

Про запобіжні заходи і говорити не доводиться. Навіть такий вид запобіжного заходу як особисте зобов'язання (щось на кшталт підписки про невиїзд у КПК 1960 р.), і той також застосовується слідчим суддею за клопотанням слідчого, погодженим з прокурором.

Свого часу причину існування інституту понятих законодавець пояснював прагненням не допустити можливої фальсифікації доказів з боку працівника правоохоронних органів. Складається враження, що й зараз законодавець керується тими ж самими думками, коли визначав процесуальний статус слідчого у новому КПК.

Це лише мала частина процесуальних обмежень, яких зазнали слідчі органів внутрішніх справ.

Важко не погодитись з тим, що ігнорування позитивного досвіду, набутого і апробованого за часів дії КПК 1960 р., з прийняттям нового КПК призвело до остаточної втрати слідчими залишків своєї процесуальної незалежності, а їх процесуальна самостійність стала мінімально можливою і фактично наблизилася до процесуальної самостійності колишнього дізнавача органу дізнання[3].

Зрозуміло, що треба якомога скоріше внести зміни до введеного у дію КПК з метою підвищення процесуального статусу слідчого, оскільки за таких умов, навіть збільшення кількості слідчих не надасть їм змоги ефективно розслідувати всі без винятку злочини, а процесуальна самостійність і незалежність слідчого залишаться лише декларацією, позбавленою реальних гарантій.

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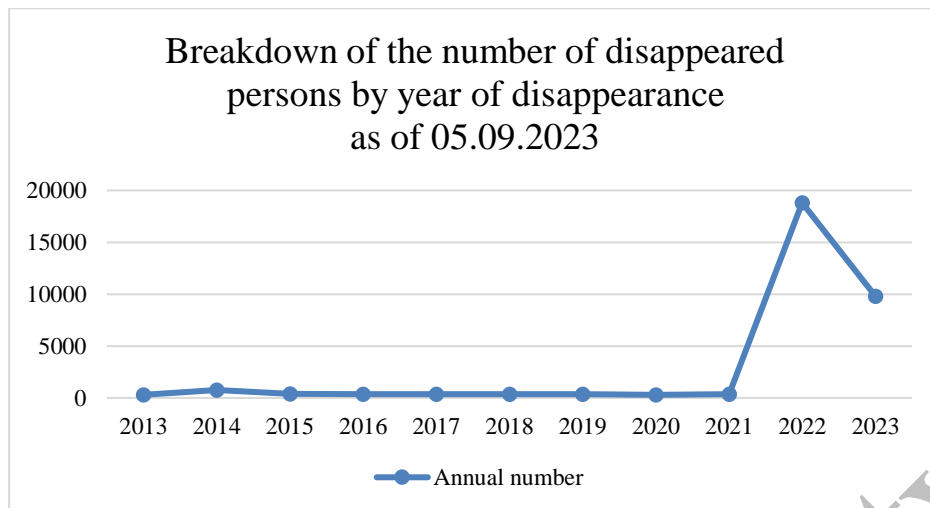
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MODERN ASPECTS OF DNA IDENTIFICATION OF MISSING PERSONS IN UKRAINE

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In recent years, in the context of the international armed conflict on the territory of Ukraine, the number of missing persons has been steadily increasing. According to the database of the Ministry of Internal Affairs of Ukraine, as of 23 February 2022, there were 6726 missing persons in Ukraine, and as of 5 September 2023, this figure increased more than 5 times and amounted to 35114 people. Among them, there are 6 times more men than women. Statistics as of September 2023 indicate the two largest increases in the number of missing persons depending on the intensification of hostilities, namely: in 2014, there were 756 missing persons, and in 2022 - 18811[1].



Data: MIA of Ukraine dataset "Information on Missing Persons"

Analytics: YouControl

One of the most reliable means of identifying missing persons is forensic molecular genetic examination. The leading international organizations specializing in the search and identification of missing persons are the Red Cross (Missing Persons Global Response program), INTERPOL (I-Familia system), and the International Commission on Missing Persons (ICMP) [2, 3, 4].

Since 2014, ICMP has been an independent international organization established on a treaty basis and headquartered in The Hague, the Netherlands, whose mandate is to ensure cooperation between governments and other authorities in the search for persons missing as a result of conflicts, human rights violations, disasters, organized crime, illegal migration and other causes, and to provide support in the implementation of relevant measures. It is the only international organization mandated to work exclusively on the issue of missing persons and is governed by a Council of Commissioners. The ICMP was established in 1996 on behalf of US President Bill Clinton at the G7 Summit in Lyon, France, to address the issue of tracing and identifying missing persons from the various conflicts between 1991 and 1995 related to Bosnia and Herzegovina, the Republic of Croatia and Yugoslavia. The ICMP currently operates three forensic centers, with offices in Sarajevo, Tuzla, Banja Luka, Baghdad, Erbil, and Pristina. By the end of August 2011, the ICMP had identified 16289 people from the former Yugoslavia through DNA matching. In order to assist the Philippines in identifying persons after Hurricane Frank, which killed more than 1000 people, INTERPOL invited ICMP to work with it, and for the first time a joint emergency response agreement was signed. The ICMP participated in the investigation of the following global events: the tsunami in Thailand, 2004; Hurricane Katrina, USA, 2005; Iraq, 2003; the Colombian civil war, 2008, and its additional investigation, 2016; Chile, 2015; Libya, 2011 [4].

Since its inception in November 2001, the ICMP Missing Persons DNA Identification System has been a benchmark for technical innovation and productivity in the field. The system complements forensic archaeological and anthropological methods with a state-of-the-art DNA matching process that has resulted in an exponential increase in the number and speed of identifications. The ICMP DNA identification system is based on integrated DNA testing laboratories in The Hague. The DNA laboratories have highly developed capabilities to obtain DNA profiles from very complex cases of unidentified human remains, such as bone samples from mass graves that have been buried for decades. ICMP has conducted the world's largest DNA testing program for missing persons, successfully testing more than 50000 bone samples, and creating a database of nearly 100000 DNA profiles of relatives to help identify nearly 20000 missing persons. The large-scale DNA testing uses a variety of nuclear autosomal STR (Short Tandem Repeat) systems, as well as Y-chromosomal DNA testing when necessary for definitive identification. Currently, ICMP is one of the first organizations to use Massively Parallel Sequencing (MPS) technology to identify missing persons, which significantly expands the range of problems that can be solved. The basis of DNA identification is the comparison of the DNA profiles of unidentified

human remains with the DNA profiles of their family members. Large databases of both types of DNA profiles are compared using specialized ICMP software, which allows for the identification of individuals with a very high level of statistical confidence [4,5].

ICMP uses a specialized data processing system to store and analyze information about missing persons and their families, including their genetic data. This system, the iDMS (Integrated Data Management System), is hosted on ICMP's own servers at its headquarters in The Hague. It contains the register of missing persons and related information, information and DNA samples from the families of missing persons, data on forensic archaeological operations and the recovery of human remains and evidence, anthropological examinations and case descriptions, laboratory DNA processing, DNA profile databases, and DNA matching information. There is a high degree of control over access to confidential information. Each user has access only to authorized parts of the database, and confidential data is stored and analyzed in an anonymous, encoded form at many stages of the process [4].

Conclusions. Today, in Ukraine, there is a clear need to expand cooperation between Ukrainian and foreign specialists/organizations in the issue of identification of missing persons. There are several international organizations in the world that help to identify missing persons, including ICMP (International Commission on Missing Persons), which has been noted for its assistance to many countries, introduces the most modern technologies in its practice, has a high degree of control over access to confidential information, and which can therefore provide significant assistance in identifying many missing Ukrainian citizens.

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КРИМИНАЛИСТИКАЛЫҚ ИДЕНТИФИКАЦИЯНЫ ҚОЛДАНУДЫҢ ПЕРСПЕКТИВАЛЫҚ БАҒЫТТАРЫ

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Елде шиеленіс пен криминалдық белсенділіктің күшеюі, сондай-ақ ұйымдасқан қылмыстық құрылымдар мен олардың техникалық арсеналының өсуі жағдайында криминалистикалық әдістер мен технологияларды қолдану қылмысқа қарсы күрестің неғұрлым тиімді тәсілдерінің біріне айналуға мүмкіндік береді. Ел ішіндегі де, одан тысқары жерлердегі де тәжірибе кейбір жағдайларда қылмыстық топтардың құқық қорғау органдарын қоса алғанда, құқық тәртібі күштерінен техникалық жағынан басымдығы елеулі болып табылатынын көрсетеді. Сондықтан қылмыс сияқты қоғамға қарсы элементтерге қарсы уақытылы әрекет ету үшін қылмысқа қарсы іс-қимылдың озық жүйелерін енгізуді қоса алғанда, алдын алу шараларын қабылдау аса маңызды.

Қазіргі заманғы қылмысқа қарсы күрестің тиімділігін арттыру шарттарының бірі білікті, жан-жақты және терең теориялық әзірленген ғылыми база құру болып табылады. Оған сүйене отырып, құқық қорғау органдарының қызметкерлері қалыптасқан жедел жағдайға сәйкес қылмыстарды анықтауға, ашуға, тергеуге және олардың алдын алуға байланысты