

## Polygraph examinations in Russia

**Abstract** The article presents the history and current status of polygraph examinations in Russia carried out both by the services as part of the recruitment of candidates or thereafter, and in the private sector. The article outlines profiles of the most influential people in the Russian polygraph community and their ties to the special services of the Union of Soviet Socialist Republics and then the Russian Federation.

**Keywords** polygraph tests, detection of insincerity, polygraph in Russia, special services.

In the US, polygraph tests have been used since the 1920s. In the 1970s,<sup>1</sup> Instrumental methods of lie detection (skin-galvanic reflex testing with a psychogalvanometer) were used by the Japanese during World War II when interrogating prisoners of war<sup>2</sup>. After the war, polygraph tests began to be used in many countries around the world, primarily in East Asia (Japan, Taiwan), Israel, as well as in several Latin American countries<sup>3</sup>. Polygraph examinations have been used both in investigative

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<sup>1</sup> Cf. J. Widacki, *Historia badań poligraficznych*, Kraków 2017, p. 84 et seq.

<sup>2</sup> Ibid, p. 104.

<sup>3</sup> Ibid., p. 153–154.

practice and in the work of the secret services, and in some countries also by private entrepreneurs. In Western European countries, the accepted standard of conduct in a criminal process did not allow the use of a polygraph in it. Confirmation is the view expressed in the decision of the Federal Court of Justice of Germany of February 16, 1954.<sup>4</sup> The German court took the position that the polygraph examination violates the freedom of decision of the conscious participation of the person examined, and is therefore incompatible with the provision of § 136a of the German Code of Criminal Procedure, and therefore its use both “in preliminary findings” and at trial is not permitted<sup>5</sup>. As an aside, it’s worth noting that polygraph examinations were being performed in West Germany at the same time by the U.S. military services and by U.S. intelligence – though not in a criminal trial.

Until the 1970s, polygraph tests were not conducted in the USSR, which is difficult to explain. According to Yury Ivanovich Kholodny<sup>6</sup>, the polygraph method was considered pseudoscientific there at the time. Following the example of the USSR, polygraph examinations were not conducted in dependent European countries either. It was not until 1959 that the Institute of Forensic Expertise and Criminological Research in Zagreb (then Yugoslavia) bought a three-channel American Keeler polygraph. The research, initially treated as experimental, was performed in Slovenia and later throughout Yugoslavia. In 1970, 253 people were polygraphed for investigation, and a year later – 349 people<sup>7</sup>. In Poland, the first polygraph (Stoelting 22500) was imported in 1963 by Paweł Horoszowski. This was the first time a polygraph examination was used in a criminal trial<sup>8</sup>. In the late 1960s, the polygraph was bought by the Military Internal Service, and a little later by Department I of the Interior Ministry (intelligence)<sup>9</sup>. In the 1970s, polygraph (experimental) tests were also performed in Czechoslovakia<sup>10</sup>.

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<sup>4</sup> German Federal Court of Justice ruling of February 16, 1954 (BGHSt/5, 332).

<sup>5</sup> Cf. J. Widacki, *Wprowadzenie do problematyki badań poligraficznych*, Warszawa 1981, p. 173; cf. also: P. Girdwoyń et al., *W kwestii rzekomej aprobaty niemieckiego Sądu Najwyższego dla badania poligraficznego w procesie karnym*, „Prokuratura i Prawo” 2009, No. 7/8, p. 180–184.

<sup>6</sup> Y. Kholodny, *Interrogations using a polygraph in Russia: 15 years of legal application*, „European Polygraph” 2008, No. 2, p. 73.

<sup>7</sup> Cf. T. Markovicz, *Suvremena tehnika israživanja krivičnih djela*, Zagreb 1972, p. 527; Z. Aleksic, *Naucno otkirvanje zlocina*, Beograd 1972, p. 308–310.

<sup>8</sup> Cf. P. Horoszowski, *Eksperymentalno-testowa metoda wariograficzna w śledczej i sądowej ekspertyzie psychologicznej*, „Przegląd Psychologiczny” 1965, No. 9, p. 64.

<sup>9</sup> Cf. J. Widacki, *Historia badań poligraficznych...*, p. 146–147.

<sup>10</sup> Cf. M. Dufek, J. Widacki, V. Valkova, *K některým otázkám problematyky poligrafického vyšetřování*, „Československá Kriminalistika” 1975, No. 4, p. 284–286.

As mentioned, the initial lack of interest in polygraph in the USSR is difficult to understand for at least two reasons. Why did the services of the totalitarian state give up such a valuable and effective tool of acquiring information? This is not easy to grasp, especially since the USSR had the scientific background in the form of the achievements of Russian and Soviet psychophysiology, as well as the technical ability to build a polygraph on its own, despite the US embargo (the export of polygraphs to communist countries was prohibited). It is worth recalling Alexander Lurii – who even before World War II conducted psychophysiological experiments and even made attempts to detect lying on the basis of psychophysiological indicators<sup>11</sup>. It is possible that in the USSR, instead of polygraph examinations, physical and psychological coercion was used against interrogators, and in the work of counterintelligence, possibly narcoanalysis<sup>12</sup>.

In the early 1950s, information about polygraph tests performed by US services reached the USSR security organs. In the 1960s, the approach to the polygraph changed, and scientists began experimental work in this area. J.E. Bykhovsky, a forensic scientist, and P.J. Gulyaev, a biologist, wrote in early 1963 in a journal published by the Forensic Institute of the USSR Prosecutor's Office that no polygraph experiments or analyses were being conducted on the device, which they said was unreasonable<sup>13</sup>. They undertook an experimental study using an electroencephalograph<sup>14</sup> to detect insincerity. At the same time, research was conducted in the field of psychophysiology, which provided the basis for lie detection using the physiological correlates of emotions.

Academician Pavel Vasilievich Simonov, among others, devoted his works to this problem<sup>15</sup>. Independently of his work, a group of scientists from the Institute of Biophysics of the USSR Academy of Sciences, studying the mechanisms of memory, developed the basis of a method that allows lie detection. Back in the 1960s, the intelligence service of the German Democratic Republic was successful in successfully preparing its agents to pass a polygraph examination,

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<sup>11</sup> A. Luria, *The natura of human conflicts*, New York 1932, from: R.S. Woodworth, H. Schlosberg, *Psychologia eksperymentalna*, Warszawa 1963. Cf. also: B. Et seq., Г. Варламов, *Полиграфия и его практическое применение*, Москва 2012, p. 25.

<sup>12</sup> P. Kołakowski, *NKWD i GRU na ziemiach Polskich 1939–1945. Kulisy wywiadu i kontrwywiadu*, Warszawa 2002, p. 55.

<sup>13</sup> Ю.И. Холодный, *Полиграф в России: 1993–2008: ретроспективный сборник статей*, Москва 2008. p. 44.

<sup>14</sup> П.Е. Гуляев, Е.Э. Быховский, *Исследование эмоционального состояния человека в процессе проведение следственных действий*, „Криминалистика и судебная экспертиза” 1972, No. 9, p. 108.

<sup>15</sup> *Ibid*, p. 115.

in case Western services subjected them to such a test. This success was reported to the USSR State Security Commission (KGB), which led to an increased interest in such research<sup>16</sup>. In the late 1960s, the Soviet Army Command also took up this method. The first attempts to use the polygraph were top secret<sup>17</sup>. Experiments in lie detection based on psychophysiological indicators were performed by employees of the Krasnodarsk psychiatric hospital: A. Sichev and V.A. Varlamov, later a member of the Soviet Academy of Sciences. They constructed first a three-channel and then a six-channel polygraph, which was used for both psychiatric diagnosis and criminal cases. In 1962, Varlamov built the first non-contact polygraph. He is also the designer of the Edelweis 4 and Eskulap polygraphs produced in short series in the 1980s<sup>18</sup>.

The results of scientific research and information on the practical use of polygraph tests by Western services, supplemented by information on the possibility of preparing their own agents for polygraph tests that the enemy can use against them, prompted KGB Chairman Yury Andropov to take the *Decision of June 25, 1975 on the establishment of Secret Laboratory No. 30*<sup>19</sup> dealing with the practical aspects of the use of polygraph tests. It was the first laboratory of its kind in the USSR. Y.K. Azarov became its director<sup>20</sup>. It continues to operate today as part of the Forensic Institute of the Special Technology Center of the Federal Security Service (FSB). Such well-known Russian polygraphers as L.G. Alexeyev, Alexandr Petrovich Soshnikov, Alexandr Borisovich Pielenitsyn, V.N. Federenko, and Y.I. Kholodny worked at the institute<sup>21</sup>.

In 1989, a special working group was formed in the USSR Ministry of the Interior to develop the possibility of using the polygraph in the activities of bodies under the Ministry of the Interior<sup>22</sup>. It is significant for Russia that when the leadership of the Interior Ministry asked the KGB in 1990 to train their experts in conducting polygraph examinations, the service did not admit to having a polygraph and an entire polygraph examination laboratory. Yury Kholodny, who

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<sup>16</sup> Ю.И. Холодный, *Полиграф в России...*, p. 45.

<sup>17</sup> J. Widacki, *Vladimir Kniazev, Detektor lzhy na strazheistiny (Lie detector guarding the truth)*, „European Polygraph” 2010, vol. 4, No. 4, p. 232.

<sup>18</sup> Ibid.

<sup>19</sup> Ю. Харин, *Детектор лжи: как это делается*, Москва 2006 (translations in the article are from the author – ed. note).

<sup>20</sup> Ibid.

<sup>21</sup> J. Widacki, V. Sharovalov, I. Usikov, *Введение*, in: *Применение полиграфа в периодическом восточном голубом*, J. Widacki, V. Sharovalov, I. Usikov (ed.), Kraków 2017, p. 10.

<sup>22</sup> Ibid., p. 11.

was delegated to conduct the training, was instructed to answer, if asked, that he was interested in polygraph examinations privately, as a hobby, and had acquired the skills to perform such examinations by reading Western materials<sup>23</sup>. It is also worth mentioning that representatives of the Ministry of the Interior of the USSR, back in the summer of 1990, shortly before the dissolution of the Polish Security Service and the establishment of the Office of State Protection, paid a visit to Department II of the Ministry of the Interior in Warsaw to familiarize themselves with the problems of polygraph research.

In 1992, already after the collapse of the USSR, the *Act of March 13, 1992, No. 2506-1 "On Operational and Reconnaissance Activities in the Russian Federation"* came into effect. This piece of legislation played an important role in legalizing polygraph examinations in the Russian Federation. It required ministries and their subordinate bodies to introduce regulations governing the use of polygraph examinations. In accordance with this act, the Ministry of Security of the Russian Federation prepared the first normative act in the country regulating the use of polygraph tests. The document was called (in translation): *Instructions for the conduct of special psychophysiological tests using the polygraph by federal state security agencies*. The act was published on March 1, 1993, and came into force on the same day. On March 1, 1993, this act was published and entered into force. Since then, conducting polygraph examinations as part of operational and reconnaissance activities has been regulated by law<sup>24</sup>. Later, polygraph examinations were disseminated outside the system of security organs. Private companies producing polygraphs also appeared, including the Diana model, which is well-known in the West<sup>25</sup>.

## Polygraph examinations in the criminal process in the Russian Federation

The aforementioned 1992 Act and another, *Federal Act No. 144-FZ of August 12, 1995 "On operational and reconnaissance activities"* – laid the groundwork for the use of polygraph examination in pre-trial and court proceedings. The 1995 Act included an article that, like in the Polish Code of Criminal Procedure (Articles 192a and 199a), allows the use of the polygraph in criminal cases, but does not refer to it explicitly, only describing the examination as one of the methods that can be

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<sup>23</sup> М. Фалалеев, *Ложь без спасения*, <https://www.google.pl/amp/s/rg.ru/amp/2015/06/25/holodnij.html> [accessed: 11 III 2021].

<sup>24</sup> Я. Комиссарова, *Основы полиграфологии*, Москва 2019, p. 55.

<sup>25</sup> V. Larina, *Main Features of Polygraph Examiners Training*, „European Polygraph” 2017, No. 2, p. 90.

used in a trial as part of an expert opinion (cf. Articles 79-80, 85-86 of the RF Code of Criminal Procedure, hereafter: the RF CPC). This is a similar regulation to the one in Polish law, according to which if a polygraph examination is a separate expert opinion, it thus cannot be part of an interrogation. According to Article 6 of the 1995 Act, officials of the authorities performing operational and reconnaissance activities may use IT systems, audio recording, filming and photography, as well as other technical means that do not harm human life and health and the environment<sup>26</sup>. Since this list is not exhaustive by the legislature, this has allowed for an expansive interpretation and, consequently, the use of the polygraph. This, in turn, caused authorities for their own use to start creating regulations for polygraph examinations. Lower-level acts became, and still are today, the main regulators of the use of polygraph tests in the public sector. *The Instruction on the Procedure for the Use of Special Psychophysiological Examinations Using the Polygraph by Federal State Security Authorities dated February 12, 1993*, approved by the Prosecutor General's Office of the Russian Federation and registered by the Ministry of Justice of the Russian Federation on March 1, 1993, was the first detailed document regulating the procedures for the use of special psychophysiological examinations using the polygraph by federal state security authorities (it included the term "special psychophysiological examination using the polygraph"). The instruction contains many organizational and methodological provisions. On the basis of it were created departmental regulations for the use of polygraph on the territory of the Russian Federation<sup>27</sup>. According to paragraph 1(1) of the instruction, polygraph examination should be understood as one of the types of interrogation with the use of technical means that are not harmful to the life and health of the person under examination, conducted by the body performing operational and reconnaissance activities<sup>28</sup>. The purpose of such research is to increase the effectiveness of operational and reconnaissance activities in the work of counterintelligence, intelligence and personnel development. Through research, it is possible to check whether the information provided is reliable. The instruction specifies the conditions and procedure for conducting the tests. Their result itself should be presented in the form of a report, which in the appendix to the instruction under discussion is called "expert opinion"<sup>29</sup>. *Ex definitione* the instruction concerns operational and reconnaissance activities, so it does not directly cover the use of the polygraph

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<sup>26</sup> Я. Комиссарова, *Основы полиграфологии...*, p. 101.

<sup>27</sup> *Ibid*, p. 17–21.

<sup>28</sup> А.В. Васильев, *Проблемы использования полиграфа в расследовании преступлений. Молодежь и системная организация страны*, Уфа 2019, p. 76.

<sup>29</sup> Я. Комиссарова, *Основы полиграфологии...*, p. 33.

in the criminal process. Nevertheless, the instruction specifically “codifies” the best practice, which are also universally applicable in the criminal process.

To talk about the use of polygraph examinations in the criminal process in the Russian Federation, it is necessary to understand the specifics of the process. According to Article 74 of the RF CPC, evidence in a criminal case is any information on the basis of which a court, prosecutor or investigator, in the manner established by the CPC, can conclude that there are circumstances that require proof in the course of criminal proceedings, as well as other circumstances relevant to the criminal case. The Code of Criminal Procedure also admits such evidence as the opinion of an expert (Article 74(3)), the opinion of a specialist (Article 74(2) (31)), and other evidence that emerged during operational and search activities<sup>30</sup>, as long as it meets the evidentiary requirements of the CPC. Then, in accordance with Article 89 of the RF CPC, they are admitted as evidence in the case<sup>31</sup>. Russian judicial case law on the use of polygraph evidence is varied. Courts that have used a polygraph examination have indicated that the usefulness of the results of such an examination occurs when they do not contradict other evidence taken during the trial. The RF Supreme Court’s February 17, 2011 ruling<sup>32</sup> indicates that the conclusions of psychophysiological tests are considered evidence that does not raise doubts in court because it does not contradict the testimony of other witnesses and other evidence, including material evidence. The Supreme Court ruled that all the evidence carried out is consistent with each other as to the facts, contains no significant contradictions, and overlaps in detail on the main issues.

In Russian jurisprudence, one can also find opposing views on the use of polygraph examinations. Such was contained in the Supreme Court’s March 6, 2013 ruling<sup>33</sup>, in which the court declared that the polygraph examination has the nature of a “random result” (probabilistic). In an earlier ruling on June 28, 2012<sup>34</sup>, the court stated that the result of the examination is not a source of new information about the factual circumstances of the criminal case, but merely an assessment of the evidence already collected from the point of view of its credibility, with the expert’s conclusions contradicting the totality of other evidence examined by the court.

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<sup>30</sup> This type of activity is included in Russian regulations (editor’s note).

<sup>31</sup> *Criminal Procedure Code of the Russian Federation dated December 18, 2001 N 174-FZ.*

<sup>32</sup> Russian Federation Supreme Court decision of February 17, 2011, No. 203-O11-1, and Russian Federation Supreme Court decision of January 19, 2012, No. 11-O11-99.

<sup>33</sup> Ruling of the Supreme Court of the Russian Federation dated March 6, 2013, No. 32-O13-5.

<sup>34</sup> Ruling of the Supreme Court of the Russian Federation dated June 28, 2012, No. 58-O12-31.

A review of the legal acts in force in the Russian Federation specifying the use of the polygraph in criminal proceedings should begin with the *Instruction on the organization of psychophysiological examinations using the polygraph in the internal affairs bodies of the Russian Federation*, which was approved on March 18, 2010 by an order of the Russian Ministry of Internal Affairs. Unlike the 1992 instruction, the new instruction was registered with the Russian Ministry of Justice very quickly, as early as April 20, 2010. The instruction uses the term “special psychophysiological examination”<sup>35</sup>; in addition, the document includes the following provisions:

- the respondent must give written consent to the study. In its absence, the presumption under Article 79 of the Civil Procedure Code of the Russian Federation cannot be invoked (in Russian civil procedure, the guilt of a person who evades examination is presumed, while in criminal procedure, no negative consequences can be drawn against a person who refuses to submit to examination<sup>36</sup>);
- the test cannot be given to a person who is in a state of collapse, has pre-concussion states, is physically or mentally exhausted, has a low level of intelligence, exhibits multiple mental disorders, is in the exacerbation phase of certain diseases associated with impaired cardiovascular or respiratory function<sup>37</sup>;
- it is forbidden to subject a person under the age of 14 to the test. Minors between the ages of 14 and 16 may be examined by polygraph only with the written consent of one of the child’s parents or legal guardian – in the presence of a psychologist or teacher. Persons between the ages of 16 and 18 may take the polygraph test only with the written consent of one of their parents or legal representative. The presence of a teacher or psychologist during the study is not mandatory in this case.

Even before the introduction of the aforementioned legislation, the Office of the Russian Prosecutor General sent out letter No. 28/15/05 on February 14, 2006, which presented the results of an analysis of the past practice of using polygraph examinations in ongoing cases. It was stated that the polygraph was a helpful element in the investigation<sup>38</sup>.

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<sup>35</sup> Н.Л. Леонтьева, *Полиграф как источник доказательства по уголовному делу*, „Юрист” 2011, No. 2, p. 22–26.

<sup>36</sup> *The Code of Criminal Procedure of the Russian Federation...*

<sup>37</sup> В.В. Семенов, Л.Н. Иванов, *Правовые, тактические и методические аспекты использования полиграфа в уголовном судопроизводстве*, Москва 2008, p. 16.

<sup>38</sup> *Ibid*, p. 26.



According to 2011 statistics, the polygraph was successfully used in such Russian cities as: Astrakhan, Bryansk, Kirov, Lipetsk, Novosibirsk, Saratov, Samara, Tambov, Tver, Chita, and in the regions: Amur Oblast, the autonomous republics of Altai, Buryatia, Mordovia and Udmurtia. The requesters for the study were prosecutors. According to J.N. Kazakov and S.V. Vorobyev, courts in Russia use the results of a polygraph examination mainly when they can serve as evidence proving the perpetration of the examinee. In practice, it happens that the test result is practically the only evidence of guilt<sup>39</sup>.

The use of polygraph tests is also questionable in Russia. In 2019, the Council for the Development of Civil Society and Human Rights under the President of the Russian Federation appealed to State Duma Chairman Vyacheslav Viktorovich Volodin to exclude mention of the polygraph from the draft act on forensic investigations of the Russian Federation Investigative Commission<sup>40</sup>. The Council believes that the diagnostic value of psychophysiological testing is controversial. Such a view also appears in the jurisprudence of the Supreme Court of the RF. He pointed out on several occasions that the polygraph test results do not meet the requirements of the law of evidence, including the reliability required of evidence<sup>41</sup>. Thus, the views of the doctrine of Russian jurisprudence resemble those of Polish doctrine and jurisprudence prior to the 2003 amendments to the Code of Criminal Procedure.

## Polygraph examinations outside the criminal process in the Russian Federation

Consideration of the use of polygraph examinations in the public sector should begin with the aforementioned *Instruction on the organization of psychophysiological examinations using the polygraph in the internal affairs bodies of the Russian Federation*<sup>42</sup>. With its publication, an attempt was made to create a unified regulatory

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<sup>39</sup> Ю.Н. Казаков, С.В. Воробьев, *Проблемы противодействия проверкам полиграфа*, Москва 2011.

<sup>40</sup> Л.В. Иванов, *Актуальные вопросы применения полиграфа при расследовании преступлений, Информационная безопасность регионов*, „Управление, вычислительная техника и информатика” 2011, No. 1.

<sup>41</sup> *Совет призывает Госдуму не приравнивать “полиграф” к законному и полноправному криминалистическому методу*, <http://www.president-sovet.ru/presscenter/news/read/5411/> [accessed: 19 I 2022].

<sup>42</sup> В.В. Семёнов, Л.Н. Иванов, *Правовые, тактические и методические аспекты использования полиграфа*, Москва 2008.

framework for the use of the polygraph not only in operational and reconnaissance activities, but also in the selection of candidates for service in internal affairs bodies and in the screening of government officials<sup>43</sup>.

Work on regulating the use of polygraph results in the bodies of the Russian Interior Ministry had been going on for many years. In 2000, the heads of the Main Directorate of Personnel and Staff Policy and the Medical Directorate of the Russian Interior Ministry approved the use of special psychophysiological tests using the polygraph during professional psychological selection of candidates for service in the internal affairs bodies. Paragraph 1 of Section I of this instruction explains that (...) *psychophysiological examinations with the use of polygraph are carried out in order to obtain additional (hidden) information that is relevant to the overall assessment of the case, and consist of an interview conducted according to special methods, with observation of psychophysiological reactions of the examined person to the questions asked*<sup>44</sup>. The results of these surveys were used as useful information in making a final decision on a candidate's eligibility for service<sup>45</sup>.

### Public sector

The largest number of cases of polygraph use in state services was revealed in the Customs Service of the Russian Federation. This was due to the fact that *Order of September 25, 2007 No. 1196 "Temporary Instruction on the Mode of Inquiry by Computerized Polygraph in the Customs Authorities of the Russian Federation"* stipulated the conditions and procedure for using the polygraph in the Customs Service of the Russian Federation. According to the document, the use of the polygraph was allowed only during the selection of candidates from a psychological point of view. It can be assumed that similar procedures are also used for the same purposes in other police and special services.

The basic principle of conducting polygraph examinations under Article 21 of the *Constitution of the Russian Federation of December 12, 1993* is the voluntariness of participation in such tests<sup>46</sup>. The above-cited articles of the Constitution of the Russian Federation are detailed in the provisions of the Labor Code of the Russian Federation of December 30, 2001 N 197-FZ (hereinafter: the RF LC), from which it follows that the employer has the right to impose restrictions or make preferences in hiring, taking into account the requirements inherent in a particular type of work or business activity. According to the RF LC,

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Articles 21-29 and 37 of the RF Constitution.

the employer has the right to collect the employee's personal data necessary for him to establish the employment relationship (Chapter 14, Articles 85-90). Personal data on an employee, according to the RF LC, can be obtained from the employee to the extent necessary for the employer to resolve disputed matters related to employment, career advancement, personal safety of employees and security of property. According to Article 85 of the RF LC (...) *an employee's personal data is information that the employer needs in connection with the employment relationship, concerning a specific employee. Processing employee personal data [is] – receiving, storing, combining, transferring or any other use of employee personal data*<sup>47</sup>.

At the Interior Ministry, the use of the polygraph increased fourteenfold between 2005 and 2012. In 2011, 22,000 police officers were polygraph-checked. According to A.V. Lugovoy, internal police statistics reported that polygraph tests immediately eliminate 47 percent of people who want to serve in state bodies. In his view, the polygraph goes a long way toward disqualifying candidates who hide inconvenient facts, including accepting bribes in the past, alcoholism, drug use or sadism. Polygraph examinations also make it possible to reveal people with manic tendencies, who should not be given access to weapons under any circumstances<sup>48</sup>.

The head of Kazan's Department of Internal Affairs, Alexey Selivanovsky, announced that 50 criminal cases were opened in Kazan in 2010 against public officials who abused their positions. In most of these cases, a polygraph examination was used<sup>49</sup>.

### Private sector

As already mentioned, the restrictions on polygraph examinations derive from the RF Constitution and the RF LC. According to Articles 21, 28, 29 and 37 of the Constitution of the Russian Federation, a citizen of the Russian Federation is guaranteed the right to work, inviolability of private life, preservation of personal and family secrets, protection of honor and dignity, freedom of conscience, religion, thought and speech. No one should be subjected to torture, violence, other cruel or degrading treatment or punishment; no one should be subjected to medical, scientific or other experiments without voluntary consent. In addition, (...) *everyone*

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<sup>47</sup> *Labor Code of the Russian Federation of December 30, 2001, Articles 85-90.*

<sup>48</sup> А.В. Луговой, *Правовые аспекты применения психофизиологического исследования на полиграфе в организации антикоррупционной политики российской федерации*, Краснодар 2012.

<sup>49</sup> И.И. Гербеков, *Полиграф как техническое средство профилактики коррупционных правонарушений*, „Юридическая наука и правоохранительная практика” 2019, No. 3, p. 49.

*has the right to freely seek, receive, transmit, create and disseminate information by any lawful means* (Article 29(4)).

The RF LC does not prohibit the use of the polygraph in the recruitment process in the private sector. Polygraph examinations are not prohibited by law, either during the selection of personnel or during the inspection of those already employed. At the same time, the performance of such examinations in the case of the establishment of an employment relationship in any company must, as mentioned above, fully comply with the RF LC<sup>50</sup>. An employer cannot dismiss an employee based on their performance, as this would be illegal. It is worth noting, however, that Articles 189 and 190 of the RF LC allowed for an expansive interpretation of the use of this device, since under these articles the employer has the right to require subordinates to comply with the applicable work regulations. If such a clause is included in the employment contract, the company's employee is obliged to comply with it, and therefore to participate in the polygraph examination<sup>51</sup>.

One of the consequences of the long-standing lack of regulation of the use of the polygraph in the private business sector has been that such tests have been performed by people without proper professional training. It was not until 1999 that the Economic Security Agency introduced standards governing the procedure for conducting polygraph examinations in the non-state sphere, as well as a procedure for training and certifying polygraph examiners who work privately.

In summary, it can be said that in RF in the private sector, polygraph tests are used for three main purposes:

- 1) identification of at-risk individuals (alcoholics, drug addicts) to prevent the employment of such a candidate,
- 2) identification of at-risk individuals among already hired personnel, where such screening was not conducted prior to hiring,
- 3) disclosure of activities conducted to the detriment of the employer resulting from internal investigations.

## **Polygraph examiners in Russia**

After 1993, polygraph examinations in Russia ceased to be performed only by a narrow group of experts employed by the security organs. Currently, there

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<sup>50</sup> О.И. Белошина, А.С. Ладченко, *Полиграф на службе у предпринимателя*, „Бизнес-адвокат” 2004, No. 5, p. 77.

<sup>51</sup> *Ibid.*, p. 78.

are more than 350 specialists conducting polygraph examinations in the public sector, while in the private sector this number is many times higher. Most of those in prominent positions in the polygraphy business (equipment manufacturers, presidents of companies providing polygraphy services, those running schools and courses) were officers of the Soviet or Russian secret services in the past. Russia is one of the world's leaders in terms of the number of experts and the number of studies performed. There are branches of schools accredited by the American Polygraph Association (APA)<sup>52</sup>, a distribution network of American Axciton polygraphs was also developed<sup>53</sup>, sold, despite the fact that at least six manufacturers of domestic equipment are present on the Russian market<sup>54</sup>. They claim that their equipment is in no way inferior to Western products, and even (...) *some parameters are better than foreign ones*<sup>55</sup>. Russian experts helped introduce the polygraph in neighboring former Soviet republics, including Belarus, Moldova, Armenia, Kazakhstan and Kyrgyzstan<sup>56</sup>. Only Lithuania did not benefit from the experience of Russian polygraphers. The first training for Lithuanians was conducted in 1997 by experts from Poland. Later, Lithuanian experts were trained in the US, including at the American International Institute of Polygraph in Morrow (Georgia).

### The most influential people in Russian and post-Soviet printing circles

The polygraph community in Russia and the post-Soviet bloc has strong ties to the special services dating back to the USSR era.

Polygraphers working for the civilian special services are trained at the FSB Institute of Forensic Science. The training sites of polygraphers working for the military services are not disclosed. The Autonomous Non-Commercial Organization for Supplementing Vocational Education, which operates the Center for Applied Psychophysiology, operates in Moscow. The subtitle of the name reads: National School of Lie Detection. The school provides courses for polygraph experts and is organized along the lines of a university<sup>57</sup>. It also conducts

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<sup>52</sup> Y. Kholodny, *Interrogations using a polygraph...*, p. 74.

<sup>53</sup> After the Russian aggression against Ukraine, Axciton announced that it was cutting off all cooperation with Russian partners. Cf. <https://www.axciton.com/index.html> [accessed: 9 I 2022].

<sup>54</sup> <https://www.polyconius.ru/> [accessed: 9 I 2022].

<sup>55</sup> А.А. Степанов, *Полиграф («детектор лжи»): история и современность*, „Психология и бизнес” 2012, No. 3, p. 72–77.

<sup>56</sup> М. Шайкова, *Историко-правовой подход к применению полиграфа в России и за рубежом*, „Научный альманах центрального Черноземья” 2018, No. 2, p. 7–10.

<sup>57</sup> V. Larina, *Main Features of Polygraph...*, p. 91.

large-scale publishing activities – its publications include textbooks and method books related to the problems of polygraphic research, which are of a high level both scientifically and editorially. From the content of the publications, it appears that Russian polygraphers are using current US techniques (*Zone Comparison Technique*) and even develop and modify them. The school's rector is Alexandr Borisovich Pielenitsyn, PhD in biological sciences. He has more than four decades of experience in applying psychophysiological methods for state security purposes. He was a colonel in the KGB, later in the Foreign Intelligence Service (FIS), and is currently a retired colonel. He is fluent in English, but unlike Soshnikov or Kholodny, he does not attend foreign conferences.



**Photo 1.** Alexandr Borisovich Pielenitsyn.

Source: *Объединённый центр психофизиологических исследований*, United Polygraph Research Center.

The founder of the Center and one of its main lecturers is Alexandr Petrovich Soshnikov. Since 1986, he has been involved in the KGB's use of “applied psychophysiology” for the service. He reached the rank of lieutenant colonel in the KGB, and later served in the FSB after the regime change. He is currently a retired lieutenant colonel. He produces and sells the Russian polygraph Diana. He participates in foreign conferences, including in the US, where he advertises his polygraph. He is the author or co-author (together with Pielenitsyn) of numerous professional publications.



**Photo 2.** Alexandr Petrovich Soshnikov.

Source: *Объединённый центр психофизиологических исследований*, United Polygraph Research Center.

Yury Kholodny graduated from the Department of Physics at the University of Dnipropetrovsk (now Dnipro), from which he graduated in 1972. From 1972 to 1975 he was a researcher (later – senior researcher) at the Institute of Rheumatology of the Medical Academy in Moscow. He received his doctorate in psychology in 1990 and his habilitation in 2002. He was a KGB officer from 1975, then served in the FSB. He holds the rank of colonel. He is a professor and head of the department at the FSB Institute of Forensic Science<sup>58</sup>. He has been a member of the APA since 2005.

Alexandr Kalafati, born in 1985, belongs to the young generation of Russian polygraphers. He graduated from the Higher School of the Ministry of Defense of the Russian Federation, then was a lecturer in psychology at the university. He spent some time in England and is fluent in English. He has officially been out of service since 2011. For several years he ran his own polygraph testing company in Moscow. After 2015, as head of the team, he is working on improving the Russian Triumf polygraph, which he promotes at numerous conferences abroad, including in the US. He published the article jointly with Donald J. Krapohl, a former

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<sup>58</sup> Cf. bibliographic note: *Y.I. Kholodny*, American Polygraph Association, 41th Annual Seminar, Workshop, Las Vegas 2006.

APA president who was deputy director of the National Center for Credibility Assessment<sup>59</sup>. Kalafati makes no secret of his nationalist, Greater Russian views<sup>60</sup>.



**Photo 3.** Alexandr Kalafati.

Source: Facebook, photograph from a private profile of Alexandr Kalafati [accessed: 9 I 2022].

Sergei J. Aleskovsky, professor, is co-founder and long-time president of the Eurasian Polygraph Association, based in Almaty, Kazakhstan. He probably has the citizenship of Kazakhstan, last lived in Sevastopol, Crimea<sup>61</sup>. He is advisor to the Russian Academy of Natural Sciences. He was born on December 4, 1958 in Krasnoyarsk. He graduated with honors from the Department of Physics of the Kyrgyz State University in 1981. From 1981 to 1983, he worked at the Radiometric Laboratory of the Institute of Physics and Mathematics of the Academy of Sciences of the Kyrgyz SSR. From 1983, he served in the state security organs of the Kyrgyz SSR, where he worked in operational and expert positions at the KGB Operational-Technical Department. In 1987, he graduated from the Higher Courses of the KGB of the USSR in Almaty. In 1989, he became a lecturer there. He has held the positions of lecturer, laboratory manager, senior researcher, associate professor, and plant manager. After the collapse of the USSR, he became a citizen of Kazakhstan. He was nominated scientific secretary to the Council of Doctoral Theses at the Academy of National Security of the Republic of Kazakhstan. In 1998, he completed

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<sup>59</sup> A. Kalafati, D.J. Krapohl, *The Difference Between the Manual and Automatic Settings for the Electrodermal Channel and a Potential Effect on Manual Scoring*, „Polygraph & Forensic Credibility Assessment” 2018, No. 47.

<sup>60</sup> For example, in a conversation with Polish polygraphers at a conference in Astana in 2017, he asserted with conviction that the Katyn massacre was committed by the Germans, and that attributing this crime to the USSR is a symptom of fanatical Russophobia and hatred of Russia.

<sup>61</sup> On his Facebook profile, he lists Sevastopol as his location.



postgraduate studies in forensic expertise at the Kazakhstan Institute of Scientific Research. On May 29, 1998, he defended his thesis on graphological expertise at the doctoral council at the Almaty Law Institute of the RK Ministry of the Interior. In 2000, the RK Higher Attestation Commission awarded him the title of Associate Professor of Law. In 2000, already a citizen of Kazakhstan, he completed advanced training courses at the Academy of the Federal Security Service of the Russian Federation in Moscow. In 2001, he became the first person from Kazakhstan to take polygraph examination courses at the FSB Institute of Forensic Science in Moscow. In 2002, also the first from Kazakhstan, he completed specialized courses in polygraph research at the All-Russian Research Institute of the Russian Ministry of Internal Affairs in Moscow. He is author of the draft of the first legal act in Kazakhstan regulating the issue of polygraph examinations (issued in 2002)<sup>62</sup>. In May 2003, with the rank of colonel, he ended his service in the national security organs of the Republic of Kazakhstan and retired<sup>63</sup>. Very active in the international printing community. He regularly participated in conferences in the USA, Poland, Belarus, Ukraine. After the Russian aggression against Ukraine, he aggressively argued with Ukrainian polygraphers on Facebook for Putin's right, for which he was stripped of the title of honorary member of the Ukrainian College of Polygraphers.



**Photo 4.** Sergey J. Aleskovsky.

Source: *Энциклопедия Известные Ученые*, [www.rae.ru](http://www.rae.ru) [accessed: 1 II 2022].

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<sup>62</sup> Orders of the Chairman of the National Security Commission of the Republic of Kazakhstan on approval of departmental rules for conducting polygraph examinations.

<sup>63</sup> <https://famous-scientists.ru/12243> [accessed: 1 II 2022].

Vladimir Mikhailovich Knyazev is the founder and first head of the Psychological-Technical Assistance Department at the Crime Investigation Institute of the Ministry of Internal Affairs of the Republic of Belarus. Chairman of the Public Association “Polygraph Experts”, co-author of the method manual and guidelines for conducting polygraph examinations. In his own words, he has (...) *a great deal of experience, both in operational work and in control investigations (about 400 criminal cases have been solved with his help)*<sup>64</sup>. He was to contribute to the implementation of polygraph examinations in the internal bodies of the Republic of Belarus. He is the initiator of the establishment of the Belarusian school of polygraphers. As an instructor, he participated in the training of employees of various law enforcement agencies of Belarus. He drafted documents regulating the use and procedure of polygraph examinations of government officials, as well as ordinary citizens. He is the author of several books, including one as co-author with Varlamov.



**Photo 5.** Vladimir Mikhailovich Knyazev.

Source: В. Князев, Г. Варламов, *Полиграфия и его практическое применение*, Москва 2012.

The older generation of polygraphers, including those profiled in this article, maintains a very close relationship with each other. This may be due to the fact that the vast majority of them began their careers in the special services of the USSR. An example of the connections can be seen in a photograph from a training course for Belarusian polygraphers at the Interior Ministry Academy in Minsk in 2008, where,

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<sup>64</sup> В. Ет seq., Г. Варламов, *Полиграфия и его практическое...*

in addition to the trainees, retired FSB Lieutenant Colonel Soshnikov can be seen as one of the instructors.



**Photo 6.** Training of polygraphers at the Belarusian Academy of the Interior Ministry, Minsk 2008. Standing in the front row are, second from left, A.P. Soshnikov, L.V. Salenik, V.V. Korovin, I.A. Arkhipov, V.M. Knyazev.

Source: В. Князев, Г. Варламов, *Полиграфия и его практическое применение*, Москва 2012.

The Russian aggression in Ukraine is having a huge impact on relations within the polygraph community. This is evidenced by, among other things, the stripping of Sergey Aleskovsky of his honorary membership in the College of Ukrainian Polygraphers, calls for the exclusion of Russian polygraphers from the APA, harsh exchanges on online forums of the polygraphy community, or the aforementioned severance of cooperation with Russian institutions by the US company Axcition.

Russia produces polygraphs of its own design with names: Delta, Triumpf, Diana, which are based on American and Canadian models. So far, polygraphers from Russia, Kazakhstan, Belarus have participated in conferences organized by the APA, and many of them have obtained membership in the organization. Some have even published their work in Western journals in co-authorship with Americans. After the Russian aggression against Ukraine, Lithuanian and Polish members of the APA appealed to the organization's authorities to strip the Russian of his membership, but received a response that there was no statutory basis for stripping him of it in retaliation for the actions of his government. APA publications have published expressions of solidarity with the struggling Ukraine.

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