

Investigative Situations Arising in the Process of Investigating the Crime of Human Trafficking and Their Tactical Solutions

Kozikhodjaev Jumakhodja Khamdamkhodjaevich

Associate Professor, Department of Legal Education, Candidate of Legal Sciences

Annotation: This scientific article explores the criminal-law and organizational situations that arise during the investigation of human trafficking crimes. The views of prominent criminalistics scholars regarding these situations are presented. The article outlines a system of investigative situations and analyzes their tactical solutions. As a conclusion, the author offers his own definition of an investigative situation.

Key words: situation, courier, migration, objective, person, consequence, psychological, trafficking, subjective, tactics, transportation, investigation, transfer, method, person, abduction, concealment.

INTRODUCTION

At the initial stage of investigating human trafficking, the investigator is faced with the need to resolve several key tasks under specific circumstances. These include identifying the facts to be proven; obtaining evidentiary and investigative information related to the objective, subjective, and individual characteristics of the committed act; determining all methods of committing human trafficking and concealing its consequences; developing typical and specific investigative hypotheses; and establishing the tactics and sequence of investigative and operational actions.

These tasks are carried out under the following conditions:

- spatial-temporal factors;
- the acquisition and consolidation of information with evidentiary value;
- the actions of participants in the initial investigation, including those whose behavior influences the course of the investigation;
- the investigator's professional work, knowledge, and skills in handling complex cases;
- organizational and technical aspects of the activity.

These circumstances collectively constitute the investigative situation in which the investigation takes place.

In the mid-1970s, the discussion of investigative situations became a prominent topic within the science of criminalistics, particularly in the field of tactics. From that point forward, a number of studies dedicated to this issue have generated intense debate among criminalistics scholars [1].

To this day, scholars have not reached a consensus on the concept and essence of the investigative situation. Definitions of investigative situations vary widely. In our view, some scholars mistakenly equate investigative situations with the criminalistic characteristics of crimes. For instance, V.K. Gavlo defined an investigative situation as a set of factual information reflecting the essential features of a crime at a particular stage of its investigation [2].

In our opinion, this definition does not fully reflect all the attributes of an investigative situation. Instead, it merely conveys criminalistically significant information characterizing specific elements of

the crime at a particular stage of the investigation. It is important to recognize that an investigative situation does not represent the crime itself, but rather the course and conditions under which the investigation is conducted. Therefore, we consider V.K. Gavlo's definition of an investigative situation to be imprecise.

MATERIALS AND METHODS

We believe that the definitions presented above are excessively broad and attempt to cover nearly all components of the investigative situation. Among the definitions found in the literature on criminalistics, the most accurate and comprehensive, in our opinion, is that proposed by R.S. Belkin. According to him, an investigative situation is “a set of conditions under which a specific investigative activity—namely, the process of evidence collection—is currently being conducted” [5].

This definition reflects the most essential aspects of the investigative situation: its content and purpose. Furthermore, it stands out for its clarity and conciseness compared to other definitions.

The formation of an investigative situation is influenced by the following factors, which can be classified as either objective or subjective in nature.

For this category of cases (i.e., human trafficking), the objective factors include:

- The transnational nature of human trafficking, where the crime may originate in one country and extend across multiple jurisdictions;
- The wide scope of environmental changes caused by the perpetrators' criminal activities (e.g., evidentiary objects located across several countries);
- The existence of sources of evidentiary information at the crime scene and their distribution across various states;
- The stability of traces left by the human trafficking offense and the ability to detect, record, and retrieve them (e.g., accounting documents and other evidentiary production tools);
- Weather conditions that may affect the preservation or loss of evidentiary information;
- The investigator's access to technical resources and the degree of coordination with inquiry units and other service personnel within the internal affairs bodies.

The subjective factors relevant to such investigations include:

- The personal (socio-demographic, psychological, and physiological) characteristics of the perpetrators;
- Resistance to the investigation from perpetrators and some officials interested in concealing the crime's consequences, including potential conflicts among them;
- The awareness of suspects and other interested parties about the scope of evidentiary information available to the investigator;
- The opinions and attitudes of witnesses and other participants in the preliminary investigation;
- Violations of procedural norms or errors committed by the investigator or cooperating personnel during the investigation and their consequences;
- The investigator's personal (physiological and psychological) traits.

Next, we will elaborate in greater detail on some of the above-mentioned factors, which are of particular importance in the disclosure and investigation of human trafficking offenses.

Analysis of practical materials reveals that, in order to investigate and uncover human trafficking cases of this category, special investigative-operational groups are established within the internal affairs

bodies. These groups consist of qualified investigators specialized in handling such complex crimes, officers from anti-human trafficking divisions, forensic experts from the forensic-criminalistics departments of the Ministry of Internal Affairs, and others. The leadership of such groups is entrusted to the investigator in charge of the case, while overall supervision of the group's activities is carried out by the head of the investigative division or the deputy head of the investigative department.

These groups are equipped with widely used and necessary technical tools to conduct investigative actions and operational-search activities, including voice recorders, cameras, video equipment, and similar devices. The investigative-operational group operates according to a clearly defined investigation plan, where each participant's role is assigned with specific responsibilities. This approach becomes especially evident during initial investigative actions such as searches, the seizure and registration of material assets acquired through criminal means, the collection of documents, inspections, arrests, and other procedures.

In this context, the investigator supervises the execution of tasks assigned to each group member, instructing them to verify specific investigative hypotheses related to particular facts or episodes of the human trafficking case. The most critical investigative actions—interrogating victims, suspects, and witnesses; inspecting documents and physical evidence; organizing various forensic examinations, etc.—are mainly conducted by the investigator personally. Operational search officers are tasked with conducting surveillance operations and assisting with some routine investigative procedures.

Forensic experts typically participate in the initial examination of the crime scene, the inspection of physical evidence and documents, and in other investigative activities such as on-site verification of statements, line-ups, and object identification. They also provide technical assistance in documenting these procedures. International-level investigative actions are conducted in cooperation with INTERPOL, and investigations within the territories of CIS member states are carried out based on the Minsk Convention.

Qualified investigators are generally knowledgeable not only in specialized legal sciences but also in natural and technical sciences. This interdisciplinary expertise aids in a deeper understanding of the investigative situation and helps in adopting appropriate tactical decisions. An investigator's creative approach to examining specific types of crimes is a reflection of their professional competence. In this regard, K.K. Platonov notes that “professional skills acquired by a person not only determine the quality of their work activity but also enrich their experience, becoming a personal trait and professional mastery” [6].

At the same time, it is important not to overlook the investigator's practical experience, which plays a vital role in correctly navigating the situation and evaluating the investigative conditions under which the investigation is conducted.

The investigator's psychological preparedness in investigating human trafficking is also of great importance. It is essential for the investigator to study the characteristics of those who commit such crimes (e.g., temperament, intelligence, interest in material gain, etc.). Typically, members of criminal groups are well-versed in the specific features of facilitating illegal migration for the purpose of recruiting and selling victims. They take all possible measures to conceal the traces of their crimes. In an effort to avoid criminal liability, they often present seemingly credible but difficult-to-verify reasons, aiming to mislead the investigator. Moreover, such offenders may attempt to psychologically influence the investigator—either personally or through acquaintances—and manipulate them during interrogation.

If the investigator is not psychologically prepared to investigate such crimes, a very different situation arises. The investigator may become confused, spend excessive time reviewing case materials, and be uncertain about where to begin. As a result, the investigation may be conducted superficially, with

multiple violations of procedural norms, and critical investigative actions aimed at uncovering the crime and identifying the perpetrators may not be performed. Consequently, the investigation becomes prolonged. Members of the criminal group exploit this situation and attempt to distract the investigator by presenting justifications regarding the existing material evidence with the goal of avoiding liability.

Researchers studying the theory of investigative situations classify them into several categories. Based on the stages of investigation, they are divided into: initial, intermediate, and final stages [7]; according to the volume and quality of information available about the incident, they are categorized as favorable or unfavorable [8]; based on the presence or absence of resistance to the investigation, they are categorized as conflictual or non-conflictual [9]. Investigative situations can also be divided into individual or typical types, depending on whether they are unique or resemble other known scenarios [10].

The latter category is of direct relevance to our study, and therefore deserves closer attention. The identification of typical investigative situations holds both theoretical and practical significance. Theoretically, typical situations serve as the basis for developing recommendations to improve the conduct of investigative actions for certain categories of crimes. Practically, they help determine the next steps of an investigation in advance and assist investigators in planning their actions effectively, ensuring the investigation proceeds in an optimal manner [11].

Additionally, the use of computers equipped with methodological guidelines or recommendation systems for organizing and conducting the investigation of specific types of crimes opens up the possibility of programming the investigation process. It also allows for the development of tailored recommendations for specific investigative actions based on the types of investigative situations encountered. Programming provides investigators with direct access to pre-determined procedures stored in the computer, enabling them to utilize such information in solving crimes. In other words, "for typical situations, the investigator will always have a pre-prepared system of actions" [12].

The typicality of investigative situations—primarily the result of generalizing investigative practices for specific categories of crimes—comprises the following elements:

- Elements emerging from investigative information: information about the circumstances of the human trafficking crime; the identities of the offenders; and changes (both positive and negative) introduced into the environment (e.g., methods of committing and concealing the crime, condition of trace evidence left at the crime scene, both perishable and non-perishable).
- Availability or absence of evidence in the case: the volume and sources of existing evidence; the presence of elements that inform whether investigative findings can be corroborated with additional evidence (e.g., strategic decisions aimed at identifying other sources and collecting supplementary proof).

The psychological condition of the investigator and other participants in the preliminary investigation includes elements such as the investigator's professional competence, their mental preparedness for the upcoming investigation, the presence or absence of conflicts between the investigator and other participants in the investigation, and the intellectual abilities, temperament, life experience, and personal interests of the human traffickers, as well as their attitudes toward investigative authorities.

Elements representing the organizational and technical conditions of the investigation include the existence of an investigative-operational team, the coordination and cohesion of its members in investigating human trafficking crimes, and the availability of necessary technical resources.

At the initial stage of investigation into human trafficking crimes, we believe that a classification of typical investigative situations can be outlined based on the elements mentioned above. These may include:

- Complete information is available regarding the human trafficking incident and the individuals who committed it;
- Partial information is available about the incident, but no clear information about the perpetrators;
- The human trafficking crime was committed by a group of individuals, but information about the other members of the criminal group is missing;
- The victims of human trafficking are known, but there is no information about the perpetrators.
- Accompanying situations may include:
 - The investigator has been assigned to conduct the investigation, but is not mentally prepared to begin;
 - The investigator makes a decision as prescribed by the criminal procedural law, but external pressure is exerted;
 - An investigative-operational group has been formed to investigate the case, but collaboration within the group is poorly organized.

Each of the above-mentioned typical investigative situations should be examined from the perspective of the procedural or non-procedural tactics used by the investigator to address them.

The first typical investigative situation arises under the following conditions: first, when an application or report about the human trafficking incident is received from the victim or their close relatives; second, as a result of operational search measures.

To resolve this situation, the investigator must plan investigative-operational measures aimed at identifying the scene of the human trafficking incident and the perpetrators. In the first case, the investigator should begin by inspecting the crime scene and interrogating the victim and their close relatives, in order to identify other individuals potentially connected to the crime. Simultaneously, various operational search measures should be conducted to uncover the human trafficking offense. If information confirming the occurrence of the crime is obtained, all relevant material evidence must be seized, various forensic examinations must be initiated depending on the circumstances, and tactical decisions must be made promptly to detain suspects and conduct searches. Subsequently, the suspect should be interrogated to identify details of the offense and other participants in the crime. These actions may be regarded as the initial investigative measures.

The tactical resolution of the second situation consists of determining a system of investigative and operational-search measures aimed at clarifying the human trafficking incident and identifying the perpetrators. This includes: locating and inspecting the crime scene; interrogating the victim; during interrogation, creating a verbal portrait of the offender and launching operational-search efforts to identify them; locating and interrogating witnesses about the incident; having the victim testify; and collecting material evidence (such as travel documents, residence permits in migration zones, border and customs control records, etc.), if these are in the victim's possession. Additionally, the appointment of forensic examinations is required.

The tactical resolutions of the third and fourth situations are similar to those of the first and second, but involve broader operational-search measures. Specifically, operational officers—working in collaboration with INTERPOL—carry out complex operations such as identifying and apprehending other participants in human trafficking, as well as tracking the routes used to transport victims and the vehicles involved in taking them to migration destinations. These efforts are primarily the responsibility of the operational staff.

Such measures are crucial for identifying the full range of individuals involved in the trafficking network. They also serve to prepare for important investigative actions such as witness and suspect

interrogations, aimed at obtaining truthful and reliable testimonies about the circumstances of the committed crime. During the implementation of these measures, a database of relevant information may be compiled to facilitate further investigative actions, such as fingerprinting, handwriting analysis, technical examination of documents, DNA analysis, and other procedures aimed at detecting and dismantling the criminal network in full.

Previously inexperienced investigators who have not dealt with human trafficking cases may find themselves unprepared to manage such investigations when confronted with them for the first time. To overcome this situation, they should study special literature concerning investigative techniques for similar criminal cases, seek advice from experienced investigators, and familiarize themselves with regulatory documents and guidelines that govern external migration, as well as the procedures for documenting individuals and vehicles crossing border and customs checkpoints.

Conclusion

At the initial stage of the investigation, a conflictual typical investigative situation may arise, requiring the investigator to make critical tactical decisions, such as detention in accordance with Article 221 of the Criminal Procedure Code of the Republic of Uzbekistan, selection of preventive measures like arrest, and bringing charges against the accused. In such cases, individuals who are aware of the implications of the decisions being made may attempt to avoid or mitigate criminal liability by trying to bribe the investigator or exert psychological and physical pressure through personal connections.

Such undue influence may even come directly from the investigator's superiors, a phenomenon frequently encountered in practice. To resolve these challenges, the investigator must rely on their personal attributes—demonstrating composure, adhering to ethical principles, and acting in accordance with justice and the law. At the same time, the investigator should maintain confidentiality of the investigation and apply persuasive techniques to direct the attention of involved parties to the available evidence and the established facts of the human trafficking case. Furthermore, they should explain the mitigating circumstances outlined in Article 55 of the Criminal Code of the Republic of Uzbekistan.

Another typical investigative situation may arise at the initial organizational stage of the investigation due to a lack of coordination among the members of the investigative-operational group. The primary causes of such issues include:

- A lack of coherence in the actions of team members involved in investigating human trafficking crimes;
- Absence of a mutually agreed investigative plan;
- Poor information exchange;
- Lack of responsibility among team members regarding their assigned duties;
- Collusion between some team members and criminal elements;
- Absence of supervisory control by leadership;
- Lack of peer oversight in implementing investigative and operational activities;
- Delegation of team members to unrelated tasks, distracting them from the main investigation;
- Absence of mutual understanding, trust, and respect among the team.

To overcome this situation, the investigator should develop a coordinated investigative plan, ensure information sharing related to the human trafficking incident, regularly review the performance of team members, monitor the fulfillment of assigned duties, ensure provision of necessary technical resources, and replace any untrustworthy team members with reliable personnel.

In conclusion, analyzing typical investigative situations has significant theoretical and practical relevance for developing general recommendations on the methodology of investigating human trafficking crimes. Moreover, these situations help to establish an information base for formulating typical and specific investigative hypotheses concerning such offenses. They also contribute to identifying the most appropriate investigative strategies and to the formulation of well-grounded tactical decisions, both procedural and non-procedural in nature.

Based on the theoretical and practical research conducted, the following definition of an investigative situation can be proposed:

An investigative situation is a set of conditions under which an investigation is conducted, arising under the influence of objective and subjective factors.

References:

1. Belkin, R.S. *Criminalistics: Problems, Trends, Perspectives*. Moscow, 1988, pp. 88–103;
2. Vasiliev, A.N. *Problems of Methodology in Investigating Certain Types of Crimes*. Moscow, 1978, p. 31;
3. Gerasimov, I.F. "Investigative Situations at the Initial Stage of Criminal Investigation," *Social Legality*, 1977, No. 7, p. 61;
4. Baev, O.Ya. "On the Structure of Investigative Situations," in *Criminalistic and Procedural Problems of Investigation*. Barnaul, 1983, p. 130; Selivanov, N.A. *Criminalistic and Procedural Problems of Investigation*. Barnaul, 1983, p. 130;
5. Selivanov, N.A. "Criminalistic Characteristics of Crimes and Investigative Situations in Investigative Methodology," *Social Legality*, 1977, No. 2, p. 58;
6. ———. "Typical Versions, Investigative Situations and Their Significance for Investigation," *Social Legality*, 1985, No. 7, p. 53;
7. Abdumadzhidov, G.A. *Typical Investigative Situations at the Initial Stage of Criminal Investigation*. Tashkent, 1986, pp. 7–13;
8. Bakhin, V.P., Bilenchuk, P.D., Kuzmichev, V.S. *Criminalistic Techniques and Tools for Solving Investigative Situations*. Kyiv, 1991, pp. 7–99.
9. Gavlo, V.K. "On Investigative Situations and the Methodology of Investigating Thefts Involving Officials," in *Issues of Criminalistic Methodology, Tactics, and Investigative Techniques*. Moscow, 1973, p. 90.
10. Drapkin, L.Ya. *Foundations of the Theory of Investigative Situations*. Sverdlovsk, 1987, p. 17.
11. Obraztsov, V.A., Tanasevich, V.G. "The Concept and Criminalistic Significance of the Investigative Situation," *Soviet State and Law*, 1979, No. 8, pp. 113–114.
12. *Course of Soviet Criminalistics*. Moscow, 1979, Vol. 3, p. 70.
13. Platonov, K.K. *On the System of Psychology*. Moscow, 1972, p. 157.
14. Drapkin, L.Ya. *Op. cit.*, p. 25.
15. *Course of Soviet Criminalistics*, Vol. 3, pp. 72–73.
16. Baev, O.Ya. *Conflict Situations in Preliminary Investigation*. Voronezh, 1984, pp. 5–25.
17. Drapkin, L.Ya. "Concept and Classification of Investigative Situations," in *Investigative Situations and the Solving of Crimes*. Sverdlovsk, 1975, p. 41.

18. Balugina, T.S. "Investigative Situations and Investigation Planning," in *Investigative Situations*. Moscow, 1985, p. 57.
19. Goncharenko, V.I. "Premises and Practice of Programming the Investigation Process," in *Problems of Improving Investigation and Crime Prevention at the Present Stage*. Ufa, 1990, p. 123.