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THE FORMS OF USING POLYGRAPH IN CRIMINAL INVESTIGATION OF UKRAINE

The majority of modern scholars are in favor of using polygraphs in criminal proceedings of Ukraine. However, there still remain uncompromising opponents of any possibility of such usage. The results of polygraph examination are rarely used in court. In majority cases they have only orientational meaning, head investigation into the right direction. In particular, polygraph is used for reducing number of people suspected in committing a crime, or establishing evidential value of the assembled evidences, finding locations of persons or things, identifying unrecognized bodies, detecting missing people, identifying place of residence of people, investigating undetected crimes of past years etc.

In following article author analyzes possible forms of using polygraph in criminal justice of Ukraine. The author comes to conclusion that the polygraph may be used as a support technical tool in operational-investigative activity and different investigative (search) actions, such as interrogation, presentation for identification, search, investigative experiment etc. But the most rational and effective form of polygraph testing is forensic examination. The author indicates that the polygraph can be used in various forensic examinations as a support technical tool (psychological and psychiatric examination), but mainly in form of independent – psychophysiological examination.

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THE ESTABLISHMENT OF PSYCHOLOGICAL CONTACT WITH THE CONDUCT OF INVESTIGATIVE (DETECTIVE) ACTIONS WITH FOREIGNERS

The issue of establishing psychological contact with the conduct of investigative (detective) actions with foreigners is particularly relevant for the study, since this category of persons conducting the investigation (investigation) of action is more com-

plex. Indeed, except for some procedural legal characteristics of investigative (detective) actions with foreigners should also pay attention to some of the psychological and general organizational characteristics that influence the tactics of investigative (detec-

tive) actions with such people. Thus, among these features should be made to establish psychological contact. It is the psychological problems of establishing contact with the investigative (detective) actions with foreigners will be considered in the article.

It should be noted that the tactics that are based on the need to establish psychological contact and psychological impact, must meet the requirements of selectivity. Such tactics are based on the methods of communication, persuasion, suggestion, managed mental states, an example of re-

flection, emotional infection, etc. Depending on the purpose of establishing psychological contact and procedural provisions of the person with whom you need to install the psychological contact can be used by different system of tactics. Such techniques can be used either singly or in the form of tactical combinations. Note that such tactics should affect only those persons that how - or conceals certain truthful information relevant to the case and to be neutral (no influence) disinterested persons.

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EUROPEAN STANDARDS FOR THE PROVISION OF FREE LEGAL ASSISTANCE IN CRIMINAL PROCEEDINGS: IMPLEMENTATION CHALLENGES IN UKRAINE

The article investigates the problems of implementation in Ukraine of European standards for providing free legal aid in criminal proceedings. The right to free legal aid has long been fixed in the Constitution of Ukraine and some special laws of Ukraine. However, to implement it in its entirety was not possible due to lack of consistent policy on legal aid funded by the state. The European approach to the issue of legal aid remains unchanged and is real inalienability of the right to legal assistance of his right to effective access to justice.

The author highlights the major international principles of providing free legal aid. Special attention is paid to the process of attracting defense counsel to provide free legal assistance to detainees. Providing of free legal aid is an important professional responsibility of lawyer. Everyone has the right to be given the necessary legal aid of lawyer in criminal proceedings. Everyone is free to choose the qualified lawyer. At the same time the responsibility for funding of legal aid should be assigned to the state.