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ЕЖЕМЕСЯЧНЫЙ НАУЧНЫЙ ЖУРНАЛ

Медицинские новости Грузии
საქართველოს სამედიცინო სიახლენი

GEORGIAN MEDICAL NEWS

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GMN: Georgian Medical News is peer-reviewed, published monthly journal committed to promoting the science and art of medicine and the betterment of public health, published by the GMN Editorial Board since 1994. GMN carries original scientific articles on medicine, biology and pharmacy, which are of experimental, theoretical and practical character; publishes original research, reviews, commentaries, editorials, essays, medical news, and correspondence in English and Russian.

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GMN: Медицинские новости Грузии - ежемесячный рецензируемый научный журнал, издаётся Редакционной коллегией с 1994 года на русском и английском языках в целях поддержки медицинской науки и улучшения здравоохранения. В журнале публикуются оригинальные научные статьи в области медицины, биологии и фармации, статьи обзорного характера, научные сообщения, новости медицины и здравоохранения. Журнал индексируется в MEDLINE, отражён в базе данных SCOPUS, PubMed и ВИНТИ РАН. Полнотекстовые статьи журнала доступны через БД EBSCO.

GMN: Georgian Medical News – საქართველოს სამედიცინო სიახლენი – არის ყოველთვიური სამეცნიერო სამედიცინო რეცენზირებადი ჟურნალი, გამოიცემა 1994 წლიდან, წარმოადგენს სარედაქციო კოლეგიისა და აშშ-ის მეცნიერების, განათლების, ინდუსტრიის, ხელოვნებისა და ბუნებისმეტყველების საერთაშორისო აკადემიის ერთობლივ გამოცემას. GMN-ში რუსულ და ინგლისურ ენებზე ქვეყნდება ექსპერიმენტული, თეორიული და პრაქტიკული ხასიათის ორიგინალური სამეცნიერო სტატიები მედიცინის, ბიოლოგიისა და ფარმაციის სფეროში, მიმოხილვითი ხასიათის სტატიები.

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www.geomednews.com

К СВЕДЕНИЮ АВТОРОВ!

При направлении статьи в редакцию необходимо соблюдать следующие правила:

1. Статья должна быть представлена в двух экземплярах, на русском или английском языках, напечатанная через **полтора интервала на одной стороне стандартного листа с шириной левого поля в три сантиметра**. Используемый компьютерный шрифт для текста на русском и английском языках - **Times New Roman (Кириллица)**, для текста на грузинском языке следует использовать **AcadNusx**. Размер шрифта - **12**. К рукописи, напечатанной на компьютере, должен быть приложен CD со статьей.

2. Размер статьи должен быть не менее десяти и не более двадцати страниц машинописи, включая указатель литературы и резюме на английском, русском и грузинском языках.

3. В статье должны быть освещены актуальность данного материала, методы и результаты исследования и их обсуждение.

При представлении в печать научных экспериментальных работ авторы должны указывать вид и количество экспериментальных животных, применявшиеся методы обезболивания и усыпления (в ходе острых опытов).

4. К статье должны быть приложены краткое (на полстраницы) резюме на английском, русском и грузинском языках (включающее следующие разделы: цель исследования, материал и методы, результаты и заключение) и список ключевых слов (key words).

5. Таблицы необходимо представлять в печатной форме. Фотокопии не принимаются. **Все цифровые, итоговые и процентные данные в таблицах должны соответствовать таковым в тексте статьи**. Таблицы и графики должны быть озаглавлены.

6. Фотографии должны быть контрастными, фотокопии с рентгенограмм - в позитивном изображении. Рисунки, чертежи и диаграммы следует озаглавить, пронумеровать и вставить в соответствующее место текста **в tiff формате**.

В подписях к микрофотографиям следует указывать степень увеличения через окуляр или объектив и метод окраски или импрегнации срезов.

7. Фамилии отечественных авторов приводятся в оригинальной транскрипции.

8. При оформлении и направлении статей в журнал МНГ просим авторов соблюдать правила, изложенные в «Единых требованиях к рукописям, представляемым в биомедицинские журналы», принятых Международным комитетом редакторов медицинских журналов - <http://www.spinesurgery.ru/files/publish.pdf> и http://www.nlm.nih.gov/bsd/uniform_requirements.html В конце каждой оригинальной статьи приводится библиографический список. В список литературы включаются все материалы, на которые имеются ссылки в тексте. Список составляется в алфавитном порядке и нумеруется. Литературный источник приводится на языке оригинала. В списке литературы сначала приводятся работы, написанные знаками грузинского алфавита, затем кириллицей и латиницей. Ссылки на цитируемые работы в тексте статьи даются в квадратных скобках в виде номера, соответствующего номеру данной работы в списке литературы. Большинство цитированных источников должны быть за последние 5-7 лет.

9. Для получения права на публикацию статья должна иметь от руководителя работы или учреждения визу и сопроводительное отношение, написанные или напечатанные на бланке и заверенные подписью и печатью.

10. В конце статьи должны быть подписи всех авторов, полностью приведены их фамилии, имена и отчества, указаны служебный и домашний номера телефонов и адреса или иные координаты. Количество авторов (соавторов) не должно превышать пяти человек.

11. Редакция оставляет за собой право сокращать и исправлять статьи. Корректур авторам не высылаются, вся работа и сверка проводится по авторскому оригиналу.

12. Недопустимо направление в редакцию работ, представленных к печати в иных издательствах или опубликованных в других изданиях.

При нарушении указанных правил статьи не рассматриваются.

REQUIREMENTS

Please note, materials submitted to the Editorial Office Staff are supposed to meet the following requirements:

1. Articles must be provided with a double copy, in English or Russian languages and typed or computer-printed on a single side of standard typing paper, with the left margin of 3 centimeters width, and 1.5 spacing between the lines, typeface - **Times New Roman (Cyrillic)**, print size - 12 (referring to Georgian and Russian materials). With computer-printed texts please enclose a CD carrying the same file titled with Latin symbols.

2. Size of the article, including index and resume in English, Russian and Georgian languages must be at least 10 pages and not exceed the limit of 20 pages of typed or computer-printed text.

3. Submitted material must include a coverage of a topical subject, research methods, results, and review.

Authors of the scientific-research works must indicate the number of experimental biological species drawn in, list the employed methods of anesthetization and soporific means used during acute tests.

4. Articles must have a short (half page) abstract in English, Russian and Georgian (including the following sections: aim of study, material and methods, results and conclusions) and a list of key words.

5. Tables must be presented in an original typed or computer-printed form, instead of a photocopied version. **Numbers, totals, percentile data on the tables must coincide with those in the texts of the articles.** Tables and graphs must be headed.

6. Photographs are required to be contrasted and must be submitted with doubles. Please number each photograph with a pencil on its back, indicate author's name, title of the article (short version), and mark out its top and bottom parts. Drawings must be accurate, drafts and diagrams drawn in Indian ink (or black ink). Photocopies of the X-ray photographs must be presented in a positive image in **tiff format**.

Accurately numbered subtitles for each illustration must be listed on a separate sheet of paper. In the subtitles for the microphotographs please indicate the ocular and objective lens magnification power, method of coloring or impregnation of the microscopic sections (preparations).

7. Please indicate last names, first and middle initials of the native authors, present names and initials of the foreign authors in the transcription of the original language, enclose in parenthesis corresponding number under which the author is listed in the reference materials.

8. Please follow guidance offered to authors by The International Committee of Medical Journal Editors guidance in its Uniform Requirements for Manuscripts Submitted to Biomedical Journals publication available online at: http://www.nlm.nih.gov/bsd/uniform_requirements.html
http://www.icmje.org/urm_full.pdf

In GMN style for each work cited in the text, a bibliographic reference is given, and this is located at the end of the article under the title "References". All references cited in the text must be listed. The list of references should be arranged alphabetically and then numbered. References are numbered in the text [numbers in square brackets] and in the reference list and numbers are repeated throughout the text as needed. The bibliographic description is given in the language of publication (citations in Georgian script are followed by Cyrillic and Latin).

9. To obtain the rights of publication articles must be accompanied by a visa from the project instructor or the establishment, where the work has been performed, and a reference letter, both written or typed on a special signed form, certified by a stamp or a seal.

10. Articles must be signed by all of the authors at the end, and they must be provided with a list of full names, office and home phone numbers and addresses or other non-office locations where the authors could be reached. The number of the authors (co-authors) must not exceed the limit of 5 people.

11. Editorial Staff reserves the rights to cut down in size and correct the articles. Proof-sheets are not sent out to the authors. The entire editorial and collation work is performed according to the author's original text.

12. Sending in the works that have already been assigned to the press by other Editorial Staffs or have been printed by other publishers is not permissible.

**Articles that Fail to Meet the Aforementioned
Requirements are not Assigned to be Reviewed.**

ავტორთა საქმრალდებოლ!

რედაქციაში სტატიის წარმოდგენისას საჭიროა დავიცვათ შემდეგი წესები:

1. სტატია უნდა წარმოადგინოთ 2 ცალად, რუსულ ან ინგლისურ ენებზე დაბეჭდილი სტანდარტული ფურცლის 1 გვერდზე, 3 სმ სიგანის მარცხენა ველისა და სტრიქონებს შორის 1,5 ინტერვალის დაცვით. გამოყენებული კომპიუტერული შრიფტი რუსულ და ინგლისურენოვან ტექსტებში - **Times New Roman (Кириллица)**, ხოლო ქართულენოვან ტექსტში საჭიროა გამოვიყენოთ **AcadNusx**. შრიფტის ზომა – 12. სტატიას თან უნდა ახლდეს CD სტატიით.

2. სტატიის მოცულობა არ უნდა შეადგენდეს 10 გვერდზე ნაკლებს და 20 გვერდზე მეტს ლიტერატურის სიის და რეზიუმეების (ინგლისურ, რუსულ და ქართულ ენებზე) ჩათვლით.

3. სტატიაში საჭიროა გაშუქდეს: საკითხის აქტუალობა; კვლევის მიზანი; საკვლევი მასალა და გამოყენებული მეთოდები; მიღებული შედეგები და მათი განსჯა. ექსპერიმენტული ხასიათის სტატიების წარმოდგენისას ავტორებმა უნდა მიუთითონ საექსპერიმენტო ცხოველების სახეობა და რაოდენობა; გაუტკივარებისა და დაძინების მეთოდები (მწვავე ცდების პირობებში).

4. სტატიას თან უნდა ახლდეს რეზიუმე ინგლისურ, რუსულ და ქართულ ენებზე არანაკლებ ნახევარი გვერდის მოცულობისა (სათაურის, ავტორების, დაწესებულების მითითებით და უნდა შეიცავდეს შემდეგ განყოფილებებს: მიზანი, მასალა და მეთოდები, შედეგები და დასკვნები; ტექსტუალური ნაწილი არ უნდა იყოს 15 სტრიქონზე ნაკლები) და საკვანძო სიტყვების ჩამონათვალი (key words).

5. ცხრილები საჭიროა წარმოადგინოთ ნაბეჭდი სახით. ყველა ციფრული, შემაჯამებელი და პროცენტული მონაცემები უნდა შეესაბამებოდეს ტექსტში მოყვანილს.

6. ფოტოსურათები უნდა იყოს კონტრასტული; სურათები, ნახაზები, დიაგრამები - დასათაურებული, დანომრილი და სათანადო ადგილას ჩასმული. რენტგენოგრაფიების ფოტოასლები წარმოადგინეთ პოზიტიური გამოსახულებით **tiff** ფორმატში. მიკროფოტოსურათების წარწერებში საჭიროა მიუთითოთ ოკულარის ან ობიექტივის საშუალებით გადიდების ხარისხი, ანათალების შედეგების ან იმპრეგნაციის მეთოდი და აღნიშნოთ სურათის ზედა და ქვედა ნაწილები.

7. სამამულო ავტორების გვარები სტატიაში აღინიშნება ინიციალების თანდართვით, უცხოურისა – უცხოური ტრანსკრიპციით.

8. სტატიას თან უნდა ახლდეს ავტორის მიერ გამოყენებული სამამულო და უცხოური შრომების ბიბლიოგრაფიული სია (ბოლო 5-8 წლის სიღრმით). ანბანური წყობით წარმოდგენილ ბიბლიოგრაფიულ სიაში მიუთითეთ ჯერ სამამულო, შემდეგ უცხოელი ავტორები (გვარი, ინიციალები, სტატიის სათაური, ჟურნალის დასახელება, გამოცემის ადგილი, წელი, ჟურნალის №, პირველი და ბოლო გვერდები). მონოგრაფიის შემთხვევაში მიუთითეთ გამოცემის წელი, ადგილი და გვერდების საერთო რაოდენობა. ტექსტში კვადრატულ ფხიხლებში უნდა მიუთითოთ ავტორის შესაბამისი N ლიტერატურის სიის მიხედვით. მიზანშეწონილია, რომ ციტირებული წყაროების უმეტესი ნაწილი იყოს 5-6 წლის სიღრმის.

9. სტატიას თან უნდა ახლდეს: ა) დაწესებულების ან სამეცნიერო ხელმძღვანელის წარდგინება, დამოწმებული ხელმოწერითა და ბეჭდით; ბ) დარგის სპეციალისტის დამოწმებული რეცენზია, რომელშიც მითითებული იქნება საკითხის აქტუალობა, მასალის საკმაობა, მეთოდის სანდოობა, შედეგების სამეცნიერო-პრაქტიკული მნიშვნელობა.

10. სტატიის ბოლოს საჭიროა ყველა ავტორის ხელმოწერა, რომელთა რაოდენობა არ უნდა აღემატებოდეს 5-ს.

11. რედაქცია იტოვებს უფლებას შეასწოროს სტატია. ტექსტზე მუშაობა და შეჯერება ხდება საავტორო ორიგინალის მიხედვით.

12. დაუშვებელია რედაქციაში ისეთი სტატიის წარდგენა, რომელიც დასაბეჭდად წარდგენილი იყო სხვა რედაქციაში ან გამოქვეყნებული იყო სხვა გამოცემებში.

აღნიშნული წესების დარღვევის შემთხვევაში სტატიები არ განიხილება.

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DESCRIPTION OF PROVING INTENTIONAL HOMICIDES INVOLVING POISONOUS SUBSTANCES: THE RELATIONSHIP OF MEDICAL AND PROCEDURAL CONTEXTS

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Summary.

The purpose of the study is to provide the description of proving intentional homicides involving poisonous substances based on the structural analysis of the medical and criminal procedure criteria of the relevant process.

The practical basis for the research is the statistical and analytical materials of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine, the Prosecutor's General Office, the State Judicial Administration of Ukraine for 2016–2021; summarized data from the study of 20 materials of criminal proceedings (primarily resolutions on the appointment of forensic and other examinations), materials of mass media.

As a result of the research, it was established that the medical description of the concept of poison and possible variants of its use are urgently needed, including during the implementation of the versioning procedure in the pre-trial investigation, as well as establishing the identity of the perpetrator or the list of other similar offenses (committed in a similar way). The views of scientists on the understanding of the concept of poison, including lethal agents are characterized; a number of explanations regarding the use of special knowledge in the pre-trial investigation of intentional homicides involving poisonous substances are also provided.

Key words. Poison, poisonous substances, intentional homicides, special brutality, expertise.

Introduction.

The functioning of law enforcement agencies in the context of the protection of human and citizen's rights and freedoms lies in the performance of a number of duties aimed at the relevant activity. At the same time, the pluralism of criminal offenses, their volume and the list of methods of committing them is extremely high, which greatly complicates the process of criminal prosecution. That is why the importance of the forensic characteristics of medical and procedural criteria in the processes of proving certain types of criminal offenses is of great importance.

The Constitution of Ukraine enshrines that the human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value [1]. The place of the specified norm in the legislative system of

Ukraine and its priority dictates the need for the highest possible criminal and legal protection of human rights and freedoms related, his (her) life and health, since, the Criminal Code of Ukraine also provides for this protection (section II "Criminal offenses against life and health of a person" defines the list of the most important values in the context of the protection of the life and health of the individual, which are the objects of specific compositions of criminal offenses).

Unacceptability of vagueness of collected evidence, as the researchers note, is that according to the poison tree theory, all further evidence, based on unspecified fact and unclear interconnectedness, may be found inadmissible by court [2]. That is why, in the process of proving crimes against life and health of the person, it is important to use the entire investigative tools, which also involves a clear interpretation of the main conceptual and categorical apparatus and its content, in particular the ratio of those medical and procedural categories, which co-exist according to each other.

At the same time, a prominent place in the system of rules of criminal legal protection of rights and freedoms related to life and health is occupied by such a criminal offense as the intentional wrongful death of another person (Article 115 (Intentional murder) of the Criminal Code of Ukraine) [3]. The science of criminology and relevant researchers have repeatedly pointed out that there are many ways and methods of committing intentional homicide, one of the most sophisticated of which is murder with the use of poisonous substances, although such offences are systematically discontinued at the stage of attempt. At the same time, one of the most urgent issues nowadays is providing a forensic characterization of the process of proving homicides involving poisonous substances. Among other related issues, the importance of defining the concept of poisonous substances and the place and role of their use in the context of committing the corresponding crime is relevant. The obtained scientific results will enable the specialists to carry out more effective pre-trial investigation of relevant crimes and increase the effectiveness of investigators, who, against the backdrop of an ever-increasing caseload and evolving crime rates in the sphere of human life and health, need relevant legal and methodical assistance.

For example, according to the data provided by the General

Prosecutor's Office of Ukraine in 2017, the share of intentional homicides is 0.98% (5 145) out of the total number of registered criminal offenses (523 911); in 2018, the share of intentional homicides is 1.14% (5 557) out of the total number of registered criminal offenses (487 133); in 2019, the share of intentional homicides is 1.23% (5 465) out of the total number of registered criminal offenses (444 130); in 2020, the share of intentional homicides is 1.05% (3 809) out of the total number of registered criminal offenses (360 622); in 2021, the share of intentional homicides is 1% (3 230) out of the total number of registered criminal offenses (321 443).

The provided data indicate a high share of one of the most serious crimes, which, among other things, is committed with the use of poisonous substances both by and for offenders. These factors cause the need to provide not only a forensic characterization of the proof of homicides involving poisonous substances, but also to clarify the medical criteria, which are key in establishing the relevant fact.

It should be emphasized that the scientific heritage of the researchers, who studied the issue under consideration, certainly improves both the general issues of pre-trial investigation and evidence through the prism of forensic description, as well as fragmentary elements related to crimes against life and health of a person, committed with the use of poisonous substances or other hidden methods.

Materials and methods.

The practical basis for the research is the statistical and analytical materials of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine, the Office of the General Prosecutor, the State Judicial Administration of Ukraine for 2016–2021; summarized data from the study of 20 materials of criminal proceedings (first of all, orders for the appointment of forensic and other expertise, which in its content clearly reflect not only the issues raised by the investigator, but also the items analyzed by specialists for the purpose of obtaining evidentiary information), materials of mass media.

The Article applied general and special scientific methods, in particular:

Formal and logical made it possible to carry out scientific research on a fragmentary and as detailed level as possible.

Description method allowed to determine forensic categories characterizing the proof of murders committed with the use of poisonous substances.

Historical and legal method was used to highlight the evolution of the scientists' views on the forensic characteristics of homicides involving poisonous substances.

Comparative and legal method was useful in the analysis of criminal procedural norms and scientific provisions regulating the subject matter of the article.

With the help of dogmatic method, the interpretation of the main legal terms was conducted, and conceptual and categorical apparatus of the article was further detailed. Systemic and structural method was applied in the process of examination of the evidentiary elements of homicides involving poisonous substances.

Statistical method helped to summarize statistical data on murders committed with the use of poisonous substances, the

results of their investigation, which are reflected in the reports of law enforcement agencies of Ukraine (for example, the Office of the Prosecutor General).

Results and Discussion.

In our opinion, the relevant analysis should be synergistically combined in two planes, one of which is the medical characteristic of such a method of committing intentional homicide as the use of poisonous substances, and the other is the forensic characteristic of the use of special knowledge to establish the circumstances of the committed intentional homicide and prove the fact its commission. The medical criterion is that poison, as a biological category, can be characterized by medical researchers in different ways, since it is the content and essence of the harmful effect, its periodicity that directly endows such an offense with the appropriate qualifying feature.

In case of a fatal outcome, the forensic medical expert should conduct the most detailed examination of the corpse and indicate the cause of death, the nature of injuries, the mechanism of their formation and other features [4], which, in our opinion, in the context of determining the cause of death as a specific ingestion of poison with the purpose of causing death, must be additionally substantiated by the investigation; besides, the characterization of the corresponding process in terms of medicine will allow establishing its essence and content.

The procedure for conducting a forensic medical examination and relevant medical procedures and analyzes is regulated by the Rules for conducting a commission forensic medical examination, which specifies the rights, obligations, the list of procedures and analyses, as well as circumstances, which must be established, detailed and indicated by a forensic medical expert [5]. This legal instrument provides for the need to include highly qualified specialists from the relevant medical specialty in the composition of the expert commission [6], which in our opinion emphasizes the importance of medical characteristic in the matter of using poison as means of causing death to another person.

At the same time, other, concurrently and fully involved aspect of this process is the order and procedure of appointing an expert examination, as well as the ultimate goal of its conduct to achieve which the investigator, prosecutor directly forms a list of questions and removes certain biological samples.

The legislator has granted the right to conduct expert investigations and forensic examinations in civil and criminal cases, with the exception of examinations prescribed by law, which are carried out exclusively by State specialized institutions, by persons not on the Certified Forensic Expert Register and/or persons on the Certified Forensic Expert Register, but the qualification certificate for a forensic expert expired, or invalidation of the certificate due to dismissal from the State expert specialized institution, as well as appraisers who possess special knowledge necessary to clarify the relevant circumstances of the case [7].

At the same time, not only the issue of the procedure for initiating and carrying out examination in the pre-trial investigation of homicides involving poisonous substance is important in the context of providing forensic description, since the method of committing crime is its integral element and

highlighting the use of a poisonous substance should be used in the relevant investigation, above all, through the prism of proving such activities.

This is also noted by M. Kovtiukh, who claims that the cumulative information on the method of commission of the crime and data obtained during the examination of the scene of the incident and (or) the discovery of the corpse leads to theories about the identity of the killer and the nature of his relationship with the victim, and sometimes about the identity of the victim (if the identity of the victim has not yet been established). For example, transfer of the corpse to a hidden place, disguise (earth, leaves, grass, branches, etc.), drowning, burying the corpse and its parts; facial mutilation often indicates that a person close to the victim committed the murder (wife, relative, friend, etc.) [8].

In addition, the nature of the circumstances reliably established during the investigation of individual episodes of the series makes it possible to assume their presence in those episodes for which they have not yet been established, which ensures higher accuracy of assumptions about the identity of the criminal [9], which in our opinion is also critically necessary in the context of identification of criminal activity as a group, comparative analysis of criminal proceedings, in which the victims were harmed by the same poisonous substances. At the same time, the importance of providing detailed medical characteristics in this context cannot be underestimated.

It is worth agreeing with the opinion by A. Kustov that forensic description is a scientific abstraction formed on the basis of the study and generalization of investigative and judicial practice, the system of information about persistent and interconnected forensically significant characteristics (signs) inherent in crimes of a certain type [10], which in fact determines the need to carry out the characterization of poisonous substances not only from a medical perspective, but also in the context of using such description in procedural activities, ensuring the possibility of making pre-trial investigation more efficient and bringing the perpetrator to criminal liability.

In our opinion, the forensic description of intentional homicides involving poisonous substances is directly related not only to the medical criteria of the relevant biological process, but also to the need to take into account the specific mechanism of its commission, as well as other elements of the forensic description. It is important to realize that the issues of providing such a description are, first of all, basic ones (initial data) that are used as empirical material (type, concentration, ingestion method) and are compared and used for the analysis in the process of programming and modeling of various elements of forensic description (most often – the identity of the offender).

Thus, while supporting the relevant position, we are firmly convinced that the forensic description of intentional homicide committed with the use of poisonous substances in the medical context will be the detection of the fact of human poisoning, the residue of the corresponding substance (or its absence), an indication of the nature and type of damage caused, the interrelationship of the identified medical criteria with the fact of death. In the forensic context, the information available on the content, essence and nature of the poisonous substance,

other forensic characteristics of the criminal assault in question in the context of identifying the offender or their group can be modelled and versioned.

1. Medical and legal characterization of poisonous substances in the context of homicides. Providing such a description through the prism of available medical knowledge, in our opinion, is extremely important, since it is the set of signs characterizing poison as biological weapon that causes special suffering to a person and is the main forensic criterion and characteristic in the process of providing an appropriate assessment.

Various poisons have been repeatedly used (are used) by the special services of individual States for the liquidation of potentially dangerous targets. Thus, the murder of the Bulgarian dissident Georgy Markov, who was poisoned in 1978 with the help of an injection with a specially designed umbrella, was carried out by using ricin, a powerful poisonous substance [11]. The method of committing this crime is also characteristic and important in this context, as it was committed at a public transport stop in a crowd of people.

Poisons (toxicants) are the mixture of several different compounds. They are able to act on a living organism to cause a sudden violation of its normal functioning and cause poisoning or death. The attribution of these or other substances to poison is conditional, since the toxicity of many of them is determined by the circumstances or the method of administration of doses of toxin into the body. Poisons often include non-toxic compounds, which in a certain mixture cause the manifestation of toxicity [12], which generally characterizes the method of using poisons as sophisticated and one that requires special knowledge in the specified area.

The biological activity of chemical compounds is determined by their structure, physical and chemical properties, features of the mechanism of action, the ways of entry into the body and transformation in it, as well as the dose (concentration) and duration of exposure to organism. Depending on the amount in which the substance acts, it can be indifferent to the body, a medicine, or a poison. Many medicinal substances become poisons when the doses are significantly exceeded. Thus, for example, an increase in the therapeutic dose of cardiac glycoside strophanthin by 2.5 – 3 times leads to poisoning. At the same time, poison such as arsene in small doses is a drug. On the other hand, constantly entering the body with food, drinking water or air, substances become harmful to human beings, when they are introduced in unusually large quantities or under changed environmental conditions. the same can be said of salt, if its concentration is increased by 10 times compared to normal, or oxygen, if inhaled at a pressure several times higher than normal one [13]. Thus, the main criterion for the use or non-use of poison by an offender with the purpose of causing death will be the motive and purpose, and an additional factor will be awareness of the effect of poisons on the human body.

Poisonous substances and toxins, which in modern conditions and in real time are used and can be used for sabotages in the implementation of terrorist threats, as well as in poisoning of well-known political figures, are extremely dangerous [14]. In

our opinion, it should be emphasized that through the prism of the possibility of poisoning a person or causing any harm to the body even with ordinary oxygen (in high concentrations), the issue of the infliction of long-term torture on a person with the intention of causing death should be characterized in detail not only in medical, but and in the forensic context.

Poisons are classified in different ways, but one of the most widespread theories is mostly supported by the authors; namely, it is the division by the degree of hazard: the most dangerous poisons are some metal compounds; metal carbonyls; substances, containing a cyanic group; phosphorus compounds; chlorohydrins; halogens; other compounds) the less dangerous are mineral and organic acids; alkalis; sulfur compounds; chlorine- and bromine-substituted hydrocarbon derivatives; some alcohols and acid aldehydes; organic and inorganic nitro- and amino compounds; phenols, cresols and their derivatives; heterocyclic compounds) [15].

At the same time, the issue of substance toxicity, although it is a purely medical criterion, should be characterized, in our opinion and in the context of the research, exclusively through the prism of the desired result and the chosen method, since it directly affects the legal qualification.

Poisons of plant origin occupy a prominent place in the structure and classification of all poisons, because from the perspective of intentionally causing death or suffering to another person, they are the most effective and available, and widely used for the purpose of sabotage. Such poisons include muscarine, nicotine, aconites, castor, abrin, curcin, modecin and other toxins isolated from plants and mushrooms [16].

L. Roberts and a number of other researchers draw attention to the fact that it is plant alkaloids that lead to death, leaving no detectable traces in the body of the deceased, unlike arsenic and other metal-mineral poisons [17]. The above gives the reason to assert that plant-derived substance that does not require a complex production process are the most effective and widespread in use when causing death to another person.

The most accessible in this matter is ricin, which is recognized to be more poisonous than potassium cyanide, and the use of this toxin to cause death requires the use of a small dose (the size of a match head). There are proven facts of the use of ricin as a weapon of mass destruction, even during the First World War [18].

The classification of toxic substances according to the purpose of use is of great importance for the prevention of poisoning. According to this feature, one distinguishes: industrial poisons, which are used in an industrial environment; pesticides used in agriculture; medicinal products that have their own classification; household chemicals used in the daily life of modern people in the form of food additives, sanitation, personal hygiene and cosmetics, clothing, furniture, car care products; biological and plant poisons, which are contained in various plants and mushrooms, animals and insects and cause poisoning when ingested; combat poisonous substances [19].

Note that in the context of the use of poisons to cause death to another person, the issue of their clear classification is not within the objective of the study, since in this case it is important to determine the type of poison, its concentration, the way it enters the body, the real intention of the offender,

his (her) understanding about its toxicity and the awareness and desire for human death. At the same time, proving intentional homicides involving poisonous substances is an extremely difficult process, since a lot of poisons do not leave traces, and determining the fact of their effect on the body of the deceased requires correct actions of the investigator in the matter of appointment of the expert study, which in this case will be the main tool of proof.

2. The use of special knowledge when proving homicides involving poisonous substances. First of all, it should be emphasized that intentional homicide is recognized as having been committed with committed with special brutality (Par. 4, Part 2, Article 115 of the Criminal Code of Ukraine) if the perpetrator, depriving the victim of his or her life, was aware that he or she caused him or her special physical suffering (by inflicting a large number of bodily injuries, torture including using fire, current, acid, alkali, radioactive substances, poison causing unbearable pain), as well as if it was combined with mockery of the corpse or was committed in the presence of persons close to the victim and the perpetrator was aware that such actions caused the latter special mental or moral suffering [20].

Thus, the person realizes a criminal intent aimed at causing death to another person by committing the relevant act, understands that this substance, when ingested in such a dose and concentration will cause death to the person and wishes to have this consequence. The implementation of this criminal intent results in criminal success or its lack in the form of causing suffering to a person and causing serious damage to health.

Depending on this consequence, the person authorized to do so should first of all appoint a number of expert studies that will help to establish additional qualifying features of the relevant act. Other researchers insist on this as well, indicating that early planning, correct decision-making and a clear, consistent algorithm for their implementation are the key to success in the pre-trial investigation of criminal offenses [21].

Forensic medical examination. Forensic medical examination during the investigation of intentional murders is the most widespread type, taking into account the subject, task and purpose that it solves.

A. Zvyrbul has repeatedly noted that, for the most part, general questions are asked for the expertise: about the cause and time of death; presence and nature of injuries on the corpse; their location, mechanism of formation, sequence and time of injury, type of traumatic tool; the death of the victim at the moment or immediately after the infliction of the identified injuries or after a certain period of time; the victim's ability to independently perform any actions during this period of time (move, shout, etc.); the signs on the corpse indicating the possibility of struggle or self-defense; consumption of alcohol by the victim shortly before death; if so, how many hours before death and in what quantity, etc. [22]. The specified list is undoubtedly typical and should be adapted to the situations and circumstances of evidence in the pre-trial investigation. In our opinion, in the context of proving the method of causing death by poisoning, important is fact of presence of poisonous substances in the human body or damage of human cells from the action of the poison, which at the time of such examination is already absent.

M. Yakovenko, in turn, refers to the questions of the examination of a child's corpse in case of poisoning as follows: was the death a result of poisoning or did it occur for other reasons? What poisonous substance and what dose caused the poisoning? How did the poisonous substance get into the body? Did any diseases, the condition of the child's organism, external conditions, etc., contribute to her death from poisoning? Did the poisonous substance get into the corpse by accident (for example, from the soil, due to carelessness during the autopsy)? What is the origin of poisoning – bacterial or non-bacterial one? If the poisoning is bacterial, what group of microbes is it caused by? If the poisoning is non-bacterial, whether it is caused by the consumption of any poisonous substances in food or medicine of animal or plant origin? Could the poisoning have occurred as a result of eating poisonous, chemical or plant impurities? Which ones exactly? [23].

At the same time, we stress on need to appoint additional examinations in the event that a poisonous substance is found in the body and requires identification or a comparative study. More often, such examinations are conducted by forensic medical expert and forensic chemist.

Forensic-biological, genetically molecular examination (GNC), immunological examination, other types of examinations. Appropriate examinations take place when samples of the relevant poison are available or, for example, the offender was arrested with a dose of poison in the pocket, its remnants are removed from his (her) hands and subsequently from the body of the deceased or the victim. This conclusion is based on the position that causing death to another person with the help of poison does not involve direct physical contact (although there are such facts in the analyzed materials of the criminal proceedings), but in any case, the scene of the offence and the trace combinations on the body of the perpetrator and the victim have certain coincidences.

V. Olisheskyi draws attention to the fact that such biological traces include objects of human origin, namely: parts of human organs and tissues, blood, hair and other human secretions. These objects are subjected to forensic biological examination by means of forensic immunological and forensic cytological studies [24].

Forensic biological examination can be assigned in the case of the need to examine the clothing of the victim or suspect to establish the group affiliation of blood stains, saliva, semen and other secretions of the human body. In order to obtain a more accurate result regarding the origin of biological traces from a specific criminal, a forensic molecular genetic examination of physical evidence, which examines the direct carrier of DNA hereditary traits, is appointed [25]. Besides, there is the possibility of conducting an immunological examination, if the poison was injected into the body directly through the blood, or into human tissue, since the main tasks of the immunological examination are to establish: the presence, species and group affiliation of blood (its samples and traces); presence, species and group affiliation of the alloys; species and group affiliation of tissues and organs [26].

At the same time, the mentioned expert studies are not a final list, since there are many situations and cases in the process

of pre-trial investigation of crimes in general and homicides involving poisonous substances in particular, so the person who conducts pre-trial investigation of the relevant fact is undoubtedly obliged to use broader range of instruments for the purpose of admissibility of evidence in court and avoidance of errors in the qualification of the committed, since the relevant qualifying criterion - causing death to another person by using poison is a more socially dangerous wrongful act.

Conclusions.

Thus, on the basis of the characteristics of proving intentional homicides committed with the use of poisonous substances in the context of the ratio of medical and procedural contents, the authors substantiated a number of scientific and practical conclusions, the main provisions of which are that the use of poisonous substances in the process of causing death to another person is not a new way of performing them, as it was widely used even during the First World War.

The medical characteristics of poisons and approaches to their classification in science are quite meaningful; the researchers distinguish relevant substances not only by the characteristics of the possibility of causing death to another person, but also in the context of their origin, the main purpose of use and, depending on the circumstances, evaluate their dangerousness. Achieving facts about poisons in a pre-trial investigation is possible only with the help of conducting expert studies that can establish the fact of the presence of poison in the body or the harmful effects left after evaporation. The authors refer to the most common expertise in this context such as forensic medical, forensic biological, gene-molecular (DNA), immunological examinations and other types of examinations.

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РЕЗЮМЕ

ХАРАКТЕРИСТИКА ДОКАЗЫВАНИЯ ПРЕДНАМЕРЕННЫХ УБИЙСТВ СОВЕРШАЕМЫХ С ИСПОЛЬЗОВАНИЕМ ЯДОВИТЫХ ВЕЩЕСТВ: СООТНОШЕНИЕ МЕДИЦИНСКОГО И ПРОЦЕССУАЛЬНОГО КОНТЕКСТОВ

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¹⁰Кандидат юридических наук, доцент кафедры правоохранительной и антикоррупционной деятельности Учебно-научного института права имени Князя Владимира Великого Межрегиональной академии управления персоналом, Киев, Украина. 03039 г. Киев, ул. Фрометовская. Целью исследования является предоставление характеристики доказывания умышленных убийств, совершенных с использованием ядовитых веществ, на основании структурного анализа медицинского и уголовного процессуального критериев, соответствующего процесса.

Практическую основу исследования составляют статистические и аналитические материалы Министерства внутренних дел Украины и Национальной полиции Украины, Офиса Генерального прокурора, Государственной судебной администрации Украины за 2016-2021 годы; обобщены данные изучения 20 материалов уголовных производств (прежде всего постановлений о назначении

судебно-медицинских и других экспертиз), материалы средств массовой информации.

В результате проведенного исследования установлено, что медицинская характеристика понятия ядов и возможные варианты его применения крайне необходимы,

в том числе при осуществлении процедуры версирования в досудебном расследовании, а также установления личности преступника или перечня других подобных правонарушений (совершенных подобным способом).

Охарактеризованы позиции ученых относительно подходов к пониманию понятия яда, в том числе боевых ядовитых веществ, а также предоставлен ряд разъяснений относительно использования специальных знаний в досудебном расследовании умышленных убийств, совершенных с использованием ядовитых веществ.

Ключевые слова: яд, отравляющие вещества, умышленные убийства, особая жестокость, экспертиза.