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Conduct of Investigative (Search) Actions During the Investigation of Violations of the Laws and Customs of War

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Abstract

The article examines the specific features of conducting investigative (search) actions during the investigation of violations of the laws and customs of war as one of the most complex areas of contemporary criminal justice. The significance of these procedural actions within the mechanism of criminal evidence is considered, as they ensure the detection, documentation, verification, and evaluation of information concerning the circumstances of war crimes. The study analyzes the specifics of conducting crime scene examinations, interrogations, investigative experiments, identification procedures, and searches under armed conflict conditions, taking into account security risks, temporary occupation of territories, changes in the initial situation, and difficulties in accessing certain sources of evidentiary information. Particular attention is paid to the peculiarities of interrogating victims, witnesses, and persons suspected of committing war crimes, including establishing the circumstances of ill-treatment, the mechanism of executing orders, the role of combatants, and the connection between specific acts and the international armed conflict. The article

also focuses on the use of digital technologies, electronic evidence, special knowledge, and forensic examinations as essential means of ensuring comprehensive documentation of violations of international humanitarian law. It is substantiated that the effectiveness of investigating violations of the laws and customs of war depends on the integrated combination of procedural, forensic, and expert tools aimed at establishing the circumstances of criminal offences and bringing perpetrators to justice. The article proposes an approach according to which the results of individual investigative (search) actions should not be assessed in isolation but rather in conjunction with other evidence, enabling the identification of both individual episodes of criminal activity and the systematic nature of violations of the laws and customs of war.

Keywords: investigative (search) actions, investigation of war crimes, violations of the laws and customs of war, international humanitarian law, criminal proceedings, crime scene examination, interrogation, combatants, prisoners of war, evidence, forensic examinations.

1. INTRODUCTION

The armed aggression against Ukraine has resulted in large-scale violations of international humanitarian law, manifested in numerous cases of intentional attacks on civilians, unlawful deprivation of liberty, torture, cruel treatment of prisoners of war, destruction of civilian infrastructure, and other acts that may constitute war crimes. The investigation of such offences represents one of the most challenging areas of contemporary criminal justice, as it requires establishing not only the fact of a specific unlawful act but also its connection with the armed conflict, the status of victims, and the persons who may bear individual criminal responsibility. The distinctive nature of these proceedings lies in the necessity to document events that often occurred during active hostilities, in temporarily occupied territories, or under conditions where direct access to crime scenes is impossible.

Effective investigation of violations of the laws and customs of war requires a comprehensive approach to the collection, verification, and assessment of evidentiary information. In this context, proper organization of pre-trial investigation, coordination between investigators, prosecutors, analysts, forensic experts, and other participants in criminal proceedings acquire particular importance. Investigative (search) actions constitute a fundamental element of this process, as they ensure the detection, recording, and verification of evidence in criminal proceedings. Their primary purpose is to establish the factual circumstances of criminal offences through the identification, preservation, and examination of evidentiary information.

At the same time, conducting investigative (search) actions in the investigation of war crimes has a number of specific characteristics determined by the nature of such offences and the conditions under which criminal proceedings are carried out. Investigators must establish the time and place of the event, the nature of the means and methods of warfare used, the number and characteristics of victims, the conduct of perpetrators, as well as the existence of systematic, repeated, or organized patterns of criminal behaviour. In this regard, particular significance is attached to the results of crime scene examinations, interrogations of victims and witnesses, searches, investigative experiments, identification procedures, and other procedural actions aimed at obtaining and verifying evidentiary information.

Given the complexity of documenting violations of the laws and customs of war, importance should be attached not only to the performance of individual investigative (search) actions but also to the proper determination of their tactics, sequence, and interaction with other evidentiary mechanisms. The application of modern forensic methodologies, digital documentation technologies, special knowledge, and forensic examinations contributes to the proper recording of war crimes and the formation of an evidence base suitable both for national criminal proceedings and for international criminal justice mechanisms. Therefore, studying the specific features of investigative (search) actions in the investigation of violations of the laws and customs of war has significant theoretical and practical relevance.

2. LITERATURE REVIEW

The issues of investigating violations of the laws and customs of war, as well as the procedural and forensic aspects of documenting war crimes, have been examined by a number of scholars and international institutions. Researchers emphasize that effective investigation of such offences requires a comprehensive approach combining criminal procedural mechanisms, forensic methods, specialized knowledge, and internationally recognized investigative standards [1, 2]. Particular attention in scientific works is paid to the role of investigative (search) actions as essential instruments for collecting, verifying, and evaluating evidence, especially under conditions of armed conflict, temporary occupation of territories, and limited access to crime scenes. Scholars also highlight the importance of crime scene examination, interrogation of victims and witnesses, investigative experiments, identification procedures, and searches for establishing the circumstances of unlawful acts and identifying persons responsible for their commission.

A significant contribution to the development of this research area has been made by studies devoted to the application of forensic technologies, digital evidence, and expert examinations in proceedings concerning international crimes. Existing scientific approaches emphasize the necessity of properly documenting material and electronic traces, involving specialists with appropriate expertise, and assessing individual investigative actions in conjunction with other evidence [3–6]. International standards developed by relevant organizations likewise underline the importance of ensuring the reliability of collected information and its suitability for national and international accountability mechanisms [2]. At the same time, despite considerable scientific achievements, further research is required into the tactical, organizational, and procedural features of conducting investigative (search) actions during wartime, particularly regarding the adaptation of traditional investigative methods to the specific challenges associated with investigating violations of international humanitarian law.

3. RESULTS

3.1. CRIME SCENE EXAMINATION DURING THE INVESTIGATION OF VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

In investigative practice, the proper collection and verification of evidence during pre-trial investigation constitute one of the primary tasks of investigators. The evidentiary process is directly connected with the performance of investigative (search) actions, which serve as the principal procedural instruments for collecting, verifying, and assessing evidence and thereby create the necessary prerequisites for adopting further procedural decisions in criminal proceedings [7]. The effectiveness of pre-trial investigation largely depends on the quality of their implementation and strict compliance with the procedural requirements established by law.

An analysis of the practice of investigating violations of the laws and customs of war demonstrates that the most common overt investigative (search) actions in this category of criminal proceedings include interrogation, investigative experiment, crime scene examination, and identification procedures. Among them, crime scene examination has particular significance, as it is usually conducted at the initial stages of criminal proceedings and ensures the formation of the primary body of evidentiary and orienting information. Since a criminal offence constitutes a past event, its reconstruction is carried out indirectly through the detection, recording, and examination of traces reflecting individual elements of the event and their characteristics within the surrounding environment.

During the investigation of cruel treatment of prisoners of war and civilians, a wide range of material and informational objects may constitute the subject of examination. These include crime scenes, such as residential and non-residential premises where persons were detained or subjected to unlawful acts, areas where killings or mass graves were discovered, and public locations. Significant evidentiary value may be attributed to objects such as weapons, protective equipment, technical devices, mobile phones, surveillance cameras, documents, electronic materials, photographs, and video recordings. In addition, persons may be examined during physical examination procedures, while deceased persons may be subjected to external examination.

The above demonstrates the comprehensive nature of crime scene examination in proceedings concerning violations of the laws and customs of war, since its objects may simultaneously include territories, premises, material objects, documents, digital information, as well as the body of a living person or a deceased individual. At the same time, the characteristics of each object determine specific organizational, tactical, and forensic requirements for conducting this procedural action.

A particularly significant role is played by crime scene examination, which is among the most complex and informative investigative (search) actions. Its purpose is to identify and record traces of a criminal offence, establish the circumstances of the event, and obtain information that may contribute to identifying persons involved in its commission. According to Article 237 of the Criminal Procedure Code of Ukraine, this procedural action falls within the competence of an investigator or prosecutor [8]. Its urgent nature is determined by the necessity to obtain and preserve information about the event in a timely manner, which subsequently serves to determine investigative directions and form an evidentiary basis.

In investigations of violations of the laws and customs of war, particular importance is attached to the prompt organization of crime scene examination – from receiving information about the event to the arrival of the investigative team at the place where the offence was committed or its consequences were discovered. This necessity is associated with the high probability of changes in the initial environment, damage, or destruction of material traces as a result of hostilities, shelling, or other dangerous factors. Under these circumstances, before the arrival of the investigative team, it is essential to ensure the protection of the crime scene and preservation of traces by representatives of law enforcement and military formations capable of simultaneously guaranteeing the safety of further investigative activities.

A specific feature of crime scene examination in this category of criminal proceedings is that the dynamics of operational and combat conditions often make it impossible for investigators to return to the location for additional or repeated examination. Bombardments, artillery and mortar shelling, as well as other manifestations of hostilities, may significantly alter or completely destroy the original situation. Therefore, proper preparation of the investigator or prosecutor for the initial crime scene examination becomes crucial, as it must ensure the maximum possible detection, recording, collection, and preservation of evidentiary information during the first examination [9].

A primary condition for organizing crime scene examination during the investigation of violations of the laws and customs of war is ensuring the safety of all participants. When examinations are conducted near areas of active hostilities, police officers should preliminarily coordinate the possibility of investigative team activities with the command of relevant military units. Even when the territory is considered safe, the possibility of sudden changes in the situation must be taken into account; therefore, participants should determine evacuation routes and shelter locations in advance.

Ensuring safety directly depends on the quality of preparation for crime scene examination. Before the investigative team departs, it is necessary to obtain up-to-date information regarding the operational situation in the area, activities of armed formations, available weapons, possible minefields, and other risks. Establishing cooperation with military units

responsible for the relevant territory also enables the determination of the composition of the investigative team, movement routes, required equipment, and procedures to be followed in case of changes in the operational environment.

In this context, the position of O. Dufeniuk regarding the necessity of establishing a specialized logistical system for ensuring investigations of war crimes is well-founded. Such a system should include personnel support involving investigators, forensic specialists, explosives experts, forensic doctors, and other professionals; transport support for moving teams, equipment, and collected evidence; forensic and technical support, including photographic and video recording equipment, unmanned aerial vehicle systems, and tools for detecting and packaging evidence; as well as specialized equipment for work under complex conditions [10].

An essential element of the preparatory stage is determining the composition of participants involved in crime scene examination. Before the commencement of investigative activities, the territory should be inspected by explosives specialists or sappers to identify mines, ammunition, and other hazardous objects. Only after ensuring safety may other participants proceed with the examination. The involvement of a forensic specialist is especially important, as such a specialist ensures the proper detection, recording, collection, and packaging of traces and material evidence, particularly at locations used for unlawful detention and cruel treatment of persons [11].

Depending on the nature of the criminal offence, other specialists may be involved, including ballistic experts, specialists of the State Emergency Service of Ukraine, fire investigation experts, service dog handlers, DNA sampling specialists, and other professionals. Where necessary, representatives of prosecutorial authorities, the Armed Forces of Ukraine, local authorities, international missions, and other organizations may participate in the procedural action.

The participation of victims during crime scene examination may also have significant evidentiary value, as they can identify locations where unlawful acts occurred, indicate the placement of specific objects, and assist in determining possible locations of criminal traces. This is particularly relevant for territories that were under occupation, where information provided by victims may determine the direction of evidence searches. Thus, scholars have reasonably emphasized the usefulness of conducting crime scene examinations with the participation of victims in proceedings concerning sexual violence in occupied territories, as victims may contribute to establishing the circumstances of the event, identifying biological traces, fingerprints, personal belongings, or elements of military equipment belonging to offenders [12].

The specific conditions of crime scene examination during investigations of violations of the laws and customs of war require the most complete technical recording of its course and results. The use of photography and video recording enables preservation of information about the original situation and allows its subsequent examination under safer conditions. At the same time, information regarding discovered objects, their location, and interrelations must be recorded directly during the examination, since changes in the combat environment may require termination of the procedural action.

The tactics of recording examination results should be determined according to the specific investigative situation and security conditions. In areas affected by hostilities, it is necessary to combine technical recording with prompt documentation of discovered objects, since the time available for the investigative team to remain in a dangerous area may be limited. Video recording is among the most effective methods, as it reduces the time spent at the scene and preserves a significant amount of information about the circumstances of the event. Along with traditional recording methods, remote technologies may also be applied, including aerial video recording with geographical coordinate referencing of the obtained materials.

The use of unmanned aerial vehicles for photographic and video documentation of large-scale, inaccessible, or dangerous crime scenes, including locations of mass killings and burials, is particularly promising in the investigation of violations of the laws and customs of war. Their application makes it possible to remotely assess the situation, document the consequences of explosions or other unlawful acts, and record the location of objects and areas where material evidence has been discovered without creating additional risks for participants in the examination. The obtained materials may subsequently be used for preparing plans and schemes of the crime scene, especially in cases where the examination must be prematurely terminated due to the threat of shelling. At the same time, an important task of crime scene examination is the detection and recording of weapons, ammunition, fragments thereof, and other objects, the examination of which makes it possible to establish the use of means or methods of warfare prohibited by international humanitarian law.

The specific security conditions under which crime scene examinations are conducted also affect the procedure for documenting their results. Where there is a real threat to members of the investigative team, preparation of the examination report directly at the scene may be impossible. In such circumstances, the procedural documentation may be completed in a secure location using preliminary notes, photographic records, audio and video recordings, descriptions of collected evidence, and other materials obtained during the examination. The report should also include information about eyewitnesses and other witnesses who may confirm the circumstances of the event or the fact of damage to or destruction of property.

Proper documentation of the results of crime scene examination requires the attachment to the report of photographic materials, audio and video recordings, crime scene plans and diagrams, physical evidence, and written explanations provided by involved specialists. In proceedings concerning violations of the laws and customs of war, such completeness

is of particular significance due to the high probability of alteration or destruction of the crime scene and the impossibility of repeated examination of its original condition.

An important direction of crime scene examination involves work with documents and digital information. Contemporary methods of committing and documenting war crimes require the examination, alongside traditional traces, of electronic documents, web resources, social media accounts, electronic messages, data from mobile devices, computer equipment, photographs, and video materials. Such objects may contain information regarding acts of cruel treatment of prisoners of war and civilians, the actions of specific combatants, as well as the time and location of criminal events.

The examination of electronic documents is characterized by the specific nature of digital information. Such information exists within a digital environment, is reproduced through technical devices, and may simultaneously be stored on multiple data carriers. This necessitates the use of specialized software, technical tools, and, where required, expert knowledge. In particular, specialized forensic extraction tools may be required when relevant data are stored on mobile terminals or similar devices [4]. An additional challenge is the vulnerability of digital data to alteration or destruction. The content of an electronic document may be modified without obvious external indications of interference, while certain software applications may automatically delete information in the event of unauthorized access [3]. Therefore, timely detection, recording, and proper preservation of digital information constitute essential conditions for its subsequent use in evidentiary proceedings.

Independent evidentiary significance in investigations of violations of the laws and customs of war is attributed to the examination of the body of a victim and, in cases of death, the examination of a corpse. These procedural actions enable the establishment of the nature of injuries, the circumstances of their occurrence, and other information relevant to the forensic characterization of the event. In accordance with Article 238 of the Criminal Procedure Code of Ukraine, examination of a corpse is conducted by an investigator or prosecutor with the mandatory participation of a forensic medical expert or physician and is aimed at establishing the identity of the deceased, the cause of death, the circumstances of the event, and possible indications of the involvement of other persons [8].

Proper handling of the body at the location where it is discovered is of particular importance. Until the completion of the initial documentation, the position of the body should not be altered, foreign objects should not be removed, and damaged areas should not be cleaned, as such actions may result in the loss of forensically significant information. If security conditions require the relocation of the body or other objects before completion of the examination, the location of their discovery should be documented as fully as possible, including photographic recording and preparation of an appropriate scheme.

Thus, crime scene examination during the investigation of violations of the laws and customs of war is characterized by the combination of procedural, tactical, organizational, and security-related features. Its effectiveness depends on timely response, proper preparation of the investigative team, involvement of specialists, application of modern photographic, video, and aerial documentation methods, as well as appropriate handling of material and digital traces. Under these conditions, crime scene examination serves as one of the key instruments for establishing an evidentiary basis concerning violations of the laws and customs of war.

3.2. INTERROGATION DURING THE INVESTIGATION OF VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

Interrogation is one of the key investigative (search) actions during the investigation of cases involving cruel treatment of prisoners of war and civilians. Its implementation in the context of an armed conflict requires a combination of obtaining complete evidentiary information with strict observance of the rights and legitimate interests of the persons being questioned. Particular attention should be paid to the physical and psychological condition of victims, as the consequences of experienced violence may affect their ability to consistently reproduce the circumstances of the event.

Torture, cruel, inhuman, or degrading treatment constitute some of the most serious violations of international humanitarian law. Where such acts are committed in connection with an armed conflict, they may be qualified as violations of the laws and customs of war under Article 438 of the Criminal Code of Ukraine, while the death of a victim affects the legal assessment of the act. Therefore, interrogation should be aimed not only at establishing the fact of violence but also at determining its connection with the armed conflict, the status of the victim, and the circumstances of the crime.

During the interrogation of a victim, it is necessary to establish the nature of the harm caused, the time and conditions of its infliction, the duration of unlawful influence, and its consequences. The obtained testimony should be assessed in conjunction with other evidence, including reports of investigative (search) actions, medical documentation, and expert conclusions. At the same time, interrogation should not be limited to reproducing medical information, as its purpose is to establish the methods used by perpetrators, the specific circumstances of the event, and the victim's perception of the experienced events.

Certain forms of physical abuse may leave no visible external traces or such traces may disappear before the interrogation

takes place. In such cases, detailed testimony concerning the nature of the impact, conditions of detention, means used, and the conduct of other persons, including specific combatants, becomes particularly significant. This information should be verified together with other evidence, including witness testimony, crime scene examination results, digital materials, and documentary sources.

Physical violence is often accompanied by psychological consequences that may influence communication with the victim. Anxiety, emotional instability, fragmented memories, or avoidance of certain topics should not automatically be interpreted as indicators of unreliable testimony, as they may result from traumatic experiences. Accordingly, interrogation should be conducted through psychologically appropriate and non-intrusive tactics: in a calm environment, with a gradual transition from general questions to specific issues and with consideration of the need for breaks.

An important stage is preparation for interrogation, which includes examination of the materials of criminal proceedings, identification of circumstances requiring clarification, preparation of questions, and determination of possible sources for verification of future testimony. At the same time, the interrogation plan should not be excessively formalized, as its content must be adapted depending on the information obtained during direct communication with the victim. The choice of time and place of interrogation is also significant, as they should ensure safety, confidentiality, and psychological comfort. Establishing appropriate contact between the investigator and the victim creates favorable conditions for obtaining complete, coherent, and reliable testimony.

The substantive part of interrogation should be structured according to the principle of moving from the victim's free narrative to consistent detailing and clarification of the circumstances. At the initial stage, it is necessary to establish the time and place of the event, the circumstances of detention or placement under the control of relevant formations, the conditions and duration of detention, the nature of the treatment inflicted, as well as information concerning other victims and possible witnesses. A separate area of inquiry involves identifying persons involved in unlawful acts, including their appearance, clothing, insignia, functional duties, and other individualizing characteristics that may facilitate further identification.

One of the objectives of interrogation is to obtain information that enables verification of the victim's testimony through other procedural means. Such information includes details regarding the place of detention, its arrangement, routes of movement, vehicles, documents, technical devices, weapons, means of communication, persons present nearby, as well as available photographs, audio recordings, or video materials. The specification of reported circumstances should be carried out while avoiding repeated psychological traumatization of the victim and should focus on obtaining concrete information suitable for objective verification.

The effectiveness of interrogation from a forensic perspective largely depends on the proper formulation of questions. They should be clear, specific, and neutral in content, without directing the person toward a desired answer. Preference should be given to open-ended questions that allow the victim to independently reproduce perceived circumstances. After completion of the free narrative, clarifying and detailing questions may be used to eliminate gaps in the information provided and to specify individual elements of the event more precisely.

Particular attention should be paid to the interrogation of minors who have been subjected to cruel treatment, as their age, level of psychological development, and the consequences of traumatic experiences directly affect the perception, memorization, and reproduction of information. In criminal proceedings of this category, it is necessary to ensure a psychologically safe communication environment, minimize repeated procedural contacts, and adapt interrogation tactics to the individual characteristics of the child.

Preparation for the interrogation of a minor requires prior assessment of the child's psychological condition, behavioral characteristics, nature of the experienced events, and possible changes in emotional state. Proper selection of the place of the procedural action and involvement of a psychologist, where necessary, contribute to establishing trusting communication. During interaction with the child, investigators should avoid complex formulations, leading questions, and statements that may create a sense of guilt or responsibility for the experienced events. The optimal sequence involves a gradual transition from neutral conversation to free narration and subsequent clarification of information relevant for evidentiary purposes.

The testimony of a minor victim should be verified in conjunction with other sources of evidence, including medical documentation, results of investigative (search) actions, testimony of other persons, digital materials, and expert opinions. Special knowledge plays a significant role in this process, as it enables the establishment of physical and psychological consequences of cruel treatment. Forensic medical, psychological, and psychiatric examinations contribute to determining the type of injuries, the mechanism of their occurrence, and the characteristics of the victim's psychological state, thereby ensuring that testimony can be verified within the broader system of available evidence.

Therefore, interrogation of victims, especially minors, should be based on a combination of procedural requirements, forensic recommendations, and psychologically appropriate interaction. Its purpose is not repeated reproduction of traumatic experiences but obtaining meaningful information about the circumstances of a criminal offence that can be verified through other evidentiary means.

A specific approach is required when obtaining testimony from persons suspected of committing violations of the laws

and customs of war who simultaneously have the status of prisoners of war. In this situation, it is necessary to ensure consistency between the guarantees established by criminal procedural legislation for suspects and the special international legal provisions governing the treatment of prisoners of war. The mere fact that a person has such status does not exclude criminal prosecution where there are sufficient grounds to suspect the commission of a war crime; however, it requires strict compliance with procedural safeguards.

Obtaining information from a suspect who is a prisoner of war must be conducted with due regard for the right to defence guaranteed by Ukrainian criminal procedural legislation. The person must be properly informed of their procedural status, the substance of the suspicion, and the right to refuse to provide testimony. The participation of defence counsel constitutes an essential guarantee of procedural legality, as it ensures compliance with the established requirements of criminal proceedings and prevents the acquisition of evidence in violation of the person's rights.

An independent issue concerns linguistic support during the procedural action. Where a suspect does not have sufficient command of the language of criminal proceedings, the participation of an interpreter is mandatory. The interpreter must ensure not only accurate transmission of the content of questions and answers but also correct reproduction of specialized military terminology, names of units, positions, weapons, and other concepts relevant for proving the circumstances of the case. The quality of interpretation directly affects the accuracy of recording the obtained information and the possibility of its subsequent procedural assessment.

Given the specific nature of investigations into war crimes, complete technical recording of this procedural action is advisable. Video recording ensures an objective reflection of the conditions under which the action was conducted, the participation of defence counsel and an interpreter, compliance with established procedures, and the voluntary nature of providing information. At the same time, the tactical framework of communication must be based on the prohibition of any form of coercion, threats, or other unlawful influence, while obtaining information should be ensured through proper preparation, the use of permissible forensic techniques, and professional communication.

Information obtained from a suspect who is a prisoner of war cannot be assessed in isolation but should be examined in conjunction with other sources of evidence, including testimony of victims and witnesses, documentary materials, digital data, results of examinations, and expert findings. This approach ensures both compliance with international standards for the treatment of prisoners of war and proper verification of the reliability of the obtained information.

The subject matter of an interrogation involving a prisoner of war who has the procedural status of a suspect in a case concerning violations of the laws and customs of war is determined by the specific circumstances of the criminal proceedings. At the same time, its content should not be limited solely to establishing the circumstances of an individual episode but should encompass the broader context of the event: the person's affiliation with a particular military formation, assigned functions, nature of received tasks, service-related connections, and role in the implementation of unlawful acts.

Initially, it is necessary to establish the person's identity data, military rank, position, affiliation with a particular unit, period of service, military specialty, structure of the relevant formation, locations of deployment and movement, types of weapons used, and other circumstances that may be verified through documents, digital materials, or testimony of other persons. It is also important to determine the circumstances of the person's arrival on the territory of Ukraine, the content of received tasks, the nature of orders, and the interaction between members of the relevant formation.

A central element of the subject matter of this procedural action is establishing the circumstances of the specific act: its location, time, method, and sequence of actions, the role of the person and other participants, the means used, the nature of orders, and the consequences for victims. In criminal proceedings concerning cruel treatment of prisoners of war or civilians, particular importance is attached to establishing the mechanism of detention, transfer, confinement of victims, and the circle of persons exercising actual control over them.

The tactical model of obtaining information from a suspect should provide for a gradual transition from general information to specific circumstances directly related to the criminal offence. Such an approach facilitates assessment of the person's awareness, identification of inconsistencies in their position, and comparison of the obtained information with other evidence. The preparatory stage should include systematization of available case materials, identification of circumstances requiring clarification, and formulation of questions necessary to verify investigative hypotheses.

Therefore, obtaining testimony from a suspect who is a prisoner of war should be aimed not only at establishing their possible involvement in a specific episode but also at revealing the organizational and factual mechanism of committing a war crime. A comprehensive determination of the subject matter of this procedural action creates conditions for identifying other persons involved, the structure of the military formation, the nature of orders, and the methods of their implementation, which is essential for ensuring a complete and objective investigation.

3.3. OTHER INVESTIGATIVE (SEARCH) ACTIONS IN THE INVESTIGATION OF VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

The investigation of violations of the laws and customs of war is not limited to conducting examinations and interrogations, as the information obtained during these actions often requires verification, clarification, and correlation with other evidence. Depending on the nature of the criminal offence and the investigative situation, particular importance is attached to investigative experiments, identification procedures, searches, and other procedural actions. Their implementation combines general principles of forensic tactics with the specific features of proving war crimes, determined by the conditions of armed conflict, difficulties in accessing certain territories, significant time gaps between the event and its investigation, and the need to establish the role of specific persons in the relevant acts.

One of the most informative investigative (search) actions is the investigative experiment. Pursuant to Article 240 of the Criminal Procedure Code of Ukraine, it is conducted to verify and clarify information relevant to establishing the circumstances of a criminal offence by reproducing actions, the environment, and circumstances of an event or by carrying out necessary experiments [8]. In proceedings concerning violations of the laws and customs of war, its significance lies in the possibility of verifying testimony of victims, witnesses, and suspects by comparing it with the actual characteristics of the location and the mechanism of the offence.

The specificity of an investigative experiment in such proceedings is determined by the circumstances in which the events under investigation occurred. It may be used to verify whether a person could perceive certain circumstances, establish routes of movement of victims, determine the location of participants, identify the arrangement of objects, and clarify circumstances of unlawful detention of civilians or prisoners of war. This procedural action enables the specification of information that cannot always be fully conveyed through verbal description alone [13].

A distinctive feature of the investigative experiment is the possibility of verifying testimony not only from victims and witnesses but also from suspects, including combatants who have acquired the relevant procedural status. In such cases, verification may concern unit movement routes, the person's location, the position of objects, and other circumstances related to a particular episode. At the same time, the mere fact that a person belongs to combatants does not indicate their involvement in a war crime, and the results of the experiment must be assessed only together with other evidence.

Conducting an investigative experiment directly at the scene of the event is not always possible due to temporary occupation of territories, proximity to combat zones, the presence of hazardous remnants of war, or substantial changes in the original situation. Investigations of war crimes are also complicated by significant volumes of information, logistical challenges, and the need to use digital technologies [1]. Therefore, the place and method of conducting an investigative experiment should be determined taking into account its evidentiary purpose and the actual possibility of safely reproducing the necessary circumstances.

The tactical organization of an investigative experiment requires analysis of the person's testimony, identification of circumstances requiring verification, assessment of territorial safety, selection of participants, and determination of appropriate recording methods. Video recording is of particular importance, as it allows documentation of the participant's explanations, actions, movement routes, and location of relevant objects. Therefore, in this category of proceedings, an investigative experiment should be considered a means of comprehensive verification of evidentiary information, the value of which is determined through its connection with other materials of the criminal proceedings.

Identification procedures also occupy an important place among investigative (search) actions. Their implementation may be necessary to establish persons involved in cruel treatment of prisoners of war and civilians, unlawful deprivation of liberty, and other violations of the laws and customs of war. The objects of identification may include persons, objects, and other items previously perceived by the victim or witness in connection with the criminal event.

The effectiveness of identification procedures largely depends on the quality of the prior questioning of the person who performs the identification. Pursuant to Article 228 of the Criminal Procedure Code of Ukraine, it is necessary to establish the appearance and identifying features of the person whom the victim or witness may recognize, as well as the circumstances under which that person was perceived [8]. In proceedings concerning violations of the laws and customs of war, particular importance is attached to the duration of observation, distance, lighting conditions, the psychological state of the victim, and individual physical characteristics of the person subject to identification. Therefore, before conducting the identification procedure, the features underlying the possibility of recognition should be specified as precisely as possible.

A distinctive feature of identifying participants in an armed conflict is that a victim or witness may remember not only a person's appearance but also accompanying characteristics, including speech patterns, call signs, military rank, elements of clothing, insignia, or behavioral peculiarities. At the same time, such information has only auxiliary evidentiary value and cannot substitute the identification procedure established by the Criminal Procedure Code of Ukraine.

In proceedings concerning violations of the laws and customs of war, the possibility of conducting identification by means of photographs or video recordings is of particular relevance. This may be caused by a person's presence outside the territory controlled by Ukraine or the impossibility of presenting that person directly for identification. However, the

selection of images must exclude the obvious highlighting of the person being identified among other presented individuals, as this may affect the reliability of the identification results [14].

Particular caution is required where a significant period of time has elapsed between the event and the identification procedure, as well as where the victim experienced severe psychological stress. In addition, investigators must establish whether the person had previously become familiar with the appearance of the alleged offender through open sources, social networks, or media materials, since the identification result should be based on the person's initial perception.

The results of an identification procedure cannot be assessed separately from other evidence. The recognition of a specific person by a victim or witness must be verified through comparison with testimonies, digital materials, documents, information regarding the presence of a person or military unit in a particular location, and other materials of criminal proceedings. Only a body of mutually consistent evidence ensures the proper evidentiary value of this investigative (search) action and minimizes the risk of erroneous identification.

A search is one of the most frequently used investigative (search) actions in the investigation of violations of the laws and customs of war, as it often provides access to material and digital objects necessary for establishing the circumstances of a criminal offence. In accordance with the general purpose of investigative (search) actions, a search is aimed at obtaining and verifying evidentiary information relevant to criminal proceedings [8]. At the same time, in cases involving war crimes, its significance extends beyond the discovery of individual physical evidence, as it also enables investigators to establish the organizational context of the event, links between participants, the structure of military units, and the mechanism of implementing criminal orders.

The specificity of searches in proceedings concerning violations of the laws and customs of war is determined by the fact that such acts are often committed within organized military formations. Therefore, evidentiary significance may be attributed not only to objects directly used during the crime but also to documents confirming the chain of command, procedures for issuing orders, movement of personnel, and execution of specific tasks. Such information may be essential for assessing the contextual, material, and mental elements relevant to the attribution of war crimes and individual criminal responsibility under international criminal-law standards [15].

During a search, investigators may discover military documents, communication devices, electronic data carriers, photographs, video recordings, maps, terrain schemes, documents concerning military service, or evidence confirming a person's membership in a particular formation. Of particular relevance are objects that allow investigators to establish a person's affiliation with a military unit or confirm their presence in the area where the criminal offence was committed. Thus, a search may contribute not only to proving a particular episode but also to revealing the mechanism of committing a war crime.

A separate area of search activity concerns digital information. Electronic data, including photographs and videos, digital communications, file metadata, and geolocation information, may be essential for establishing the time, place, and participants of an event [3, 4]. At the same time, the seizure of digital devices requires compliance with specific forensic procedures, since any alteration of information may affect its subsequent admissibility and evidentiary value.

A distinctive feature of searches in cases concerning violations of the laws and customs of war is the need to simultaneously consider evidentiary and security-related aspects. Such actions may be conducted in premises abandoned by military personnel, in de-occupied territories, or in areas where risks associated with the consequences of hostilities remain. Therefore, the organization of a search should include a preliminary assessment of the location, involvement of relevant specialists, and proper documentation of both the search process and the discovered objects.

Therefore, a search in criminal proceedings concerning violations of the laws and customs of war constitutes a complex investigative (search) action that ensures the acquisition of material, documentary, and digital traces of a criminal offence. Its effectiveness depends on the proper determination of the objects sought, involvement of specialists, and subsequent evaluation of seized items in conjunction with other evidence.

One of the important directions for ensuring the effective investigation of violations of the laws and customs of war is the systematic use of specialized knowledge and forensic examinations [5]. The nature of such criminal proceedings requires examination of a wide range of objects, including the bodies of deceased persons and victims, weapons, ammunition, documents, digital information carriers, and other material traces. The application of specialized knowledge makes it possible to establish circumstances that cannot be fully clarified solely through investigative (search) actions.

During the investigation of cases involving ill-treatment of prisoners of war and civilians, forensic medical, medico-criminalistic, and psychological examinations are of particular importance. They allow investigators to establish the nature and mechanism of bodily injuries, the time of their occurrence, the severity of harm, and the relationship between the consequences and the circumstances of the event. Such examinations are especially significant in cases involving torture, inhuman treatment, unlawful deprivation of liberty, or death of a person.

Molecular genetic examinations have significant evidentiary potential, as they enable identification of deceased persons and examination of biological traces. Their results must be evaluated in conjunction with crime scene examination materials, documents, witness testimonies, and other evidence.

Explosive ordnance, ballistic, and other engineering-technical examinations also play an important role, as they allow investigators to establish the type of weapon used, characteristics of ammunition, mechanisms of damage formation, and other circumstances related to the use of means of destruction. They are particularly significant when investigating attacks on civilian objects and other episodes involving the use of weapons [5].

Computer forensic examinations have acquired particular relevance due to the extensive use of digital technologies in contemporary armed conflicts. Photographs and video materials, electronic correspondence, mobile device data, geolocation information, and other digital traces may contain information about the time and place of an event, its participants, and the sequence of actions. At the same time, digital information requires proper acquisition, preservation, and examination, since improper handling may undermine its reliability and admissibility as evidence [3, 4]. Modern expert practice also increasingly involves electronic forms of expert conclusions and digital exchange of procedural materials, which require appropriate procedural safeguards and reliable technical handling [6].

A specific feature of the use of specialized knowledge in such proceedings is a comprehensive approach to the assessment of expert examination results. An individual expert conclusion, as a rule, cannot independently confirm all circumstances of a war crime; therefore, its significance is revealed through its correlation with the testimonies of victims and witnesses, the results of examinations and searches, documents, and digital data. This approach contributes to establishing the mechanism of committing a criminal offence, the persons involved, and their role in the relevant events.

Therefore, the use of specialized knowledge and forensic examinations is an essential component of investigating violations of the laws and customs of war. The comprehensive application of various types of expert research ensures the objectification of information obtained during investigative (search) actions, the establishment of the mechanism of committing war crimes, and the formation of an evidentiary basis for bringing perpetrators to criminal responsibility.

4. DISCUSSION

The scientific discussion on the investigation of violations of the laws and customs of war is currently developing at the intersection of criminal procedure, forensic science, and international humanitarian law. Modern research emphasizes that effective investigation of war crimes requires the coordinated combination of procedural mechanisms, forensic methods, specialized knowledge, digital technologies, and international standards governing the collection and preservation of evidence [1, 2].

Researchers emphasize that investigative (search) actions remain key instruments for documenting war crimes; however, their practical application requires careful adaptation to the conditions of armed conflict, including temporary occupation, destruction or alteration of crime scenes, security risks, and difficulties in obtaining evidence [9, 10]. Particular importance is attached to establishing not only the fact of an unlawful act but also its connection with the armed conflict, the status of victims, and the role of perpetrators.

A separate area of discussion concerns the use of digital evidence and specialized forensic tools. Contemporary approaches indicate that electronic information, expert conclusions, and other sources of evidence should be assessed comprehensively rather than separately, which ensures a more complete reconstruction of the circumstances of war crimes.

Thus, the investigation of violations of the laws and customs of war should be considered as an integrated evidentiary process that combines investigative actions, forensic methods, and modern technologies. The authors support the approach according to which such actions constitute interconnected elements of a unified mechanism aimed at establishing criminal facts, identifying perpetrators, and ensuring effective accountability.

4. CONCLUSION

The conducted research allows us to conclude that investigative (search) actions during the investigation of violations of the laws and customs of war constitute one of the key means of forming a reliable evidentiary basis, since their proper implementation ensures the detection, recording, verification, and subsequent assessment of information regarding the circumstances of war crimes. The specific nature of such criminal proceedings necessitates not only establishing the fact of a particular unlawful act but also determining its connection with the armed conflict, the nature of the means and methods of warfare used, the status of victims, and the role of persons involved in the relevant events.

Particular importance in this category of criminal proceedings is attached to examination, primarily crime scene examination, which ensures the acquisition of initial evidentiary and orienting information. Its effectiveness depends on the promptness of response, proper preparation of the investigative team, ensuring the safety of participants, involvement of specialists, and the use of modern recording tools, including digital technologies and aerial documentation methods. At the same time, the specifics of the combat situation necessitate the most complete possible documentation of the initial condition of the scene, since repeated performance of the relevant procedural actions is often impossible due to changes or destruction of traces of the criminal offence.

Interrogation of victims, witnesses, and suspects in proceedings concerning violations of the laws and customs of

war requires combining forensically grounded tactics with consideration of the psychological condition of the person and guarantees for the protection of their rights. Of particular importance is obtaining detailed yet psychologically appropriate testimony that can be verified through other evidence. In turn, investigative experiments, identification procedures, and searches perform the function of verifying, specifying, and supplementing previously obtained information, ensuring the establishment of the mechanism of committing the crime, the persons involved, the peculiarities of their conduct, and the connections between individual elements of the event.

An important concluding proposition is that effective investigation of violations of the laws and customs of war is impossible without the comprehensive use of investigative (search) actions, specialized knowledge, and forensic examinations. The combination of the results of examinations, interrogations, searches, digital documentation, and expert research ensures not only the establishment of individual facts of criminal offences but also the disclosure of the systematic nature of the relevant acts, the mechanism of their commission, and the role of specific persons. It is precisely this comprehensive approach that creates the necessary prerequisites for forming an evidentiary basis suitable both within national criminal proceedings and for use in international mechanisms of criminal accountability.

AUTHORS' CONTRIBUTION

All authors contributed equally to the conception, development, and preparation of this research. All authors read, critically reviewed, and approved the final version of this article for publication.

CONFLICTS OF INTEREST

Authors declare that they do not have any conflicts of interest.

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DATA AVAILABILITY STATEMENT

All data required to support the findings and conclusions of this research are included within the present paper.

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