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The problems of professional defense in criminal proceedings

Abstract: Current criminal-procedure legislation of the Azerbaijan Republic does not ensure the right to a defense.

Analyzed the system of defense from the criminal persecution, its elements, status of the criminal defense counsel, researched the collisions and gaps in the legislation.

Made proposals on amendments and additions to the provisions of law affecting the status of the defense counsel.

Keywords: defense, court proceeding, lawyer, status, rights of personality, limits of defense

Further to Article ("Art.") 7.0.27 of the Criminal Procedure Code of the Azerbaijan Republic (hereinafter referred to as "CPC"), the defense- is a procedural activity, which is implemented with a purpose of refutation or mitigation of the charges against the person accused of committing an offence under criminal law, defense of his rights and liberties, and restoration of the rights and liberties of a person wrongly subjected to criminal prosecution. The suspect or defendant, defense counsel and civil respondent are related to the defense party.

The right to a defense is ensured by international treaties, Constitution and CPC of the Azerbaijan Republic. Art. 19 of the CPC states that during the criminal prosecution the preliminary investigator, investigator, prosecutor and court shall take measures to guarantee the right of the victim, the suspect and the defendant to proper legal aid, including the right to have the assistance of the counsel for the defense before

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the detention or arrest, or before the first interrogation as the suspect or from the moment the charges have been laid, right to get the explanation of the rights, right to be provided with a reasonable time and opportunity to prepare the defense, right to be able to defend himself in person or with the aid of counsel for the defense chosen by him or, in lack of resources to pay for defense counsel, to receive free legal aid (12, pp. 17-18).

Further to above mentioned, the system of defense from the criminal persecution consists from the following interconnected elements:

a) main principles and conditions of the criminal procedure;
b) participation of the defense counsel and representatives
c) personal defense;
d) provision of rights.

The above listed elements of the different levels, some consists from the subsystems, but in a whole they form the system, intended to ensure the defense from the criminal persecution.

Further to Art. 92 of the CPC, only persons entitled to work as lawyers in the Azerbaijan Republic may act as a defense counsel in the criminal proceedings, which further to the opinion of various authors as well as ours, is not right, since from one side it monopolizes this activity, and from the other side contradicts main international documents, limits the right to a defense.

The CPC of several countries (Georgia, Russia and Estonia) allows the advocates without indicating their belonging, and in few cases- upon determination or ruling of the court one of close relatives of the defendant or other person, whose participation was motioned by the defendant, was involved as a defense counsel along with the advocate, which we consider more correct. It is necessary to note that the CPC of Azerbaijan, effective before 2000, foreseen the similar defense order.

Further to Art. 92.2 of the CPC, the suspect or the defendant may have several defense counsels. Failure of any of the defense counsels of the suspect or defendant to participate in conduction of procedural actions, where the participation of the defense counsel is obligatory, may not be a basis to consider these actions illegal.

Participation of the defense counsel in the criminal proceedings shall be ensured in the following cases: if this is required by the suspect or defendant; if the suspect or defendant cannot exercise the right to defend himself independently because of being dumb, blind, deaf, or having other serious speech, hearing, or visual disabilities, or because of serious chronic illness, as well as mental incapacity or other defects; if during

the criminal proceedings the mental illness of the suspect or the defendant worsens or if a temporary mental disorder is diagnosed; if the suspect or the defendant does not know the language used in court; if the suspect or the defendant is under age at the time of committing the offence; if the suspect or the defendant is engaged on temporary military service; if the suspect or the defendant is charged with an especially serious offence; if the suspect or the defendant is forcibly detained in a special medical institution (psychiatric hospital); if the suspect or defendant is in detention or the defendant is held on remand as a restrictive measure excluding the circumstances of refusal from the lawyer; if the criminal prosecution is brought after the time limit for prosecution has expired; if there is a contradiction between the legitimate interests of defendant and one of them has the defense counsel; if criminal prosecution is carried out concerning the person who has made act provided by the criminal law in a condition of diminished responsibility; if the suspect or defendant lacks legal capacity (12, pp. 94-95).

Some of the listed provisions, from our point of view, are represented incorrect. So, listing of all physical and mental defects excluding independent implementation of the right to defense, is impossible, as demands special knowledge and always there is a danger to miss any shortcoming or not to consider as that the circumstance revealed by a modern science.

In criminalistics literature it was fairly noted that we should discuss not the impossibility, but the completeness of independent implementation of the right to defense, thus in this regards the participation of the defense counsel should be obligatory in all cases of presence of physical or mental defects in suspect or defendant confirmed with the relevant medical data (references, epicrisis, conclusions, etc.) (9, p. 63).

A provision further to which the participation of the defense counsel is obligatory since the defendant is a serviceman of involuntary service, seems correct, however this category should also include the suspect military personnel.

According to Art. 92.4 of the CPC, participation of the defense counsel in criminal procedure is provided from the moment: when suspect or defendant require the defense counsel (on demand); when the person is questioned for the first time, when he is informed of the prosecuting authority's decision to detain him, of the protocol of his detention or of selected restrictive measure, or when the charges are brought (in case of physical or mental defects, doesn't know the language on which criminal proceedings are conducted, the minor is defendant of execution of gravest crime); when the person is diagnosed as ill or of diminished responsibility (if the mental illness worsens or a temporary mental disorder is found or the person made an act in a condition of diminished responsibility); when the decision on involvement as the defendant is issued

(if the defendant is a military man or limitation periods are expired); when the submissions of the prosecutor concerning placement of the suspect or the defendant in a special medical institution (psychiatric hospital) are considered in court; when the suspect or the defendant is detained or when the submissions of the prosecutor on the selection of an arrest as a restrictive measure are considered in court; when the charge against the defendant is examined in the court (in presence of a contradiction between the legitimate interests of defendant if one of them has the defense counsel); when it is established in an order of civil proceedings or criminal proceedings that the suspect or the defendant lacks legal capacity (12, pp. 95-96).

While implementing his/her authorities during the pre-trial proceedings, the defense counsel has the right to know the essence of suspicion or charge; to meet alone and have confidential communication with his/her client without restrictions on quantity and duration of conversations; to participate upon suggestion of the body carrying out the criminal procedure in implemented by it investigatory or other procedural actions, as well as in investigatory or other procedural actions conducted with participation of the defendant; to remind a suspect or defendant his rights and to attract attention of the person conducting investigatory or other procedural action to the violations of the law made by him.

During pre-trial proceeding the defense counsel also has the right to collect and represent to the body carrying out the criminal procedure the evidences, and also materials for their inclusion into the files of the criminal case; to challenge and motion; to object to the actions of the body carrying out the criminal procedure, and to request the inclusion of this objection into the protocol of investigatory or other procedural action; to study the protocols of the investigatory or other procedural actions which have been carried out with his/her participation and participation of the client; to submit remarks concerning completeness and correctness of entries in protocols of the investigatory or other procedural actions which have been carried out with his/her participation; while participating at the investigatory or other procedural action to request the inclusion of circumstances that should be noted into the relevant protocol; to undertake measures for collecting evidences for clarification of the questions having relation to the implementation of defense of the suspect or defendant (12, pp.97-98).

Besides, the defense counsel has the right to get acquainted with the decision of the body carrying out the criminal procedure, on appointment of examination and the relevant expert opinion, with the materials presented to the court by the body, carrying out the criminal procedure in order to confirm the legality and validity of detention, arrest and detention of the client, and from the moment of the completion of preliminary

investigation or termination of proceedings on the criminal case, to study the materials of the case, to make copies of necessary documents relating to the client; to receive information from the body carrying out the criminal procedure about the decisions affecting his rights and legitimate interests, and upon request to receive the copies of these decisions, including copies of the order on selection of a measure of restraint, on carrying out investigatory or other measures of procedural constraint, on involvement as defendant, on presentation of charges, and also the indictment and the statement of claim.

The defense counsel has the right to appeal against the actions and orders of the preliminary investigator, investigator or the prosecutor; to dismiss any complaint, except the complaint against the conviction (guilty verdict); to act for and on behalf of the client at reconciliation of the suspect or defendant with the victim, and also to have other rights provided by the CPC.

The content of the listed rights of the defense counsel, from our point of view, in some cases isn't provided with the corresponding procedures that, negatively influences a role of the defense counsel in ensuring the rights of suspects and defendants.

Thus it appears that the right of the defense counsel to participate in the investigatory or other procedural actions made with participation of the suspect or defendant is not properly regulated in the CPC, and this excludes its appropriate use.

Art. 232.2 of the CPC «Examination of the suspect» states that in the cases provided by Art. 92.3 of the CPC, the investigator is obliged to ensure the presence of the defense counsel during the examination of the suspect in advance. Similar provisions contain Art. 233 «Examination of the defendant», Art. 235 "Confrontation", Art. 236 "Inspection", Art. 239 «Identification of the person», Art. 240 «Identification of subjects», Art. 244 «The persons participating during the search or dredging», Art. 251 «Order of seizure on property», etc.

Meanwhile, the order of the notice of the defense counsel about the forthcoming conduct of investigatory action isn't stipulated in the CPC. As a rule, defense counsels are notified by the letter or by phone. However, it is possible to send the letter by mail, to deliver to the legal consultation by the end of the working day and pass for registration to the secretary, which will exclude timely participation of the defense counsel in the conduct of the investigatory action. By phone it is possible to discuss different issues, but draft the protocol on the notification of the defense counsel which will also exclude implementation of the rights by the latter (4, page 107).

Further to above mentioned, it is obviously necessary to add the CPC with the provisions regulating a notification procedure of the defense counsel, as well as to change the provisions concerning replacement of the defense counsel.

Thus, according to Art. 92.15 of the CPC, «… the pre-trial investigator, investigator or the prosecutor has the right to demand from the head of advocates' agency of respective territory the replacement of the defense counsel with other lawyer … if the lawyer selected as the defense counsel failed to appear within 6 hours after relevant detention or arrest of the suspect or the defendant in order to meet with this person and if the defense counsel fails to appear for a long time (no more than five days in each case) in order to participate in conduct of the investigatory or other procedural actions, the conduct of which is envisaged by the criminal procedure, and the body carrying out the criminal procedure has no more possibility to postpone the conduct of these actions» (12, page 102).

Meanwhile, according to Art. 232.1 of the CPC, examination of the suspect should be made immediately after his detention, and nobody will wait for five days for the defense counsel in order to conduct the inspection, search or other investigatory action.

Besides, from our point of view, requires certain changes and amendments also the provisions of the CPC in respect to the right of the defense counsel to collect the evidences, to study the decision on the appointment of examination, and relevant expert opinion, to make copies of the necessary documents relating to the client, to receive information from the body which is carrying out the criminal procedure about the decisions affecting the rights and legitimate interests of the client, to dismiss any complaint.

So, the CPC lists an exhaustive list of types of evidences (Art. 124) and defines that «…..collection of evidences is carried out by conduct of interrogations, confrontations, dredging, searches, inspections, examinations, presentation for an identification and other procedural actions» (Art. 143 of the CPC).

It appears that in given circumstance and also since «… admission of information, documents and other objects received with violation of the requirements of the CPC….. and with conduct of the investigatory or other procedural actions by the person, who had no right to implement these actions as evidences in the criminal case is inadmissible» (Art. 125 of the CPC), the right of the defense counsel to collect the evidences is not effective.

The CPC does not state when and which decisions on appointment of the examination and expert opinions the defense counsel is right to study, therefore this question should be specified.

Also, it is obviously necessary to amend the CPC and to allow the defense counsel to make copies at his own expense while studying the materials of the case of all necessary for him documents therefore the reservation regarding their relevance to the client, from our point of view, is incorrect. If the person appears in criminal case as a defendant even if there are many of them, all materials of the case have a direct relation to him.

The assertion about the right of the defense counsel to withdraw/renounce any complaint is the subject for particularization as well. Thus, it is necessary to mention in the CPC the right of the defense counsel to withdraw a complaint only after this matter is coordinated with the client.

It is prohibited to the defense counsel: to take any action which contradicts the legal interests of the client, including confirmation of his implication in the offence and guilt, admission of the civil claim against him, to refuse from participation in the legal proceedings conducted with participation of the client and to prevent him from exercising his rights; to disclose information known to the advocate due to provision of legal assistance if this information may be used to the prejudice of the legitimate interest of the client, except the receipt of information on planning or execution of a new crime, as well as to deny the arguments of the client during the consideration of the issue of defense counsel's responsibility over his inadequate realization of the defense.

The defense counsel has no right to refuse from the defense or to stop his authority as a defense counsel willfully, as well as to defend two or more defendants in case of contradiction of their legal interests; to prevent invitation or participation of another defense counsel in the criminal procedure; to delegate his authority to another person, to invite someone as a witness or expert without the client's consent, to announce the complicity of the suspect and the defendant in the incident or about the gilt of the suspect or the defendant in execution of a crime, or reconciliation of the suspect or the defendant with the victim, or to admit the civil claim, etc.

From our point of view, it is not correct prohibiting the defense counsel to refuse from the participation in procedural actions. First of all, this is a right of the defense counsel which cannot be at the same time his duty. Secondly, refusal from the participation in any proceedings might be a defense tactics. It is also necessary to specify the provision, further to which the defense counsel has no right to delegate his

authority to another person. The defense counsel may have several assistants and may delegate certain assignments to them, including under the power of attorney, but this doesn't mean that he turns the defense of the suspect or the defendant over to another person.

According to Art. 92.12 of CPC, refusal of the suspect or the defendant from the defense counsel shall be specified in the protocol. The preliminary investigator, the investigator, the prosecutor or the court accepts refusal of the defense counsel only if the suspect or the defendant submitted the application on their own initiative, voluntarily and with participation of the defense counsel, or the lawyer, which should be appointed as a defense counsel. Refusal from the defense counsel shall not be accepted if the suspect or the defendant is unable to pay for legal aid or in case of physical and mental defects, disease, under age, if the suspect or the defendant does not know the language used in court, incapacity, etc. and in such cases the defense counsel is appointed mandatorily or the authority of the appointed lawyer are remained.

From the time of refusal from the defense counsel the suspect or the defendant is considered as a person carrying out the defense independently. A person who has refused from defense has a right to change his position after his refusal accepted, at any time during the criminal proceedings before the beginning of the court examination of the case.

The preliminary investigator, investigator, prosecutor or court shall have no right to suggest the suspect or the defendant invitation of a certain defense counsel however they have to ask the head of lawyer's agency of the respective territory to appoint the defense counsel from among lawyers in the following cases:

a. If this is requested by the suspect or the defendant
b. if the suspect or the defendant has no a defense counsel in cases when participation of the defense counsel in criminal trial is mandatory.

A certain interest is represented by cases when the suspect or the defendant insists on appointment of the specific defense counsel, without having funds to pay for their work. Usually defense counsels referring to workload or other reasons refuse from such clients, however, from our point of view if the defendant submits the list of lawyers from which he wishes the defense counsel be appointed, refusal in doing this will be the violation of his rights, including the equality right.

The problematic issue is the right of the defense counsel to lie. It is positively stated in Art. 15 of the CPC that deception is forbidden during a criminal prosecution, however, the defense counsel doesn't participate in criminal prosecution, on the contrary, the defense counsel is defending from it.

In legal literature this problem is solved ambiguously. Thus, N. N. Polyanski in his "Truth and False in the Criminal Proceedings" wrote, that defense counsel does not have such right and that the defense counsel "must provide the court with all the arguments that speak in favor of the reliability of the evidence, even if he doubts in their authenticity" (7, p. 61). M.Y. Barshevsky mitigates this position, stating that: "The defense counsel speaks not the whole truth, but - the truth" (1, p.100).

A.A. Levi states the following: "Of course, in accordance with generally accepted moral concepts lie is not allowed, but there is also the concept of "white lie". There are also certain provisions of professional ethics, sometimes admitting fraud. So, no one will reproach a doctor who conceals from his patient the fact that the latter is not going to stay long in this world saying that he will recover soon, though there is no hope for it and the doctor knows that the patient is going to die, but tells him the opposite. In a war, deception of an enemy is not only denied, but moreover it is recommended and encouraged"… (5, p. 41).

R.S. Belkin in his latest book, "Criminal law: problems of today" stated: "Finally, it's time to openly admit that the state recognizes the validity of deception in law enforcement, it legalized the operational-investigational activity, which is largely based on misinformation, deception as a means of identifying and disclosing crimes. Cheating people opposing frontline officers is not considered immoral, without resorting to deception, it is impossible to infiltrate into the gang, caught red-handed bribes, extortion, etc. "(2, p.114).

It is interesting in this regard the statement of N.P. Khaidukova, who wrote: "If in the judicial -tactical situation, a contradiction arose between individual values and maintaining both of them in achieving socially important goals is not possible, then more appropriate and morally justified to be that tactical decision, which aims to preserve the most important values in this situation- just as a last resort legal action is: the injured less moral value in the order to prevent a harm to a greater value... If you are using methods and means of influence and contradiction arose between individual values and maintaining them in achieving both procedurally and tactically important goal is not possible, then a moral compromise would be advisable and morally justified to, i.e. such a tactical decision, which aims to preserve the most important values in a given situation "(16, pp.64-65).

"The conditions of admissibility of fraud are very narrow and quite brutal, but basically it should be recognized permissible" - concludes R.S. Belkin and we cannot disagree with him (2, p.114).

However, this is the way how the issue of the admissibility of deceit is allowed in the actions of an investigator, whereas decision regarding the actions of defense counsel is much more complicated. Thus, A.A Levy writes: "... Imagine a situation where two witnesses confirm the alibi of the defendant and the defense counsel knows that the testimonies of these witnesses are false and that his client is guilty. The fact that the defense counsel has no right to recognize his client as guilty while he is denying it is universally recognized, but can the defense counsel refer to the testimony of witnesses, the falsity of which he is aware of, that is, must he resort to lie? It is absolutely obvious that this cannot be done. One needs to somehow get around this issue while not recognizing his client guilty and not to refer to the testimony of these false witnesses "(5, p.43).

Since this statement is difficult to accept, because it is, in our view, dilutes the essence of defense. It seems that fraud in the defense is admitted, both in the form of non-disclosure of a certain information, and messages of false information, which, however, must be accompanied by a number of conditions.

As is known, the deceit and lie is interpreted as intentional distortion and hiding of the truth, a lie, a false representation, etc. (6, p. 282, 367, 378).

In Art. 15 of the CPC it is stated that a criminal prosecution may not obtain evidence through deception or other unlawful acts that violate the right of the interrogated person. Thus, by law the fraud is attributed to illegal activities.

However, the lawyer (defense counsel) does not carry out a prosecution. According to Art. 38 of the CPC this responsibility is assigned either to inquirer, investigator or prosecutor.

In addition, the execution of the interrogation, confrontation, on-site checking and other investigative activities are the prerogative of the inquirer, investigator, and prosecutor as per relevant provisions of the CPC (Articles 232, 233, 235, 236, 238, 239, 260, etc.) where advocate can simply participate.

Information transmitted by the defense counsel during his participation in the investigation to other participants is not evidence, because according to Art. 126.1 of the CPC evidences are oral and written information provided by the suspect, defendant, victim and witness to the body carrying out the criminal proceedings. According to Art. 7.0.5 of the CPC authorities conducting criminal proceedings, are the bodies of inquiry, investigation, prosecution and the courts in charge of the criminal case where the criminal case or other materials associated with the criminal prosecution are processed.

This is one side of the issue - procedural, analysis of which suggests that the procedural (statutory) prohibition of deception for the defense counsel does not exist.

As you know, suspects and defendant, except for defendant wittingly misleading denunciation, do not bear criminal responsibility for perjury. In some cases, the content of their testimony is formed with the participation of a defense counsel, who voluntarily or involuntarily has to participate in their adjustment. This is preceded by the definition of a general position of the defense, which can vary in the following ways: a) complete denial, and b) partial admission, and c) full admission of the charges.

We speak of variations, as in certain stages of the process a complete denial of the charges can go into partial admission, whereas full admission - into partial or in total denial, etc. Accordingly, the content of the testimony will change or will be refused at all.

According to Art. 91.5.17 of the CPC the defendant has the right to accept or not to confess guilt, i.e. he himself defines the position of defense, but in some cases a lawyer takes a direct participation in this process.

Typically, an experienced attorney does not impose his opinion on his client, and after having analyzed together with him all "pros" and "cons" and explaining in general terms the possible consequences, proposes the latter to decide on the position of the defense.

In the cases where a form of defense is chosen as refusal to testify or full admission of the charges, more and less the situation is clear. The situation is more complicated with full or partial denial of the charges through provision of testimonies.

In these situations, the lawyer may or may not know about the quilt of his client, believe or not to believe in the veracity of his testimony, but nevertheless he must participate in formation thereof.

Let’s try to understand the circumstances where a lawyer participates in the formation of the testimony using specific example, and thereby address the question of the admissibility of the deception in the actions of the defense counsel.

In a meeting with a defense counsel in a temporary detention area the suspect concisely outlined for attorney the content of alleged testimonies, which is based on the denial of possible charges.

The "Legend" of suspect contains apparent contradictions, which were indicated by attorney to the client. After that, the suspect asked the defense counsel what he should testify in this case and received a reply in the form of alternative proposals. In particular, the defense counsel explained that, in the event of denial of certain circumstances, a suspect can be confronted with the witness, during such confrontation every party can confirm his statement, but it is possible that the witness may provide information that was not previously known. This creates the risk that the suspect may

get confused and admit the denied facts, and even confess. Similar explanations were provided in other situations.

Thus, the lawyer actually took part in the formation of false testimony, but if otherwise the client would have refused his services.

The loss of clients and professional credibility, again entailing financial insolvency, is a significant, but not the most important factor in the debate about the right of the defense counsel to lie.

In our point of view, as noted above, the deprivation of the defense counsel of criminalistics tactics, which are an integral element of deception, dilutes the essence of defense.

In legal literature it is quite fairly pointed out that there hasn't been and wouldn't be any means, recommendations, combinations and so on in criminal tactics, which were not based on deception and lie. "The history of criminalistics tactics, especially the Soviet period thereof is characterized by unsuccessful attempts to find a moral justification for the permissibility of lie and deceit, or camouflage of the synonyms that, in any case, it is doomed to failure, because was in a vicious circle of interrelated concepts and provisions of the Jesuit "(10, p.94).

However, it should be noted that, as was fairly pointed out by M.S. Strogovich, deceit and lie, presented in a particularly sophisticated form do not cease to remain as such but become more qualified and immoral (8, p.20).

A similar view is held by N.G. Hajiyeva, which, however, permits the withholding of information as a legitimate and ethical method of defense (3, p. 21-34).

Summarizing the above we can state that criminalistics tactics is an integral part of the defense whereas deceit – is an integral part of criminalistics tactics. Limits and forms of its use by the defense counsel depends on the latter's moral qualities, application of which will allow to claim about tactical abilities, falsehood and immorality.

Bibliography

1. Barshevsky M.Y. Legal ethics. M.: 2000, p. 246
2. Belkin R.S. Criminalistics: today's problems. M.: Norma, 2001, p. 240
3. Hajiyeva N.Q. To lie or keep silence: problems of defense in the criminal proceedings. Science in the activity of law enforcement authorities. Materials of the scientific-practical Conference. Baku, 2005- pp. 21-34

4. Commentary to the Criminal Procedural Code of the Azerbaijan Republic". (Part I). Under edition of Suleymanov D.I. Sbornik Nauchnix Statey. Baku, Tefekkur ИПЦ, 2004, p.120
5. Levi A.A., Iqnatyeva M.B., Kapitsa E.I. Features of the preliminary investigation carried out with the participation of a lawyer. M: Yurlitinform, 2003, p.128
6. Ojeqov S.I. and Shedov N.Y. Russian dictionary. M., PAN, 2000- p. 944
7. Polyanski N.N. Truth and False in the criminal proceedings. M.: 1927, p. 306
8. Problems of the legal ethics. M., 1974- p. 200
9. Radjabova T.F. Participation of the defense counsel and legal representatives in ensuring the rights of suspects and defendants. Nauka i obrazovaniye , No: 2, Baku, 2003, pp. 60-73
9. Suleymanov D.I., Shiraliyeva S. D. False and lie in the criminalistics. Sbornik nauchnix statey, Nauka i obrazavaniye, No:7, Baku, 2004, pp. 92-103
10. Criminal Procedural Code of Azerbaijan SSR, AQI, Baku, 1987, p.288
11. Criminal Procedural Code of Azerbaijan Republic. Baku: YL, 2001, p. 568
12. Criminal Procedural Code of Georgia Republic., Kodeks.net,Tbilisi, 2009-p. 399
13. Criminal Procedural Code of Russian Federation. Os-89, Moscow, 2006-p. 262
14. Criminal Procedural Code of Estonia Republic. B-info, Tallinn, 2008-p. 307
15. Haydukov N.P. Tactical-psychological basis of the impact of the investigator on persons involved in the cases. Saratov: University of Saratov, 1984, p. 124