



## SOME APPROACHES TO IMPROVING THE INVESTIGATIVE ACTION OF INTERROGATION

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**Annotation:** In this article, as a result of the analysis of existing problems in the process of interrogation and investigative action, errors and shortcomings are identified and practical proposals for their elimination are developed. Opinions were previously requested to highlight the main content of the implemented reforms aimed at improving the investigative process of interrogation. Interrogation draws conclusions about the tactics of the investigative action.

**Keywords:** interrogation, tactics, law, dignity, respect, torture, punishment, treatment, right, wrong, inconvenience, language, video recording.

The systemic and consistent reforms implemented in the judicial and legal sphere during the years of independence are primarily significant for their aim to strengthen the principles of humanism in criminal and criminal procedural legislation.

To achieve the goals of the reforms, our legislation is regularly analyzed, and continuous changes and additions are made to address the identified errors and shortcomings. Indeed, if we do not call everything by its proper name, recognizing achievements as achievements and shortcomings as shortcomings, we cannot achieve our goals. If we do not correct the mistakes and deficiencies in our work, if we do not solve the problems ourselves, no one will come from outside to do these things for us [1].

The amendments and additions being made to the Criminal Procedure Code in recent years through adopted laws, aimed at improving the investigative action of interrogation, confirm the validity of the aforementioned opinions.

In particular, we can cite as vivid examples the additions and changes made to the Criminal Procedure Code regarding interrogation based on the following laws of the Republic of Uzbekistan: No. ZRU-442 of September 6, 2017 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the Institute of Inquiry" [2], No. ZRU-476 of April 18, 2018 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan" [3], No. ZRU-567 of September 15, 2019 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the System of Psychiatric Care" [4], No. ZRU-587 of December 6, 2019 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Strengthening of Guarantees of Children's Rights" [5], and No. ZRU-735 of December 7, 2021 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System for Ensuring Guarantees of Children's Rights" [6].

The adoption of these laws has further strengthened the legal framework for ensuring the creation of necessary conditions to protect individual rights and freedoms during interrogation, and to prevent the use of torture and other cruel, inhuman, or degrading

treatment and punishment. However, it should be noted that an analysis of the norms regarding the procedure for conducting interrogations in the Criminal Procedure Code revealed a number of legal gaps. Additionally, an analysis of the work carried out to study the current state of interrogation practices and judicial-investigative procedures showed that there are still several unresolved problems in this area.

Before discussing the existing problems in conducting interrogations, it is advisable to categorize them into a specific system. In our opinion, it would be appropriate to divide the problems in judicial and investigative practice related to current interrogation procedures into the following two categories:

- 1) practical problems related to conducting interrogations;
- 2) theoretical problems related to conducting interrogations.

Practical problems related to conducting interrogations include summoning the person to be interrogated to the interrogation site, mandatory bringing of the person in cases of refusal to appear, and in short, issues arising in the process of preparing for the interrogation, during its conduct, as well as in the process of formalizing its results after completion. Moreover, these problems include the lack of knowledge, experience, skills, and abilities due to the fact that most investigators currently serving in investigative offices are very young and inexperienced, and there is a shortage of experienced staff who should mentor them.

Theoretical problems related to the conduct of interrogative investigative actions include gaps, misunderstandings, and contradictory situations in the norms of the law and subordinate legal acts regulating the process of procedural and legal formalization of the grounds, types, procedure, and results of conducting this investigative action.

If these problems in the conduct of interrogative investigative actions are not analyzed and resolved in a timely manner, then the results of interrogation, which are the most frequently conducted investigative actions in the future and are considered an important and effective tool for gathering evidence, will destroy the possibilities of using them in the process of proof, and the obtained information will be considered unacceptable evidence in the future. The most negative aspect is that the norms of the Criminal Procedure Code are interpreted differently and applied differently. In short, shortcomings in investigative, prosecutorial, and judicial practice can also lead to legal nihilism, a violation of legal consciousness [7].

Therefore, it is necessary to timely analyze existing errors and shortcomings, problems, and eliminate them through the improvement of legislative norms. However, the decision of the President of the Republic of Uzbekistan

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The 14th goal of the "Strategy for the Development of New Uzbekistan for 2022-2026," titled "Ensuring the rule of law and constitutional legality, as well as defining human dignity as the main criterion of this process," outlines a number of tasks, such as the consistent continuation of the policy of improving criminal, criminal procedural, and criminal enforcement legislation, the widespread introduction of the principle of humanism into the system of criminal punishments and their execution.

Based on the foregoing, let's move on to the current state of interrogative investigative actions and proposals aimed at discussing some errors and shortcomings, problems identified as a result of the analysis of judicial and investigative practice, and improving the legislation on their elimination, which should be paid special attention to.



It is known that the Uzbek language has two levels that are independent of each other: official written and unified (not to be confused with literary language) and living colloquial language [9]. Even in very close villages, people can speak different dialects.

Dialect is a type of colloquial language that is used as a means of direct communication in a community of people located in a certain limited territory and is distinguished by a relatively holistic linguistic system, is the lower level of the colloquial language, it has a broader meaning than dialect, and consists of a set of dialects. There are three main dialects in the Uzbek language: the Karluk-Chigil-Uyghur dialect, the Kipchak dialect, and the Oghuz dialect [10].

Since the population speaks various dialects, the testimony of the interrogated person included in the interrogation protocol is subjected to subjective literary processing by the investigator. In this process, the method of recording the testimony of the investigator in the protocol is formed. In this case, conditions arise that work both in favor and at the expense of the interrogator and the subjects. On the one hand, the interrogator is more likely to bring the logical content of the testimony to the desired form, and on the other hand, the interrogated person may change their actual testimony in court in their own interests and claim that they did not actually give such testimony during the investigation, and the investigator adapted his statements to himself. In both cases, the criterion of justice may be violated and the evidence obtained may be recognized as inadmissible. Therefore, the Decree of the President of the Republic of Uzbekistan No. UP-5268 of November 30, 2017, "On Additional Measures to Strengthen Guarantees of the Rights and Freedoms of Citizens in Judicial and Investigative Activities" [11] stipulates that the use of information collected in serious violation of procedural legislation or using illegal methods as evidence in criminal cases is not allowed.

Therefore, the use of scientific and technical means during interrogation contributes to a more complete and objective integration of information obtained during questioning and influences its effectiveness. The use of video and audio recordings enables a complete and accurate reproduction of the interrogated person's testimony, including their intonation and speech characteristics. This allows for an objective assessment of these statements. Moreover, the awareness that audio and video recordings can be replayed in court compels the interrogator to perform every action in accordance with the law. It also serves to deter the interrogated person from changing their testimony for various objective and subjective reasons. Additionally, it is a means of safeguarding the rights and interests of the interrogated person during the investigation. The interrogator is forced to refrain from various attempts to influence the interrogated person, realizing that the investigative action is being recorded through video and audio.

Therefore, the Decree of the President of the Republic of Uzbekistan dated April 18, 2017, No. PP-2898 "On Measures to Fundamentally Improve the Activities of Internal Affairs Bodies in the Field of Crime Investigation" [12] was timely.

In accordance with the decree, special rooms have been created in internal affairs bodies equipped with systems for stenography of the interrogation process, video surveillance, as well as audio and video recording of investigative actions. Furthermore, this decree prohibited the use of testimony from witnesses, victims, suspects, accused persons, defendants, expert opinions, physical evidence, audio and video recordings, and other materials obtained in violation of procedural law as evidence [13]. Also, in accordance with this decision, it was prohibited to use as evidence the testimony of a witness, victim, suspect,

accused, defendant, expert opinion, material evidence, audio and video recordings, and other materials obtained in violation of the norms of procedural legislation [13].

However, Part 4 of Article 91 of the Criminal Procedure Code does not include interrogation in the list of procedural actions that must be recorded on video. Only Part 2 of Article 106 indicates that during the interrogation process, along with keeping a record, sound recording, video recording, and filming can be used. Despite this, investigators are currently recording investigative actions through video for security reasons, to ensure a deeper understanding of the interrogated person's obligation to give testimony, to deter false testimony, and to prevent future intentions to change statements. However, since the legislator has not established specific criteria and procedures for video recording interrogations, everyone is implementing this in different ways, according to their own methods. For example, some warn the interrogated person that their testimony will be video recorded and indicate this in the protocol, while others limit themselves to verbal warnings. Unfortunately, since there is no provision on this matter in the Criminal Procedure Code, we cannot assess either case as "correct" or "incorrect."

In our opinion, before interrogation, the person to be questioned must be warned about the use of audio and video recordings during the process. The audio and video recording should reflect the entire interrogation process and contain complete testimony from the persons being interrogated. After the preliminary investigation is completed, the audio and video recordings must be sent to the court together with the case file in a sealed form.

When examining the experiences of neighboring countries with similar legislation in this regard, it became clear that Article 219 of the Criminal Procedure Code of the Republic of Kazakhstan, Article 118 of the Criminal Procedure Code of the Republic of Turkmenistan, and Article 194 of the Criminal Procedure Code of the Kyrgyz Republic are titled "Use of Audio and Video Recording Equipment During Interrogation." Unlike the others, Article 971 of the Criminal Procedure Code of the Republic of Tajikistan is titled "Use of Audio and Video Recording Equipment During Interrogation and Other Investigative Actions." In the Criminal Procedure Code of the Russian Federation, the procedure for using audio and video recording equipment during interrogation is detailed in Article 190, titled "Interrogation Protocol." Notably, all of the aforementioned codes clearly state what circumstances should be included in the protocol if audio and (or) video recordings were used during the interrogation.

In our opinion, the interrogation protocol must indicate that audio or video recording equipment was used during interrogation, that the person being interrogated was informed about this; information about the technical means used; conditions for audio or video recording; information about the reason and duration if audio or video recording was suspended; statements of the interrogated person regarding the audio or video recording of their testimony; confirmation that the audio and video recordings were played back to the interrogated person; and confirmation by the interrogated person and the investigator that the protocol and audio or video recording were carried out correctly.

In our opinion, it was appropriate and permissible to use the word "may" in relation to this investigative action, unlike other investigative actions. However, in our opinion, the Criminal Procedure Code should stipulate that individuals who have reliable information about the possibility of giving false testimony; persons accused of committing especially serious crimes; persons who cannot come to court in the future; when being questioned with the



participation of an interpreter; when a person confesses their guilt, and in other similar cases, the use of these means should be mandatory, and the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018 No. 24 "On Certain Issues of Applying the Norms of

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