



## Legal Procedure for Investigation under the Criminal Code of Uzbekistan

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### Abstract

This article examines the legal framework governing criminal investigations and proceedings in the Republic of Uzbekistan. Using doctrinal legal analysis, it outlines the code provisions related to inquiry, preliminary investigation, evidence gathering, rights of suspects and accused, procurator oversight, and court procedures. The objective is to elucidate the systematic approach underlying criminal justice administration in Uzbekistan, underscoring adherence to due process. The aspects include constraints on interrogation duration, attestation requirements for investigative actions, prosecutorial supervision safeguards, and judicial review principles. The study finds a robust legal structure emphasizing procedural fairness, transparency and accountability. It highlight the center on reducing bureaucratic delays in approvals, enhancing protections for juveniles and suspects, and limiting grounds for suspending inquiries. Streamlining procedures within human rights frameworks will strengthen public trust in the criminal justice system. Reforms must balance efficiency aims with upholding rule of law ideals.

**Keywords:** Criminal Procedure Code of Uzbekistan, Investigation framework, Prosecution, Justices, Legal System

### I. Introduction

An effective and equitable criminal justice system is the foundation of a progressive society governed by the rule of law. As Uzbekistan continues transitioning into a rules-based order, reforming the legal framework for criminal investigations and proceedings constitutes a pivotal imperative. A robust process upholding integrity, balancing individual rights alongside securing convictions, is vital for citizens' trust. This article examines Uzbekistan's Criminal Procedure Code governing inquiries, evidence gathering, prosecution and adjudication of criminal offenses [1]. It highlights recent enhancements establishing sound structures prioritizing due process, transparency and fairness principles. Expanded defendant protections, stringent evidence admissibility rules and increased prosecutorial accountability aim to prevent violations undermining earlier frameworks [2].

Doctrinal analysis reveals a rigorous code underscoring checks and balances



between judiciary, law enforcement and prosecution. Judicial oversight of security agencies has increased substantially with greater scrutiny over investigations. Constraints now better govern surveillance and interrogations, excluding coerced confessions [3]. Independent monitoring bodies provide additional safeguards aligned with rights-based ideals. However, transforming investigative cultures remains unfinished. Institutional inertia occasionally resists ceding excessive discretion while some lacunae still facilitate abuse. Oversight systems also need more resources and autonomy for optimal functioning. But political will exists to address these limitations as litigation and media attention build pressure [4].

With sustained efforts, Uzbekistan can align its criminal justice apparatus to global standards convicting only the guilty while preventing arbitrary harassment of suspects and accused [5]. Enhancing defendant protections, tightening evidence rules, requiring recorded interrogations and limiting incommunicado detentions are key next steps. Thereafter, transitional justice, community policing and public campaigns can catalyze wider cultural change. Uzbekistan possesses tremendous capacity to transform criminal justice into an apparatus upholding integrity [6].

## **II. Methodology**

This study employs doctrinal legal analysis as the primary methodology to systematically examine provisions within Uzbekistan's criminal procedure code related to investigation powers, rights of suspects, evidence gathering protocols, prosecutorial supervision, and judicial review [7]. Doctrinal research involves an in-depth, exposition of legal principles, statutes, and precedents contextualized within jurisprudential underpinnings. The qualitative analysis scrutinizes the textual and contextual integrity of code articles to explain substantive or procedural details [8]. Primary data comprises the criminal procedure code, criminal code, constitutional statutes and judicial verdicts referencing articles governing criminal investigations in Uzbekistan. Secondary data encompassing human rights reports, media articles and legal commentaries highlight enforcement gaps between procedural ideals and realities [9].

Through coding and thematic analysis of identified lacunae around checks on misuse of investigation powers, protections for accused/suspects and strictures for evidence gathering provide specific protection are developed aligned to rights-based frameworks. Phenomenological inquiries assessing applicability of external oversight models are also conducted [10]. Rationale for chosen methodology lies in suitability for evaluative analysis spanning normative legal structures and qualitative policy critiques revealing gaps between theory and practice. Doctrinal examinations ascertain procedural coherence while phenomenology grounds reform recommendations to bridge enforcement deficiencies undermining rule of law aims



underpinning the codes [11].

### **III. Results**

Doctrinal analysis reveals investigation process within Uzbekistan's criminal procedure framework related to arbitrary investigation powers, inadequate protections for suspects and accused, unbridled prosecutorial discretion and limited judicial oversight [12]. Despite extensive provisions emphasizing adherence to due process, legislative lacunae provide avenues for violations. The liability exemption clauses against torture by security agencies during interrogations while prosecutorial supervision lacks effective checks. Suspension of investigations can be arbitrarily invoked without sufficient justifications [13]. Protections for juveniles and suspects during interrogation safeguards are adequate and constraint measures can be imposed without reasonable thresholds. Evidence gathering protocols also more stringent admissibility standards and strictures given documented coerced testimonies [14].

The study finds a robust legal structure on paper prioritizing procedural fairness, truth-seeking and accountability. While practical enforcement remains intact, the goal of weakening the rule of law is to reduce regulation. Security agencies often use best practices and procurers use advanced tools to obtain confessions - systemic reform is an imperative. Phenomenological analyzes show that much of the adequacy stems from vestiges of Soviet-era systems that balanced powers between law enforcement and prosecutors. Meaningful legislative and institutional changes modeled on Western criminal justice structures could further balance the prevailing limitations [15].

### **IV. Discussion**

The Code on Criminal Procedure governs the legal proceedings of criminal cases in the Republic of Uzbekistan, applying uniformly to all courts, prosecution, investigation and inquiry agencies, advocacy, and citizens (Article 1). The primary objectives of the criminal procedure legislation are to promptly and comprehensively establish the facts of crimes, target the guilty, and ensure the proper application of the law. The emphasis is on imposing fair punishment for those who commit crimes while safeguarding innocent individuals from unjust liability and conviction (Article 2). The procedural framework aims to enhance the rule of law, accordance with the legislation, existing at the moment of conducting of the inquiry, pre-trial investigation and judicial proceedings on the case (Article 3). The legal proceedings for crimes committed by foreign nationals and stateless persons within Uzbekistan adhere to the principles outlined in the Code, with due consideration for international treaties and agreements binding the Republic of Uzbekistan (Article 4). The interaction between courts, procurators, investigators, and foreign institutions, particularly concerning extradition and procedural actions, is subject to the legislation of Uzbekistan and



relevant international agreements (Article 5).

The legal framework in the Republic of Uzbekistan dictates that its courts and investigating agencies must adhere to requests from foreign institutions for various judicial and investigative procedures, including witness interrogations, examination of accused individuals, experts, and others, as well as the inspection, search, seizure, and transfer of material evidence. However, these requests, when directed to the court or investigating agencies, necessitate approval from the Ministry of Justice of Uzbekistan or the Republican Procurator's Office. The compliance with foreign institutions' requests within Uzbekistan's borders follows rules outlined in Article 3 of the existing legal Code. In cases where compliance is not possible, the received documents are to be returned through the Ministry of Justice or the Republican Procurator's Office, accompanied by reasons for the inability to fulfill the request. Notably, the Supreme Court of Uzbekistan is the direct point of interaction with relevant foreign institutions concerning these matters (Article 6).

The legal procedures for handling requests from foreign institutions regarding criminal cases involving nationals of the Republic of Uzbekistan are outlined clearly. The Republican Procurator's Office of Uzbekistan plays a pivotal role in evaluating such requests, scrutinizing the grounds for initiating a criminal case. Upon completion of the assessment, the results are communicated back to the requesting institution. If the individual in question has already undergone investigation and received a judgment within Uzbekistan, the foreign institution is promptly informed, with a certified copy of the judgment sent upon its legal validation. Conversely, in cases where a foreign citizen commits a crime within the territory of Uzbekistan and departs the country, the inquiry and investigative materials are forwarded to the Republican Procurator's Office. Subsequently, the office evaluates the possibility of initiating a case against the individual in the appropriate institutions of the foreign state involved (Article 7).

The process for requesting the extradition of an individual who has committed a crime within the Republic's borders. The Republican Procurator's Office of Uzbekistan is responsible for initiating this extradition request to the relevant institutions of a foreign State, provided there is a criminal case against the individual or they have already been convicted. The request includes essential details such as the accused person's name, date of birth, nationality, physical description, and a photograph. Additionally, it must specify the circumstances of the committed crime, reference the corresponding law, and detail the potential punishment. Furthermore, information on the court's judgment, its legal status, and the time and place of delivery is required. This formal procedure ensures that extradition requests are comprehensive and compliant with international treaties (Article 8). The legislation establishes a critical safeguard, stating that an extradited person cannot face criminal



liability or punishment in Uzbekistan for a crime committed before extradition without the consent of the extraditing State (Article 9).

The extradition of individuals from the Republic of Uzbekistan is subject to specific conditions outlined in its legal framework. Firstly, extradition is generally prohibited if the person in question is a national of Uzbekistan, except in cases covered by international treaties. The extradition is not granted if the alleged crime occurred within the territory of Uzbekistan. Furthermore, if a final judgment has been rendered for the charges forming the basis of the extradition request, or if the criminal case has been officially closed, extradition is precluded. Extradition is also prohibited if the statute of limitation applies or if there are other lawful grounds preventing the initiation of a case or the enforcement of a judgment according to Uzbekistan's legislation. Importantly, extradition will not be approved if the behavior underlying the extradition request does not qualify as a crime under the laws of the Republic of Uzbekistan (Article 10).

In the event of discovering elements constituting a crime, the court, procurator, investigator, and inquiry officer are mandated to promptly initiate a criminal case within the scope of their respective jurisdictions. Simultaneously, they are obligated to undertake all necessary measures, as stipulated by the law, to ascertain the particulars surrounding the crime. This includes a thorough investigation into the circumstances of the offense, identification of individuals culpable for its commission, and the pursuit of appropriate punitive actions. It is imperative that each of these legal entities exercises due diligence in adhering to their prescribed duties to ensure the effective administration of justice (Article 15).

During the pre-trial investigation and judicial hearings of criminal cases, the inquiry officer, investigator, procurator, and the court are authorized, within their respective jurisdictions, to enlist the assistance of the public. This collaboration aims to ascertain the circumstances of the crime, identify culpable individuals, deliver a just verdict, and uncover the root causes and conditions that contributed to the commission of the offense. Furthermore, individuals representing public organizations and collectives possess the right to actively engage in legal proceedings related to criminal cases, serving as civic accusers and defenders. This inclusion of public participation underscores a commitment to transparency and collective responsibility in the pursuit of justice (Article 21).

In the legal process, every suspect, accused, and defendant is entitled to the fundamental right of defense. This essential right is bestowed as a duty upon the inquiry officer, investigator, procurator, and court to elucidate to the individual in question their rights and to undertake measures ensuring a genuine opportunity to employ all legal means for their defense against the charges. The right to defense is a cornerstone of justice, requiring the responsible parties to not only inform the suspect,



accused, or defendant of their rights but also to facilitate a real and equitable opportunity for the individual to utilize all avenues provided by the law in their defense. This guarantees a fair and just legal proceeding where the accused can effectively protect themselves against the allegations through lawful means. Ultimately, upholding the right to defense is pivotal in maintaining the integrity of the legal system and safeguarding individuals against unjust accusations (Article 24).

In the Republic of Uzbekistan, criminal cases undergo a systematic legal process involving various court instances. The Supreme Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan on Criminal Cases, as well as regional, Tashkent city, district (city) courts, and military courts are authorized to conduct trials. The court of first instance possesses the authority to issue judgments or rulings in criminal cases. Subsequently, the court of appeal instance reviews cases based on complaints and protests against judgments and rulings that have not yet entered into legal force, rendering rulings accordingly. The court of cassation instance, on the other hand, addresses complaints and protests on judgments and rulings that have attained legal force, providing rulings. Lastly, the court of supervision instance evaluates cases following their consideration at the appeal and cassation chambers, rendering resolutions (rulings) upon protests against judgments and rulings of the court of first instance (Article 28).

The pre-trial investigation of criminal cases is the responsibility of investigators from the procurator's office, internal affairs agencies, and the national security service (Article 35). The investigator's authority, including the initiation and termination of criminal cases, the arrest and questioning of suspects, and the conduct of prescribed investigative actions. The investigator can independently make rulings on recognizing individuals as accused, imposing constraint measures, and issuing written orders related to their jurisdiction. However, if there is a disagreement with the procurator's orders, the investigator can present the case to a higher procurator, who may either quash the lower procurator's orders or transfer the case to another investigator. Importantly, the written orders and resolutions of the investigator are mandatory for all entities and individuals within their jurisdiction, as outlined in the respective articles (Article 36).

In the realm of criminal investigations, the head of the investigation directorate, department, section, group, and their respective deputies bear a crucial responsibility. Their competence extends to ensuring the timely and effective execution of investigators' actions in uncovering all relevant circumstances and preventing crimes. Furthermore, they are entrusted with the task of overseeing the comprehensive, thorough, and unbiased conduct of pre-trial investigations [16]. The authority vested in these officials allows them to scrutinize cases, issue orders to investigators regarding the investigative process, recognize individuals as accused, classify crimes



and accusations, and dictate the course of action for each case. Notably, the orders issued by these authorities in connection to a case must be conveyed in written form and are binding, mandating compliance from investigators. It is emphasized that any complaint about these orders lodged with the procurator does not defer their execution, unless specific circumstances outlined in Article 36, paragraph 3, of the present Code are applicable (Article 37).

The designated inquiry agencies in the Republic of Uzbekistan. These agencies include the Militia, responsible for general law enforcement; commanders of military units and educational institutions, addressing crimes by servicemen under their command; national security service agencies, handling cases falling within their jurisdiction; heads of penalty enforcement institutions, dealing with crimes against established order of service and those committed by institution personnel; state fire control agencies, addressing cases related to fires and fire prevention rule violations; border guard agencies, focusing on breaches of the state border; captains of vessels during long-distance voyages; and state tax and customs services, tasked with investigating violations of tax and customs legislation. The allocation of responsibilities ensures a comprehensive and specialized approach to various types of crimes, reflecting a systematic and structured legal framework for maintaining order and security in Uzbekistan (Article 38).

The framework for civic organizations and collectives to actively participate in the criminal justice process grants these entities, along with their administrative bodies and representatives, the authority to communicate with the inquiry agency, investigator, procurator, and court regarding reported crimes or their impending occurrence. These organizations possess the right to submit petitions on various matters, including proposing the civic organization or collective as a suitable restraint measure for the accused or defendant, advocating for the conditional release of a convicted individual or a milder penalty, requesting alterations to the conditions of a person serving a deprivation of liberty sentence, seeking expungement of a criminal record, and addressing other pertinent issues as stipulated by the present legal code. This provision underscores the importance of involving civic entities in criminal proceedings and emphasizes their role in safeguarding justice and due process (Article 40).

The circumstances that disqualify the judge, assessor, procurator, investigator, inquiry officer, and court clerk from participating in criminal proceedings. They cannot be involved if they have a personal or professional connection to the case, such as being a victim, plaintiff, defendant, or having familial ties to officials handling the case. Additionally, any doubts about their objectivity and impartiality are grounds for disqualification. Judges are barred from participating if they were previously involved as inquiry officers, investigators, procurators, or court clerks. Once a judge has



participated in a case at the original or appellate court, they are prohibited from further involvement after a sentence recall or ruling, except in specific cases involving the Supreme Court of the Republic of Uzbekistan during the examination of criminal cases at the Plenum (Article 76).

In criminal cases, evidence establishing the presence or absence of a publicly dangerous action and determining the culpability of the individual involved, following the legally prescribed order. The inquiry body, investigator, or court relies on various types of factual data to ensure the correct resolution of the case. This includes testimonies from witnesses, victims, suspects, accused individuals, and defendants. Additionally, conclusions drawn by experts, exhibits, sound recordings, as well as video, photo, and film materials contribute to the comprehensive understanding of the circumstances surrounding the case. The protocols of investigating and legal actions, along with other pertinent documents, further aid in assembling a comprehensive body of evidence for a thorough examination of the case. The multifaceted nature of evidence underscores its significance in ascertaining the truth in criminal proceedings (Article 81).

The procedural framework for the collection of evidence within legal investigations involves various methods such as the interrogation of individuals including suspects, accused, defendants, witnesses, victims, and experts. Additionally, procedures like confrontation, identification, verification of testimony at the crime scene, seizure, search, inspection, examination, exhumation, experiments, and the receipt of specimens for expert investigation are specified. Furthermore, the article underscores the importance of tapping telephones and other speech communication devices to gather crucial information. The comprehensive list highlights the diverse means through which evidence can be amassed, ensuring a thorough and meticulous investigative process. The article also emphasizes the legal authority to adopt items and documents produced during the investigation (Article 87).

The inquiry officer or investigator is mandated to question witnesses, victims, suspects, and the accused either at the inquiry or preliminary investigation premises or at the location where the individual is being interrogated. Meanwhile, court interrogations are to take place at the venue of the session (Article 96). The summons process, emphasizing that witnesses, victims, suspects, and the accused must be summoned with a writ specifying details such as the person to meet, date and time of appearance, and repercussions for non-compliance without valid reasons. This writ can be sent through various means, including post, special delivery, telephone, cable, radiogram, or fax. If the summoned individual is absent, the writ shall be handed over to an adult family member, dormitory administration, landlord, or local citizens' self-governance body representative. Detained individuals are to be summoned through the administration of the institution they are held in (Article 97). The importance of





verifying the identity of the interrogated person, requiring the inquiry officer, investigator, or court to ascertain crucial details such as full name, date and place of birth, residence, employment information, marital status, and previous convictions before proceeding with the interrogation, ensuring accuracy in the legal process (Article 98).

The meticulous procedures for recording interrogations during both the inquiry and preliminary investigation stages, as well as court examinations. The protocols are expected to be comprehensive, encompassing not only the literal transcription of testimonies but also the inclusion of questions overruled or refused. The article emphasizes the potential use of sound recording, video recording, and filming during interrogations. After completion, the protocol is presented to the interrogated for reading or can be read aloud if requested. Importantly, individuals have the right to commit their testimony to paper, and this autographic record is appended to the protocol. In cases involving translators, they play a crucial role in interpreting and translating the autographic testimony, ensuring a complete and accurate record. The interrogation protocol, along with any accompanying phonogram, videotape, or film, serves as a critical document in legal proceedings, subject to scrutiny and certification by the interrogated (Article 106).

The duration of interrogation within a day must not exceed eight hours, excluding breaks for rest and a one-hour interval for food. It underscores the importance of maintaining reasonable limits on the questioning process to uphold the well-being of the individual being interrogated (Article 107). The additional interrogations may be warranted, such as when the initial session proves insufficient for the individual to address all relevant facts, or if there is a desire to modify prior testimony. Additional interrogations are also justified in cases of new charges, the need to verify the accuracy of recorded testimonies, emergence of substantial new questions, or upon the request of a reserve assessor entering the case post-initial interrogation. This legal framework ensures a balance between obtaining comprehensive information and safeguarding the rights and conditions of those undergoing interrogation (Article 108).

During the inquiry and preliminary investigation, it is mandated that the suspect or accused person be interrogated promptly, not exceeding twenty-four hours from the time of arrest, summons arrival, detention, or forcible bringing to interrogation. This swift interrogation ensures timely access to information crucial for the legal process. Furthermore, the judge presiding over the case is obligated to afford the defendant the right to testify at any moment during the court investigation. If the defendant expresses a desire to testify in the course of any legal action, the court must facilitate this opportunity upon the completion of such action. This provision underscores the importance of upholding the defendant's right to present their testimony during the



legal proceedings. The stipulations outlined in this legal context prioritize efficiency and fairness in the administration of justice (Article 110).

A confession statement as communication regarding a crime voluntarily made by the individual in question, who is neither suspected nor accused of the said offense. This statement can take the form of a verbal or written admission. In the case of a verbal confession, it is imperative that the inquiry officer, investigator, procurator, or court records the statement in a protocol. This protocol should comprehensively outline the declarant's personal information and the details of the confession in the first person. Subsequently, both the declarant and the responsible authority, whether it be the inquiry officer, investigator, procurator, or judge, are required to sign the protocol. This meticulous recording process ensures transparency and accuracy in handling the confession statement, emphasizing a formal documentation procedure in legal matters (Article 113).

The limitations on interrogating certain individuals as witnesses or victims in legal proceedings. Judges and assessors are barred from being questioned regarding facts discussed in deliberation rooms or issues arising during judgments. Similarly, attorneys, and representatives of the victim, civil plaintiff, or civil defendant cannot be interrogated about facts learned during the fulfillment of their obligations in a criminal case. The individuals with mental or physical defects impeding their accurate understanding of case-related facts are exempt from interrogation (Article 115). It specifies that close relatives of the suspect, accused, or defendant can only be questioned as witnesses or victims on facts related to the suspect or accused with their explicit consent. This provision safeguards the privacy and consent of close relatives in legal proceedings, maintaining a balance between justice and individual rights (Articles 116).

In cases where the witness or victim is below the age of sixteen, the interrogation must take place in the presence of their legal representative, an adult close relative, a pedagogue, or a representative of the victim, all subject to their consent. Importantly, these accompanying individuals are granted the right to pose questions to the witness or victim with the permission of the inquiry officer. Furthermore, it is highlighted that witnesses and accused persons under the age of sixteen will not be informed about accountability for refusing to testify or providing deliberately false evidence. Instead, the inquiry officer, investigator, or session chairman is tasked with reminding these juveniles about their procedural rights and responsibilities, emphasizing the moral duty to provide truthful evidence and assist in uncovering the truth in the criminal case (Article 121).

The procedure for confrontation in legal interrogations, emphasizing adherence to general interrogation rules and specific guidelines within the chapter. The process begins with the inquiry officer, investigator, or court session chairman individually



inquiring if the confronted individuals are acquainted and exploring the extent of their relationships. Subsequently, each individual is asked to provide responses regarding the conflicting facts. In cases involving multiple episodes or facts, the confrontation proceeds sequentially. The authority of the inquiry officer, investigator, or chairman allows one confronted individual to question the other. Moreover, during a court session, questions may be posed by assessors and parties involved. The officials conducting the confrontation retain the right to dismiss questions deemed irrelevant or insignificant to the clarified contradiction. This systematic approach aims to ensure a comprehensive and focused examination during the confrontation process (Article 123).

The identification process necessitates presenting the individual among a group of individuals with a similar appearance, all unrelated to the ongoing investigation, and in the presence of witnesses. A minimum of three persons must be included in the identification lineup. Before the identification, the person in question is to be placed randomly within the group, ensuring that their attire, hairstyle, or any other distinctive features do not make them stand out. In cases where presenting the person physically is not possible or poses a security risk, their photograph may be shown. The photographs, numbering at least three, must be securely affixed to a table, sealed, and devoid of any names or surnames for a fair and unbiased identification process (Article 127).

The verification of testimony at a crime scene, involving the inquiry officer, investigator, and court, along with attesting witnesses, parties, experts, and specialists. The process necessitates the announcement of the testimony to be verified in the presence of relevant parties, wherein the person providing testimony is given an opportunity to confirm, amend, or supplement their statements. Importantly, individuals providing testimony are informed about the criminal accountability for refusal or false statements, excluding those under sixteen. The verification process may include the reproduction of the crime scene, item searches, and demonstrations of specific actions, all while preventing outside interference and leading questions. Participants can draw attention to relevant details and request repetition of specific actions for clarity. The prohibition of prompting ensures the integrity of the verification process, emphasizing transparency and accuracy in legal proceedings (Article 133).

The grounds for conducting experiments in the investigative process. Whether conducted by an investigator, inquiry officer, or court, the primary objective is to validate the accuracy of testimonies provided by witnesses, victims, suspects, accused persons, and defendants. The verification extends to other pieces of evidence and various versions emerging in the case. The methodology involves reproducing individual actions, situations, and circumstances related to the investigated event.



These experiments are essential for confirming the possibility of perceiving certain facts, executing specific actions, witnessing particular events, and uncovering the underlying mechanisms and traces associated with the occurrence. By employing this meticulous approach, the legal system aims to ensure a thorough and reliable examination of the case, underscoring the importance of experimental verification in the pursuit of justice (Article 153).

The grounds for the seizure of items and documents in a criminal case, allowing inquiry officers, investigators, and courts to conduct such seizures when informed about the location and possessor, eliminating the need for a search (Article 157). Meanwhile, the grounds for searching, permitting investigators and inquiry officers to search premises or individuals if they possess sufficient information indicating the presence of crucial items or documents related to the case. Notably, a search can also be carried out for the purpose of locating individuals or corpses (Article 158). The both seizure and search require a resolution from the inquiry officer or investigator, or a ruling from the court, granting authorization. The resolution or ruling must explicitly identify the subjects, locations, and items or documents targeted in the seizure or search. This legal framework ensures a formal process for gathering evidence in criminal investigations (Article 159).

The procedure for the tapping of conversations via telephones and other communication devices in the context of suspect, accused person, or defendant investigations. The tapping can be initiated upon the resolution of an investigator or inquiry officer, sanctioned by a procurator, or through a court ruling. In situations where there is a threat of assault, blackmail, or other illegal actions against the victim, witness, or their close associates, telephones and communication devices may be tapped with the written or verbal consent of the concerned parties, along with procurator sanction or court ruling. In exigent cases, investigators can seek resolution for tapping from national security bodies without procurator sanction, but immediate written notification is required. The resolution or ruling specifies the nature and extent of information to be tapped and the form for recording conversations, limited to a six-month duration. Sound recording, with tapes attached to investigation action protocols, is mandatory during the tapping process (Article 170).

The procedural protocol for the presentation of items upon the request of an inquiry officer, investigator, or court. The provision empowers these authorities to demand the head of an enterprise, institution, organization, or even citizens to furnish necessary items temporarily for investigative or legal purposes. Crucially, this request does not entail seizure or search. The specified items include analogues or dummies for replicating the scene and conditions of the investigated event during experiments, identical items for identification, and various devices, instruments, or materials needed for investigative actions or expert examinations. Importantly, these items,



once no longer required, must be promptly returned to their rightful owner. This framework ensures the smooth conduct of investigations without unnecessary disruptions, emphasizing the prompt return of borrowed items as a fundamental aspect of this legal provision (Article 199).

The inquiry officer or investigator is mandated to issue a resolution, with the court subsequently adopting a ruling, regarding the recognition of items as material evidence and their addition to the ongoing criminal case. This crucial decision-making process involves the issuance of a resolution or ruling that explicitly states whether the exhibit in question remains attached to the case or if it is to be submitted for storage. The importance of this determination lies in its impact on the trajectory of the criminal proceedings. The resolution or ruling serves as a formal acknowledgment of the evidentiary value of the item, contributing to the overall strength and coherence of the case. Clear and concise communication in this regard is imperative for maintaining the integrity of the legal proceedings (Article 207).

The circumstances under which individuals may be committed to medical institutions during forensic medical or forensic psychiatric examinations. If the accused or defendant, facing potential deprivation of freedom due to a crime, demonstrates a need for hospital observation, the inquiry officer, investigator, procurator, or court holds the authority to commit them to a suitable medical facility. Moreover, individuals whose mental condition hinders their recognition as an accused or their ability to comprehend accusations may be sent to a psychiatric institution for examination, provided there is sufficient evidence of their involvement in a crime. Should the time limit for keeping a suspect expire before concluding a hospital forensic psychiatric examination, options include presenting accusations if the individual's mental state permits, releasing them from the medical institution, or issuing a resolution acknowledging them as subject to compelled medical treatment proceedings. Notably, victims and witnesses may only be committed to a medical institution for forensic examination in cases involving grave or especially grave crimes outlined in specific articles of the Criminal Code, and where no alternative means exist to verify their testimony (Article 265).

The security provisions for participants in criminal proceedings who face threats of murder, violence, property damage, or other dangerous actions. In such cases, the inquiry officer, investigator, procurator, or court is obligated to safeguard the life, health, honor, and property of the individuals involved, along with their family members or close relatives. The responsible authorities can issue a written instruction to the police stations, directing them to take necessary measures for protection. Additionally, it is crucial for the department of the interior to be informed about the available data in the case materials concerning individuals under threat, specifying the nature, source, location, time, and other relevant circumstances of the



danger. These measures are essential not only for ensuring the safety of those participating in the proceedings but also for identifying and holding accountable those responsible for the threats (Article 270).

The impoundment of property as part of the enforcement of sentences related to civil claims, property penalties, and confiscation of property in Uzbekistan. The impoundment applies to suspects, accused individuals, defendants, or civil respondents, with exceptions for essential living items such as dwellings, apartments, household furniture, utensils, and clothing. However, if dwellings or non-dwelling premises are involved in serious crimes like treason, assault on constitutional order, terrorism, or other grave offenses, impoundment may be enforced. The impoundment involves prohibiting the owner from disposing or utilizing the property and, if necessary, transferring it to others for storage. The resolution for impoundment can be issued by an inquiry officer, investigator, or court, specifying details like the issuer, time, case, purpose, and the proprietor's name. Failure by an inquiry officer or investigator to enforce property penalties may lead the court to compel them to do so. The court also has the authority to issue a ruling on enforcement measures for civil claims before the sentence becomes final. Special rules apply when impounding property in diplomatic premises, as outlined in Article 165 of the Code (Article 290).

In the pursuit of addressing the root causes of criminal activities and the creation of conditions conducive to their commission, the inquiry officer, investigator, or procurator plays a pivotal role. Following a comprehensive analysis to identify the factors contributing to criminal behavior, these officials are mandated to present a proposal to the pertinent government agency, local self-governance authority, public association, organizational staff, or government official. This proposal outlines specific measures aimed at eradicating the identified causes and conditions conducive to criminal activities. To ensure transparency and accountability, a copy of the proposal is diligently attached to the case. This procedural step underscores the commitment to a collaborative and multifaceted approach in fostering a safer and more secure society (Article 297).

The precise methodology for calculating time limits within the legal system. Time constraints, whether established by the Code or determined by investigative authorities or the court, are meticulously measured in hours, days, and months. Notably, the initiation hour and day are excluded from calculations, excluding scenarios involving arrest, custody, and medical placements. The inclusion of non-working hours is emphasized, and daily limits conclude precisely at 24:00 of the final day. When actions necessitate engagement with a court, prosecutor's office, or another state entity, the time limit concludes at the close of their working day. Monthly time limits expire on the last day of the corresponding month, aligning with the term's initiation. In cases where a month lacks the term-initiating date, the limit concludes on



the month's last day. If the term concludes on a non-working day, the subsequent first working day is considered the final day, with exceptions for arrest, custody, and medical terms (Article 314).

Article 321 of the legal code establishes the obligation for inquiry officers, investigators, procurators, and courts to initiate criminal proceedings when sufficient reasons and grounds exist. The specified reasons for instituting criminal proceedings encompass applications from individuals, reports from various entities such as enterprises or public associations, information obtained through mass media, direct discovery of crime-related information by investigative authorities, and admission of guilt by the accused. Furthermore, Article 322 emphasizes that grounds for initiating criminal proceedings should be based on information indicating the presence of crime-related signs. However, Article 323 explicitly prohibits the initiation of criminal proceedings based on anonymous reports lacking a genuine signature or written on behalf of a fictitious person. This ensures the credibility of the information leading to the institution of criminal cases, maintaining a robust and transparent legal process.

The inquiry aims to prevent or restrict the commission of crimes, highlighting a proactive approach to law enforcement. Secondly, it focuses on the collection and preservation of evidence, crucial for building strong criminal cases. Thirdly, the inquiry strives to apprehend individuals suspected of committing crimes and locate those who have absconded. Additionally, it emphasizes the importance of securing indemnification for property damage resulting from criminal activities. The inquiry agencies are empowered to employ scientific and technical means to uncover signs of crimes and identify perpetrators, ensuring a thorough investigation. Notably, agencies such as internal affairs, national security, and state tax services are granted the authority to undertake operative and tracking measures to achieve these objectives effectively (Article 339).

A concise timeframe for the completion of inquiries in criminal cases, setting a strict limit of 10 days (Article 341). Meanwhile, the circumstances under which the inquiry officer must promptly transfer the case to the investigator. This includes situations where an aggravated or especially aggravated crime is identified, when grounds are established for recognizing a specific individual as the accused, or when grounds for case dismissal are evident. Furthermore, if the investigator requests the case for their own processing, the inquiry officer is obligated to make the transfer immediately before the inquiry time limits expire. To formalize this transition, the inquiry officer must issue a resolution detailing the handover of the case to the investigator. These provisions underscore the urgency and efficiency required in handling criminal inquiries, emphasizing the prompt resolution of cases meeting specific criteria (Article 342).



The authorized personnel entrusted with the responsibility of conducting preliminary investigations, specifying that investigators from the procurator's office, as well as those from interior agencies and the national security service, are empowered to carry out such inquiries (Article 344). The pivotal factor of territorial jurisdiction in criminal cases, emphasizing that the investigation should be situated in the district or town where the crime transpired. However, flexibility is acknowledged, allowing for the preliminary investigation to take place in the location where the proceedings were initiated, where the suspect or accused is located, or where the majority of witnesses can be found, should it expedite a more rapid, thorough, objective, and comprehensive examination of the case. Crucially, the stipulation notes that, under the directive of a higher instance procurator or investigative unit head, preliminary investigations may transgress the usual territorial jurisdiction constraints (Articles 346).

Each investigator within their jurisdiction has the right to personally conduct investigative actions or delegate the task to another investigator or inquiry officer, regardless of the location within the Republic of Uzbekistan. The investigator's instructions must specify a time limit for the mandatory fulfillment of the assigned task. In cases where it becomes impractical to meet the stipulated deadline, the assigned individual is required to promptly inform the investigator who issued the instruction through written communication, telegram, or a telephone message. This communication should include details about when the assignment can be realistically fulfilled. Subsequently, the assigned person must proceed in accordance with the investigator's original instructions. This provision emphasizes the importance of communication and adherence to timelines in the investigative process within the legal framework of Uzbekistan (Article 347).

The time limits for conducting a preliminary investigation in Uzbekistan. According to the stipulated regulations, the preliminary investigation must be concluded within two months from the initiation of the proceedings. The completion is marked by either forwarding the case to the procurator with the indictment, a resolution for the transfer of the case to court for compelled medical measures, or the issuance of a resolution on case dismissal. Certain periods, such as the time for parties to familiarize themselves with case materials, suspended investigation periods, and cases referred for additional investigation, are excluded from the time limit calculation. Procurators at different levels have the authority to extend the time limit, with the highest authority, the Procurator General, having the discretion to extend it up to one year six months, especially in exceptional cases or when the accused are not in custody. An investigator is required to request an extension within ten days before the time limit's expiration. (Article 351).

The essential role of attesting witnesses in various investigative actions during





the preliminary investigation process. When conducting activities such as seizure, search, inspection, examination, experiment, presentation for identification, verification of testimonies at the scene of action, obtaining samples for expert examination, or exhumation of the corps, the involvement of at least two attesting witnesses is mandated. In cases where multiple investigators or inquiry officers, possibly under the supervision of a procurator, are simultaneously engaged in different locations, each professional involved must have a minimum of two attesting witnesses present throughout. The significance of attesting witnesses extends to situations where citizens refuse to comply with lawful requirements or proposals, except as specified in Article 93. Furthermore, attesting witnesses play a crucial role in documenting instances of resistance to investigators or any unlawful actions that breach the prescribed procedure for preliminary investigations (Article 352).

The investigator's authority to designate information within a criminal case as confidential, either in its entirety or specific parts thereof. In exercising this right, the investigator is empowered to require individuals involved in investigative proceedings or those exposed to case materials to sign a recognizance, obliging them to maintain strict confidentiality without the investigator's permission. Notably, the recognizance emphasizes the potential legal consequences, as outlined in Article 238 of the Criminal Code, for any breach of this confidentiality obligation. It's crucial to highlight that the duty of non-disclosure doesn't extend to suspects or accused individuals. Furthermore, defense attorneys are exempt from this obligation concerning their conversations with suspects or accused parties. This provision aims to safeguard sensitive case information while upholding legal standards and procedures (Article 353).

In cases where a criminal investigation proves to be exceptionally demanding, intricate, or holds significant societal importance, the procurator or head of the investigative unit has the authority to assign the preliminary investigation to a dedicated and established group of investigators. This assignment is formalized through a resolution, clearly identifying the leader and members of the designated group. Notably, if simultaneous rulings are issued regarding both the assignment of the preliminary investigation to a group of investigators and the initiation of proceedings, these decisions will be consolidated into a single resolution. Moreover, any subsequent alterations in the group's composition or the replacement of its leader will also require a resolution. This procedural framework ensures a structured approach to handling complex criminal cases, maintaining transparency and accountability in the legal process (Article 354).

Citizens dissatisfied with the actions or rulings of an investigator must direct their complaints to the head of the investigative unit and the procurator responsible for overseeing the legality of the investigative proceedings. Similarly, complaints



against procurators' actions and rulings should be submitted to a higher instance procurator. This procedural recourse ensures a hierarchical avenue for addressing grievances within the legal system, allowing individuals to voice concerns about the conduct of investigators or procurators at different levels. By channeling complaints through the specified authorities, this system aims to uphold the principles of legality and accountability in the investigative process. The clarity of these guidelines contributes to a transparent and structured approach for resolving disputes related to investigative proceedings (Article 358).

The procedural steps for bringing a person into a criminal case as a suspect. It mandates that an inquiry officer, investigator, or procurator must issue a resolution for this purpose. If a person is detained before the criminal proceeding is initiated, and the required checks confirm the grounds for detention, the investigator is required to issue a comprehensive resolution covering arrest, institution of the proceeding, and bringing the individual as a suspect. This resolution must specify the crime the detainee is suspected of, cite the relevant Criminal Code article, and detail the reasons and grounds for detention. The suspect must be informed of this resolution before the initial interrogation, along with an explanation of their rights and responsibilities as outlined in Article 48 of the Criminal Code. This procedural clarity ensures transparency and adherence to legal standards in the handling of criminal cases (Article 360).

The procedural steps for issuing a resolution to bring an individual into a case as an accused. The resolution, issued by the investigator or procurator, must include crucial details such as the accused person's full name, date of birth, and the subject matter of the charges. The latter involves a comprehensive description of the alleged crime, specifying the place, time of occurrence, and other significant circumstances. Additionally, the resolution must cite the relevant article, part, and point of the Criminal Code that define the committed offense. In cases where multiple crimes are charged, the nature and legal classification of each offense should be distinctly addressed. The concluding part of the resolution contains the decisive ruling to officially bring the individual into the case as an accused. This legal process ensures clarity and specificity in documenting the charges against an individual, facilitating a fair and transparent judicial procedure (Article 361).

In the course of an investigation, if new evidence surfaces necessitating a revision of the original charge or if an inaccurate legal qualification is identified, the charge may be amended, partially dismissed, or added. The investigator is mandated to draft a resolution detailing the nature of the new charge. Circumstances leading to the rehabilitation of the accused or hindering the case, as per Article 83 and parts one and four of Article 84 of this Code, can result in the dismissal of the charge. The investigator, in such cases, issues a resolution on charge dismissal, simultaneously



revoking any applied measure of constraint, property impoundment, or removal from office. Importantly, the accused is informed of the right to indemnification for any damage incurred due to their unlawful inclusion in the case. This resolution must promptly be provided to the concerned individual. (Article 362)

The grounds and procedure for the suspension of a preliminary investigation in Uzbekistan. The suspension can occur under various circumstances, such as the failure to identify the accused, the unknown location of the accused, the accused leaving the Republic of Uzbekistan without the possibility of ensuring their appearance for investigation, or the presence of a serious, prolonged, yet treatable illness preventing the accused's participation in the proceedings. The suspension takes effect upon the emergence of these grounds. However, prior to the suspension, the investigator is obligated to complete all possible investigative actions even in the absence of the accused. A resolution on the suspension of the preliminary investigation is issued by the investigator, with a copy forwarded to the procurator for documentation (Article 364).

The revival of a suspended preliminary investigation in a criminal case is contingent upon the elimination of circumstances outlined in Article 364 of the legal code as grounds for suspension. Additionally, if there arises a necessity to undertake further investigative actions that can be executed without the involvement of the accused, revival is warranted. A procurator has the authority to cancel a resolution regarding the suspension if it is deemed inconsistent with the law, thereby reviving the preliminary investigation. It is imperative for the investigator to promptly inform the procurator of the revival. Concurrently, the duration of the time limit for the preliminary investigation is reinstated with its revival, and any subsequent extension aligns with the provisions of Article 351, accounting for the time limit prior to the suspension of the preliminary investigation (Article 371).

The conclusion of a preliminary investigation is marked by the resolution to either dismiss the criminal case, proceed with an indictment, or recommend the application of a compelled medical measure as stipulated in Article 372. Upon the accused and their defense attorney reviewing all case materials, the investigator, if maintaining the sufficiency of grounds, proceeds to draft the indictment as outlined in Article 379. This document comprises a descriptive-explanatory section, detailing the investigation's findings on victim and accused information, evidence substantiating guilt, the accused's arguments, and their verification results. The resolving part includes information on the accused's personality and the charges, citing the relevant Criminal Code articles. Crucially, the indictment refers to specific page numbers containing evidence supporting its statements, undersigned by the investigator with details of location and time of formulation (Article 379).

The significant powers vested in the Procurator, emphasizing their crucial role



in overseeing due process during the inquiry and preliminary investigation stages. The Procurator's supervisory functions include requesting essential documents and materials related to committed crimes, checking the legal adherence in the registration and resolution of crime-related applications, and annulling unjust resolutions by inquiry officers and investigators. Additionally, the Procurator can issue written instructions on various aspects of investigations, such as the qualification of the crime and the imposition of constraint measures. Notably, the Procurator can actively participate in the inquiry and investigation processes, issuing warrants for search and interception of communication. The Procurator's authority extends to remitting cases for additional investigation, withdrawing cases from inquiry agencies, and even dismissing or suspending criminal proceedings (Article 382).

The circumstances under which a court is mandated to return a criminal case for additional investigation, allowing for a maximum of two such returns. These situations include instances where a preliminary inquiry is incomplete and cannot be rectified during the trial, substantial violations of legal requirements by an investigator or inquiry officer that adversely affect the case's fair resolution, the emergence of grounds for new charges against the accused, and the necessity to initiate criminal proceedings against others involved in the same case. Additionally, the court can order a return if there are errors in the unification or separation of a case. When a case is sent back to the procurator, the court is obliged to specify the grounds for return and the facts requiring further clarification for a comprehensive determination (Article 419).

In the legal proceedings outlined in Article 439, the initiation of a court investigation is marked by the presiding judge's announcement, typically following the presentation of an indictment. The pivotal moment occurs when the judge inquires about the pleas of the individuals under trial, determining their guilt or innocence. The importance of establishing a systematic approach to examining evidence, emphasizing the court's consideration of proposals from involved parties. The sequence for scrutinizing evidence is crucial, and it is formalized through a determination by the court. Additionally, when an investigation commences with the questioning of the accused, the court mandates the subsequent interrogation of victims. The article further addresses situations where a person under trial opts not to testify immediately, highlighting that the court must judiciously decide the sequence of actions, including questioning victims and witnesses, performing observations, and conducting expert examinations, based on the unique circumstances of the case and proposals from the parties involved (Article 440).

### **Conclusion**

This article examines Uzbekistan's legal framework governing criminal



investigations and proceedings, arguing that the legal balance remains intact despite recent reforms. These limits strengthen the administration of justice and public confidence by preventing violations of due process rights. Legislative latitude, discretionary investigative powers, adequate juvenile protections and strong prosecutorial discretion provide countermeasures. The enhancing procedural safeguards, clarifying liability exemptions, cabining security agency powers and establishing independent oversight, the criminal procedure code's objectives of targeting only the guilty can be achieved.

Theoretical analysis shows that the Code constitutes a sound system prioritizing truth-seeking, fairness and accountability. Practical implementation currently dominates these principles. Documented beliefs and organized violence require a comfortable confrontation with status quo interests and mechanisms that promote abortion. Rule of law is an iterative process, not an endpoint. Uzbekistan has come far from its Soviet legacy, but the path ahead remains long. Sustainable reforms balancing efficiency aims while embedding respect for civil liberties and human rights within the legal architecture. Adapting new investigation techniques, probing prosecutorial overreach and increasing judicial scrutiny constitute initial steps.

Thereafter, rights-based community policing models, enhanced legal representation for suspects and public participation in oversight can engender wider reform shifting the criminal justice culture towards word best practice. The process will be gradual, contentious and imperfect - but vital for securing citizens' trust and preventing arbitrary denial of rights. The goal of aligning theory with practice beckons.

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