



CRIMINAL PROCEDURE AND OPERATIONAL- INVESTIGATIVE ASPECTS OF COMBATING ILLEGAL TRAFFICKING OF NARCOTIC DRUGS

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<https://doi.org/10.5281/zenodo.15173872>

Abstract. The article analyzes the content and essence of regulatory legal acts governing the criminal procedure and operational-investigative aspects of combating illegal trafficking of narcotic drugs, and highlights the nature and content of certain operational-investigative measures.

Keywords: narcotic drugs, operational-investigative activity, operational-investigative measures, operative officer, legal basis.

In the world, there are still a number of factors that threaten the future of peoples and nations. One such danger is the scourge of drug addiction, and international cooperation plays an important role in combating this affliction, which has become a global problem. It is no secret that the money circulating in the global drug trade today far exceeds the world's population's expenditures on food, clothing, housing, education, and medical services. Most regrettably, drug addiction leads to serious crimes and damages the gene pool of families and the nation. According to statistics, more than 500 million people worldwide suffer from drug addiction. The majority of them are under 30 years old. As a result, more than 200 thousand people die every year. At the same time,

57 percent of crimes committed worldwide are attributed to drug addicts[3]. Therefore, to strengthen the fight against drug addiction, the UN adopted the Conventions "On Narcotic Drugs," "On Psychotropic Substances," and "On Combating Illicit Trafficking in Narcotic Drugs and Psychotropic Substances," and in accordance with Resolution No. 47/112 of December 7, 1987, declared "June 26 - International Day Against Drug Abuse and Illicit Trafficking."

The majority of illegal drugs distributed in the global market are produced in Afghanistan, and attempts to smuggle them to the West through Central Asian countries are intensifying year by year. Therefore, the fight against drug use and illicit trafficking in our country is considered one of the crucial factors determining the future of the state and the nation. A number of laws and international treaties have been adopted to combat this scourge. Notably, the adoption of laws "On Compulsory Treatment of Patients with Chronic Alcoholism, Drug Addiction, or Substance Abuse" (1992), "On Protection of Citizens' Health" (1996), "On Narcotic Drugs and Psychotropic Substances" (1999), and "On Ratification of the Agreement between the Russian Federation, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan on the Establishment of the Central Asian Regional Information Coordination Center for Combating Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, and Their Precursors" (2006) represents the most decisive step towards building a country with a healthy future.

Chapter XIX of the Criminal Code of the Republic of Uzbekistan defines crimes related to illegal trafficking of narcotic drugs or psychotropic substances and establishes liability for such offenses. Specifically, Article 273 of this Code stipulates liability for the illegal

manufacture, acquisition, storage, and distribution of narcotic drugs, their analogues, or psychotropic substances with the intent to sell, and the majority of drug-related crimes fall under this article. This is because, in many cases, the primary purpose of planting, cultivating, and obtaining narcotic substances is their distribution (sale).

Operational-search activities have historically been the most effective and necessary means of combating illicit drug trafficking. In the fight against this vice, operational units of internal affairs bodies effectively use all operational-search measures established by the Law of the Republic of Uzbekistan "On Operational-Search Activities." According to the conducted research, in 2024, the following operational-search measures were effectively used for offenses identified by operational means: controlled searches - 86 percent, operational surveillance - 81 percent, inspection of residential and other premises, buildings, structures, land plots, technical and transport vehicles - 72 percent, control of postal, courier items and telegraph messages - 47 percent, eavesdropping on conversations conducted through telephones and other telecommunication devices, receiving information transmitted through them - 38 percent, controlled delivery - 33 percent. While the share of other operational-search measures was less than 20% (from 19% to 3%), there was never a need to conduct a covert operational-search event.

Based on the above information, we will dwell on operational-search measures ensuring the availability of necessary information in the effective fight against illicit drug trafficking by operational units of internal affairs bodies:

Controlled seizure - a measure consisting of a fraudulent transaction, that is, the seizure of goods, currency valuables, substances, and other items without the purpose of consumption or sale, for the purpose of establishing and documenting the fact of violation of legislation.

The object of controlled acquisition is persons reasonably suspected of the sale or distribution of narcotic drugs prohibited or restricted from circulation in open trade. The subject of the event is items withdrawn from the circulation of citizens, that is, narcotic drugs, their analogues, or psychotropic substances. The purposes of controlled acquisition are, firstly, documenting the facts of illegal activity, and secondly, apprehending persons engaged in the sale (purchase) or distribution of prohibited items at the scene of a crime. When conducting the event, subjects are allowed to establish reliable contact with persons engaged in illegal trafficking in narcotic drugs, their analogues, or psychotropic substances, and obtain controlled acquisition objects from them. The use of narcotic drugs, psychotropic substances, and precursors for their controlled delivery and controlled acquisition, as well as for conducting other operational-search activities, is carried out in the manner prescribed by law[1]. This event is conducted covertly or with a concealed purpose, and the direct participation of operational officers is considered legal.

The subject of the supervisory operational-search measure is employees of the bodies carrying out operational-search activities and other persons. In particular, direct organizers of the conduct of operational-search activities (operational personnel, heads of operational units); persons involved in the conduct of the operational-search activity (assistants, specialists, operators, representatives of the public, etc.) [4] may participate in this activity.

The subject of a controlled seizure operative-investigative measure is a thing, thing, object (drugs, their analogues and psychotropic substances, weapons, ammunition, etc.), the free circulation of which is prohibited or restricted[5].

According to Article 17 of the Law "On Operative-Investigative Activities," it is prohibited to "incite and provoke citizens to commit offenses, falsify operative-investigative materials, and knowingly use false information." However, the boundary between a controlled purchase operation and incitement to commit an offense is very blurred, and in most cases, it is difficult to distinguish between them.

Unfortunately, employees of operational units, in order to create favorable statistics in the fight against crime, sometimes resort to falsifying the results of operative-investigative activities. Article 2302 of the Criminal Code establishes criminal liability for such actions. Consequently, the results of operative-investigative activities used in each criminal case initiated on such grounds should be recognized as inadmissible evidence, regardless of the accused's admission of guilt, and it is necessary to achieve the termination of criminal cases based on incitement and provocation.

From the foregoing, it can be concluded that the results of a controlled purchase operation can be recognized as admissible evidence only if: a) the operative-investigative measure was conducted based on clearly verified reliable information about the person's participation in the preparation or commission of drug trafficking; b) the intent to sell narcotic drugs was formed independently of the activities of operational officers. In this case, any preliminary information about a person's intent to commit a crime must be verifiable.

Operational surveillance is an activity consisting of direct or indirect (using technical means) covert observation and recording of actions, events, and processes of individuals in order to obtain information relevant to solving the tasks of operative-investigative activities.

The purpose of operational surveillance is to identify witnesses to the crime, persons who have committed the crime, locations where illegally obtained items are stored, meeting places of organized criminal groups, and to collect information about the lifestyle and criminal connections of the suspect.

The subjects of this measure include individuals reasonably suspected of preparing and committing crimes, persons possessing information about crimes being prepared or committed or who have been in contact with criminals, locations where illegally obtained items are stored, individuals maintaining contact with wanted criminals, as well as specific categories of persons who may negatively impact the operational situation. Operational surveillance can be based on obtaining information through physical or electronic means, and may also be complex when both methods are employed.

Inspection of residential and other premises, buildings, structures, land plots, technical equipment and vehicles - a measure consisting of direct or indirect (using technical means) examination and study of residential and other premises, buildings, structures, land plots, computers, communication devices and vehicles in order to identify persons, facts and circumstances relevant to addressing the tasks of operational-search activities.

This measure includes actions related to the inspection of the aforementioned objects by an operational officer or other persons under their instruction, identifying objects, documents, and substances related to the activities of persons of operational interest, examining them, and recording traces, objects, documents, and other items using technical means and chemical substances to obtain information necessary for solving operational-tactical tasks. An inspection that restricts the right to inviolability of housing is permitted only with the prosecutor's sanction[2].

Control of postal, courier, and telegraph communications - an activity consisting of covert selection and examination of postal, courier, and telegraph correspondence to obtain information relevant to addressing the tasks of operational-search activities.

Control objects may include letters, parcels, packages, monetary and courier items, and telegraph messages sent through postal networks. In this case, all correspondence sent to or from a specific person, as well as incoming or outgoing to a specific address, can be monitored. Postal items sent by individuals bypassing postal institutions do not fall under this measure. The purpose of control is to obtain information contained in postal, courier, and telegraph correspondence about the criminal activity, criminal connections, and location of the wanted person under investigation.

The content of the measure consists of selecting controlled items, opening them, examining and evaluating their contents, copying or otherwise recording operationally important information, rewrapping, and sending to the destination.

The conduct of operational-search measures related to the control of postal, courier items and telegraph messages and the formalization of their results is regulated by special interdepartmental and departmental regulatory legal acts.

Eavesdropping on conversations conducted via telephones and other telecommunication devices, obtaining information transmitted through them - an operation consisting of covert listening, interception, and recording of conversations using special technical means, including transmitted text, graphic, and multimedia information.

The purpose of interception of conversations conducted via telephones and other telecommunication devices, obtaining information transmitted through them, is to intercept telephone conversations about the criminal activity of the inspected persons, the whereabouts of wanted persons, obtaining information transmitted through them, as well as to establish their criminal connections.

This event, in addition to the transmission of speech information from communication networks related to listening to telephone conversations, covers actions related to listening to conversations conducted through other telecommunication devices (telex, selector, radio relay information transmission channels, personal radio call systems (pegging communication), as well as subscriber telegraph, IR telephony, e-mail networks, the Internet, facsimile messages, digital data transmission, video signals and other messages between computers (for example, SMS, MMS messages) and other communication channels, as well as receiving information transmitted through them.

Phonograms obtained as a result of listening to conversations and receiving information transmitted through them are stored sealed in conditions where it is impossible for unauthorized persons to hear and reproduce them. This operational-search measure is carried out as an exceptional measure if it is impossible to obtain reliable information in any other way to ensure the protection of the interests of the individual, society, and the state from criminal encroachments.

Controlled delivery - a measure consisting of covert control over the movement (transportation, shipment, transfer) of goods, currency valuables, substances, and other items, the free sale of which is prohibited or the circulation of which is restricted, or which are the object, subject, and instrument of the crime, in order to solve the tasks of operational-investigative activity.

The objectives of the controlled delivery event are:



identification of channels for sending prohibited means and items;
identification of their senders and recipients;
identification of persons committing or having committed crimes with controlled items;
identification of places of illegal manufacture of prohibited items, substances and means;
identification of corrupt employees of law enforcement and regulatory bodies who create conditions for the illegal circulation of prohibited items;
collection of evidence through complete documentation of criminal activity, etc.

The international legal framework for conducting a controlled delivery event is enshrined in a number of documents, including the Vienna Convention on Combating Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of December 20, 1988, Article 11, the New York Convention against Transnational Organized Crime of November 15, 2000,

Article 20, New York Convention "Against Corruption" of October 31, 2003, Article 50, within the framework of the CIS - the Agreement "On Cooperation of States in Combating Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Precursors," signed in Minsk on November 30, 2000, and others.

In the final part of the operation, the detention of individuals receiving parcels containing controlled substances must be carried out in a meticulously organized manner. This is because in most cases, the true owners of such illegal cargo utilize the services of other persons to accept the shipment. Therefore, operational officers must ensure that the controlled object has reached its final destination. When the results of this measure involve catching criminals in the act or seizing prohibited items, they are formally documented by members of the investigative-operational group in accordance with criminal procedure legislation.

The scientific field of interest includes issues of improving the system of cooperation between operational units of internal affairs bodies and other agencies conducting operational-search activities in the fight against drug trafficking. The organizational and tactical aspects can be identified as the core of this system.

It is known that to prevent the international illicit trafficking of narcotic drugs, their analogues, psychotropic substances, and precursors, as well as to identify persons involved in such trafficking, customs authorities and other bodies carrying out operational-search activities use the controlled delivery method in each individual case. This is done by agreement with the customs authorities and other authorized bodies of foreign states or based on international treaties of the Republic of Uzbekistan. They allow the import into the customs territory, export from this territory, or transit of illicitly introduced narcotic drugs, their analogues, psychotropic substances, and precursors under their control. The operational-search measure of controlled delivery may also be applied to other items that are instruments or means of committing a crime, items obtained through criminal means, or items with which the commission of illegal acts is considered contraband.

In conclusion, it should be noted that the adoption of regulatory legal acts governing the criminal procedure and operational-search aspects of combating illicit drug trafficking serves as a legal basis for conducting operational-search activities in this area.

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