

Interrogation in pre-trial proceeding using video conferencing systems

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In our opinion, the current state of the institution of interrogation in Russia somewhat does not correspond to modern trends in the development of criminal procedure science and lags far behind the criminal procedure codes of developed and developing countries. In this issue, comparative legal research can become the driving force behind the development of the practice of criminal procedure. In this regard, it is worth recalling the dictum of Rene David: "Reasonable conclusions in jurisprudence can be made with complete clarity, if you only look at the problem from the outside, go beyond your own legal system"[n1].

Taking into account the experience of both the Anglo-Saxon and the continental European models, it is necessary to somewhat change, improve, the procedure for conducting interrogation in Russia. So, what problems arise in practice and what ways can we suggest to improve them?

To begin with, it is worth touching upon such a problem as the lack of training of investigators and interrogators, who will conduct the first interrogation in their practice. For a large number of young employees of the investigating authorities, interrogation is no less intense procedure than for persons who will be interrogated. This situation is standard for a novice investigator who has to perform the first interrogation of a suspect or a witness. The negative consequence of this phenomenon was the wrong tactics of interrogation, aggressive behavior, abuse of power and, as a result, leads to a deterioration in the prestige of law enforcement agencies in general. To solve this problem, we propose to introduce interrogation courses. For example, in Anglo-Saxon countries, courses and methods of interrogation have been developed. For instance, such as: Reid Technick in the USA, PIC in the United Kingdom. That is, in order to successfully solve this problem, we propose to introduce such specialized interrogation courses, the successful passing of the test for which will become an admission to interrogation.

Secondly, there is a significant gap in the practice of interrogating persons who have entered into a preliminary agreement. First of all, the legal mechanism for questioning such persons is not regulated. This problem should be solved in the near future, since the number of cases with the conclusion of a pre-trial agreement with the prosecutor is growing every year [n2]. For example, in Switzerland, a similar problem was solved by the adoption of a new Code of Criminal Procedure, which introduced a person who is a source of information [n4].

Thirdly, taking into account the vast territories of our country and the active scientific and technological development of information and telecommunication systems, we consider it appropriate to introduce the possibility of remote interrogation using videoconferencing systems into the Code of Criminal Procedure of the Russian Federation. The institute of remote interrogation is used in the criminal procedure legislation of Kazakhstan and Estonia. So, according to Art. 69 of the Estonian Code of Criminal Procedure, remote interrogation is possible if direct interrogation of a witness or a victim is difficult and requires excessive costs. The implementation of this type of interrogation is possible in the following way: using technical means that provide videoconferencing, as a result of which the participants in the process directly see and hear the testimony of a witness or a victim who is not in the investigative body, prosecutor's office or court, with the ability to ask him questions on-line.

Registration of remote interrogation is carried out by the competent authority requesting remote interrogation, however, the implementation of the remote interrogation protocol is

carried out by the executing party. Similar rules are contained in Art. 213 of the Code of Criminal Procedure of the Republic of Kazakhstan [n3]. Thus, we believe that the introduction of remote interrogation into the Code of Criminal Procedure of the Russian Federation will reduce the time spent on pre-trial proceedings in a criminal case.

On the part of the legislation, we propose to introduce into Chapter 26 (Interrogation. Confrontation. Identification. Verification of testimony) of the Code of Criminal Procedure:

Article 187.1. Remote interrogation

1. A person who conducts proceedings in a certain criminal case may hear a witness remotely if his direct interrogation is difficult or entails significant material costs.

2. Remote hearing in this Law means a hearing using technical means that allow participants to directly see and hear the testimony of the witnesses who are not in the investigative body, prosecutor's office or court and, at the same time, can put questions to the person conducting the proceedings.

Thus, the current state of interrogation in pre-trial proceedings contains a certain number of problems and does not correspond to today's realities in the development of criminal procedure science in comparison with other countries. Interrogation, as the most important and most common investigative action, is a tool to achieve the truth, and therefore its procedural form should contain modern developments of domestic and foreign scientists.

Источники и литература

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