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POST DIPLOMATIC-MASTER STUDIES

THEME:

METHODOLOGY OF THE MURDER INVESTIGATION

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INTRODUCTION

In this paper I dealt with the topic "Methods of the murder investigation", from which I tried to explain how dynamic and complex this phenomenon of murder as a crime is, which monitors the human society since its formation, to which we can resist successful only with adequate mechanism of detection, prevention and combating of crime. One of the most important parts of this mechanism is the murder investigation and finding the perpetrator.

In this respect, the investigation for the murders, in general, require a greater effort on the part of investigators, rather than requiring any other kind of serious criminal conduct.

Kosovo faces its statehood challenges and is in the sensitive phase of transition which is bringing the country some difficulties in its operation and consolidation of the state. Current processes in which Kosovo is right now are such as: economic and social development, rule of law, yet regional development structures are far away, meanwhile under the existence of these conditions result in a lack of perspective for a substantial Kosovo's society part and which is resulting in a high level of crime against life, particularly murder with a lower level of detection and finding the perpetrators.

In this paper I tend to treat the methodology of murder investigation, given the fact that the murder is a very common criminal offense and the importance for the prevention and detection of its perpetrator is particularly important.

Scope of the paper

In this paper I tend to treat the methodology of murder investigation, given the fact that the murder is a very common criminal offense and the importance for the prevention and detection of its perpetrator is particularly important. As the main road to reach this discovery I will analyze the investigation and detection (finding) the corpse, as a first step, then the treatment of procedures and methods for the examination of the crime scene and collecting evidence, then special attention is the analysis of evidence, disclosure of motives etc.

CONCLUSIONS AND RECOMMENDATIONS

It is important to mention that the countries of Western Europe about murders and other crimes against life and body, with decades do researches and technology for the advancement of methods of investigation of these offenses. This was one of the reasons that attracted my attention even more to this paper.

During the elaboration of this master thesis I can complete that:

1. Inspection in the crime scene is investigative action within the framework of procedural criminal procedure bodies which according to their perception, analyze the evidence collected and identify the criminal proceedings for more important facts. Examination of the crime scene serves the intelligence and collecting evidence about the offense and important evidence for the detection of its perpetrator, but this also is important for verification and evaluation of other evidence collected and taking notes which are important for the identification of the legal-property requests.
2. We understood that it is very important in the investigation of the murders methodic finding of the body, as the main road to come to the discovery of the perpetrator of the murder and bringing him to justice, then everything in the scene has its own importance and many times are equally important and have probative value of the other evidence which should not be overlooked by the proceeding body.
3. The proceeding body must also take into account the facilitation of motive which is equally important with other evidence too because the road makes us understand who was the person who had an interest in carrying out the assassination.
4. Other facts that should not be overlooked are the means by which the murder is done. These are found many times at the scene, either next to the body or at a distance not that far from the body, but there are times when these vehicles are hidden in another place for the purpose of concealing the traces, whether the means by which the murder is done even the traces of the perpetrator of the murder. Finding these means helps the proceeding body to find the perpetrator of the murder.
5. I can conclude that the authentication of facts with personal perception of the body of criminal procedure is safest bet for determining the facts for the needs of criminal proceedings. Example of the authentication of these facts are the inspection of the crime scene and reconstruction of the event (which by legal definition may order the state prosecutor or the court at the scene, in order to analyze the evidence collected or to clarify facts to which are important for the criminal proceedings).
6. I can conclude that the methodology of the murder investigation was well organized, according to the legislation in force, all evidence are carefully discussed and all the proposed witnesses have been heard and the collected evidence unlawfully were rejected by the court, as was the case of the interception of telecommunications, where unlawfully the interception of telecommunications is authorized by the Prosecutor even though it is the competence of the court and as proof these interceptions were out of the

file. Professional application of the methodology of murder investigation by the Police and other institutions has resulted in finding the perpetrator, a declaration of reasonable doubt and punishment of the perpetrator to 22 years in prison.

7. Kosovo in recent years is a very safe and peaceful place than a decade ago. The murder rate has dropped drastically from 11.8 per 100,000 inhabitants to 2000 in 2.9 inhabitants in 2005 and between 2.6 and 3.2 in 2009. These figures are still highly compared to the regional average and far higher than the EU average (though these figures are lower than in the USA).
8. Regardless of how professionally the Criminal Code of Kosovo is built, how many offenses of murder the courts solve, based on this Code and the satisfaction of communities in sentencing of the offences without the cooperation of prosecutors, judges, other institutions, rehabilitation programs, networks of support of victims and victim protection, access to justice for the population of Kosovo could remain insufficient.

Based on these conclusions and by analyzing the case study I can conclude the following recommendations for the security and legal institutions of Kosovo:

1. Kosovo's police to be more efficient in detecting the perpetrators of criminal offences that violate the right of life;
2. The Police of Kosovo, consisting of 520 officers, is responsible for investigating and analyzing crimes such as murder, rape, theft, terrorism, organized crime, drug and human trafficking. The capacity of this column is insufficient to handle all these and therefore I recommend getting more officers and reorganization of this column to create new departments, to set standards and develop training for these officers;
3. Department of Forensic Medicine to carry out without delay legal actions provided for the completion of the autopsy for murder cases within the time limit prescribed by law;
4. The prosecution to conduct full, versatile, efficient and without delay investigations within the time limit prescribed by law;
5. The Kosovo Judicial Institute to continue with the training of judges and prosecutors in criminal field especially in the areas that relate to the right of life;
6. KJC to accelerate the naming of new judges and prosecutors in order to avoid lengthy proceedings due to their small number;
7. It is recommended to the Kosovo Judicial Council that for the guarantee of the safety of judges, particularly those in serious crimes departments to take necessary and legal actions for the application of appropriate security measures in and outside the court buildings.