



## TACTICS OF VERIFYING TESTIMONY AT THE SCENE OF A ROBBERY CRIME

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**Abstract:** The article analyzes the opinions and considerations expressed by scholars regarding the tactics of verifying testimony at the crime scene during the investigation of robbery. The author engages in a scientific discussion with the scholars' views on this matter. The verification of testimony at the crime scene is an effective and reliable means of evidence that eliminates the possibility of participants changing or retracting their testimony given during the investigation process when in court. The author has developed proposals and recommendations for verifying testimony at the crime scene in the investigation of this type of crime. It is substantiated that the verification of testimony at the crime scene should be carried out taking into account the specific features of robbery when conducting this investigative action.

**Key words:** verification of testimony at the crime scene, robbery, incident, testimony, suspect, video recording, evidence.

One of the effective methods of proving a robbery crime is to verify testimony at the scene.

The significance of verifying testimony at the crime scene lies in the fact that it is an effective and reliable means of evidence that eliminates the possibility of participants changing or retracting their testimony given during the investigation process when in court proceedings.

In this regard, L.Y. Drapkin's opinion is appropriate: "verification of testimony at the crime scene will not allow participants to subsequently change their will, as they 'tie' their previous testimony to the actual situation"[1].

Agreeing with these points, we note that the verification of testimony at the crime scene is aimed at obtaining more complete and reliable information about the incident. This investigative action is an effective means of psychological influence on a person to stimulate their emotional and intellectual memory.

According to I.V. Chadnova, describing a crime at the scene of its commission helps the perpetrator recall the details of the event more deeply, reconstruct the entire picture of the crime, discover new material evidence, and understand the real reasons and arguments provided by the perpetrator[2].

We support the opinion of I.V. Chadnova. Understanding the territory, objects, and objects is an important process in the process of verifying testimony at the scene of the incident. Because the person whose testimony is being examined performs many actions with the organs of vision and hearing to correctly form the image of the object. During the verification of testimony at the scene of the incident, the investigator transitions from the auditory method of information perception to the visual level of certain objects and places.

V.I. Belousov and A.I. Naturalar emphasize that this helps the investigator to perceive and understand the investigated phenomenon more deeply and comprehensively, to obtain the

most accurate ideas about the circumstances of interest to him in the criminal case, and to form real facts about the mechanism of the investigated crime[3].

The main purpose of examining testimony at the scene is to find objects, documents, traces, and signs known to the person whose testimony is being examined, and unknown to the investigator, inquiry officer, and court[4].

Based on this, it can be said that this investigative action is carried out only in the presence of evidence requiring verification and is aimed at obtaining additional information that should be assessed as true or false.

Verification of testimony at the scene of the incident is advisable only in non-conflicting circumstances, when the suspect admits his guilt and agrees to participate in the investigation. Otherwise, this investigative action may not yield the expected result. Because the person whose testimony is being verified may give false testimony and indicate circumstances that do not correspond to reality. This circumstance complicates the further process of the investigation.

As with all investigative actions in the investigation of robbery, it is advisable to verify testimony at the scene only after thorough preparation.

The main reason for the importance of preparation is the involvement of a large number of technical means and individuals to participate in this investigative action. Therefore, planning and preparatory actions must be carried out before conducting this investigative action.

In our opinion, it is advisable to carry out this investigative action only after resolving the following organizational issues: determining the composition of the participants in the investigative action; selecting the time for its conduct; selecting and preparing the necessary scientific and technical means, vehicles, auxiliary equipment; inviting witnesses; conducting briefings for the participants; determining the place where it is necessary to begin the verification of testimony at the scene of the incident.

A.A. Andreev, in his research, emphasized that "the person whose testimony is being examined at the scene of the incident should be questioned first or additionally," while V.N. Uvarov noted that "the examination of testimony at the scene of the incident should begin immediately during the inspection of the scene of the incident." At the same time, the fact that the investigator foresees the need for additional interrogation to clarify the information before verifying it at the scene of the incident is important in determining the further direction of the investigation"[6].

We agree with the opinions of both authors. If the victim's health condition allows for this, their presence during the inspection of the scene is advisable. This is especially important in the case of an unsolved robbery.

If the suspect (accused) is detained after committing robbery, he must be immediately interrogated and his testimony verified at the scene of the incident. Because later the suspect (accused) may abandon the idea of giving testimony.

In the course of our research, we found that the need to verify testimony on the crime of robbery at the scene of the incident may arise in the following cases:

firstly, when the inspection of the scene was conducted without the participation of the victim, that is, when the victim was hospitalized as a result of robbery, or when he was in a situation where he could not give true testimony due to the psychological and physical violence inflicted on him;

secondly, if the scene of the robbery has not been inspected, it is advisable to verify the victim's testimony at the scene. Because the victim practically shows the location of the robbery, what acts of violence were committed against him, what traces may remain in the indicated area, and in which direction the person who committed the robbery hid.

Article 352 of the Criminal Procedure Code provides for the mandatory participation of witnesses in the verification of testimony at the scene of the incident[7].

During the specified investigative action, witnesses must not only approach their procedural duties formally, but also deeply understand the purpose of the investigative action and remember the sequence of actions of the person whose testimony is being verified.

In law enforcement practice, there are cases of involving the same persons as witnesses when checking the testimony of several persons in one place or when checking the testimony of one person in several places. In particular, in a criminal case initiated by the Investigative Department under the Bekabad District Department of Internal Affairs under paragraph "b" of part two of Article 277 of the Criminal Code, the same persons were involved as witnesses in the verification of the testimony of the suspects Y., A., J., and T. at the scene of the incident. Witnesses confused their testimony regarding the investigative action in which they participated during the questioning during the trial[8].

In our opinion, when checking the testimony of several persons in one place, it is advisable to involve new witnesses each time. This same factor also applies to situations where one accused (suspect) indicates the places where they committed several robbery crimes, or when it is necessary to additionally and repeatedly verify their testimony. Although the law does not prohibit the participation of the same witnesses in several investigative actions, such a practice should not be allowed.

According to N.V. Vlasenko, witnesses, having repeatedly participated in the same investigative actions, can confuse the details of verifying one testimony at the scene with the details of another verification. Consequently, this can have a negative impact on witnesses during the investigation process or during questioning in court[9].

We agree with N.V. Vlasenko. Indeed, the witnesses must monitor all the proceedings, and subsequently, during the interrogation process, they may confuse the details of the verification with each other, which may cast doubt on the evidence obtained as a result of this investigative action.

This investigative action must begin shortly before reaching the scene. This method allows the investigator to assess the ability of the person whose testimony is being verified to indicate the route to the scene.

The results of the study of law enforcement practice show that when verifying testimony at the scene with the participation of a suspect, it is possible to clarify and record the following details of the crime of robbery committed by him:

verification of the testimony of the victim and witnesses at the scene of the incident, comparison of their testimony during the preliminary interrogation, assessment of the correctness of their testimony;

to identify similarities and differences in the testimony of several suspects, the ability to indicate a significant place or direction in the case is practically checked;

actions taken by each member of the group are checked and clarified. Their testimony is compared with the testimony of the victim and witnesses. Based on this, the participation of each participant in the commission of the crime of robbery is determined;

from which side the suspect, whose testimony is being verified, arrived at the scene of the incident and in which direction he hid;

The actual location of the traces, objects, and items found at the scene of the incident is clarified;

The method of committing robbery is demonstrated in practice to the participants of the investigative action;

Determination of the time of the robbery;

The conditions that contributed to the commission of the crime of robbery are established.

Cases of robbery are recorded by photo and video recording using technical means. Because, according to Article 91 of the Criminal Procedure Code, the process of verifying testimony at the scene must be recorded by video recording[10].

If possible, it is advisable for the investigator to familiarize themselves with the scene of the incident in advance to verify and clarify the testimony at the scene. Because the investigator has a clear understanding of the possibility and prospects of conducting this investigative action. In order to draw more attention to the person being examined, the investigator may establish "support points" for themselves in advance. Moreover, as a result of such an acquaintance, it will be possible to raise new questions for the investigator and obtain their answers through additional interrogation of the person whose testimony is being verified.

Thus, when conducting an investigative action to verify testimony at the scene of an incident, taking into account the above recommendations will be effective in obtaining and researching factual data to clarify the circumstances that need to be proven in the case, as well as their application in the investigation process.

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