

Genesis of interrelations of criminal procedural and criminalistical proving

Abstract: There observing the objectives of crimes' proving in criminalistics, which studies as regularities of appearance, collection, investigation, evaluation and using of the evidences so based on cognition these regularities instruments and methods of their judicial examination, and also preventing crimes.

Process of knowledge extraction like a basis of proving is a result of reflective processes. Theories of reflection and doctrines about fixation of evidential information are criminalistical component of proving theory.

Criminalistical activity is carried out in frames of procedural proving and directed to establishing and investigating of the traces-reflections committed criminal deed.

Criminalistical activity on proving is wider of its volume than procedural one as a subject of criminalistical cognition is a system of reflections of crime and criminal behaviour.

Keywords: criminalistics; criminalistical proving; criminal procedural proving; process of cognition; traces-reflections; collection (receiving), checking and evaluation of evidences.

As it known, history of most legal sciences dates to the first types of states and law, which had appeared as result of decaying of primitive society.

First serious violation of established by state rules whether it be customs or laws – first crime – caused necessity its investigation, establishment of identity of

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criminal, proving of guilty, circumstances, mechanism and reasons of deed committed.

Not considering possible from conformist reasons to ignore a principle of historicism as peculiar benchmark an author takes judicial reforms of Russia of 1864 like critical moment transmission from inquisitional process to adversary one.

It seems that laid in reforming legislation provisions and principles, and also ideas, which reproduced in fundamental works of the famous scientists of that period – L.E. Vladimirov, V.D. Spasovich, I.Ya. Foynitsky, N.N. Rozin, D.T. Talberg, V. Sluchevsky, A.F. Koni and others influenced not only on development of criminal proceedings and system of evidences in pre-revolutionary Russia, but also have become as base of designing of similar system in Soviet Union, and also at stage of modern history of Azerbaijan Republic.

It presents that before indicated reform, criminal process and system of designing of evidences under production of justice have passed in Russia and also in Azerbaijan the same stages like in Western Europe.

So, according to the Codes of Laws (Sudebnik) of Ivan Third of 1497, main methods of proving were search and torture. Code of Czar (Ulozhenie) Aleksey Mikhaylovich of 1649 was fixed searching order, which had finally displaced the elements of adversary process. This order acted in legislation of Russia up to judicial reform of middle of 19th century. Simultaneously undertaking attempts of liberalization of process through dismissal of tortures and body punishments did not change a core of this process, which had remained closed not only for community but also for participating parties of it.

In addition, we should establish that despite above indicated circumstance, matters of proving gradually became dominating in criminal process of Russia. So, first criminal procedural law of Russian Empire of 1832 named “About judicial proceedings on crimes”. According to this law, the police was obliged to collect evidences, disclosure and conviction of guilty, had ordered conducting investigation as soon as possible, completely and clearly [29, p. 65].

New Judicial statute of 1864 separated judicial power from executive one, formed classless courts and entered competitive judicial process with clear procedural distinction of proving functions of crimes and their judicial resolution.

Article 260 of Statute of Criminal Proceedings says that judicial investigator has timely to accept measures for collection of evidences and not to allow any delaying in discovering and saving the traces and signs of crime, which might be lost [1, p. 9-10].

Leading scientist – specialists in procedure that period tried to complete having gaps in lightning of the problems of proving and evidences and to build streamlined system of evidences.

In his classic work “Doctrine on criminal evidences” L.E. Vladimirov determined the latter like “any fact having assignment to call in court conviction in existence or non-existence any circumstances, which determine a subject of judicial research” [9, p. 71-72]. Author gave a definition of criminal judicial reliability, contoured common terms of evidences’ presentation, determined a list of evidences etc. [9, p. 111-206].

These matters was considered by V.D. Spasovich under slightly other angle of view, who in his “Theory of judicial criminal evidences” had for first time undertaken an attempt of researching of problems through prism of criminalistical science [27, p. 16-19].

In soviet period, article 111 of CPC of RSFSR of 1922 in new edition of 1923 required from investigator to make clear and investigate evidences like proving guilt and justifying of accused person, and also all circumstances, aggravating and mitigating level and nature his/her responsibility [1, p. 4-5].

Priority of matters of proving has clearly expressed in basis of criminal proceedings of Union of SSR and union republics of 1958 and CPC of Azerbaijan SSR of 1960. These documents determined the objectives of criminal proceedings (art. 2): quick and completed disclosure of crimes, proving guilt and providing of correct application of law so that any committed crime was subjected to just punishment and none innocent was brought to criminal responsibility and sentenced [31, p. 5-6].

At the same time, we should note that in soviet period initially developed procedural theory of evidences, in which, if to speak in common features, proving had directed to formal logic research of evidences. Later, awareness of exceptional significancy of processes of proving had led to forthcoming transformation of theory of evidences into procedural theory of proving, in which for disclosure, fixation, checking and assessment of evidences had also been used main logic operations.

Let's try to watch how the matters of proving crimes in criminalistics were used at this stage. Therefore, we should note that studying of the matters of proving are in closest way crossed with problem of determination of a subject of criminalistics, and consequently we will consider more significant, in our opinion, definitions.

So, in 1940 criminalistics was determined by B.M. Shaver like a science on techniques and methods of detection and research of evidences using for disclosure of crime, detection and identification of criminal.

In 1950 A.I. Winberg determining a subject of criminalistics was saying not only about cognition of ways of crime's commission but also about technical and tactical techniques and instruments of detection, collection, fixation and investigation of judicial evidences [8, p. 19-20].

In middle of 60th of past century R.S. Belkin and Yu.I. Krasnobayev came to conclusion that basis of criminalistics' subject consists a group of regularities, which are studied with it, and just "the regularities of appearing of judicial evidences and regularities of their detection, researching, assessing and using" [4, p. 90-94].

Later, the definition was improved by R.S. Belkin. He pointed out that criminalistics studies not only regularities of appearing of judicial evidences and regularities of their detection, researching, assessing and using of evidences, but also instruments and methods of their judicial examination, and preventing crimes [20, p. 14-15].

In 1966 there was published a work of R.S. Belkin "Collection, research and assessment of evidences" dedicating to formation of the basis of criminalistical methodology of proving. In this work R.S. Belkin came to interpretation of collection, research and assessment of evidences from position of common theory of

cognition: in exact compliance with one of the definitions he had applied the principles of formation of scientific view to cognition's process like in science of criminalistics so in practice of using of achievements of this science [4, p. 11-69].

In 1966 monograph "Criminalistics and proving" was published by R.S. Belkin and A.I. Winberg, in which was shown presence of indissoluble connection of theory of evidences and criminalistics. This confirmed that theory of evidences cannot substantially be developed in separation of criminalistics science. The authors were theoretically substantiated a necessity to distinguish the notion of evidences from activity of their collection, research and assessment, i.e. from activity on proving and it has been proved that activity on proving cannot be carried out without application of special criminalistical methods [5, p. 111-160].

This matter was lighted by other scientists in different way. So, according to I.F. Panteleev, a role of criminalistics is to determine the regularities, which characterize a process of crimes' disclosure [17, p. 7]. N.A. Selivanov considered this in establishing of regularities of appearing, collecting and using of crime's traces [19, p. 6], V.Ya. Koldin – in determination of the regularities of movement of criminal relevant information under commission and investigation of crimes [21, p. 4], and V.A. Obraztsov – in researching of regular particularities of crimes and some other phenomena, which linked with them, and also regular particularities appearing as result of information's reflection [18, p. 24].

In addition, in our point of view, despite a fullness of opinions, there is no until now a clear (systemic) differentiation in correlation of criminalistics and criminal process in part of evidences and proving. This question became a reason of serious discussions, being intensified in 1977 as soon as A.I. Winberg brought a provision, according to which a science of criminal process in part of collecting and researching of evidences, cognition of appropriate regularities (theory of evidences) consists a chapter of a science of criminalistics and therefore should be studied in frame of the latter [7, p. 75].

According to justly notice of O.Ya. Bayev, the matter, which is considered in this aspect, might commonly be determined in form of dilemma: either theory of

evidences or criminalistics, or both criminalistics and theory of evidences. Purpose of researching of informational regularities of evidences' theory – this is registration of evidences' theory and results of their manifestation in appearing and developing of norm of evidential law, its institutes and systems. On this base evidences' theory researches a process of proving like a dynamic system of legal relationships, which are regulated with principles and norms of criminal procedural law.

However, procedural relations and procedural institutions do not cover and in principle cannot cover of all aspects non-invariant activity on collection, investigation, usage and assessment of criminally relevant information. Therefore, an opinion has formed among the specialists, according to which appearance of criminalistics, its development has been substantiated with necessity of cognition of means and methods, structure of informational cognitive activity in this specific area, and first of all – regularities laid in its basis. Other words, criminalistics was seen like a science, which studies regularities of appearance, saving, processing of information under proving, but studying them in other purposes than theory of evidences, i.e. in purposes of optimization of means and methods of informational cognitive activity under judicial examination of crimes [2, p. 126-129].

Certainly, as it is noted by many of authors, in actually proving process includes few aspects of human activity: cognitive, communicative and testifying.

All aspects of this activity are forming a system, which is a new activity – proving [4, p. 171-175; 6, p. 117-118].

A process of extraction of knowledge like a base of proving is a result of reflective processes since an event of crime, being reflected in environment, leaves the traces there, which carry information about happened situation, and they are correctly reflected in conscious of an investigator. On the base of imaginations about the fact that from epistemological point of view traces of crime are all changes of environment, which have appeared in result of commission of crime in it, in procedural science became possible to concretize a structure of cognitive processes [10, p. 61-62].

Wherein, one should take into account that traces are not yet evidences and in order to be such they should first be perceived by a subject of proving, reflected in his/her mind, processing by him/her and are fixed in materials of case in such changing form [11, p. 176-177]. Result of special cognitive communicative activity of a subject of proving constitutes a content of process of evidence's formation with positions worked out with criminalistics. Along with this, one should remember that criminal procedural law regulates not methods of cognition, but only a form of their application. Just therefore in process of proving criminalistics is assigned a system-forming, constructive role. All this provides necessity to research not only internal construction of investigative actions from point of view of efficiency their conducting, but also internal construction of process of proving like a basis of procedural cognition [14, p. 76-79].

In our point of view, there is no doubt that classic provisions of theory of criminalistical identification, theory of reflection and doctrine on fixation of evidential information are the basis of criminalistical component of proving theory. Wherein, being realized that researches of separate investigative actions in these purposes of more effective extraction of necessary evidential information is not sufficient, criminalists worked out provisions of method and tactics of conducting investigation on various categories of criminal cases, and also means and techniques of more effective search and fixation of criminalistically significant information [15, p. 17-19].

Research of proving from point of view of studying it like a process of collection, research, assessment and usage of evidences, and also appearing in course of this regularities and interdependences, determination of method and tactics of activity of proving subjects in investigated direction of criteria of studying of the process, which are suggested with procedural theory of proving.

However, one cannot create universal theory of proving, which would allow solving all problems in this, on core individual and specific activity, invent some universal formula its application, give to practical employers a key to disclosure of any crime.

In addition, researching of regularities of proving process not only in borders and positions worked out with criminal procedural science but in aspect of the last achievements of criminalistics like a science studying informative side of proving activity – this is urgent needs of present day.

Activity of a subject of proving on search and research of actual data, which is related to object of proving and investing them in appropriate procedural form, is associated in legal science with criminal procedural activity. In great extent this is fairly.

Notion of “activity” in criminalistical science is mainly identified with the notions of “criminalistical means”, “criminalistical techniques”, “criminalistical research”, “criminalistical methods”, “criminalistical providing of proving process” etc. In this context, technical criminalistical providing of investigated process is considered like a systemic formation, organizational tactical on a core and legal on a form [13, p. 100-109].

Any activity is determined like substantiated with social relationships the purposeful thought and action of person, inherent to it. Necessary constituent elements (object, goals, motives, means) give each its kind certain content. Activity of specific man is a single, but it, like activity of a group of people, has various aspects [22, p. 29-31].

Proving is related to one of the kinds of social activity. Application of provisions of theory of activity under carrying out proving has an important significance as in its combination allows: a) to use systemic structural analysis for detection of all elements, stages, directions and structure of activity on proving, which characterize the functions of the bodies and persons involving in combat to crimes; b) to study the particularities of structural elements and sub-kinds of investigated activity with purpose of providing effectiveness their functioning, ordering, and also improving interaction of all subjects of proving; c) to separate all constituent elements of activity – actions, their correlation – and to determine a role of each in proving process [23, p. 110-112].

In addition, speaking about actions of proving subject, one cannot assert that in course of production of any investigative action, he/she purposefully divides his/her

actions into procedural and criminalistical ones. In this context, as it above noted, criminalistical component of activity on crimes' proving, according to established view, it is mainly associated only with necessity of maximal effectiveness of conducting on investigative actions or procedural fixation of discovered information about the facts.

In connection with stated one cannot not note that production of any investigative actions from point of view of procedural form, methods and tactics of their conducting in most cases have an established and changed nature, actually directed to maximum extraction of necessary evidential information.

We may assert that criminalistical activity in context of stated has been directed in establishment and research of material and ideal traces-reflections of crime, which are necessary for fulfillment of procedural proving and natural way implemented in its core. Criminalistical activity might simultaneously be considered from the two sides: like a form of realization of special criminalistical knowledge in process of proving and like an independent criminalistical method of cognition of the truth in process of criminal proceedings [26, p. 99-100].

It is clear that there is no any particularly criminalistical activity, which is differed from procedural one and existing independently, therefore it absolutely seems unfounded the attempts of some authors to differentiate artificially the procedural activity from criminalistical one [15, p. 168-171]. The latter is seen like activity directed to establishing of circumstances of investigated case, and procedural one – to disclosure of persons guilt in commission of crimes, and substantiation of accepted decisions on a case [15, p. 169-173]. There is criminalistical activity, which fulfilled in frames of procedural proving and directed to establishment and research of traces-reflections of committed criminal deed. It is carried out in compliance with principles and methods developed by criminalistics like a science, which studies crime and criminal activity on their traces-reflections in material environments, testimonies and documents. It seems that we have to speak about establishment of a core of this activity, determination of its special principles, stages, algorithms of

conducting in structure of procedural proving of crimes, i.e. in process of achievement of objective truth in frames of criminal proceedings [24, p. 19-21].

Thus, one may assert that category of activity is the very important in a system of criminalistical knowledge since main objects of theoretical and practical research of criminalistics are acted the traces-reflections of material structure of system “crime”, establishment of which is possible only in result of activity of proving subjects directed to extraction, research, checking, fixation and assessment of these traces with purpose of providing of efficiency of procedural proving.

Since crime should be considered like a systemic formation then an activity on establishing of traces-reflections of crime is a system of subjects’ actions of proving on establishment and investigation its structural elements, links between structural elements and their functioning and also with development. With considering the fact that in cognitive activity is mandatory involved a subject of this activity with his/her goals, methods and means, then the result is knowledge in form of created algorithm of functioning of investigated system. Carrying out of this activity has to come to achievement of concrete aim – designing of criminalistical models of activity on proving crime and criminal behaviour of guilty persons and realization of them in process of criminal procedural proving.

In our point of view, cognition and proving are the components of one process and can be clearly differentiated only conditionally. But, a subject of criminalistics might not be equaled to a subject of criminal process and none of its stages. Criminalistical activity on proving is in great extent empiric component of the process, which is considerably wider on volume of the procedural proving as a subject of criminalistical cognition is a system of reflections of crime and criminal behaviour, which creates owing to integrated activity of number of subjects participating in proving process.

Thus, one may establish that criminalistical on a content systemic cognitive and communicative activity of subjects of proving process, which is directed to creation of criminalistical models of proving of the fact of crimes’ commission, on a core is a fundamental principle as a subject so the process of criminalistical proving, which

constitutes an empiric base of procedural proving. Integrated activity of creation, in turn, presupposes a creation of complex construction, constituted parts of which have to be the results of joint activity on establishing of combination of the elements of criminalist structure of crime and criminal activity, which is realized by all subjects of proving in all stages of combat to criminality.

In this connection, there is presented necessary more detailed researching and concretizing of a role of criminalist proving in common process of criminal procedural cognition, its subject, structure, content, stages and particularities.

Speaking about criminalist content of proving process, we should first of all determine what should be understood under the stages and content of this process from point of view of procedural law.

A matter on the structure and content of proving process is a disputable in theoretical literature and presented to be undoubted interest for practice of law enforcement bodies [25, p. 71-72]. Typically proving process is considered to be like collection, checking and assessment of evidences [11, p. 11-13].

Some authors subdivide proving process in: collection, fixation, checking and assessment of evidences; detection, collection, fixation, checking and assessment of evidences; bringing versions, collection, checking, assessment and substantiation of conclusion etc. [15, p. 126-129].

In this connection, we believe that it is necessary to touch in brief those provisions of classic theory of proving, which characterize this process from point of view of the stages stipulated in article 138 of CPC of Azerbaijan Republic.

First of all, we should note that in criminalist literature is formed certain point of view into the main methods and means of collection, checking and assessment of evidences. Wherein from criminalist point of view the latter is single acts of cognition (or proving) of sought actual data, which are a combination of the elements, necessary for designing of criminalist structure of a system of “crime”. In this connection, it is impossible not to mention about main purposes of activity of the subjects of proving, which according to an opinion of most part of

authors, characterize a content of indicated procedural stages – collection (receiving), checking and assessment.

In literature a collection (receiving) of evidences is presented to be as complex notion, which includes their disclosure (search, detection), receiving, fixation and saving. Like it is noted by A.R. Belkin, A.N. Kriger and A.I. Barsukov, one can possible collect only those that has disclosed, found and became known to a subject of proving. In this stage a subject of proving has actually a matter not with evidences, but with actual data, which according to him/her might be evidences, i.e. with traces of an event not having yet procedural status of evidences [3, p. 61-62; 16, p. 79-80].

In this stage is discovered evidential information, carries out its transmission and accumulation. In dependence on used method of cognition are changed the ways of information's movement, a circle and role of those factors, which determine an opportunity and level of its distortion in course of transmission [3, p. 62-63].

Fixation of evidences consists on reflection at various carriers of received information in order, which established by law. Further this allows considering them as evidences on a case. Moreover, criminalistics makes accent not on “procedural testifying and documenting of collected evidences” or fixation of the evidences in established procedural forms, but in indication of objects of fixation – mainly in material formations, and also in means and methods of fixation [3, p. 63; 28, p. 84].

Being by constituent part of cognition, a fixation of evidences presents a complex of the actions and judgements of preliminary nature, in result of which a subject of proving selectively transfers data into the carriers of information, which might be significant in evidential relation.

Determination of information's volume, its relevancy and admissibility at this stage has also preliminary character [3, p. 69].

Procedural order of fixation should be regulated by law, and its absence is considered to be deficiency. However, today's development of sciences increases the ways and kinds of fixation and it is difficult to foresee everything in law. Consequently, it should be determined common, but clear rules.

Evidences are needed in order to use them in process of proving. But, they should be researched before using: to determine a content, to check reliability of existence those actual data, which consist this content, to define relevancy and admissibility, correlation with other information of a case [3, p. 75; 13, p. 96-97].

Checking of evidences is one of the important elements of researching and is concluded: in analysis, studying of a source of evidences on a content and reliability containing information in it; in clarification of relevancy and admissibility of evidences; comparison with other sources of evidences and the evidences in purpose of determination of compliance them of each other; special checking actions with purpose discovering new evidences, which confirm or refute reliability of available [14, p. 66-69].

Assessment of evidences is a thought process, which allows determining availability and nature of links between evidences, a role, significance, sufficiency and ways of using evidences for establishing of the truth.

Aim of evaluation is to clarify: in what connection is the evidence with other collected on a case evidences, what character and significance of this connection; what importance of this evidence and combination of the evidences for discovering the truth, whether this combination is sufficient grounds for recognition to be proved these or other circumstances of a case, for making these or other procedural decision on a case; how might be used this evidence in course of further proving [14, p. 169-178].

Concepts, determining of procedural stages of proving, might be related from various positions, may increase number of points of views at this matter, but a core will remain unchangeable: theory of proving researches this process like collection, checking, assessment and using of actual information, which are fixed in appropriate sources of evidences.

Let' try to light those aspects, which have attitude to criminalistical content of proving process like a permanent combination of proving processes going on all stages of combat to criminal. Along with this, once more should be noted that studying of this matter has, at first view, slightly conditional nature as mechanical

division of proving process into the two constituent parts – procedural and criminalistical is wrong in both of scientific and practical points of view. This is the same that to divide philosophic categories of form and content [23, p. 117-119]. Nevertheless, we would like to draw attention in such characteristic of informative activity of proving process like designing of a form of indicated process through methods and means inherent only to criminalistics. Undoubtedly, this will allow to optimize work all participants of criminal proceedings taking part in achievement of objective truth in law enforcement activity [6, p. 111-115].

A core of criminalistical content of proving like an empiric component of procedural cognition schematically might be tried to draw from content of criminalistical notion “evidence”, in which a notion of “representative nature to proving subject” determines in actually cognitive and communicative components of activity on search, research and fixation of the elements of material structure of system of “crime” [14, p. 96-98]. Along with this, a structure of the notions “evidence” and “proving” have such features like communicativeness, which determine a content and nature of proving subjects’ activity directed to a process of transformation of information received in appropriate procedural forms for providing procedural cognition. In this connection it is necessary to concretize from position of criminalistics the notion “cognition” under achievement of the truth, to determine the stages of carrying out process, its volume and bounds. Criminalistical activity on proving is its empiric component, which on its volume is considerably wider of procedural proving. In this connection proving from criminalistical point of view might be determined as carrying out in all stages of combat to criminality the complex activity of proving subjects on detection, research, check, assessment and fixation of the elements of cognition’s object – traces-reflections of material structure of a system of “crime”, which are necessary for solution of the objectives of criminal proceedings [26, p. 91-94].

For theory and practice of combat to criminality there most interest presents an issue about increasing of effectiveness of functioning of proving subjects on detection, research, fixation, check and assessment of criminogenic information like a

system of the traces-reflections of crimes and criminal activity, and also more full and effective its transformation in procedural forms. The latter is a subject of studying of criminal process and criminalistics. However development of the rules, methods, means of identification of objects on the traces left are related to the tasks of criminalistical studying as none of existing sciences researches material processes of reflection of the specific phenomenon like crime.

Criminal process works out also evidential law – more reasonable order, which provides establishing of the truth: generalization, synthesis, assessment of the facts, gathered in course of preliminary investigation and judicial examination of a case. Evidential law teaches how to assess concrete facts and ways of their comparison, how to evaluates a system of the facts, which in combination are establishing an event of committed crime [12, p. 6]. But, there is one side, which is remained out of bounds of evidential law. This is ability to find the facts, which are significant for establishing of the truth on criminal case. There is no enough how to assess and compare the facts, first of all they should be found, and for that, it is necessary to create theoretical basis of discovering of evidential facts. Criminalistics and criminalistical theory of proving has to solve the tasks of development of scientific bases of disclosure, research, fixation, checking and evaluation of the actual data, which is important to provide a proving process of a system of “crime”.

Resuming stated, we may assert that proving in its content is a procedural realization of criminalistically established material traces of crime and the processes of its reflection in material environments, testimonies, documents, permanently carried out by the subjects of proving in all its stages with purpose to achieve the objective truth in process of criminal proceedings – establishing of circumstances having a significance for legal, substantiated and faire resolution of criminal case.

Unfortunately (we need to state), article 138 of CPC of Azerbaijan Republic says that “proving is concluded in receiving, checking and assessing of the evidences in purposes of legal, substantiate and fair resolution of accusation” [30, p. 154].

If we base on the fact that establishing of objective truth in course of proving is an establishment of correspondence and identity between criminal legal matrixes of

crime and designed by the subjects of proving of its criminalistical model, which is achieved through application of criminal procedural norms and rules, then a change (or judgement) of activity's aim is obvious. Therefore, fair resolution of a case is a goal of proving, but not resolution of accusation, which is not mandatory component of criminal case. In connection with this, in our opinion, article 138 of CPC in this part should be changed.

References

1. Afanasyev I.G. Dokazyvanie i dokazatel'stva v kriminal'nom protsesse [Proving and evidences in criminal process]. Sverdlovsk, 2006, 234 p.
2. Bayev O.Ya. Predmet kriminalistiki i teorii sudebnykh dokazatel'stv [Subject of criminalistics and theory of judicial evidences]. Pravovedenie [Jurisprudence]. 1983, no. 3, pp. 96-100.
3. Belkin A.R. Teoriya dokazyvaniya v ugolovnom sudoproizvodstve [Theory of proving in criminal proceedings]. Moscow, 2005, 418 p.
4. Belkin R.S. Sobiranie, issledovanie i otsenka dokazatel'stv. Suschnost' i metody [Collection, research and assessment of evidences. Core and methods]. Moscow, 1966, 295 p.
5. Belkin R.S., Winberg A.I. Kriminalistika i dokazyvanie [Criminalistics and proving]. Moscow, 1969, 264 p.
6. Bilibin R.R., Rakhmanov S.B. Sobiranie i otsenka dokazatel'stv [Collection and evaluation of evidences]. Ufa, 2006, 336 p.
7. Winberg A.I. Teoriya dokazatel'stv v nauke sovetskoy kriminalistiki [Theory of evidences in science of soviet criminalistics]. Sov. gosudarstvo i pravo [Soviet state and law], 1977, no. 12, pp. 71-77.
8. Winberg A.I., Shaver B.M. Kriminalistika [Criminalistics]: Uchebnik dlya yurid. shkol. [Textbook for juridical schools]. Moscow, 1950, 409 p.
9. Vladimirov L.E. Uchenie ob ugolovnykh dokazatel'stvakh [Doctrine on criminal evidences]. S. Petersburg, 1910, 411 p.

10. Hajiyeva M.G., Hajiyeva N.G., Suleymanov J.I., Shiraliyeva S.J. Dokazyvanie i dokazatel'stva [Proving and evidences]. Uchebnoe posobie [Manual]. Baku, 2002, 79 p.
11. Davydov M.I. Dokazyvanie i dokazatel'stva v ugovnom protsesse [Proving and evidences in criminal process]. Moscow, 2006, 369 p.
12. Dulov A.V. Kriminalistika [Criminalistics]. Minsk, 1996, 416 p.
13. Igonin A.I. Dokazyvanie v ugovnom protsesse [Proving in criminal process]. Moscow, 2006, 299 p.
14. Karagentsev K.I. Dokazatel'stva v ugovnom protsesse [Evidences in criminal process]. Tver, 2006, 299 p.
15. Klimov S.I. Otsenka dokazatel'stv i dokazyvanie [Assessment of evidences in criminal process]. Samara, 2007, 466 p.
16. Kriger A.N., Barsukov A.N. Dokazatel'stva I dokazyvanie [Evidences and proving]. Moscow, 2006, 307 p.
17. Kriminalistika [Criminalistics]. Uchebnik/Pod red. I.F. Panteleyeva [Textbook, ed. by I.F. Panteleev]. Leningrad, 1993, 591 p.
18. Kriminalistika. Pod red. V.A. Obraztsova. [Criminalistics, ed. by V.A. Obraztsov]. Moscow, 1997, 760 p.
19. Kriminalistika. Pod red. Prof. N.S. Selivanova [Criminalistics, ed. by Prof. N.S. Selivanov]. Moscow, 1994, 411 p.
20. Kriminalistika [Criminalistics]: uchebnik dlay vuzov MVD SSSR/ Pod red. R.S. Belkina [Textbook for Universities of the MIA of USSR, ed. by R.S. Belkin]. Moscow, 1987, 506 p.
21. Kriminalistika sotsialisticheskikh stran [Criminalistics of socialistic countries]. Pod red. V.Ya. Koldina [ed. by V.Ya. Koldin]. Moscow, 1986, 512 p.
22. Lukavin I.P., Lukavin N.I. Dokazyvanie i dokazatel'stva v ugovnom protsesse [Proving and evidences in criminal process]. Krasnodar, 2007, 411 p.
23. Odintsov S.I. Dokazatel'stva: sobiranie i otsenka [Evidences: collection and assessment). Pyatigorsk, 2007, 296 p.

24. Razumovsky S.K. Otsenka dokazatel'stv v ugolovnom protsesse [Evaluation of evidences in criminal process]. Kazan, 2007, 366 p.
25. Snegirev I.P. Dokazyvanie v ugolovnom protsesse [Proving in criminal process]. Kazan, 2006, 211 p.
26. Sologub P.I. Dokazatel'stva: otsenka, odnosimost', dopustimost' [Evidences: assessment, relevancy, admissibility]. Krasnoyarsk, 2006, 266 p.
27. Spasovich V.D. O teorii sudebno-ugolovnykh dokazatel'stv v svyazi s sudoustroystvom i sudoproizvodstvom [On theory of judicial criminal evidences in connection with proceedings]. Moscow, 2001, 112 p.
28. Trusov A.I. Osnovy teorii subednykh dokazatel'stv [Basis of theory judicial evidences]. Moscow, 1960, 176 p.
29. Ugolovnyi protsess [Criminal process]. Uchebnik/Pod red. V.P. Bozh'yeva [Textbook, ed. by V.P. Bozhyev]. Moscow, 2002, 610 p.
30. Ugolovno-protsessual'nyi kodeks Azerbajjanskoy Respubliki [Criminal Procedural Code of Azerbaijan Republic]. Baku, 2001, 568 p.
31. Ugolovno-protsessual'nyi kodeks Azerbajjanskoy SSR (Criminal Procedural Code of Azerbaijan SSR). Baku, 1987, 406 p.