²¹.

Objects of exhumation can be whole corpses of an animal, regardless of species, age, gender, breed, including aborted fetuses, dead or live-born animals; remains of a corpse of any degree of integrity (fragmentation), in particular in a state of criminal destruction. Fragmentation should be understood as the division of the corpse into parts, as well as lack of several parts due to its burning, catastrophe (man-made or natural), damage by people (intentional or negligent) or animals (carnivores, rodents, insects). Do not affect the exhumation of the cause of dismemberment, as well as its viability or postmortem.

Specifics of exhumation and examination of the animal corpse:

- 1) exhumation is not an independent investigative (search) action, exhumation by itself does not prove anything, it is only a technical prerequisite for examining the corpse or conducting a forensic veterinary examination, which will allow obtaining new factual data;
- 2) have an epistemological character;
- 3) corpse can be buried in the ground or another place (for example, columbaria, walled in the walls of buildings);
- 4) examination should be carried out in the presence and with the advice of a veterinary medicine specialist;
- 5) are carried out within the framework of criminal proceedings after

entering information into the Unified Register of Pre-Trial Investigations (hereinafter referred to as the *Unified Register of Pre-Trial Investigation*) on the basis of the resolution of person conducting pre-trial investigation, or by the decision of examining magistrate (court).

In view of the above, we propose the following author's formulation: *"Exhumation of animal corpses is an investigative (search) action of an organizational and technical nature that consists in digging up and removing corpses from the burial site in the ground or another place for primary, repeated or additional forensic veterinary examination, as well as in examining objects found next to the corpses, within the limits of criminal proceedings to verify and clarify existing and identify new evidence or clarify other circumstances of criminal proceedings with subsequent burial"*.

Thus, exhumation of the corpse of an animal is a specific procedure, the grounds for which should be clearly outlined in the legislation. Exhumation of the corpse of an animal is not a basis for opening criminal proceedings, on the contrary: as a procedural action, it is possible only after entering data into the Unified Register of Pre-Trial Investigations and opening criminal proceedings.

Most scientists (O. Horlova and O. Zavorina ²², O. Kovtun and H. Sukhina ²³, M. Patsula ²⁴) tend to consider the place of exhumation of a human corpse to be the place of official burial. Similarly, the place of exhumation of animal corpses should

21 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).

22 Горлова О. В., Заворіна О. П. Зазнач. твір. URL: https://univd.edu.ua/general/publishing/konf/28_11_2019/pdf/75.pdf (дата звернення: 10.01.2025).

23 Ковтун О. О., Сухіна Г. Ю. Зазнач. твір. DOI: 10.32782/2524-0374/2020-3/92 (дата звернення: 10.01.2025).

24 Пацула М. П. Зазнач. твір. URL: http://nbuv.gov.ua/UJRN/UZTNU_law_2019_30%2869%29_1_23 (дата звернення: 10.01.2025).

be within the boundaries of the site of official burial (animal cemetery). Discovery of animal corpses elsewhere (in buildings, in trenches (during military operations), on the surface, etc.) should be considered as examination of the animal corpses at the scene of the incident (at the discovery scene).

The normative (procedural), legal and factual grounds for examining the exhumed corpse of an animal are a set of certain circumstances. The current version of the Criminal Procedural Code of Ukraine does not contain a *normative (procedural) basis* (rule of law) that would regulate the procedure for examining the corpse of an animal related to exhumation. The *legal basis* can be considered the decision of the person conducting the investigation, or the decision of the investigating judge (court). The *factual basis* is the need to verify and clarify the available evidence in criminal proceedings; identify new evidence previously unknown to the investigator; clarify other circumstances of the case. We offer the following list of grounds for exhumation and examination of the animal corpse:

- the need for new researches to answer questions related to identification of new circumstances in criminal proceedings;
- suspicion of violent (sudden) death, if no forensic veterinary or pathological examination of the corpse was carried out before the burial;
- the need for initial, repeated or additional forensic examination or a comprehensive forensic examination based on integration of specific expertise, in particular veterinary one;
- too short, unclear description of injuries in the conclusion of primary forensic veterinary examination or autopsy protocol;
- incomplete primary examination of the corpse;
- verification of results of the initial examination of the corpse;
- lack of data on laboratory tests of biological objects removed from the corpse (for example, for suspected poisoning);
- inspection of objects found near the corpse;
- presentation of animal for identification of the corpse;
- obtaining samples of biological material (tissues, organs, fluids) for forensic examination;
- fundamental doubts about authenticity of the cause of death of animal determined before the burial due to new circumstances of criminal proceedings (due to defects in treatment (care, veterinary measures, etc.), concealment of the crime, etc.);
- clarification of differences in the content of several forensic examinations contained in the materials of criminal proceedings;
- principle of contradiction between the conclusion of forensic veterinarian and other materials of proceedings;
- elimination of doubts about the burial of the corpse of particular animal;
- the need to examine a corpse (its remains) buried with the aim of concealing a crime;
- knowledge of other circumstances of criminal proceedings by other means;
- clarification of other circumstances that are essential for criminal proceedings.

The outlined range of grounds for exhumation and examination of animal

corpses is not exhaustive: it can vary depending on circumstances of criminal proceedings and other factors. The formulated grounds will be useful to persons conducting investigations when making procedural decisions, when the circumstances of criminal proceedings require.

Consequently, exhumation creates proper conditions for the examination of the corpses of animal(s), that makes possible to answer the above questions and

provide the investigator with new factual data on the crime committed.

Qualitative preparation and effective exhumation and examination of the corpse depend on the successful choice of tactics. In the procedural inspection algorithm related to the exhumation of animal corpses, we propose to distinguish 3 stages (see Fig. 1), each of which contains stages structured according to certain organizational, procedural and tactical-forensic aspects.



Fig. 1: Stages of exhumation and examination of animal corpses

I. Phases of preparatory stage of exhumation and examination of animal corpses

1. Issuance by the person conducting investigation of an order to conduct an examination related to the exhumation of animal(s) corpses

Since the exhumation of corpses of animals is an investigative action, authorized person conducting the investigation issues a resolution for its conduct, and examining magistrate (court) issues a ruling stating:

- circumstances of criminal proceedings (briefly);
- newly discovered circumstances that prompted an examination (forensic veterinary examination) related to exhumation of corpses of animals;
- name of the veterinary specialist involved in the exhumation, examination and further forensic veterinary examination;
- range of questions to be answered ²⁵;

- permission to use destructive methods and damage the objects of research (if it is necessary to remove biological samples and/or if there are reasonable grounds to argue that it is impossible to use other methods, in accordance with paragraph 2 of clause 4.11 of section IV of Instruction on appointment and conducting forensic examinations and researches ²⁶);
- notification of the owner (guardian) of the animal whose corpse will be exhumed, additionally indicating his right to refuse to conduct an exhumation and possibility of investigator's appeal to the court with a request for permission for this procedural action;
- date, time and address of the place of exhumation of the corpse(s) of animals.

2. Determining circle of persons who will participate in the exhumation and exami-

25 Яценко І. В. Проблеми укладання уповноваженою особою постанови про призначення судово-ветеринарної експертизи та шляхи їх вирішення. *Форум Права*. 2022. Вип. 73. № 2. С. 6–21. DOI: 10.5281/zenodo.6471059 (дата звернення: 10.01.2025).

26 Інструкція про призначення та проведення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту Укр. від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (дата звернення: 10.01.2025).

nation, specifying the burial site of the animal(s) corpse(s)

There is no such procedure for the corpses of Criminal Procedural Code of Ukraine animals(s). So let us turn to Parts 1 and 2 of Article 239 of Criminal Procedural Code of Ukraine, which regulates such actions against human corpses:

“1. Exhumation of the corpse is carried out by the decision of the prosecutor. Implementation of the resolution is entrusted to officials of local self-government bodies.

2. The corpse shall be removed from the burial site in the presence of forensic medical examiner <...>”²⁷.

Thus, the participants in exhumation of human corpse are the investigator, prosecutor, forensic expert and officials of local government bodies. According to Part 7 of Article 223 of Criminal Procedural Code of Ukraine, *“investigator, prosecutor is obliged to invite at least two disinterested persons (understood) to present a person, corpse, or thing for identification, examination of the corpse, including those related to the exhumation <...>”²⁸.*

Let us apply the principle of legal analogy to the circle of participants in exhumation and examination of the animal corpse: these are prosecutor, investigator (investigating officer), involved veterinary specialist (forensic veterinarian), officials of local self-government bodies, as well as at least two witnesses. Since the exhumation and examination of the corpse has a negative emotional coloring, the person conducting investigation should take this into account.

We consider Y. Konyushenko's opinion that if it is impossible to attract two wit-

nesses, obligation to certify compliance of records in the protocol with the performed actions can be assigned to a veterinary medicine specialist²⁹.

In addition, optional exhumation participants should include the owner or guardian of the animal whose corpse is subject to this investigative action, as well as employees (administration) of the animal cemetery (They can provide information about the site and circumstances of burial of the animal, etc.).

If the exhumation of corpses of animals is associated with their death from infectious diseases, which pathogens are dangerous for humans, animals and the environment, then this procedure involves specialists from the State Service for Food Safety and Consumer Protection of the corresponding level. During the exhumation of corpses from such burials, it is necessary to carefully observe the rules of personal hygiene and sanitation.

Particular attention should be paid to the competence of a veterinary specialist: he should have a higher veterinary education of the educational level: *specialist* or *master*, theoretical knowledge and practical skills in the study of corpses of animals(s), in particular exhumed animals, provide advice, explanations, certificates and conclusions that require special veterinary knowledge and skills, impeccable reputation, be uninterested in the results of this procedural action, meet general procedural requirements; there should be no grounds for disqualification of such a specialist.

In addition to the above, if necessary, it is possible to invite such specialists as a criminalist, archaeologist, etc.

27 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).

28 Там само.

29 Конюшенко Я. Ю. Зазнач. твір. DOI: [10.32841/2307-1745.2020.47-2.23](https://doi.org/10.32841/2307-1745.2020.47-2.23) (дата звернення: 10.01.2025).

For participating in the examination of animal corpse related to the exhumation, forensic expert (who performs the functions of a specialist during the examination) is involved by a letter of request to a forensic institution (currently, the only such institution in Ukraine is National Scientific Center “Hon. Prof. M. S. Bokarius Forensic Science Institute” of the Ministry of Justice of Ukraine) indicating the date, time and place of the exhumation (it is advisable to attach a copy of the resolution on the exhumation of the animal corpse). With a request to involve a veterinary medicine specialist in the exhumation of an animal corpse, investigator may, if necessary, contact other institutions or institutions (State Food and Consumer Protection Service of all levels, scientific and research institutions of veterinary medicine, faculties of veterinary medicine of higher education institutions) or certified forensic experts who do not work in State specialized forensic science institutions. The investigator should ensure the arrival of veterinary specialist, unhindered access to the object and proper working conditions.

3. Familiarization of veterinary medicine specialist with materials of criminal proceedings

In particular: with veterinary documents; resolution on appointment of an examination of the corpse of animal related to exhumation; protocols of interrogation of witnesses; conclusions of other forensic examinations than forensic veterinary (for example, forensic ballistic, forensic trace evidence); results of investigative experiments. At this stage of preparation for the exhumation of animal corpse, person conducting the investigation should receive advice from a veterinary specialist on:

- expediency of exhumation;
 - possible informativeness of results of the examination of the corpse in the context of specific criminal proceedings;
 - possible actions with the corpse of the animal after its exhumation, taking into account the specific circumstances of criminal proceedings, period of corpse burial, alleged mechanism of death, etc.
4. *Preparation by the authorized person conducting investigation of an action plan for the exhumation and examination of animal(s) corpses*
5. *Sending a notice to the owner (guardian) of the animal(s) whose corpses are subject to exhumation, and handing him a copy of the resolution on commission of this procedural action*
- If the animal corpse is buried in an animal cemetery, then in order to carry out the exhumation, the person conducting the investigation should inform cemetery administration in writing, at the same time providing a copy of the order on the examination of animal's corpse related to exhumation.
- At the same time, the owner (guardian) of animal whose corpse is to be exhumed is sent a notice and a copy of the resolution on commission of this procedural action. Such a notice states that the owner (guardian) of animal may be present during the exhumation, and also requests his written consent to conduct an examination related to the exhumation.
- If the owner (guardian) of the animal objects to the exhumation and does not give written consent to its conducting, authorized person conducting the investigation shall apply to examining magistrate (court) for permission to perform this procedural action.

Since any actions at the burial site of an animal (for example, at an animal cemetery) without such permission are illegal, and evidence obtained in this way may be considered inadmissible in court, if the corpse of an animal whose owner (guardian) is unknown is subject to exhumation and examination, this investigative action is performed by a decision of examining magistrate (court). At the same time, the exhumation and examination of the corpse of homeless animal is performed without a court decision: by resolution of the person conducting the pre-trial investigation or by a court decision, if such a decision was made at the stage of judicial investigation.

6. Appeal to the examining magistrate(court) in case of objection of the owner (guardian) of the animal(s) against the exhumation with a petition for its conduct and judicial consideration of this petition

If the owner (guardian) of the animal(s) objects to the exhumation, authorized person conducting the investigation shall apply to the court with a justification that evidence within the criminal proceedings can be obtained exclusively as a result of the exhumation. The examining magistrate (court) may contact a forensic expert or veterinary specialist for clarification on this issue. Based on consideration results, examining magistrate (court) either satisfies the petition or issues a decision to refuse to conduct an exhumation.

Therefore, the more thoroughly the issue of exhuming an animal corpse is regulated, the less likely this procedural action will be challenged in court and the more effectively crimes against animals will be investigated.

7. Entry into force of the court decision

If none of the parties to criminal proceedings has appealed against.

8. Carrying out technical and organizational measures for the exhumation of corpses of animals

Resolution on the exhumation of animal corpse is mandatory for officials of local self-government bodies. If the person conducting the pre-trial investigation needs technical assistance during the exhumation, transportation of the animal's corpse, etc., he/she shall send a letter of notification and a copy of the resolution on the exhumation to the local self-government bodies with a request to provide such technical assistance. The witnesses are informed of their rights and obligations during the examination of animal corpse associated with the exhumation.

II. Stages of the main stage of exhumation and examination of animal corpse(s)

1. Technical removal of corpses of animals or remains from the burial site

First, the burial site is described: existence (lack), appearance and state of the earthen hill, gravestone (if any), fence, vegetation cover, inscriptions, etc. (*q.v.* Fig. 2).

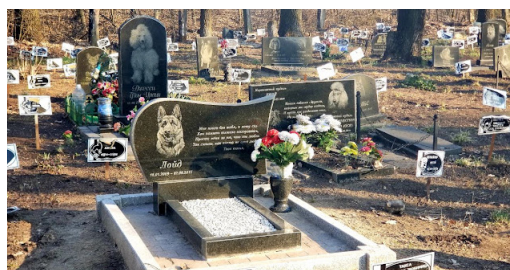


Fig. 2. Pet cemetery in Babai village, Kharkiv region

By successively excavating the burial site, specifics of the soil (chernozem, sand, clay) and its physical properties (dry or wet, frozen, coarse or fine-grained) are described, and the depth of burial is determined (*q.v.* Fig. 3). Before opening the

package in which the corpse is placed, its condition is described (nature and color of the material, its integrity: whole or fragmentarily damaged, nature of the damage). If the corpse is buried in a coffin, material of its manufacture (wood, metal), condition (without damage or with them, nature of the damage), the method of closing the lid (with nails, screws, nuts, bolts, sealing, etc.) and its condition (whole or damaged), condition of the corpse's bed in the coffin (color, impregnation with decomposition products, mold, etc.) are noted.

The corpse of the animal from the burial site is removed by the technical staff necessarily in the presence of a veterinary specialist (preferably a forensic expert) (*q.v.* Fig. 3, *a-c*). Procedural actions

during the exhumation of the animal's corpse and its examination are recorded in the protocol or on the information carrier using technical means (Parts 1 and 2 of Art. 103 of Criminal Procedural Code of Ukraine ³⁰).

2. Examination of exhumed animal(s) at the exhumation site

The animal's corpse is released from packaging (the coffin is opened), where it was placed, and the animal is presented to the owner for identification. Veterinary specialist examines the corpse and describes in detail its morphological specifics (*q.v.* Fig. 3*d*), in particular:

- area where the animal's corpse is buried;



Fig. 3. Phases of exhumation of the animal corpse: a) excavation of the burial site; b–c) removal of the corpse from the burial site; d) examination of the corpse at the burial site by a veterinary specialist

- identification marks (species, sex, age, breed, weight, posture, special features. For example: “*Corpse of an adult dog, male, fawn, approximately 4 years old, weighing approximately 15 kg. On the neck of the corpse is a textile collar and a ring for attaching to a leash*”);
- body structure (configuration (proportional or not, correct or not), ex-

ternal malformations; fatness category (above average, average, below average, thin). For example: “*Body of a cat has a correct body structure, proportional configuration, fatness is below average, external malformations and special signs are missing*”);

- cadaveric phenomena expressed externally (cadaveric drying, ca-

30 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).

daveric spots, cadaveric autolysis, cadaveric putrefaction, fat deposits, mummification, peat tanning and freezing. For example: *“Putrefactive biotransformation of the dog’s corpse is moderately expressed, the color of the body areas with putrefactive changes is dirty-brown, cadaveric emphysema is pronounced, putrefactive venous network is clearly visible. The corpse emits a sharply pronounced repulsive odor of putrefaction”*);

- skin condition (smell, color, pigmentation, elasticity, moisture. For example: *“Skin of the corpse is contaminated with a black-gray substance, resembling soil in appearance; sagging; brown-green in abdominal area”*);
- condition of claw capsules (anatomical integrity, color, consistency);
- hair condition (color, density, skin adherence, malnutrition, shedding severity, presence of layers of the substance). Example: *“Hair unevenly covers the animal body, without shine, easily separates from the skin. On the hair, the substance is black and gray, looks like a soil that glued individual hairs into lumps”*);
- Eye condition (closed or open eye slits, anatomical integrity, color, moisture, hemorrhages, ulcers and the nature of other damage to the conjunctiva and cornea. For example: *“Eye slits (right and left) are open, conjunctiva is dull, eyeballs and auxiliary organs of the eye are in the state of initial cadaveric decomposition. The right eyeball is significantly deformed, there is a noticeable rupture of its fibrous membrane”*);
- condition of the right and left outer ears (condition of the development of the ears: correctly, with defects;

anatomical integrity, condition of the inner and outer surfaces; patency of the external auditory canals and the presence of foreign objects, dirt, earwax, nature of injuries. For example: *“Auricles are anatomically intact, the inner surface is covered with particles of a black and gray substance that looks like sandy soil. External auditory canals contain earwax and layering of a substance of black and gray color, which looks like sandy soil”*);

- condition of the nose (condition of the skin around nostrils, their patency, anatomical integrity of the nose, relief of the nasal or nasolabial mirror. For example: *“Skin of the nasal mirror is in a state of cadaveric decomposition. In the lumen of the nostrils and the vestibule of the nasal cavity, there are masses of a dirty-dark brown color, which look like blood clots in a state of decomposition. The skin of dorsum of the nose is in a state of cadaveric decomposition, like the rest of the soft tissues of this area, easily separate from the bony base of the skull”*);
- condition of oral mucosa (color, consistency, stratification, ulcers. For example: *“Oral mucosa is unevenly colored, mainly dirty-dark brown, of a loose consistency, easily separated from the bony base of the skull. The mucous vestibule of the oral cavity, tongue, and partly the palate and pharynx are covered with smeary gray-dark brown masses that have the appearance of viscous, semi-liquid substrates of animal origin (possibly a mixture of mucus and blood) with admixtures of sandy soil”*);
- condition of oral cleft (distended, stooped, half-stooped);
- position of the tongue (protrudes or does not protrude beyond the oral

- cavity; its apex is not clamped between the teeth);
- condition of the anus (closed, open, semi-open; the presence of foreign objects; the nature of the damage; the contamination of the hair around the opening with feces; the condition of the mucous membrane of the anus. For example: *“Anus is semi-open, the soft tissues that form it are gray-greenish in color, flabby in consistency, in a state of initial cadaveric decomposition; the skin around the anus is not contaminated with feces”*);
- condition of the external genitalia (in males: the foreskin, preputial opening, preputial cavity, color and consistency of the glans penis, integrity and color of the skin of the scrotum, the presence of testicles and their appendages in it; in females: the vulva; labia; degree of closure of the genital slit; in males and females: the nature of the discharge from the urogenital canal; availability of foreign objects; damage. For example: *“External genitalia are developed according to the age and sex of the animal; formed correctly according to the male type. The scrotum is of a very loose consistency in a state of cadaveric decomposition. The soft tissues that form the foreskin and penis are gray-brown in color, in a state of cadaveric decomposition”; “Labia are intact, the genital slit is slightly open. The mucous membrane of the vestibule of the vagina gray-green in color, whole, moderately folded. There are no foreign objects in the vestibule of the vagina and no damage”*);
- discharge from natural holes. For example: *“There are no discharge from the natural holes of the corpse”*;
- bone condition (availability of unnatural mobility). For example: *“No unnatural mobility of the bones of the skeleton was found”*;
- condition of the neck (proportionality of development, shape, availability or lack of strangulation groove, damage. For example: *“Neck is developed proportionally to the trunk, the strangulation groove is absent, without damage”*);
- condition of the chest (proportionality of development, shape, symmetry, presence of physical injuries. For example: *“The chest is flat-cylindrical in shape, symmetrical. Ribs and spine to the touch are safe”*);
- abdominal condition (configuration: tightened, sagging or enlarged; hungry pits are inflamed, filled; consistency; damage. For example: *“Abdomen is round, soft, without damage”*);
- condition of mammary glands (their development is appropriate for the animal's age, developmental defects, skin integrity, the condition of the nipples and nipple opening);
- condition of the limbs (position, articular angles, unnatural mobility in the bones or joints). For example: *“Thoracic limbs are bent in the elbow joints at an angle of 60°. The lower part of the right thoracic limb is absent below the carpal joint. The left thoracic limb is anatomically intact. In the lower third of the left forearm, there is a superficial wound. The right and left pelvic limbs are anatomically intact, bent in the knee and metatarsal joints. Unnatural mobility in the right thigh”*);
- topography and nature of injuries or their consequences (skin scars, traumatic baldness, areas of pigmentation and depigmentation, traces of

blood, layering on the corpse. For example: *“On the right side of the head, in the cheek area, there is a lacerated injury — a deep wound that covers the skin, subcutaneous fascia of the head and the masticatory muscles. The edges of the wound are dirty-dark brown in color, soaked with blood, of a loose consistency. The soft tissues along the periphery of the wound are dark red in color, soaked with blood, dark gray, in the depths, red in color, of a loose consistency”*).

In order to determine the localization of bodily injuries found on an animal's corpse, a veterinary specialist should use a system of skeletal coordinates indicating the anatomical area of the body and the distance in centimeters from the injury to the protruding parts of the body. For a correct and understandable description of the shape of the identified bodily injuries, it is necessary to compare it with the shape of geometric shapes (slit-shaped, oval, round, triangular, star-shaped, angular) or letters (Π -, Γ -, S-shaped, etc.). The dimensions of the injuries are determined by two mutually perpendicular lines, measuring the greatest length, orienting the direction by the numbers on the clock face, and in Γ -shaped and star-shaped injuries, the length of the rays is measured from the center.

The proposed list is not exhaustive: it depends on the condition of the corpse (fresh, with putrefactive changes, skeletonized, fragmented, etc.). Unnatural position of individual parts of the animal's corpse should be described especially carefully.

3. Removal of biological samples from animal carcass (es)

After the description, if necessary, samples of tissues and organs or part of the

corpse can be removed from the corpse, as well as soil and things found next to the corpse that are necessary for conducting forensic researches (veterinary, chemical, histological, toxicological, biological, microbiological, molecular genetic ones) and are important for clarifying circumstances of a criminal offense.

If insects (larvae, beetles) are available on the corpse, the veterinary specialist notes the areas of greatest concentration. They are then removed, placed in test tubes, and sent for forensic biological examination.

If necessary, a sample of soil under a corpse weighing at least 500 g is taken for laboratory testing for poison detection.

It is extremely important to emphasize that during the exhumation of an animal's corpse, the *powers of a veterinary specialist* include:

- observation of excavation of burial site of the corpse;
- advising on proper removal of the corpse (its remains) from the burial site to the surface;
- nature indication and packaging material where the animal's corpse (its remains) was contained;
- determining the degree of integrity of the packaging where the corpse was located, and if it is destroyed, then indicating the factors that influenced this (insects, plants, microscopic fungi, decay processes, etc.);
- detailed description of external condition of the corpse;
- removal of samples from the corpse and, if necessary from packaging where it was kept and soil samples for laboratory testing;
- description and removal of cadaveric fauna for forensic biological research;

- advice on careful transportation of the exhumed corpse to the sectional hall of specialized forensic science institution for forensic examination;
- advising the investigator on the range of issues that may be posed to forensic veterinarian;
- participation in the preparation of the exhumation protocol for the animal corpse.

4. Drawing up an examination protocol related to the exhumation of animal corpses

Upon completion of the examination of the exhumed corpse, the person conducting the pre-trial investigation draws up a protocol (Articles 104, 106 of Criminal Procedural Code of Ukraine ³¹), in which he or she notes everything found in the sequence in which it occurred and in the form in which it was observed. The report also contains a list of things and objects removed from the animal's corpse or burial site. The person who supervised the exhumation of the animal corpse shall, if necessary, attach appendices to the protocol (Article 105 of the Criminal Procedural Code of Ukraine) ³²: materials for measuring, weighing, photographing, sound and/or video recording; plans and diagrams; graphic images; photo tables; prints and casts (if available); written explanations of the veterinary specialist involved in this procedural action; electronic media and other materials explaining the content of the inspection protocol. Although the appendices to the protocol are optional, they should be properly packed to prevent their unauthorized opening and certified by the signatures of the participants in the proce-

dural action (inquirer, investigator, prosecutor, veterinary specialist, etc.).

During exhumation, it is advisable to record general view of the burial site; grave markers, the moment of their dismantling; the beginning of excavation; packaging of the corpse (coffin) or the corpse itself (if it is buried without packaging) in the burial site (grave); the corpse in packaging (open coffin); objects found in the packaging (coffin); the moment of re-placement of the animal corpse after examination (forensic veterinary examination); the moment of covering with earth, final restoration of the burial site after exhumation. Photographs illustrating the examination report shall be drawn up as photo tables according to the rules of forensic photography and in the sequence in which it was recorded during exhumation of the corpse and its examination. Arrows, letters, numbers and other necessary marks can be applied to the photographs, and the content of the images and marks, numbers, arrows shall be indicated under each photograph.

Materials with video and audio recordings shall be attached to the inspection report in an envelope, fixing it on a piece of paper. The inscription on the envelope must correspond to the inspection report. All photographic illustrations, envelopes with disks, flash drives, etc. shall be sealed with a stamp and signature of the person conducting the exhumation of the animal corpse.

Examination protocol of the corpse related to the exhumation should contain the introductory, descriptive and final parts (Part 3 of Art. 104 of Criminal Procedural Code of Ukraine) ³³:

31 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).

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1) introductory part:

- title of the document “Protocol of examination of the corpse of an animal associated with exhumation”;
- place (name of the locality), date, time of the beginning and end of the inspection;
- surname, name and patronymic, position of the authorized person conducting procedural action, and the name of investigating authority;
- grounds for exhumation;
- information about witnesses (surname, name, patronymic, date of birth, place of residence; information on clarification of their rights and obligations in accordance with Articles 11, 13, 15 and 223 of the Criminal Procedural Code of Ukraine ³⁴);
- surname, name, patronymic, position of a forensic expert (veterinary doctor); explanation of his rights and obligations in accordance with Art. 69 of the Criminal Procedural Code of Ukraine ³⁵;
- surname, name, patronymic of the technical staff involved in the exhumation;
- procedural document on appointment of exhumation (resolution of the prosecutor, investigator, investigating officer, decision of examining magistrate (court); position, surname and initials of these authorized persons; issuance date of the resolution or decision);
- reference to Art. 237 *Examination of the Criminal Procedural Code of*

Ukraine, on the basis of which the exhumation is carried out ³⁶;

- information on explaining to the persons present before the start of the inspection their right to be present during all actions that will be taken during examination, to make comments to be recorded in the protocol;
- method of recording exhumation of the animal corpse and the stages of its examination;
- information that persons participating in the examination related to the exhumation were informed in advance about the use of technical means of fixation;

2) *descriptive part* (sequence of actions during exhumation and inspection of the animal corpse):

- type, nickname or individual number, gender, owner (guardian);
- date and burial site;
- result of the examination (the state of the burial site, sequence of actions of the persons who carry out the exhumation and examination);
- list of tissue or organ samples seized from the animal corpse, their condition at the time of examination, and the method of their packaging and labeling;
- list of items seized from the burial site that are relevant to clarifying the circumstances of the criminal offense, the method of their packaging and labeling;
- name and address of forensic science institution where the corpse of the exhumed animal will be examined;

34 Кримінальний процесуальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (дата звернення: 10.01.2025).

35 Там само.

36 Там само.

- 3) *final part* (information about the things seized from the burial site, method of familiarizing the participants with the content of the protocol, comments and additions of the review participants to the protocol; surname, name, patronymic and signatures of all review participants; surname and initials, position of the person conducting the investigation, name of investigation body, signatures).

Refusal of any of participants in the examination of the corpse of the animal associated with the exhumation to sign the protocol is separately indicated in this protocol. Such a participant may explain in writing the reason for the refusal; this explanation is recorded in the protocol and certified by signatures of the witnesses.

5. Transportation of corpses or their remains to a specialized forensic science institution for forensic veterinary examination

For delivering exhumed corpse (remains) of the animal to the State forensic science institution, involved veterinary specialist packs the corpse (remains) in an impenetrable packaging (bag, polymer material, container, etc.). The person conducting investigation seals the packaging, attaches a sticker with an inscription and, together with the decision on the appointment of a forensic veterinary examination or a comprehensive forensic examination, directs the animal corpse to a State forensic science institution.

This procedure can be carried out in other institutions or facilities: for example, sectional halls of departments of higher education institutions, laboratories of the Veterinary Research Institute or the State Service of Ukraine for Food Safety and Consumer Protection, etc. As an exception, in agreement with the expert, it is allowed to conduct forensic examination of animal corpse (if necessary conditions are met) in the premises of veterinary medical institutions adapted for a sectional hall, as well as outdoors (only under favorable weather conditions and if the body (authorized person) that appointed the examination or engaged the expert provides the appropriate conditions for work). If the corpse was delivered from the place of exhumation, where the inspection report was drawn up, a copy of it should be sent together with the decision to appoint a forensic veterinary examination³⁷. It is necessary to comply with veterinary, sanitary and hygienic requirements to prevent the spread of pathogens that the exhumed animal corpse can potentially contain.

6. Conducting forensic veterinary examination in a specialized forensic science institution

Most often, forensic veterinary examination of the corpse of an animal is performed in the sectional hall of the expert institution (*q.v.* Fig. 4) in accordance with the methodological recommendations *Rules of Forensic Veterinary Examination of Animal Corpses*³⁸, as well as *Methods of Forensic Veterinary Examination of Animal Corpses*³⁹.

37 Яценко І. В., Казанцев Р. Г. Правила судово-ветеринарної експертизи трупів тварин : метод. рек. Харків, 2022. 29 с.

38 Там само.

39 Їх же. Методика судово-ветеринарної експертизи трупів тварин. Харків, 2022. 336 с. Реєстр. код 18.1.02 / Реєстр методик проведення судових експертиз : офіц. сайт. URL: <https://rmpse.minjust.gov.ua/search> (дата звернення: 10.01.2025).



Fig. 4. General view of the dog's corpse in sectional hall

III. Phases of preparatory stage of exhumation and examination of animal corpses

1. Transportation of corpses or their remains for re-burial

The responsible person for this action is the authorized person conducting investigation.

2. Re-burial of corpse(s) or their remains

Repeatedly, the corpse (remains) of animal is buried in the same place from where it (them) was removed, and the burial site of the previous state is provided. The corpse (remains) of the animal can be cremated with the consent of the person conducting the pre-trial investigation. They hide the corpse (remains) of the animal after exhumation in the presence of the person conducting the pre-trial investigation. A protocol shall be drawn up on the repeated burial of the corpse (remains) in the same place where it (them) was initially buried, as well as on bringing the burial site to the previous state.

3. Reimbursement of expenses related to exhumation of corpses of animals

The costs associated with the exhumation, transportation to a specialized expert institution and subsequent burial of the animal corpse(s) shall be reimbursed in accordance with the procedure established by law. For participation in the examination of an animal corpse related to exhumation, a veterinary specialist involved in this procedural action shall have the right to receive remuneration in accordance with the law, if this is not his/her official duty.

We share the opinion of Y. Chornous and T. Sinoverska⁴⁰ about the need to take into account the specifics of a criminal offense against the health and life of animals and believe that the examination of the corpse of an animal should be regulated by a separate article of the Criminal Procedural Code of Ukraine. In this regard, and the above stages and stages of exhumation and examination of corpses of animals, we propose to supplement the Criminal Procedural Code of Ukraine with a new article with the following content:

"Article 239-1. Examination related to the exhumation of an animal's corpse

1. Exhumation of animal corpse(s) is an investigative (detective) action of an organizational and technical nature, which consists in digging and removing corpse(s) from the burial site in the ground or another place for primary, repeated or additional forensic veterinary examination, as well as in the examination of objects found near the corpse(s), within the framework of criminal proceedings to verify and clarify existing and identify new evidence or clarify other circumstances of criminal proceedings with subsequent burial.

⁴⁰ Чорноус Ю., Синоверська Т. Криміналістична методика розслідування жорстокого поводження з тваринами : монографія. Київ, 2022. 248 с. URI: <http://elar.naiu.kiev.ua/jspui/handle/123456789/23142> (дата звернення: 10.01.2025).

2. The grounds for examination of animal corpse related to exhumation are its sudden death and/or suspicion of violent death, if no forensic veterinary or pathological examination of the corpse was carried out before burial; the need to conduct primary, repeated or additional forensic veterinary examination or a comprehensive forensic examination based on the integration of specific expertise, including veterinary knowledge; presentation for identification; obtaining samples of biological material (tissues, organs, fluids) for forensic examination; doubts about the authenticity of the cause of death determined prior to burial due to newly discovered circumstances of criminal proceedings (defects in treatment, care, veterinary and sanitary measures, concealment of a crime, etc.); clarification of differences in the content of the examinations available in criminal proceedings; inconsistency of the forensic veterinary expert conclusion with other case (proceedings) materials; clarification of other circumstances that are essential to criminal proceedings.

3. Exhumation of the corpse of animal shall be carried out by the decision of the authorized person conducting the pre-trial investigation or by the decision of the investigating judge (court). If the owner (guardian) of the deceased animal objects to the exhumation, the decision on exhumation is issued by the examining magistrate (court) at the request of the person conducting the pre-trial investigation. All participants in the exhumation have the right to participate in the court session. Failure to appear of persons timely notified of the time and place of consideration of the petition is not an obstacle for consideration of the petition by the investigating judge (court). The decision on permission to conduct an exhumation or refusal to conduct it can be appealed.

4. The following persons take part in the exhumation of the corpse of the animal: a person conducting a pre-trial investigation (prosecutor, investigator, investigating offi-

cer), a veterinary medicine specialist, at least two witnesses, technical staff. If necessary, specialists of the State Food and Consumer Service are involved in this procedure. The resolution on exhumation is mandatory for officials of local self-government bodies.

5. Prior to the exhumation of the animal corpse, the person conducting pre-trial investigation shall present a resolution on the examination of the animal corpse related to exhumation and the written consent of the owner (guardian) of the animal whose corpse will be exhumed or a court decision to authorize the exhumation, explain to the participants of this procedural action their rights and obligations and make a record of this in the "Protocol of examination of the animal corpse related to exhumation".

6. Corpse of the animal shall be removed from the burial place in presence of involved veterinary specialist. Examination of the corpse is carried out in compliance with sanitary and hygienic safety measures.

7. After exhumation, examination, selection of the necessary samples for research and forensic veterinary examination, the animal corpse is either buried in the same place with the burial place restored to its previous state, or cremated in the presence of an authorized person conducting a pre-trial investigation. Protocol is drawn up on the repeated burial (cremation) of the corpse or its remains.

8. During exhumation, veterinary medicine specialist may remove tissue samples, organs or parts thereof from the corpse of an animal, as well as soil and things found next to the corpse that are necessary for conducting forensic veterinary research and are important for clarifying the circumstances of a criminal offense.

9. Exhumation procedure is recorded by photographing or video recording and described in detail in the protocol.

10. If necessary, the corpse of the animal (its remains) may be delivered to the state ex-

pert institution for forensic veterinary examination.

11. *In accordance with Article 104 of this Code, on the exhumation of the corpse of animal, protocol is drawn up, where everything found is indicated in the sequence in which it occurred and in the form in which it was observed during the procedural (search) action. If during the exhumation, things and objects were removed for examination, then this should be noted in the protocol. Measurement materials, photographs, sound or video recordings, plans and diagrams, graphic images, prints and casts (if any) shall be added to the protocol.*

12. *The costs associated with the exhumation, transportation and reburial of the animal corpse shall be reimbursed in accordance with the procedure established by law”.*

Compliance with the above procedural requirements is the key to clarifying the actual circumstances of the case (proceedings) for further effective investigation.

Conclusions

Exhumation of animal corpse(s) is an investigative (detective) action of an organizational and technical nature, which consists in digging up and removing corpse(s) from the burial site in the ground or another place for primary, repeated or additional forensic veterinary examination, as well as in the examination of objects found near the corpse(s), within the framework of criminal proceedings to verify and clarify existing and identify new evidence or clarify other circumstances of criminal proceedings with subsequent burial.

The grounds for examination of animal corpse(s) related to exhumation are data of criminal proceedings and the adoption of relevant procedural decisions by the authorized person conducting investigation.

Participants in the examination of corpses of animals associated with exhu-

mation are a prosecutor, investigator or investigating officer, veterinary medicine specialist (and/or specialists of the State Service of Ukraine on Food Safety and Consumer Protection), at least two witnesses, as well as technical staff.

Examination related to the exhumation of animal corpse(s) is a special procedural action within which we propose to distinguish 3 stages (preparatory, main (exhumation of the corpse and its examination) and final), each of which contains a certain number of stages.

Exhumation procedure of animal corpse(s), their examination and sampling for laboratory tests shall be recorded in the “Protocol of examination related to exhumation of animal corpse(s)”.

Based on the results of theoretical research and developments of reputable scientists in the field of criminalistics, criminal procedure and forensic science, based on our own experience of forensic science activities during 2010–2024 and given the lack of rule in the Criminal Procedural Code of Ukraine that would regulate the examination of exhumed animal corpses, we propose to supplement the said Code with a new Article 239-1 “Examination related to the exhumation of animal corpse(s)”.

The sequence of exhumation examinations we have outlined can be useful to law enforcement officers and judges during pre-trial investigations or court proceedings in criminal proceedings for crimes against animal health and life.

**Огляд, пов’язаний з ексгумацією
трупів тварин: теоретичні, правові
й організаційні засади**

Іван Яценко

Окреслено порядок проведення та проблемні аспекти огляду, пов’язаного з ексгумацією трупів тварин, як процесуальної дії у кримінальних провадженнях. Запропоновано

доповнити кримінальне процесуальне законодавство України новою ст. 239-1 «Огляд, пов'язаний з ексгумацією трупів(-а) тварин(-и)». Уперше сформульовано дефініцію «ексгумація трупів(-а) тварин(-и)». Стверджується, що об'єктами ексгумації можуть бути цілі трупи тварин незалежно від виду, віку, статі, породи, включно з абортіваними плодами, мертво- або живонародженими(-ою) тваринами(-ою); рештками будь-якого ступеня цілісності (фрагментація), зокрема, у стані кримінального знищення. Зазначено, що учасниками огляду трупа тварини, пов'язаного з ексгумацією, є прокурор, слідчий або дізнавач, а також спеціаліст ветеринарної медицини, фахівці Держпродспоживслужби (зокрема, лабораторії різного рівня цієї держструктури), не менше двох понятих і технічний персонал. Аргументовано зміст етапів огляду (підготовчого, основного (ексгумація та судово-ветеринарна експертиза), завершального) трупів(-а) тварин(-и), пов'язаного з ексгумацією, кожен з яких містить свої стадії. Наголошено, що викладена в цій науковій праці процедура огляду, пов'язаного з ексгумацією трупів(-а) тварин(-и), може стати складовою методичних рекомендацій для правоохоронних органів і судів під час досудового розслідування або судового слідства у кримінальних провадженнях щодо злочинів проти здоров'я та життя тварин. Для досягнення мети застосовано взаємообумовлені методи (аналіз, синтез, аналогія; формально-логічний; логіко-граматичний; системно-структурний; теоретико-правового моделювання; порівняльно-правовий).

Ключові слова: ексгумація; огляд; трупи тварин; спеціаліст ветеринарної медицини; кримінальне провадження.

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Declaration of Competing Interest

Author declares no conflict of interest.

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