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JUDICIAL EXPERTS: LIABILITY IN JUDICIAL EXAMINATION

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In conducting a comprehensive examination commission or experts - members of the committee may consult with each other. In case of disagreement with the opinion of colleagues during the examination of an expert commission may give a separate opinion, in case of complex expertise - just sign their results of the research.

If an examination conducted by an expert who does not work in a specialized state expert institutions, he is entitled to receive remuneration and reimbursement of expenses during the examination.

The expert shall have the right conclusion and answer questions during interrogation in the native language as well as writing and answer the questions that are put in the interrogation. Judge may make statements which should be entered in the minutes of the interrogation or other investigative action, in which the expert is involved, on misinterpretation of his opinion or testimony and make comments about the supplement and refine the protocol of investigative action.

The expert has the right to lodge complaints against the actions and decisions of the investigator in charge of the case, and the head of the expert institution (department), if these actions violate the law or procedure of a court expert examination.

If there is a real threat to life, health, home and property expert may require security to him, members of his family or close relatives.

Expert forbidden under threat of criminal charges of knowingly giving false testimony [3; 4].

An expert can examine objects not listed in the resolution of an examination. However, if an expert in the study, found objects that are on the other, in the order specified nredmetah - sows (eg, microscopic on the clothes of the victim or instruments of crime), he is entitled to investigate them.

As the forensic expert is not subject to proof, he is forbidden to independently gather the materials needed for the examination, but not presented in due course. This does not apply to the case where the samples for comparative studies expert selected by the expert from the experiment for examination of objects, such as from firearms, cutting tools and more.

To substantiate the findings of the expert may not use information or materials from non-procedural sources, for example, according to the investigator.

Expert forbidden to address issues beyond its competence and without appropriate mark to change the original wording of the resolution of issues in their presentation to conclusion.

Forensic expert forbidden to divulge details of pre-trial investigation, including medical treatment, which became known to him as a result of the examination.

To avoid doubt on the objectivity of the expert it is forbidden to have contact not provided procedures for the examination of the accused (suspect), victim, plaintiff, defendant and other interested parties in the case.

Employees of state forensic institution is not entitled to:

- a) examine, without the written instructions of the head of the expert institution (unit), excluding examinations entrusted to the expert investigator immediately after the examination in which he participated as an expert, and examinations are held during the trial;
- b) to perform forensic activities as private experts;
- c) keep criminal cases, the subject of the examination and the evidence and documents, which are subject expertise beyond the business premises [1; 2].

Forensic expert criminally responsible:

- 1) by knowingly giving false conclusion, that is, shew -mo false statement about the presence or absence of any facts that are the subject of examination (Article 384 of the Criminal Code of Ukraine);
- 2) for the refusal of a person who acts in a case as forensic expert from giving an opinion without good reason (Article 385 of the Criminal Code of Ukraine). This liability is the case referral expert unmotivated message impossibility giving an opinion;
- 3) the disclosure of data of the preliminary investigation or inquiry that became known experts in connection with the examination (Article 387 of the Criminal Code of Ukraine).

Administrative responsibility for centuries. 1853 of the Code of Ukraine on Administrative Offences following the fraudulent evasion expert to appear before the investigating authorities and the courts.

Disciplinary liability experts - employees of state expert institutions (departments) provided for violation of examination and unfair attitude to their duties that do not involve criminal or administrative liability and disciplinary action include:

- Prevention;
- Suspension of the certificate of qualification forensic expert;
- Cancellation of certificate of qualification forensic expert;
- Reduction in rank forensic expert. Freelance expert agencies admitted for disciplinary violations may be dismissed as a freelancer.

Conditions precluding the possibility of assignment knowledgeable person examination

Knowledgeable person can not act as a court expert in a criminal case in the following cases:

- 1) recognized in accordance with the law incapable;
- 2) has been convicted;
- 3) a relative of the victim, the accused, the suspect, the investigator, the person conducting the inquiry [4; 6];
- 4) the victim, civil plaintiff, civil defendant, their representatives or witnesses;
- 5) participate in the case as a prosecutor, defense counsel, interpreter, witness, investigator; inquirer;
- 6) is in service or other depending on the accused, the victim;
- 7) personal or family directly or indirectly interested in the outcome of the case, which may give rise to doubts about the objectivity;
- 8) was the auditor who conducted the audit, which served as the basis for criminal prosecution. A similar claim is presented to knowledgeable individuals who participated in various official audit and investigative audit and documentary checks, assisted living person as a result

- of conduct which formed the basis of their material to a criminal investigation [5; 7]. Reported claims guarantee compliance with the principle of objectivity and impartiality in the investigation of a criminal case;
- 9) is the expert who conducted the initial examination in respect of which the examination is repeated.

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