

## Certain aspects of communication with persons interrogated in court in criminal proceedings

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**Abstract.** The purpose of this study was to investigate the legal, psychological, and tactical forensic aspects of communication with witnesses during court interrogation, as well as to determine the impact of these aspects on the use of their testimony as evidence and the dynamics of the trial. The methodological framework of the study included the theoretical analysis of the communicative aspects of testimonies, a review of scientific publications on this problematic, and the application of the structural and functional method. The study examined the communicative features of judicial examination of witnesses in criminal proceedings as a valuable tool for obtaining information about the factual circumstances of a case. The study showed that the success of a communication act during interrogation largely depends on the ability of the person conducting it to manage the course of communication and establish psychological contact with the witness. The complex and multifaceted nature of witness interrogation, which requires compliance with procedural rules and the use of forensic recommendations, was confirmed. It was found that psychological aspects play a significant role in communication during judicial interrogation. The study examined the role of the prosecutor and the defence lawyer in establishing the circumstances of the case through effective communication with witnesses. The study summarised the legal, psychological, and tactical features of obtaining testimony during various types of judicial interrogation, especially direct and cross-examination, with an emphasis on asking questions, including leading questions. This study will contribute to the development of practical recommendations for prosecutors and defence lawyers on effective communication with witnesses and improving their professional skills

**Keywords:** prosecutor; defence lawyer; legal psychology; tactical and forensic means; prosecutor

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## Introduction

Effective communication during court interrogation is key to establishing the truth in a case. It forms an integral part of establishing the truth and ensuring justice in criminal proceedings. Insufficient understanding of communication processes, ignoring the psychological characteristics of the participants, and inability to apply relevant tactical techniques can lead to incomplete or distorted information obtained from the witness. This negatively affects the fairness of the court decision, which can have grave consequences for both the accused and the victim. The significance of this study for 2024 is relevant considering the changes in Ukrainian criminal procedural legislation and the growing role of psychological aspects in court practice. In the context of the development of digital technologies and increased attention to the rights of witnesses and victims, the issue of effective communication during court interrogation is even more important to ensure a fair trial.

The study by R. Dehaghani *et al.* (2023), which analysed the vulnerability of defendants in criminal proceedings, is important for highlighting the modern understanding of the problem. The issues raised in the publication are of particular relevance. The researchers examined how a range of factors, such as age, mental state, and social status, can affect the ability of an accused to effectively take part in court proceedings and defend their rights. The success of criminal proceedings largely depends on the effectiveness of communication between its participants, especially during the trial. Judicial interrogation, as one of the key elements of this process, requires not only compliance with procedural rules, but also a profound understanding of the psychological and communicative aspects of the interaction between the prosecutor, defence lawyer, and witness. The problematic of the study is that in practice, there is often a lack of knowledge of these aspects.

Failure to consider the witness's psychological state, possible biases, and motivation can lead to misunderstandings and misinterpretation of their testimony. Furthermore, the lack of a clear communication strategy and the inability to adapt it to a concrete situation can lead to the loss of valuable information or even its distortion. Considering the above, research and improvement of communication strategies in court interrogation is a crucial task. This will increase the efficiency of evidence collection and evaluation, provide a more complete and objective understanding of the circumstances of the case, which will help to establish the truth and ensure justice. As noted by J.L. Hoffmann *et al.* (2020), effective communication during judicial interrogation is key to successful criminal proceedings and the fulfilment of its main purpose of establishing the truth and ensuring justice.

In Ukraine, Yu.M. Myroshnychenko (2022) focused on the tactical and methodological aspects of forensic support of court proceedings, emphasising the significance of effective judicial actions, including interrogation, to achieve the goals of criminal justice. The researcher examined the specific features of judicial interrogation, which are conditioned by high psychological tension, publicity of the process, dynamism, and collectivity of collecting evidence. Particular attention was paid to interrogation tactics, including methods of preparation, process management, evaluation, and use of the data obtained. The researcher noted that judicial interrogation is substantially different from interrogation during the pre-trial investigation, which requires the development

of special techniques for court hearings. However, there are certain analogies between judicial and investigative interrogations, especially in the field of communication, which emphasises the need for an integrated approach to the creation of tactical and forensic support.

V. Drozd (2020) raised the issues of admissibility of evidence and procedural status of participants in criminal proceedings during the trial. Particular attention was paid to the procedure for declaring evidence inadmissible during court proceedings, which can accelerate the process and ensure the legality of the decision. The researcher emphasised that the assessment of the admissibility of evidence is crucial for the fair resolution of criminal cases and the observance of the constitutional rights of all participants in the process. The resolution of these problems will contribute to the efficiency of criminal proceedings and the legality of court decisions.

At the international level, the issue of communication in criminal proceedings is also the subject of active research, covering a wide range of aspects, from the psychological features of interrogation to the impact of digital technologies on evidence and procedures. Thus, H.M. Cleary and R. Bull (2021) investigated how contextual factors influence suspects' decisions to confess during interrogation, which has become important for understanding communication processes in criminal proceedings. The results showed a considerable diversity of interrogation experiences and perceptions of evidence. Socio-demographic and criminological factors did not influence the decision to confess, but contextual factors had a substantial impact. Specifically, the waiver of rights and a prior decision to confess facilitated confessions, while physical restraint, belief in the absence of evidence against oneself, and the intention to refute the charges led to refusal to confess. Prisoners who were undecided about confessing before interrogation had an equal chance of confessing or refusing.

J.J. Goodman-Delahunty *et al.* (2020) focused on the difficulties and specific features of police interviews involving an interpreter, which amounted to discrepancies in results due to methodological differences in the experimental evaluation of interpreters' work. The authors of the study identified key research gaps in the best mode of interpretation in police interrogations, the role of the interpreter, evaluation of the quality of interpretation, preservation of investigative strategies, remote interpretation, and the impact of interpretation on the reliability of testimony.

K. Haworth (2020) examined the role of police interviews in the judicial process, analysing their impact on subsequent proceedings. The researcher noted that the words uttered during interrogation have a dual context and function, which can lead to conflicts between their investigative and evidential roles. The transition from oral to written form affects the integrity of evidence, creating "contamination" of oral evidence, as opposed to physical evidence, which is kept as intact as possible. The study emphasised the significance of linguistic tools for analysing how criminal evidence is constructed discursively and highlighted serious implications for its role as evidence in court proceedings.

L. Freeman and R.V. Llorente (2021) considered the issues of evidence and procedure in international criminal law in the digital age, which indicates the need to adapt communication strategies to modern times. In national jurisdictions, digital evidence already plays a leading role in most criminal

cases, but the International Criminal Court has not yet implemented analogous reforms in its rules. The researchers emphasise the need to revise the rules based on outdated assumptions to adapt to modern technological realities.

Despite a considerable amount of research on various aspects of communication in court proceedings, the issues related to the conceptual essence, natural and social features, and characteristics of communication relations between its participants, specifically, in the context of court examination of witnesses, are understudied. This applies both to the theoretical understanding of communication in court proceedings and to the practical aspects of its implementation, especially in the context of the adversarial system and the need to ensure the rights of all participants.

The purpose of the present study was to analyse the legal, psychological, and tactical forensic features of communication with witnesses during court interrogation, with an emphasis on the impact of these aspects on the judicial decision-making process. Particular attention was paid to such communicative aspects as establishing psychological contact, asking leading questions, and the impact of individual psychological characteristics of witnesses on the perception and reproduction of information. To fulfil the stated purpose, the tasks were identified as follows:

1. To examine the theoretical foundations of communication during judicial interrogation, to identify the main types and tactical and forensic characteristics of these actions.
2. To analyse the legal and psychological aspects of interacting with witnesses during interrogation, including the psychological characteristics of perception, memorisation, and reproduction of information.
3. To investigate the issues of asking leading questions during court interrogation and to propose recommendations for improving the regulatory framework for this process in the Criminal Procedural Code of Ukraine.

### **Materials and methods**

The methodological framework of the study included a comprehensive approach that involved critical discourse analysis and rhetorical analysis. Critical discourse analysis was employed to study the language used during court interrogations, specifically to analyse how linguistic strategies can reflect power relations and ideological attitudes in criminal proceedings. Particular attention was paid to leading questions and their impact on the accuracy and truthfulness of witness testimony. Social and psychological factors that could affect communication processes during interrogation were considered.

The rhetorical analysis helped to investigate the means of linguistic influence used by the parties to the trial – prosecutors, lawyers, and judges – to shape the position of the witness and other participants in the interrogation. The study analysed the use of rhetorical strategies, such as appeals to emotions (pathos), logic (logos), and ethics (ethos), which were intended to influence the testimony and behaviour of the interrogated. This helped to identify both overt and covert manipulative techniques that could influence the outcome of the trial.

To investigate the specifics of communication with interrogated persons in court during criminal proceedings, the study analysed the general theoretical characteristics of this phenomenon. Specifically, the study considered the concept of communication, its types, functions, content, and features

of manifestations in various fields, including legal and judicial activities. Furthermore, the understanding of the essence of judicial actions, their types, as well as criminal procedural and forensic characteristics was clarified.

The study examined the tools used in the system of verbal professional and business communication in court proceedings. The study analysed verbal and non-verbal communication techniques during judicial interrogation, including asking questions as a key tactical technique for obtaining information, clarifying details, or identifying contradictions in testimony, as well as establishing psychological contact to create trust between the interrogator and the witness. Non-verbal means such as facial expressions, gestures, and tone of voice are used to reinforce or complement verbal messages, which can help reduce tension or, conversely, can put pressure on the witness to provide more detailed answers. This toolkit includes not only linguistic possibilities (questions and answers), but also various techniques and methods of their implementation based on forensic tactics. In this context, forensic tactics are understood as special actions and decisions by which participants in criminal proceedings solve procedural and tactical tasks both at the stage of pre-trial investigation and during court proceedings.

The systematic approach helped to investigate judicial interrogation as an integral system consisting of interrelated elements: communication subjects, communication means, transmitted messages, communication context, etc. This approach helped to analyse the impact of each element of the system on the overall effectiveness of communication and the final results of the interrogation. The structural-functional method helped to identify and examine in detail the key stages of judicial interrogation, including the preparatory stage, the stage of establishing psychological contact, the stage of direct information acquisition, and the final stage. The analysis of the functions and content of each stage helped to identify key points that require special attention for successful communication and obtaining reliable testimony.

A detailed study of the current criminal procedural legislation of Ukraine was performed, specifically the articles regulating the procedure for conducting court interrogation and the use of leading questions (Criminal Procedural Code..., 2012). This helped to identify gaps and shortcomings in the existing legislation and suggest ways to improve it to ensure a more efficient and fair trial. Another important stage of the research was the analysis of court practice, which helped to identify typical problems and difficulties encountered during court interrogation.

### **Results and discussion**

Evidentiary judicial actions are a combination of communication means by which communication subjects exchange information, exerting a controlled and permissible influence on the transmission and reception of messages to fulfil the tasks of judicial proceedings. Procedural actions of the court in criminal proceedings are a complex system that includes judicial, organisational, and other procedural actions regulated by legislation and related to the progress of the case and the trial procedure. The legal literature lacks clarity in defining the term “judicial action”, which complicates the understanding of its content and scope. Judicial actions aimed at collecting and verifying evidence are essential elements of this system. These include actions such as interrogation, identification, inspection of the scene and

material evidence, appointment of an expert examination, as well as other actions aimed at obtaining information necessary to establish the truth in the case. In the context

of communication, evidentiary judicial actions are specific combinations of communication tools that are used situationally (Table 1).

**Table 1.** Types of evidentiary judicial actions

Type of court action	Brief description
Interrogation	Obtaining oral evidence from participants in the process (witnesses, victims, defendants, experts)
Presentation for identification	Identification of a person or object by presenting it to a person who can recognise it
Inspection of the scene	Direct investigation of the place where the crime was committed to identify and record traces of the crime and other evidence
Inspection of material evidence	Researching items and documents that may be relevant to the case
Appointment of an expert examination	Involvement of an expert to conduct research and provide an opinion on issues requiring specialised knowledge

**Source:** compiled by the authors based on J.L. Hoffmann *et al.* (2020) and L.F. Ansems *et al.* (2024)

Notably, O.A. Aina and A.E. Anowu (2023) showed the significance of asking the right questions during court interrogation. The researchers have identified a series of pragmatic aspects that affect the effectiveness of communication and contribute to obtaining reliable information from interrogated persons. First of all, contextuality is a key factor: questions should be relevant to the situation to achieve discourse goals. Furthermore, structural and linguistic elements, such as objections and discourse markers, play an important role in shaping the desired responses of witnesses. The process of repetition and corroboration also increases the accuracy of answers by putting some pressure on witnesses. Additionally, defence lawyers have concrete discourse goals during cross-examination, and the use of favourable questions becomes a strategic tool to confirm or refute important aspects of the case. The researchers emphasised that the effectiveness of communication in court practice depends on the subtleties of language and attention to context, which makes facilitative questions a valuable tool in the hands of lawyers.

During these actions, the participants in the proceedings exchange information, exerting a targeted and controlled influence on the process of transmission and reception of messages to achieve the objectives of the court proceedings. H.M. Cleary and R. Bull (2021) found that there are two principal parties in the communication process in court proceedings: the sender of information (communicator-addresser), who initiates communication and asks questions, and the recipient of information (addressee), to whom these questions are addressed and who provides answers. The sender of the information is most often a judge, prosecutor, or defence lawyer, while the recipient can be any participant in the trial, including witnesses, victims, defendants, and experts.

The means of communication in court proceedings include both verbal (words, texts, questions, and answers) and non-verbal (facial expressions, gestures, intonation) components. Particular significance is attached to verbal communication, which is fulfilled through asking questions and receiving answers. Notably, non-verbal means of communication also play a significant role, complementing and emphasising verbal messages. One of the well-known cases where non-verbal communication has become a crucial element is *People v. Hall* (1984), where the defendant's behaviour was analysed during the interrogation of the accused. The court considered the non-verbal cues, such as nervousness, body movements, and facial expressions,

which reinforced the impression of verbal answers. This helped to form an impression of the defendant's emotional state and intentions.

In this case, the defence counsel attempted to challenge the use of non-verbal behaviour as evidence, arguing that such signals can be subjectively interpreted. However, the court ruled that non-verbal cues can be used to assess the credibility of testimony, although they should be considered with some caution. This case shows how non-verbal cues can be an additional tool for the court to assess the behaviour of the parties to a trial, but they rarely serve as decisive evidence.

In the forensic context, the means of communication used during court proceedings are considered as tactical techniques aimed at achieving procedural goals (Havelka, 2024). Asking questions is one of the key tactical techniques that allows obtaining the necessary information from the interrogated person, clarify details, or identify contradictions in the testimony. An example of court practice where the use of questioning tactics played a decisive role in interrogation is the case of *R. v. Milgaard* (1969), which was considered in Canada. During the interrogation, the police used tactical questioning techniques that helped to identify contradictions in the suspect's testimony. During one of the interrogations, when the suspect was asked about his whereabouts at the time of the crime, his answers repeatedly contradicted his previous testimony, which drew the investigators' attention to the inconsistencies.

This use of questioning tactics allowed investigators to uncover more details that had previously been missed and ultimately helped solve the case, although the decision in the case was later revised due to new evidence. Thus, the tactical use of questions is a valuable tool for discovering the truth during a trial. Notably, the effectiveness of communication during court proceedings depends not only on the content of the messages, but also on the way they are transmitted and perceived. Therefore, it is necessary to consider both verbal and non-verbal aspects of communication, as well as to use a variety of tactical techniques to achieve the set goals. In the case of *Jenkins v. United States* (1962), considered by the Supreme Court of the United States of America, the key factor was the effectiveness of communication during the testimony of psychiatric experts. The defence counsel argued that the way in which the experts presented their testimony about the defendant's mental state had a decisive impact on the jury's perception of his guilt.

In this case, the Supreme Court of the United States of America emphasised the significance of not only the content of communications during court proceedings, but also the manner of their transmission, as the way of communication could substantially affect the perception of information by judges or jurors. Particular attention was paid to how the experts explained complex medical terms and whether they managed to convey the essence of their arguments in an accessible form. This case demonstrates that in litigation, it is not only what is said, but also how it is said that matters, as the way it is communicated can influence the final decision of the court.

One of the key tools of communication in litigation is asking questions. The prosecutor, defence lawyer, and judge use this tactical technique to obtain the necessary information, clarify details, and identify possible contradictions in the testimony of witnesses, victims, defendants, and experts. Asking questions as a tactical technique can be used not only during judicial interrogation, but also in other judicial actions, such as forensic examination or identification. This underlines the versatility and significance of this tool in the context of communication in litigation. Among all evidentiary court actions, interrogation has been identified as the most widespread and significant (Aina & Anowu, 2023). It is impossible to imagine any court proceedings without interrogation, as this action allows obtaining direct information from the parties to the proceedings about the circumstances of the case.

The toolkit of verbal communication in court proceedings are complex and multifaceted. It includes not only linguistic means, but also tactical techniques based on forensic tactics. Asking questions is one of the key communication tools used in various court actions, including interrogation, which is the most important and common evidentiary judicial action. For example, in the case of *R. v. Evans* (2009), the questions posed to the witness were designed to clarify each detail separately, which helped to identify contradictions between different parts of the testimony. The defence lawyer used a series of closed questions (questions that can be answered with a “yes” or “no”) to lead the witness to an error in his own statements. This helped to demonstrate the falsity of the testimony and to obtain important evidence for the acquittal of the accused. In the Cases of Nos. 1783; 1782 1649; 1691 1639; 1674 1847 (1965), the defence lawyer asked the witness a series of questions that were too broad and ambiguous, which gave the witness the opportunity to evade direct answers. This weakened the defence’s position, as key details of the case could not be clarified.

Thus, the effectiveness of interrogation in a trial depends on the correct formulation of questions that allow obtaining concrete answers, identify contradictions in testimony, and clarify details. Verbal communication is an essential tactical tool that allows parties to influence the course of a case. The key principles of effective questioning include clarity and specificity to avoid ambiguity, control of the situation to keep the interview on track, confirmation of facts to reinforce what is known, and the use of both closed and open-ended questions to gather new information and better manage the conversation.

In the context of interrogations, the use of communication aids such as diagrams, drawings, or visuals can greatly enhance the effectiveness of questioning tactics, especially when dealing with vulnerable witnesses. T. Pereira and M. Aldridge (2023) demonstrated that such tools can facilitate the comprehension of complex information or abstract

concepts for people with intellectual disabilities, helping them to better understand the question and provide more accurate answers. These aids not only facilitate communication, but also reduce stress for witnesses, making interviews more inclusive and effective. In this context, asking questions using visuals can help to clarify details or explain concepts, which contributes to a more accurate determination of the truth in court.

Each type of offence (crime) has unique legal and psychological features that affect not only the investigation process but also the trial, including communication during court proceedings, especially interrogations. This emphasises the need for an individual approach to each case and consideration of the specifics of a particular crime when building a communication strategy in court. The algorithm and tactics of judicial interrogation require maximum impartiality from its participants. However, in practice, this can be difficult to achieve, as the psychological characteristics of the participants in the trial can substantially affect the course of interrogation and communication overall. This can take the form of psychological pressure on witnesses, victims, or defendants, attempts to manipulate information, create emotional tension, etc.

Even though the trial takes place some time after the crime has been committed, the psychological trauma and consequences of the crime may persist and affect the behaviour and testimony of the participants in the trial. An example of a court case where psychological trauma after a crime influenced the testimony of participants in the trial is the case of *R. v. Duffy* (1949) in the United Kingdom. In this case, the defence emphasised the psychological consequences that affected the witness, who suffered serious stress due to prolonged psychological trauma after the murder of his close relative. Even though the events took place long before the trial, the witness could not clearly describe some details due to the strong emotional experience that stayed with him after the crime. This case shows that psychological trauma resulting from a crime can persist for a long time and considerably affect the quality of testimony, regardless of how much time has passed since the crime.

The stage of direct execution of judicial interrogation is characterised by a special psychological complexity conditioned by the specifics of human nature, including its psychological culture, psycho-emotional states, and the process of forming a psychological portrait. The success of communication at this stage depends on many factors, such as the psychological background of the interrogation, the impact of publicity, and the methods and techniques employed by the interrogator. One of the key tasks at the beginning of an interrogation is to establish psychological contact with the person being interrogated. This involves creating a favourable atmosphere that facilitates effective communication and reliable testimony. Establishing psychological contact helps to avoid deformation of the reproduction process, i.e., to ensure the most accurate and objective reproduction of the events testified to by the interrogated person.

In the case of *Miranda v. Arizona* (1966) in the United States of America, the establishment of psychological contact during interrogation played a key role. This case considered the significance of the conditions under which the interrogation was conducted and the impact of these conditions on the mental state of the interrogated person. Suspect Ernesto Miranda was not informed of his rights during

interrogation, which led to his confession without proper psychological contact and under pressure, which was later recognised as a violation of his constitutional rights. This case highlights that creating a favourable atmosphere and establishing psychological contact are essential for obtaining reliable testimony, while failure to do so may lead to legal consequences, including the invalidation of testimony.

Psychological contact plays a significant role in any communication interaction, including judicial interrogation. It helps to establish trusting relationships between the participants in the process, reduces anxiety and tension, and creates conditions for open and sincere communication. However, it is important to understand that psychological contact can be used to achieve both positive goals (obtaining reliable testimony) and negative goals (discrediting a witness). Psychological contact played a significant role during interrogation in the case of *R. v. Lyttle* (2004) in Canada. In this case, the defence witness's interrogation showed how the tactic of establishing psychological contact can be used to achieve both positive and negative goals. The defence lawyer employed the technique of establishing a trusting relationship with the witness, which reduced his anxiety and encouraged him to communicate openly. However, the defence later used this psychological contact to put the witness in a vulnerable position and discredit his testimony. Thus, psychological contact can be a double-edged sword: it can facilitate truthful testimony, but at the same time it can be used to manipulate a witness, which underlines the need for an ethical approach during court interrogations.

R.D. Mason and M. Mason (2024) considered strategic aspects of the interaction between the suspect and the investigator during interrogation, specifically the moment of declaring the suspect's rights (Miranda rights). The researchers emphasised the importance of understanding the psychological factors that influence a suspect's decision to cooperate with the investigation or refuse to testify. For the person conducting the interrogation, establishing psychological contact creates a positive mood and contributes to the fulfilment of the interrogation's purpose – establishing the truth in the case.

However, failure to establish or break psychological contact can have negative consequences. This can lead to conflicts, refusal to testify, and the provision of incomplete or false information, which can complicate the process of establishing the truth and may adversely affect the outcome of the trial. In the case of *R. v. Singh* (2007), the accused refused to give further testimony after the interrogation failed to ensure proper psychological contact between him and the investigator. The investigator used aggressive tactics, which caused the defendant to feel anxious and hostile. This resulted in the defendant withdrawing into himself, refusing to answer questions, and even stating that he did not want to communicate any further. Therefore, disruption or lack of psychological contact can lead to the defendant's reluctance to testify, which complicates the establishment of the truth and can have adverse consequences for justice.

The success of communication during interrogation depends on the ability of the person conducting it to manage the course of communication using various tactical and psychological techniques. This allows encourage the witness to disclose the necessary information, identifying possible contradictions in their testimony and ensuring the objectivity and impartiality of the trial. Tactical and psychological

techniques during interrogation can include active listening, which includes listening carefully to the witness's testimony and creating an impression of support to reduce anxiety and encourage cooperation. Another technique is to ask open-ended questions, which allows the witness to freely express their thoughts and recall events in their memory. Another effective tactic is pausing after the witness's answers, which can make them want to continue the story and provide more details (Myroshnychenko, 2022).

In such circumstances, especially the prosecution witness will be inclined to describe the circumstances of the preparation and commission of the crime, describe the persons involved, and recall from memory adequate social and psychological information characterising the personality of the accused, other eyewitnesses to the event, etc. In the case of *R. v. Griffiths* (1995), the witness, who was initially reluctant to cooperate, began to describe the circumstances of the preparation and commission of the crime during the interrogation after the prosecutor used relevant tactical and psychological techniques. The use of open-ended questions and the creation of an atmosphere of trust allowed the witness to recall crucial details from memory, including those about the persons involved in the crime, and to provide a socio-psychological profile of the accused.

From a psychological standpoint, eyewitness testimony is not considered as a simple reproduction of past events, but as a complex process of reconstruction and interpretation of perceived information, which is influenced by a variety of factors (Goodman-Delahunty *et al.*, 2020). This means that the testimony is not a mere "photograph" of the event, but rather a subjective reflection of how the witness perceived, remembered, and reproduced information about it. An essential aspect of analysing witness testimony is to understand how the process of perceiving information took place, what factors could affect its objectivity and completeness, and how the process of storing and reproducing information in a person's memory takes place. This allows assessing the validity and reliability of the readings, as well as identifying possible errors or distortions.

For example, if certain topics evoke negative emotions or reluctance to speak, they should be discussed carefully or postponed to a later stage of the interrogation. M. Kunst *et al.* (2021) and L.F. Ansems *et al.* (2024) confirm that establishing a favourable relationship between communication participants based on sympathy and positive attitudes contributes to the effectiveness of interrogation and the receipt of more complete and reliable information. This is because in an atmosphere of trust and mutual understanding, people are more likely to be open and cooperative.

One of the key tools for obtaining complete and reliable information from a witness is to revive their memory, or to bring the forgotten back to life. This can be achieved by asking questions that will help the witness recall details of the event that they may have forgotten or considered unimportant. The quality of the information obtained from the witness also depends on how the questions are formulated. The methodological difference between interrogation of witnesses and interrogation of suspects lies in the different goals, approaches, and levels of psychological pressure used. Witness interrogation is focused on obtaining the most complete and objective information, updating memory and reconstructing events, which is often achieved through soft tactics, open-ended questions, and minimal pressure. The

main task is to help the witness recall forgotten or insignificant details without affecting their testimony. Suspect interrogation, on the other hand, may involve more tactical techniques, such as asking complex or leading questions aimed at identifying contradictions, obtaining confessions, or establishing motive (Haworth, 2020). A principal factor is the balance between pressure and respect for the rights of the suspect, while witnesses are usually less subject to direct pressure, but require special attention to the accuracy and objectivity of their testimony.

In the context of the essence of the issue of leading questions in criminal proceedings, the approach to the identification of leading questions mandated in Part 6 of Article 352 of the Criminal Procedural Code of Ukraine (2012) may be regarded as one-sided and superficial, since it does not consider the profound psychological and linguistic aspects of communication. Articles 351 and 353 of the Criminal Procedural Code of Ukraine can be regarded as the main guarantees of a fair trial, specifically, in terms of the competitiveness of the parties and the neutrality of the court. Article 351 of the Criminal Procedural Code of Ukraine guarantees that the trial is conducted based on equality of arms. This provision creates conditions under which neither party can dominate or gain a disproportionate advantage during the questioning of witnesses, victims, or defendants. Thus, this article can be viewed as a mechanism to ensure equal opportunities for both the prosecution and the defence to collect information. This contributes to the objectivity of the proceedings and the observance of the rights of each participant in the process.

Article 353 of the Criminal Procedural Code of Ukraine is important for the observance of the principle of impartiality of the court. Giving the court the right to ask questions helps to clarify the facts and circumstances of the case, which may be key to making the right decision. However, the restriction on influencing the answers ensures that the court does not interfere in a way that could compromise the objectivity of the testimony. This article can be viewed as a precautionary measure to avoid manipulation by the court and to ensure a neutral position during the investigation.

Compared to international practices, for instance, the Federal Rules of Evidence of the United States of America also prohibit leading questions during the main examination but allow them during cross-examination to identify possible contradictions in testimony (Rule 611. Mode..., 2011). It is also worth noting that in many Western countries, such as the UK, there are more procedural rules to protect the rights of vulnerable witnesses, including the provision of special interpreters or legal aid to ensure the fairness of the trial (Rules & Practice Directions, 2023).

Specifically, the statement that a leading question should not contain any background information is simplistic and does not consider the fact that any verbally meaningful question inevitably contains a certain premise that may influence the answer. This position is supported by the findings of many researchers from various fields of knowledge, including psychology, linguistics, law, etc. (Adler, 2013; Oldham, 2023). Logic offers a deeper understanding of the nature of questions and their impact on communication. According to its provisions, each verbal and substantive question consists of two parts: known and unknown. By asking, a person not only seeks to obtain new information, but also conveys to the interlocutor certain information contained

in the premise of the question. This premise can affect the perception of the question and the formation of the answer.

Thus, it is not sufficient to define a leading question only based on formal features, such as the presence of an answer or a hint to it. The context of the communication, the purpose of the question, and the possible impact of the question's premise on the answer should also be considered. This will allow for a more accurate identification of leading questions and ensure their admissibility or inadmissibility in court proceedings, depending on the concrete situation. With this in mind, the admissibility or inadmissibility of a leading question was considered not only in terms of the presence of background information in it, but also including its origin, the moment of its emergence in communication, and other factors that may affect the perception of the question and the formation of the answer. This will ensure a more objective and fair approach to the assessment of evidence obtained during court interrogation and will help establish the truth in the case.

This approach to understanding leading questions is consistent with the findings of other researchers, who also emphasise the significance of considering the context and purpose of communication when analysing questions and answers. H.M. Cleary and R. Bull (2021) showed that contextual factors, such as the attitude of the interrogated person towards the investigation and their understanding of the situation, can substantially influence their decision to confess or not to confess to a crime. This suggests that the formal definition of a leading question is not always sufficient to assess its impact on the testimony of an interrogated person. Furthermore, J. Goodman Delahunty *et al.* (2020) showed that the use of an interpreter during interrogation can create additional communication difficulties and affect the accuracy and completeness of information. This highlights the significance of considering all aspects of communication, including language and cultural barriers, when analysing the admissibility and impact of leading questions. Thus, the proposed approach to understanding leading questions is more comprehensive and accommodates various factors that may affect communication during court interrogation. This avoids simplistic and formal approaches to the evaluation of evidence and ensures a more objective and fair trial.

The tactics of asking questions during a court interrogation should consider the psychological state of the witness and the specifics of the information to be obtained. If the question deals with sensitive or traumatic topics that may make the witness uncomfortable or unwilling to answer, it is advisable to postpone it until the final stage of the interrogation. This will help create an atmosphere of trust and cooperation before moving on to more complex issues. When asking questions and actively listening to the answers, it is important to carefully control one's own non-verbal communication.

During the examination of their witness, the prosecution or defence should be able to distinguish between facts that the witness is confident about and those that are doubtful or even false. This allows assessing the reliability of the testimony and identifying possible causes of inaccuracies or contradictions. One of the most effective methods for distinguishing between confident and doubtful testimony is active listening combined with open and closed questioning. First, the party should use open-ended questions ("What can you tell me about...") to elicit a more detailed and free response

from the witness (Mosaka, 2023). This will allow the witness to express their thoughts without pressure and to identify the points that they speak with confidence. When answering, it is important to pay attention to non-verbal cues (facial expressions, intonation, pauses) that may indicate uncertainty or doubt.

Closed questions (“Are you sure you saw this person?”) that require a clear yes or no answer can be used to clarify or identify possible witness errors. If the witness shows doubt or hesitation in answering such questions, this may be a sign of inaccuracy or falsity in their testimony. It is also important to use the pause method: short pauses should be made after

the witness’s answer, which may encourage them to provide more information or clarify their position (Mosaka, 2023). It is important to find out why the witness is confident in certain facts and doubtful about others, especially if there was no such hesitation in previous interrogations. This can be caused by various factors, such as the passage of time, the emotional state of the witness, the presence of new circumstances or information that may have affected their recollection.

J.L. Hoffmann *et al.* (2020) showed that the perception and retention of information depends on many individual characteristics of a person, such as life experience, gender, age, intelligence level, profession, etc.

**Table 2.** Types of evidentiary judicial actions

Factor	Influence on witness testimony
Life experience	On the interpretation of events and selective attention
Gender	On what details of the event will be better remembered
Age	On the accuracy and completeness of memories, as well as the ability to resist suggestion
Level of intelligence	On the ability to analyse and interpret information and to formulate answers
Profession	On the perception and interpretation of events related to the witness’s professional activities

**Source:** compiled by the authors based on J.L. Hoffmann *et al.* (2020) and S.A. Bandes and N. Feigenson (2020)

For instance, men are more likely to remember the spatial characteristics of an event (terrain, road), while women pay more attention to the details of the environment, the appearance of people, and their emotional state. Thus, the individual characteristics of a witness, such as age, gender, level of intelligence, and profession, can substantially affect their perception, memorisation, and reproduction of information, and therefore their testimony. This is confirmed by the findings of I. Havelka (2024), who analysed the role of the interpreter during the interrogation of foreign witnesses. The researcher noted that the linguistic and cultural characteristics of a witness can drastically affect the accuracy and completeness of information transfer, which emphasises the significance of engaging qualified interpreters and adapting communication strategies to the individual needs of the witness. This finding is also in line with the study by M. Clair (2020), which showed that gender and profession can influence the perception of witnesses and their interaction with trial participants. Furthermore, M. Kunst *et al.* (2021) found that victim statements can influence legal decisions in criminal proceedings, which highlights the significance of considering the individual characteristics of all participants in the process.

The results of the study confirm the complexity and multifaceted nature of communication in court interrogation. This is consistent with the findings of A.V. Hagsand *et al.* (2023), who investigated the dynamics of interaction between the investigator and the suspect during interrogations in Sweden. The researchers found that effective communication plays a key role in obtaining reliable information and ensuring a fair trial. The problem of leading questions is also reflected in the studies of other researchers. Thus, R.O. Farinde *et al.* (2021) analysed communication between police and suspects in Nigeria, finding that leading questions are often used to obtain confessions, which can lead to distortion of information. This confirms the relevance of the study aimed at developing clearer criteria for determining leading questions and ensuring their admissibility in court proceedings. Furthermore, E. Monteoliva-García (2020) highlighted the significance of considering linguistic and cultural barriers during interrogation, especially when using

an interpreter. This is consistent with the findings that communication strategies need to be tailored to the individual characteristics of the witness, including their language and cultural background. The study pointed out the significance of communication competence of all participants in the judicial process, including judges, prosecutors, and defence lawyers. This finding is consistent with the study by N. Elbers *et al.* (2020), which showed that victim advocates play an important role in ensuring their rights and interests in criminal proceedings, specifically through effective communication with them and other participants in the process. Furthermore, A. Lvovsky (2021) highlights the need to rethink the role of police and other professionals in the judicial process, including their communication skills and ability to interact effectively with various categories of people.

Thus, each tactical and psychological technique is based on certain psychological patterns that determine the behaviour and reactions of people in different situations. The successful application of these techniques requires the interrogator to understand these patterns and to be able to adapt them to the concrete situation and personality of the witness. The choice of a particular tactical technique or their combination depends on the purpose of the interrogation, the specifics of the case and the individual psychological characteristics of the witness. It is important that the chosen technique is not only effective, but also ethical and legally permissible. T. Grieshofer (2023) analyses online forms in courts and their role in communication in the early stages of the judicial process. The researcher examined how these forms can be used to effectively collect information and ensure access to justice, as well as the challenges that may arise in their use. This study highlighted the significance of technology in the judiciary and its impact on communication between litigants. Thus, psychological aspects play a significant role in the communication during judicial interrogation. Understanding of these aspects and the ability to use psychological knowledge and tactical techniques are essential for effective interrogation and obtaining reliable information from witnesses, which contributes to establishing the truth in the case and ensuring a fair trial.

## Conclusions

The study of court documents showed the importance of various aspects of communication during the interrogation of witnesses in criminal cases. Emphasis was placed on the impact of leading questions and psychological factors on evidence collection. It was determined that leading questions, especially during cross-examination, can reveal contradictions in a witness's testimony. Litigants often use this strategy to clarify facts and verify the credibility of testimony, especially in cases where testimony appears to be contradictory. During interrogation, tactical and forensic methods are crucial, specifically, the precise formulation of questions. For example, during the examination of witnesses in court, both open-ended questions are used to obtain comprehensive answers and closed-ended questions to verify or refute certain facts. In some of the cases studied, it was observed that clearly stated closed questions helped the parties involved in the process to obtain the necessary testimony to clarify the essence of the case.

The study showed that non-verbal communication (gestures, facial expressions, intonation) during interrogation is an important predictor of the emotional state of a witness, which can potentially affect the court's perception of their testimony. In some cases, the witnesses' behaviour, such as embarrassment or hesitation in answering questions, raised doubts about their veracity, forcing the parties to constantly ask clarifying questions to ensure the accuracy of the answers given.

The analysis of the legislative provisions of the Criminal Procedural Code of Ukraine, specifically Articles 351 and 353, showed that Ukrainian legislation provides the

parties to the trial with equal opportunities for interrogation, thus ensuring compliance with the principle of adversarial proceedings. At the same time, it was determined that the judge's prerogative to ask questions during interrogation contributes to clarifying the circumstances of the case, but maintaining the neutrality of the court is important to prevent any influence on witnesses and their testimony.

A comparative analysis of the materials with international practice showed that in the judicial systems of the United States of America and the United Kingdom, leading questions are prohibited during direct examination but are used during cross-examination to identify contradictions or inaccuracies in testimony. Furthermore, in international practice, considerable attention is paid to the psychological state of the witness, which may affect the testimony given by them, especially in situations involving emotional stress or psychological coercion during the trial.

Notably, the limitation of this study is the limited sample of legal systems for comparison, which may affect the general conclusions about international practice. Future research could cover more countries for a more comprehensive analysis and development of more detailed recommendations for improving the criminal procedure legislation of Ukraine.

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## Conflict of interest

None.

## References

- [1] Adler, A. (2013). *The science of living*. London: Routledge.
- [2] Aina, O.A., & Anowu, A.E. (2023). Some pragmatic points of description of conducive questioning in courtroom interrogation. *Journal of Universal Language*, 24(2), 1-30. doi: 10.22425/jul.2023.24.2.1.
- [3] Ansems, L.F., Bos, K., & Mak, E. (2024). Speaking of justice: A qualitative interview study on perceived procedural justice among defendants in Dutch criminal cases. *Law & Society Review*, 54(3), 643-679. doi: 10.1111/lasr.12499.
- [4] Bandes, S.A., & Feigenson, N. (2020). *Virtual trials: Necessity, invention, and the evolution of the courtroom*. *Buffalo Law Review*, 68(5), 1275-1352.
- [5] Case of R. v. Duffy. (1949). Retrieved from <https://www.e-lawresources.co.uk/R-v-Duffy.php>.
- [6] Case of R. v. Evans. (2009). Retrieved from <https://www.lawteacher.net/cases/r-v-evans.php>.
- [7] Case of R. v. Griffiths. (1995). Retrieved from <https://vlex.co.uk/vid/r-v-griffiths-793135877>.
- [8] Clair, M. (2020). *Privilege and punishment: How race and class matter in criminal court*. Princeton: Princeton University Press.
- [9] Cleary, H.M., & Bull, R. (2021). Contextual factors predict self-reported confession decision-making: A field study of suspects' actual police interrogation experiences. *Law and Human Behavior*, 45(4), 310-323. doi: 10.1037/lhb0000459.
- [10] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.
- [11] Decision of the Court of Appeals of California, Fourth Appellate District, Division One in Case No. 15636 "People v. Hall". (1984, May). Retrieved from <https://law.justia.com/cases/california/court-of-appeal/3d/156/651.html>.
- [12] Decision of the Court of Criminal Appeal in Cases Nos. 1783; 1782 1649; 1691 1639; 1674 1847. (1965, April). Retrieved from <https://ca.vlex.com/vid/r-v-kopyto-681274201>.
- [13] Decision of the Warren Court in Case No. 759 "Miranda v. Arizona". (1966, February). Retrieved from <https://www.oyez.org/cases/1965/759>.
- [14] Decision United States Court of Appeals for the D.C. Circuit in Case No. 16,306 "Case of Jenkins v. United States". (1962, February). Retrieved from <https://www.apa.org/about/offices/ogc/amicus/jenkins>.
- [15] Dehaghani, R., Fairclough, S., & Mergaerts, L. (2023). *Vulnerability, the accused, and the criminal justice system: Multi-jurisdictional perspectives*. London: Routledge.
- [16] Drozd, V. (2020). Problematic issues of admissibility of evidence in court proceedings. *Entrepreneurship, Business and Law*, 8, 274-280. doi: 10.32849/2663-5313/2020.8.45.
- [17] Elbers, N., Meijer, S., Becx, I.M., Schijns, A., & Akkermans, A. (2020). The role of victims' lawyers in criminal proceedings in the Netherlands. *European Journal of Criminology*, 19(4), 830-848. doi: 10.1177/1477370820931851.
- [18] Farinde, R.O., Oyedokun-Alli, W.A., & Iroegbu, O. (2021). Olanrewaju interrogation in Nigerian police-suspect discourse. *Theory and Practice in Language Studies*, 11(9), 975-982. doi: 10.17507/tpls.1109.01.

- [19] Freeman, L., & Llorente, R.V. (2021). Finding the signal in the noise: International criminal evidence and procedure in the digital age. *Journal of International Criminal Justice*, 19(1), 163-188. doi: [10.1093/jicj/mqab023](https://doi.org/10.1093/jicj/mqab023).
- [20] Goodman-Delahunty, J., Martschuk, N., Hale, S.B., & Brandon, S.E. (2020). Interpreted police interviews: A review of contemporary research. In M. Miller & B. Bornstein (Eds.), *Advances in psychology and law* (pp. 83-136). Cham: Springer. doi: [10.1007/978-3-030-54678-6\\_4](https://doi.org/10.1007/978-3-030-54678-6_4).
- [21] Grieshofer, T. (2023). Court forms as part of online courts: Elicitation and communication in the early stages of legal proceedings. *International Journal for the Semiotics of Law*, 36, 1843-1881. doi: [10.1007/s11196-023-09993-y](https://doi.org/10.1007/s11196-023-09993-y).
- [22] Hagsand, A.V., Kelly, C.E., Mindthoff, A., Evans, J.R., Compo, N.S., Karhu, J., & Huntley, R. (2023). The interrogator-suspect dynamic in custodial interrogations for high-stakes crimes in Sweden: An application of the interrogation taxonomy framework. *Scandinavian Journal of Psychology*, 64(3), 352-367. doi: [10.1111/sjop.12889](https://doi.org/10.1111/sjop.12889).
- [23] Havelka, I. (2024). Interpreting intercepted communication: From talk to evidence. *Translation & Interpreting*, 16(1), 17-37. doi: [10.12807/ti.116201.2024.a02](https://doi.org/10.12807/ti.116201.2024.a02).
- [24] Haworth, K. (2020). Police interviews in the judicial process. In M. Coulthard, A. May & R. Sousa-Silva (Eds.), *The Routledge Handbook of forensic linguistics* (pp. 760-775). London: Routledge. doi: [10.4324/9780429030581](https://doi.org/10.4324/9780429030581).
- [25] Hoffmann, J.L., Allen, R.J., Livingston, D.A., & Leipold, A.D. (2020). *Comprehensive criminal procedure*. New York: ASPEN.
- [26] Judgment of the Supreme Court in Case No. 22732 “Case of R. v. Milgaard”. (1969, April). Retrieved from <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/864/index.do>.
- [27] Judgment of the Supreme Court in Case No. 29412 “R. v. Lyttle”. (2004, February). Retrieved from <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2116/index.do>.
- [28] Judgment of the Supreme Court in Case No. 31558 “R. v. Singh”. (2007,). Retrieved from <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2390/index.do>.
- [29] Kunst, M., Groot, G., Meester, J., & Doorn, J. (2021). The impact of victim impact statements on legal decisions in criminal proceedings: A systematic review of the literature across jurisdictions and decision types. *Aggression and Violent Behavior*, 56, article number 101512. doi: [10.1016/j.avb.2020.101512](https://doi.org/10.1016/j.avb.2020.101512).
- [30] Lvovsky, A. (2021). *Rethinking police expertise*. *Yale Law Journal*, 131(2), 370-381.
- [31] Mason, R.D., & Mason, M. (2024). Reconsidering Miranda rights: Modeling strategic action during the invocation stage of a police interrogation. *Rationality and Society*, 36(1), 122-153. doi: [10.1177/10434631231194521](https://doi.org/10.1177/10434631231194521).
- [32] Monteoliva-García, E. (2020). The collaborative and selective nature of interpreting in police interviews with stand-by interpreting. *Interpreting*, 22(2), 262-287. doi: [10.1075/intp.00046.mon](https://doi.org/10.1075/intp.00046.mon).
- [33] Mosaka, T.B. (2023). A probative argument of intention. *Journal of Criminal Law*, 87(5-6), 329-343. doi: [10.1177/00220183231187610](https://doi.org/10.1177/00220183231187610).
- [34] Myroshnychenko, Yu.M. (2022). The influence of the features of judicial interrogation on the content of tactical means of its Optimisation. *Analytical and Comparative Jurisprudence*, 5, 356-359. doi: [10.24144/2788-6018.2022.05.66](https://doi.org/10.24144/2788-6018.2022.05.66).
- [35] Oldham, A. (2023). *Justice Alito on criminal procedure*. *Harvard Journal of Law & Public Policy*, 46, 779-799.
- [36] Pereira, T., & Aldridge, M. (2023). ‘Show me what happened’: Low technology communication aids used in intermediary mediated police investigative interviews with vulnerable witnesses with an intellectual disability. *The International Journal of Evidence & Proof*, 27(1), 83-104. doi: [10.1177/13657127221140469](https://doi.org/10.1177/13657127221140469).
- [37] Rule 611. Mode and order of examining witnesses and presenting evidence. (2011). Retrieved from <https://www.law.cornell.edu/rules/fre/rule.611>.
- [38] Rules & practice directions. (2023). Retrieved from <https://www.justice.gov.uk/courts/procedure-rules/civil/rules>.

## Окремі аспекти комунікації з допитуваними в суді особами у кримінальних провадженнях

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**Анотація.** Мета полягала у вивченні юридико-психологічних та тактико-криміналістичних аспектів комунікації зі свідками під час судового допиту, а також у визначенні впливу цих аспектів на використання їхніх показань як доказів та на динаміку судового процесу. Методологічну основу дослідження склали теоретичний аналіз комунікативних аспектів свідчень, огляд наукових публікацій з цієї проблематики та застосування структурно-функціонального методу. Досліджено комунікативні особливості судового допиту свідків у кримінальному провадженні як важливого інструменту отримання інформації про фактичні обставини справи. Дослідження показало, що успіх комунікативного акту під час допиту значною мірою залежить від уміння особи, яка його проводить, керувати перебігом комунікації та встановлювати психологічний контакт зі свідком. Було підтверджено складний та багатогранний характер допиту свідків, який вимагає дотримання процесуальних норм та використання криміналістичних рекомендацій. Встановлено, що психологічні аспекти відіграють важливу роль у процесі комунікації під час судового допиту. У дослідженні розглянуто роль прокурора та адвоката у встановленні обставин справи через ефективну комунікацію зі свідками. Було проведено узагальнення юридико-психологічних та тактичних особливостей отримання показань під час різних видів судового допиту, особливо прямого та перехресного, з акцентом на постановці запитань, включаючи навідні. Дослідження сприятиме розробці практичних рекомендацій для прокурорів та адвокатів щодо ефективної комунікації зі свідками та підвищення їхньої професійної майстерності

**Ключові слова:** обвинувач; адвокат-захисник; юридична психологія; тактико-криміналістичні засоби; прокурор