

Formulation and Justification of Questions Posed in Document on Appointment of Forensic Veterinary Examination of Live Animals

Ivan Yatsenko*

* Doctor of Veterinary Medicine, Professor, State Biotechnological University, Kharkiv, Ukraine, ORCID: <https://orcid.org/0000-0001-8903-2129>, e-mail: yacenko-1971@ukr.net

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This article purpose is to identify, systematize and substantiate questions raised in the resolution on appointment of forensic veterinary examination of a live animal, and to demonstrate their significance for forensic expert's and court conclusion. For achieving this goal, general scientific and special scientific methods were used, in particular analysis, synthesis, analogy, formal-logical one, logical-grammatical one, logical-legal, system-structural one, abstraction, modeling, and forecasting. The range of questions that can be posed to a forensic veterinary expert when ordering an examination for offenses committed against the health and life of animals is outlined. All questions are conditionally combined into three groups: 1) identification of distinguishing features and physiological specifics of live animal; 2) determining the fact of injury (mechanism, prescription and independence (independence) of formation, consequences for the animal's health, severity, mutilation, type of traumatic instrument, etc.); 3) clarifying the cause-and-effect relationship between the bodily injuries inflicted on the animal and its health disorder; determining traces that indicate its torture, infliction of physical pain and suffering, period of the animal's loss of general economic or special use or full-fledged existence in the environment of a wild or homeless animal, as well as the impact on its health and life of actions related to prolonged deprivation of heat, food, drink and/or keeping it in harmful conditions. Praxeological significance of the research results lies in the fact that a system of

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scientifically based and logically systematized questions has been proposed that can be asked to forensic expert and to which the most complete and well-reasoned answers can be obtained in the optimal time frame.

Keywords: *forensic veterinary examination; investigator resolution; decision of examining magistrate; court decision; question; live animal; pre-trial investigation.*

Research Problem Formulation

The need to establish factual data, circumstances of committing offenses against health and life of animals requires specific expertise involvement, which procedural form is a forensic veterinary examination (hereinafter referred to as FVE) ¹, with the help of which identification, diagnostic, situational tasks are solved, and the results are reflected in the expert opinion, which is evidence in court ². FVE results can help determine the composition of the offense, its object, time, place and mechanism of the event, as well as instrument and person of the offender.

Totality of circumstances and factual data of criminal proceeding (case) related to bodily injuries inflicted on animal is FVE ³ subject. The author of this article has already outlined a range of questions that can be asked to forensic expert in the case of examining animal corpses ⁴ or poisoned animals ⁵, however, up today, the questions that can be asked to a forensic expert in the case of appointing FVE of live animals remain unorganized and unfounded. Thereby development, systematization and substantiation of such questions is relevant, has both theoretical and practical significance in law enforcement activities and FVE.

- 1 McEwen B. J., Gerdin J. Veterinary Forensic Pathology: Drowning and Bodies Recovered From Water. *Veterinary Pathology*. 2016. Vol. 53 (5). Pp. 1049–1056. DOI: [10.1177/0300985815625757](https://doi.org/10.1177/0300985815625757) (date accessed: 20.05.2025).
- 2 Яценко І. В. Завдання судово-ветеринарної експертизи: теоретичні й праксеологічні проблеми та шляхи їх вирішення. *Форум права*. 2023. Вип. 74 (1). С. 68–89. DOI: [10.5281/zenodo.7319900](https://doi.org/10.5281/zenodo.7319900) (date accessed: 20.05.2025) ; Yatsenko I. Problems of concluding an expert opinion based on the results of a forensic veterinary examination of a live animal and ways to solve them. *Law. Human. Environment*. 2022. Vol. 13. No. 4. Pp. 71–88. DOI: [10.31548/law2022.04.008](https://doi.org/10.31548/law2022.04.008) (date accessed: 20.05.2025).
- 3 Яценко І. В. Предмет судово-ветеринарної експертизи та його значення в теорії і практиці судової експертизи. *Науковий вісник Ужгородського Національного університету. Серія Право*. 2022. Вип. 73. Ч. 2. С. 154–173. DOI: [10.24144/2307-3322.2022.73.55](https://doi.org/10.24144/2307-3322.2022.73.55) (date accessed: 20.05.2025).
- 4 Яценко І. В., Париловський О. І., Коломоець Д. К. Обґрунтування питань, що ставляться в ухвалі суду та постанові слідчого при призначенні судово-ветеринарної експертизи трупа тварини з ознаками насильницької смерті від жорстокого поводження. *Ветеринарія, технології тваринництва та природокористування*. 2019. № 4. С. 184–197. DOI: [10.31890/vtpp.2019.04.34](https://doi.org/10.31890/vtpp.2019.04.34) (date accessed: 20.05.2025).
- 5 Яценко І. В. Обґрунтування питань у процесуальному документі про призначення комплексної судової експертизи щодо отруєння тварин. *Теорія та практика судової експертизи і криміналістики*. 2024. Вип. 4 (37). С. 39–61. DOI: [10.32353/khrife.4.2024.04](https://doi.org/10.32353/khrife.4.2024.04) (date accessed: 20.05.2025).

Analysis of Essential Researches and Publications

Bodily injuries of animals were studied by ⁶ Ukrainian and foreign scientists ⁷.

Currently, research papers lack substantiated questions that can be asked to forensic expert in a procedural document on FVE appointment for live animals that argues for relevance and novelty of our scientific research.

Article Purpose

Identify and justify the questions that can be posed to forensic veterinary expert in a resolution of an authorized person or a court ruling on the appointment of

a veterinary expert for live animals and to show their praxeological significance when drawing up expert conclusion.

Research Methods

General scientific and special scientific methods were applied, namely: analysis, synthesis, analogy; formal-logical, logical-grammatical, logical-legal, system-structural, abstraction, modeling, forecasting. The empirical basis of the study was the analysis of expert conclusions based on FVE results of on animal cruelty (70), defects in the provision of veterinary care (3), carried out during 2010-2025.

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- 6 Яценко І. В., Козачок В. В. Практика судово-ветеринарної експертизи за ушкоджень тварин гострими предметами. *Вісник Сумського національного аграрного університету. Серія «Ветеринарна медицина»*. 2024. Вип. 4 (67). С. 116—130. DOI: [10.32782/bsnau.vet.2024.4.17](https://doi.org/10.32782/bsnau.vet.2024.4.17) (date accessed: 20.05.2025) ; Канівець Н. С., Кравченко С. О., Дмитренко Н. І., Дев'ятко О. С., Кулинич С. М., Делейчук О. П. Токсикологія, фармакологія та терапія тварин за отруєння антикоагулянтами родентицидами: огляд. *Scientific Progress & Innovations*. 2025. № 28(1). С. 244—248. DOI: [10.31210/spi2025.28.01.38](https://doi.org/10.31210/spi2025.28.01.38) (date accessed: 20.05.2025) ; Скрипка М., Бойко Ю., Запека І. До патогенезу та патоморфології травми спинного мозку колючим предметом кота домашнього. *Аграрний вісник Причорномор'я*. 2023. № 108. С. 45—50. DOI: [10.37000/abbsl.2023.108.06](https://doi.org/10.37000/abbsl.2023.108.06) (date accessed: 20.05.2025) ; Лемішевський В. Судово-ветеринарна експертиза трупа собаки із ознаками насильницької смерті: огляд випадку. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2021. Т. 23. № 103. С. 136—140. DOI: [10.32718/nvlvet10318](https://doi.org/10.32718/nvlvet10318) (date accessed: 20.05.2025) ; Борисевич Б. В., Кручиненко О. В., Передера О. О. Судово-ветеринарне дослідження трупів собак та котів у випадках задушення руками. *Scientific Progress & Innovations*. 2024. № 27(2). С. 90—94. DOI: [10.31210/spi2024.27.02.15](https://doi.org/10.31210/spi2024.27.02.15) (date accessed: 20.05.2025).
- 7 Peña J. A., Martínez M. A., Peña E. Failure damage mechanical properties of thoracic and abdominal porcine aorta layers and related constitutive modeling: phenomenological and microstructural approach. *Biomechanics and Modeling in Mechanobiology*. 2019. Vol. 18. Pp. 1709—1730. DOI: [10.1007/s10237-019-01170-0](https://doi.org/10.1007/s10237-019-01170-0) (date accessed: 20.05.2025) ; Johnson K. A. Risks and Outcomes of Equine Flat Bone Fractures. *Veterinary and Comparative Orthopaedics and Traumatology*. 2019. Vol. 32 (4). DOI: [10.1055/s-0039-1693467](https://doi.org/10.1055/s-0039-1693467) (date accessed: 20.05.2025) ; Butterworth S. J. Humeral unicondylar fractures in immature dogs treated using a bone screw and Kirschner wire. *Veterinary Record*. 2022. Vol. 191. Is. 9. Pp. 355—394. DOI: [10.1002/vetr.2176](https://doi.org/10.1002/vetr.2176) (date accessed: 20.05.2025) ; Garcia-Pertierra S., Ryan J., Richardson J., Koterwas B., Keeble E., Eatwell K., Clements D. N. Presentation, treatment and outcome of long-bone fractures in pet rabbits (*Oryctolagus cuniculus*). *The Journal of Small Animal Practice*. 2020. Vol. 61. Is. 1. Pp. 46—50. DOI: [10.1111/jsap.13087](https://doi.org/10.1111/jsap.13087) (date accessed: 20.05.2025).

Main Content Presentation

The questions that can be asked in the document on FVE appointment can be conditionally divided into three groups: 1) identifying the distinguishing features and physiological characteristics of a living animal; 2) determining the fact of injury (in particular, the mechanism, prescription and independence (independence) of formation, consequences for the animal's health, severity degree, mutilation, type of traumatic instrument); 3) clarifying the cause-and-effect relationship between the harm caused to the animal's health and its health disorder.

We consider it appropriate to supplement clause 9.3 of section IX *Forensic veterinary examination* of scientific and methodological recommendations on the preparation and appointment of forensic examinations and forensic researches⁸ by the following issues.

1. To which species and class does the animal submitted for research belong? Is the animal vertebrate? What are its physiological specifics?

According to the Law of Ukraine: On the Protection of Animals from Brutal Treatment *"animals are biological objects related to fauna: agricultural, domestic, wild, includ-*

*ing domestic and wild poultry, fur, laboratory, zoo, circus"*⁹. At the same time, Law of Ukraine: On Veterinary Medicine stipulates that *"animals are all vertebrate and invertebrate animals, that is, living beings that are different from humans, but endowed with sensitivity"*¹⁰. Criminal and administrative liability for offenses committed against the health and life of animals is provided for in Article 299 of the Criminal Code of Ukraine¹¹ and Article 89 of the Code of Ukraine on Administrative Offenses (hereinafter referred to as the Code of *Administrative Offenses*)¹², however, exclusively with regard to vertebrates, which include fish, amphibians, reptiles, birds, and mammals.

Thus, forensic expert in his conclusion should note that a live examinee animal is a vertebrate.

Physiological specifics of animals are their special condition, in particular: pregnancy; mutilation; inability to exist independently (inability to fly for young birds); genetic changes, severe organic defects, diseases, signs of alimentary cachexia, etc.

2. What is nature and localization of the injuries found in the animal, as well as the sequence (order) of their tasks?

According to FVE provisions, bodily injury (trauma) is damage caused to the health

8 Науково-методичні рекомендації з питань підготовки та призначення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 20.05.2025).

9 Про захист тварин від жорстокого поводження : Закон України від 21.02.2006 р. № 3447-IV (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/3447-15#Text> (date accessed: 20.05.2025).

10 Про ветеринарну медицину : Закон України від 04.02.2021 р. № 1206-IX (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/1206-20#Text> (date accessed: 20.05.2025).

11 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> (date accessed: 20.05.2025).

12 Кодекс України про адміністративні правопорушення від 07.12.1984 р. № 8073-X (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/80731-10#Text> (date accessed: 20.05.2025).

of an animal in the form of temporary or permanent disorder, mutilation or death, which is caused by the action of traumatic factors of the external environment and manifests itself in a violation of the anatomical integrity and functions of tissues, organs or parts of the animal's body (Rules for Forensic Veterinary Determination of the Severity of Damage Caused to the Health of an Animal; hereinafter referred to as the Rules)¹³.

According to nature, injuries are divided into anatomical (abrasions, bruises, wounds, dislocations and sprains of skeletal ligaments, fractures and fissures of bones, ruptures and tears of internal organs, dismemberment of the body, kneading (crushing) of organs) and functional (shock from blows to the reflexogenic zones of the body, physical pain, respiratory disorders (mechanical asphyxia), concussion of the brain and other organs, paresis and paralysis, etc.). The description of bodily injuries should be made qualitatively and fully¹⁴.

Forensic expert should indicate the location of injuries (localization) in certain areas of the body, their grouping or scattering.

The need to determine damage sequence to the animal arises if during the forensic veterinary examination of animal several injuries are detected on its body.

3. What is the mechanism for formation of bodily injuries found in the animal?

The mechanism of injury is the way in which the animal was injured. It depends on the type of injury and the cause of its

occurrence. Therefore, depending on type of action that caused the injury, the mechanism of injury can be direct (at the site of direct action of the traumatic force: bruise, tear, etc.) and indirect (remote injuries from the site of action of the traumatic factor).

Types of mechanisms of damage formation at the moment of contact of the surface of the traumatic weapon with the animal's body are: impact, compression, stretching, friction and/or their combination.

A blow with a blunt object is characterized by bruised wounds, hemorrhages, and compressed comminuted fractures; a stretch is characterized by skin detachment, lacerations, and detachment of body parts; a compression is characterized by flattening of body parts, bone fractures; a friction is characterized by abrasions (sometimes wounds); a combination of mechanisms: a blow and a compression cause hemorrhages; a blow and a friction cause abrasions; a blow, compression, and a stretch cause ruptures of the viscera. Injuries caused by sharp objects cause: tissue displacement (from sharp objects that have no edges or from those with 6 or more edges), tissue dissection (from cutting and chopping objects), a combination of displacement and dissection (from sharp objects with 3-5 edges or sharp-cutting objects), a combination of displacement and dissection with reciprocating action (from sawing objects).

Correctly determined by forensic expert, the damage mechanism will allow law enforcement agencies to focus on

13 Яценко І. В., Париловський О. І. Правила судово-ветеринарного визначення ступеня тяжкості шкоди, заподіяної здоров'ю тварини (методичні рекомендації). Харків, 2022. 47 с.

14 Яценко І., Козачок В. Порядок опису ушкоджень, заподіяних гострими предметами, під час проведення судово-ветеринарної експертизи / К. Antipova, Н. Horban, О. Sieliukov, С. Licong, et al. Directions for the development of science in the context of global transformations : Scientific monograph. Riga, 2025. Pp. 74—97. DOI: 10.30525/978-9934-26-562-4-5 (date accessed: 20.05.2025).

finding the weapon that has been damaged under certain conditions and which will become material evidence in criminal proceedings.

4. What are consequences for the health of the animal caused by each of the injuries caused and what are the cumulative consequences?

General consequence of a health disorder directly related to the injury is: violation of the functioning of the body and/or the regime of the natural existence of the an-

imal, the loss of the general economic or special ability of the domestic animal to use it for useful purposes, the loss of a full-fledged existence in environment of wild or stray animal, the development of painful process in the body, a decrease in the level of productivity.

The consequences of bodily injuries are divided into fatal and non-fatal. The latter, in turn, can lead to full recovery, a painful condition, and disability, and by duration in time, they can be stable (permanent) and temporary (*q.v.* Fig. 1).

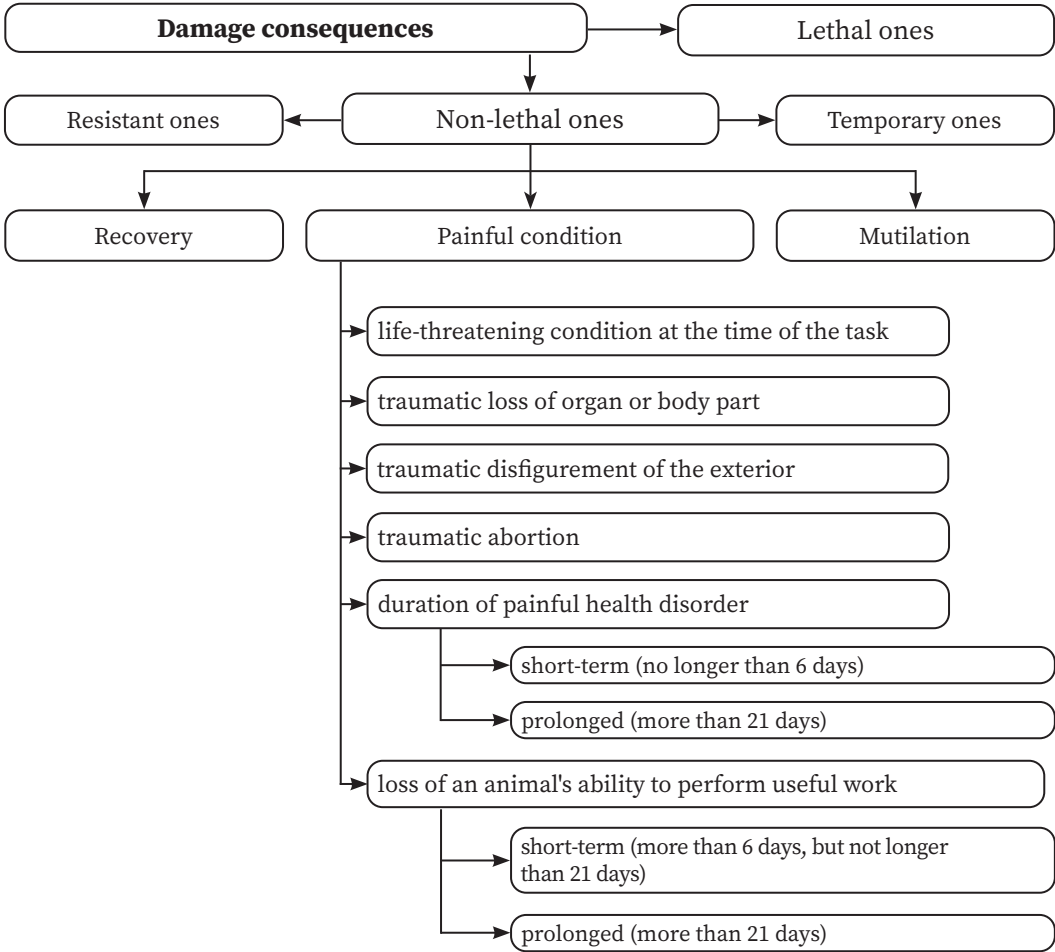


Fig. 1. Consequences of animal bodily injury

In order to answer the question, it is necessary use the Rules ¹⁵ and Methods of Forensic Veterinary Examination of Animals in order to establish their mutilation (hereinafter referred to as the *Methods*) ¹⁶.

Reliable FVE statement of consequences of an animal injury affects the determination of the causal relationship between the injury and the consequence, as well as the nature, location, mechanism, prescription and severity of the injury, etc. Correctly defined consequences of damage allow the pre-trial investigation body or the court to correctly qualify the offense and find out its signs.

5. What is severity of each injury?

The severity degree of bodily injuries (hereinafter referred to as *SDBI*) is a comparative value that characterizes the size (measure) of damage caused to the health of the animal (the degree of violation of the anatomical integrity or function of organs, areas of the body formed as a result of injury) ¹⁷. Significance of injuries in the FVE aspect is that the animal is temporarily or persistently impaired in the functions of organs, systems of the body and/or parts of the body, which limits its ability to provide the main manifestations of vital functions or disfigures its appearance due to deformation, asymmetry of the body, etc.

What is a *SDBI* – severe, moderate or mild – is determined exclusively by the

forensic expert in accordance with the Rules ¹⁸. Severe injuries are injuries that are life-threatening at the time of their occurrence; anatomical and/or physiological loss of any organ or part of the body; disfigurement of appearance; traumatic abortion. Moderate injuries are characterized by the absence of signs of severe injury and at the same time a long-term health disorder and loss of the ability to perform useful work for 21 days or longer. Mild injuries have transient consequences without health disorders lasting no longer than 6 days, short-term health disorders and short-term loss of ability to perform useful work for 6-21 days.

In addition, clause 5.38 of the Rules provides for conditions under which *SDBI* is not determined (in particular, in the absence of clinical signs or insufficiency of clinical, instrumental and laboratory examination of the animal under examination; failure to submit the animal for forensic veterinary research) ¹⁹.

6. Did the injury cause injury to the animal? If yes, please indicate the type of injury and the degree of disability of the animal.

The main pathognomonic signs of mutilation of the animal: persistent loss of health due to bodily injury or its consequences, congenital malformations, disease, accident; persistent and complete or partial anatomical and/or physiological loss of

15 Яценко І. В., Парилівський О. І. Правила судово-ветеринарного визначення

16 Яценко І. В., Парилівський О. І., Казанцев Р. Г. Методика судово-ветеринарного дослідження тварин з метою встановлення їх каліцтва. Харків, 2021. 50 с. Реєстр. код 18.1.01 / Реєстр методик проведення судових експертиз : вебсайт. URL: <https://rmpse.minjust.gov.ua/search> (date accessed: 20.05.2025).

17 Яценко І. В. Теоретико-гносеологічна конструкція феномену ступеня тяжкості шкоди, заподіяної здоров'ю тварини, в судово-ветеринарній експертизі. *Форум права*. 2023. № 75 (2). С. 65–88. DOI: [10.5281/zenodo.7699531](https://doi.org/10.5281/zenodo.7699531) (date accessed: 20.05.2025).

18 Яценко І. В., Парилівський О. І. Правила судово-ветеринарного визначення

19 Там само.

any organ or area of the body; significant physiological limitations of life; disfigurement of appearance²⁰. Forensic veterinary determination of animal mutilation is carried out in accordance with Methods²¹.

Sometimes it is impossible to determine the animal's disability. In this case, the forensic veterinary expert should argue the reasons for this impossibility. In addition, he submits a petition to the entity appointing FVE, in which he indicates what additional examinations need to be conducted or what veterinary documents need to be attached to successfully answer this question, as well as the deadline for a repeated or additional examination of the animal.

In accordance with Methods²², there are three degrees of restriction of the animal's life: the third is a moderate restriction (persistent, moderate severity of functional disorders in the body with a partial loss of the possibilities of full-fledged natural life, when the animal does not need constant external care and care); the second is a pronounced restriction (pronounced severity of functional disorders in the body that significantly limit the animal's life,

as well as require periodic care and care); the first is a significantly pronounced restriction (persistent, significant severity of functional disorders in the body, when the animal needs constant external care and care, and its life depends entirely on the person who cares for).

Forensic expert characterizes the injury, taking into account its classification, and reflects this in the expert's conclusion. For example: from the materials of the criminal proceedings, it is known that the dog was thrown out of the fifth-floor window. The animal survived. Diagnosis during FVE: condition in the post-traumatic period; closed spinal injury with contusion damage to the spinal cord and lumbar and sacral spinal nerves; spinal shock; partial paresis of the pelvic limbs with preserved resistance; neurological deficit of II-III degrees with slow incomplete recovery; degenerative changes in the thoracolumbar spine; protrusions of intervertebral discs in the thoracic and lumbar spine; skin normotrophic scar in the area of the left knee joint; atony of the urinary bladder.

Description of signs of animal mutilation according to the Methods²³

Sub-paragraph of the Methods	Description of injury
I.E.4	Partial functional disorder of the pelvic limbs
I.E.3	Partial bladder functional disorder
II.B.1	Acquired as a result of bodily injury (trauma)
III.	Non-lethal ones
IV.E.1	Partial paresis of the pelvic limbs with preserved resistance, neurological deficit of II-III degree with slow incomplete recovery; atony of the urinary bladder
V.1, 8.3.4	Moderate disability of III degree
VII.A.1	Caused by mechanical factors

20 Яценко І. В., Парилівський О. І. Каліцтво тварин як предмет судово-ветеринарної експертизи. *Аграрний вісник Причорномор'я*. 2022. № 102–103. С. 71–86. DOI: [10.37000/abbsl.2022.102.13](https://doi.org/10.37000/abbsl.2022.102.13) (date accessed: 20.05.2025).

21 Яценко І. В., Парилівський О. І., Казанцев Р. Г. Зазнач. твір. URL: <https://tmpse.minjust.gov.ua/search> (date accessed: 20.05.2025).

22 Там само.

23 Там само.

Завершення таблиці

VIII.A	Caused by combined trauma resulting from damage to the pelvic limbs and urinary bladder
IX.A	With partial restoration of the functions of the pelvic limbs and bladder

7. What is the prescription for formation of injuries caused to the animal?

Determination of formation age of injuries caused to the animal contributes to clarifying the composition of the offense, certain signs of the objective side of the offense (in particular, the fact of causing injuries in a certain period of time, the prescription of their cause, tools of injury, places and mechanism of commission), and is also the basis for the development by law enforcement officers of a version of the offender's identity.

Determination of formation age of injuries caused to the animal, due to the nature of the injury itself.

Age of injury formation is affected by their localization in the animal's body, the depth and size of the injury, the degree of branching of blood and lymphatic vessels in the injury area, the age and degree of immune reactivity of the injured animal.

In forensic expert practice, the time of damage is sometimes known from the materials of criminal proceedings (cases). In this case, the forensic expert, having examined the characteristics of the damage, confirms the fact of causing the damage specified in the procedural document on FVE For example: *"Bodily injuries found in the dog's body could have formed under the conditions and at the time specified in the investigator's ruling dated (date), e.g. (date)".* If it is impossible to find out the prescription of the damage by macro- and microscopic signs of damage due to any reasons, the forensic expert notes this in his con-

clusion, explaining the reason for impossibility.

8. Could the animal have sustained bodily injury on its own, without outside interference?

Most bodily injuries to an animal are caused by humans or other animals. Occasionally, it is possible to detect injuries that occurred in animal without outside intervention.

Independent formation of injuries (self-harm) of the animal is possible during overcoming obstacles, getting into deep ditches, collision with vehicles, self-suffocation with a chain (rope) on the leash, special pathological conditions, damage by electric current, etc.

In such cases, the pre-trial investigation body or the court should find out whether this injury or self-injury was intentional, whether there was no self-injury due to the fault of the staff who served animal.

In the case of investigation of an animal self-injury, it is important to examine the scene as soon as possible with the direct participation of a veterinary medicine specialist and to conduct forensic veterinary examination in a timely manner.

Forensic veterinary expert should examine injured animal as soon as possible after the injury, preferably before providing veterinary care.

Forensic veterinary examination of live animals is carried out in accordance with the appropriate methods ²⁴.

24 Яценко І. В., Парилівський О. І. Методика судово-ветеринарного дослідження живої під-експертної тварини. Харків, 2022. 50 с. Реєстр. код 18.1.04 / Реєстр методик проведення судових експертиз : вебсайт. URL: <https://rmpse.minjust.gov.ua/search> (date accessed: 20.05.2025).

If the FVE is performed late after the injury to the animal, it is necessary to describe the skin scars (exact location, shape, dimensions, skin level, color and shades, existence of pigmentation, density, mobility, connections with subordinate tissues, possible impregnation by foreign particles, etc.) and carefully read the veterinary documentation displays data on initial state of the injuries.

Clarifying issue of intentional injury or self-harm of an animal is important in the aspect of legal liability: in case of self-harm, no one is liable.

9. Is it possible to determine by the nature of the injury to the animal what kind of weapon it was inflicted?²⁵

Clarifying the issue of the object (weapon) with which the animal was injured is important for criminal proceedings. This can be determined by nature and morphological specifics of the injury.

Animal can be injured by blunt and/or sharp objects, high-speed kinetic projectiles, flames, cold, ionizing radiation, industrial or atmospheric electricity, etc. Damage from hard objects with limited surface can be seen completely or partially on the contact surface of body tissues, primarily on the skin and bones. This makes it possible to determine the features of the surface of the traumatic weapon by the characteristic specifics of the injury.

In forensic examination, *tools* are objects with a special purpose, used in everyday life, in production and in technology; *weapons* are objects and means intended for attack or protection; *objects* are objects

without a special purpose, which can be used for protection or attack and potentially cause damage (stones, a stick, etc.).

Specifics of the traumatic object display depends on its area, nature and size of the surface (limited, large), nature of the material (biological and non-biological; metallic and non-metallic, artificial and natural ones), physical and mechanical properties (solid, brittle, elastic ones), dynamic properties (with weak kinetic energy, medium or large), mass (heavy, light ones), shape of the traumatic surface (triangular, square, rectangular, round, oval ones), angularity (two-, triangular, polygonal ones), relief of the traumatic surface (smooth, rough) and ribs.

For example, damage caused by vehicles always shows signs of blunt force. Thus, during a comprehensive forensic examination of an injured animal, the forensic scientist and the tracing expert compare the damage with the object, which is a possible traumatic weapon. In this case, the question of possibility or impossibility of causing damage with a similar or this particular item is resolved. If parts of animal or even human tissue (skin epithelium, blood, muscle tissue, etc.) are found on the subject, a forensic molecular genetic examination can be prescribed to identify the suspect.

10. Is there a cause-and-effect relationship between the bodily injury inflicted on animal under certain circumstances and its health disorder?

Animal cruelty (Article 299 of the Criminal Code of Ukraine²⁶ and Article 89 of the Code of Administrative Offenses²⁷)

25 The answer to this question is provided by a comprehensive forensic veterinary tracing or veterinary ballistic examination.

26 Кримінальний кодекс України ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 20.05.2025).

27 Кодекс України про адміністративні правопорушення ... URL: <https://zakon.rada.gov.ua/laws/show/80731-10#Text> (date accessed: 20.05.2025).

is an offense with a material composition, that is, an offense is considered committed when the negative, socially dangerous consequences of this offense occur.

During FVE, it is necessary to find out whether the action of the traumatic factor led to the injury of the animal.

If forensic expert discovers such a direct cause-and-effect relationship, he has every reason to provide a conclusion in categorical form and indicate whether the socially dangerous consequences were the result of an unlawful act.

Determination of the cause-and-effect relationship by forensic scientist is important, since it makes it possible to argue for harm to health and life of the animal.

11. Are there any traces on the animal's body that indicate its torture, causing it physical pain and suffering?

Any injuries suffered by the animal leave traces on its body (abrasions, hematomas, wounds, fractures, dislocations, sprains, tears, crushing, dismemberment, paresis, paralysis, burns, etc.) and, accordingly, cause it physical pain and suffering.

The concept of *physical pain of an animal* is not legally defined, although there are scientific studies on this issue. According to the author of this work, *physical pain is a complex multifaceted process, which consists in an unpleasant sensory (physical) and emotional reaction caused by a violation of the anatomical integrity of organs and tissues of the body or a violation of their functions, as well as in the suffering of the animal from the physical impact on its body.* Therefore, pain causes both physical and psycho-emotional suffering to animals.

Forensic expert defines physical pain as a forensic evaluation sign, taking into

account the means of physical impact on the animal, the nature, localization and SDBI caused to animal, specifics of the damaged area of the body, etc.

Note that in conclusions, forensic expert formulates only a veterinary assessment of physical pain as a consequence of damage in the process of a criminal act. Based on the expert opinion, investigator may qualify the offense as animal cruelty, taking into account the nature of the violent influence, its duration and intensity, taking into account the physiological parameters of the animal and the objective offense circumstances.

12. Did the detected damage (if affected, how) affect the period of loss of a domestic animal of general or special use or a full-fledged existence in environment of a wild or stray animal?

During post-traumatic rehabilitation, the animal may lose the ability to perform useful economic work, productivity. In view of this, the owner of the injured animal may demand material compensation for the costs of diagnostic tests, medical and rehabilitation measures, etc., as well as compensation for moral damage. Only forensic expert can determine the period of loss of an animal of general economic or special use, taking into account the nature and severity of the injuries caused to.

In accordance with paragraph 1.19 of the Rules²⁸, the duration of the disease condition and the inability of the animal to perform useful work may be temporary, with minor transient consequences (not longer than 6 days); short-term (more than 6 days, but not longer than 21 days) and long-term (more than 21 days).

13. Did the actions related to the prolonged deprivation of the animal of heat, feeding, drinking, as well as keeping it in conditions harmful to health and life, affect the state of its health and life? If so, how exactly?

For determining impact of the above conditions on the health of animal, forensic expert conducts a clinical study using technical and instrumental and laboratory methods (in particular, finds out the live weight and fattening of the animal).

In case of detection of bodily injuries or signs of injury in an animal caused by prolonged deprivation of the animal of heat, feeding, drinking, as well as keeping it in conditions harmful to health, the law enforcement agency or the court will qualify the offense committed against the life of the animal as a crime under Article 299 of the Criminal Code of Ukraine ²⁹.

Conclusions

Typical questions have been developed, systematized and substantiated, that pre-trial investigation body or the court can put to the forensic expert during the conduct of live animals.

The proposed system of questions is both an expert task and a test. The outlined range of factual data that can be ascertained using FVE of live animals covers the health and welfare of animals.

All questions are conventionally grouped into three groups: 1) identification of the distinguishing features and physiological characteristics of a living animal; 2) determination of the fact of injury (mechanism, prescription and independence (dependence) of the formation, consequences for the animal's health,

severity, mutilation, type of traumatic instrument, etc.); 3) clarification of the causal relationship between the bodily injuries inflicted on the animal and its health disorder; identification of traces indicating its torture, infliction of physical pain and suffering, the period of loss of the animal's general economic or special use or full-fledged existence in the environment of a wild or homeless animal; as well as the impact on its health and life of actions related to the long-term deprivation of the animal of heat, food, drink and/or keeping it in harmful conditions.

This range of issues can be solved by a comprehensive forensic examination by integrating special knowledge from various sciences (in particular, veterinary medicine, animal biology, forensic ballistics, forensic trace evidence analysis, etc.).

It is advisable to supplement clause 9.3 of section IX "Forensic veterinary examination" of scientific and methodological recommendations on the preparation and appointment of forensic examinations and researches.

Формулювання та обґрунтування питань, що ставлять у документі про призначення судово-ветеринарної експертизи живих тварин

Іван Яценко

Мета статті — виокремити, систематизувати й обґрунтувати питання, які ставлять в постанові про призначення судово-ветеринарної експертизи живої тварин, і показати їх значення для висновку експерта й суду. Для досягнення мети застосовано загальнонаукові та спеціальні наукові методи, зокрема аналіз, синтез, аналогію, формально-логічний,

²⁹ Кримінальний кодекс України ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 20.05.2025).

логіко-граматичний, логіко-юридичний, системно-структурний, абстрагування, моделювання, прогнозування. Окреслено коло питань, які можна поставити на розв'язання судветекспертові під час призначення експертизи за правопорушеннями, скоєними проти здоров'я та життя тварин. Усі питання умовно об'єднано в три групи: 1) виокремлення розпізнавальних ознак і фізіологічних особливостей живої тварини; 2) визначення факту ушкодження (механізму, давності й самостійності (несамостійності) утворення, наслідків для здоров'я тварини, ступеня тяжкості, каліцтва, виду травмувального знаряддя тощо); 3) з'ясування причиново-наслідкового зв'язку між завданими тварині тілесними ушкодженнями й розладом її здоров'я; визначення слідів, які свідчать про її катування, завдання їй фізичного болю і страждань, строку втрати твариною загальногосподарського або спеціального використання чи повноцінного існування в довіллі дикої або безпритульної тварини, а також впливу на стан її здоров'я і життя дій, пов'язаних із тривалим позбавленням тепла, харчування, пиття і/або утриманням у шкідливих умовах. Праксеологічне значення результатів дослідження полягає в тому, що запропоновано систему науково обґрунтованих і логічно систематизованих питань, які можна поставити судовому експертові й на які можна отримати найбільш повні й аргументовані відповіді в оптимальний строк.

Ключові слова: судово-ветеринарна експертиза; постанова слідчого; ухвала слідчого судді; ухвала суду; питання; жива тварина; досудове розслідування.

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