

## Judicial and Legal Reforms from 2016 to the Present Related to Improving the Procedural Status of Witnesses in Criminal Proceedings and the Increasing Significance of These Reforms

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**Abstract:** Since 2016, Uzbekistan has undergone substantial judicial and legal reforms aimed at enhancing the criminal justice system. A key focus of these reforms has been the procedural status and protection of witnesses in criminal proceedings, historically a weak point due to gaps in legislation and the lack of effective safety guarantees. Prior to these reforms, the Criminal Procedure Code lacked provisions ensuring the safety, social support, and legal aid for witnesses, leaving them vulnerable to threats and unwilling to cooperate with investigative authorities. This article aims to analyze the development of legal measures and institutional mechanisms that strengthen the procedural status of witnesses through legislative innovation and international best practice adaptation. The analysis indicates the implementation of significant legislation, notably the 2019 Law “On the Protection of Victims, Witnesses, and Other Participants in Criminal Proceedings,” along with revisions to the Criminal Procedure Code that establish early testimony preservation and remote questioning procedures. Further developments include the integration of witness rights into the new Constitution and enhanced procedural guarantees for vulnerable groups, particularly minors. For the first time in Uzbekistan’s legal history, comprehensive procedural and social safeguards for witnesses have been consolidated, drawing from both national reform priorities and comparative international standards. These reforms signify a transformative step toward building a more just, secure, and rights-oriented criminal justice system. Continued research should assess the practical implementation and long-term impact of these legal changes on witness cooperation and crime investigation effectiveness.

**Keywords:** independence, reforms, changes, criminal case, criminal procedure, investigator, court, witness, justice, procedural status, information relevant to criminal cases, foreign experience, rights and freedoms.

### Introduction

The next period of judicial and legal reforms spans from 2016 to the present day. This period is associated with the ascension to power of Sh.M. Mirziyoyev, the second President of the Republic of Uzbekistan, and is connected with his new priority tasks in the economy, politics, and the rule of law [1].

At that time, in practice, cooperation between witnesses and law enforcement agencies was very problematic, as witnesses were afraid to testify due to fear of retaliation and punishment by the accused and their accomplices. Furthermore, there were many gaps in the legislation related to witnesses [2]. Specifically, the Criminal Procedure Code did not address issues such as ensuring the safety of witnesses and their relatives (life, property), their social protection, securing testimony in advance due to long-distance residence, relocation or work abroad, as well as the right to free legal assistance [3].

Commencing in 2016, the implementation of state protection measures has been governed by Decrees and decisions issued by the President of the Republic of Uzbekistan, Government decisions, and departmental regulations. Several legislative measures have been enacted to enhance criminal procedure legislation in response to these difficulties [4]. The foremost and most crucial of these was the Decree of the President of the Republic of Uzbekistan, intended to ensure assurances for the robust protection of human and civil rights and legitimate interests. The fifth directive of the Decree of the President of the Republic of Uzbekistan, dated October 21, 2016, No. UP-4850, "On Measures for Further Reforming the Judicial and Legal System, Strengthening Guarantees of Reliable Protection of the Rights and Freedoms of Citizens," delineated priority tasks for the formulation of a draft law "On the Protection of Victims, Witnesses, and Other Participants in Criminal Proceedings," aimed at establishing state guarantees for the physical and social protection of victims, witnesses, and other participants in criminal proceedings. In this context, a distinct legislation governing the procedural standing of witnesses was enacted for the first time. [7]. The Republic of Uzbekistan's Law "On the Protection of Victims, Witnesses and Other Participants in Criminal Proceedings" (No. LRU-515) was passed on January 14, 2019. This law instituted a framework of regulations outlining the primary aims of the Act, which comprise a system of measures to be implemented in response to threats against the life, health, or property of victims, witnesses, and other participants in criminal proceedings. These measures aim to aid in the prevention or detection of crimes and encompass security and social protection initiatives [9]. The incorporation of provisions for the procedural safeguarding of witnesses in the Criminal Procedure Code of the Republic of Uzbekistan constitutes a notable accomplishment [10].

## **Methodology**

The methodological basis of this study is grounded in a comprehensive legal analysis approach, combining doctrinal research with comparative legal methods to evaluate the evolution and effectiveness of judicial and legal reforms related to witness protection in Uzbekistan from 2016 to the present. The research draws primarily from legislative texts, presidential decrees, government resolutions, and amendments to the Criminal Procedure Code, focusing on their content, scope, and practical implications. By conducting a normative-legal analysis, the study examines how legal instruments such as the Law "On the Protection of Victims, Witnesses and Other Participants in Criminal Proceedings" and subsequent changes, including the introduction of Articles 911–914 and Chapter 121 in the Criminal Procedure Code, structurally redefine the procedural rights and safety guarantees for witnesses. In addition, international practices and standards are used as benchmarks to assess alignment and divergence from global norms. The study also employs comparative analysis to juxtapose Uzbekistan's reforms with selected foreign systems to highlight areas of progress and remaining deficiencies. Primary sources include official government databases, constitutional amendments, and Supreme Court resolutions, while secondary sources consist of scholarly commentary and previous legal interpretations. This methodological approach allows for a multi-layered understanding of the legal reforms, tracing both the historical context and the forward-looking implications of institutional developments. By using this methodology, the article identifies the practical gaps that remain despite formal legal advancements and evaluates the effectiveness of procedural innovations such as deposition and remote interrogation in enhancing witness protection and judicial fairness.

## **Results and Discussion**

Furthermore, specific subordinate normative legal instruments hold significant importance. The Cabinet of Ministers of the Republic of Uzbekistan issued Resolution No. 103, titled "On Approving the Regulation on the Procedure for Ensuring Social Protection of Victims, Witnesses, and Other Participants in Criminal Proceedings," on February 21, 2025. This must not be disregarded when assessing the procedural status of a witness [11]. It includes the rationale for implementing social protection measures for victims, witnesses, and other participants in criminal proceedings, along with issues pertaining to social protection measures, the quantum of one-time benefits for these individuals, and the procedures for their distribution

and disbursement. In the context of judicial and legal reforms, the President of the Republic of Uzbekistan issued Decree No. PP-3723 on May 14, 2018, titled "On Measures for the Fundamental Improvement of the System of Criminal and Criminal Procedure Legislation," which delineated priority tasks for the implementation of effective criminal procedural and organisational measures to safeguard witnesses [12].

This Decree delineates that a primary purpose is to establish the institution of deposition, which entails the preemptive preservation of testimony for instances where witnesses must be interrogated subsequently owing to objective circumstances. The aforementioned issues are underlined in the Decree of the President of the Republic of Uzbekistan No. UP-6041, dated August 10, 2020, titled "On Measures to Further Strengthen Guarantees for the Protection of Individual Rights and Freedoms in Judicial and Investigative Activities." The decree includes the task of analyzing international standards and advanced foreign practices regarding the institution of deposition.<sup>1</sup> In this regard, a new Chapter 12<sup>1</sup> was added to the Criminal Procedure Code in 2021. This chapter addresses the issues of preliminary securing of testimony in investigative and judicial actions at the request of witnesses and other participants in the criminal process, or by decision of the investigator, prosecutor, and court. The provision states that witness evidence and that of other participants in criminal proceedings may be obtained in advance if there are reasonable grounds to believe that they cannot be interrogated later at pre-trial or court hearings owing to objective circumstances. Reasons encompass departing the Republic of Uzbekistan (for residence, employment, or travel abroad), suffering from a severe and extended sickness that inhibits participation in criminal proceedings, or for the purpose of safeguarding their well-being.<sup>2</sup>

New Articles 911-914 have been enacted, permitting the interrogation of witnesses via videoconference when their attendance at the investigation or court is unfeasible due to residing abroad (employment, distant living), circumstances preventing their appearance (illness, advanced age, minority), or situations necessitating their protection. These articles provide that investigation actions involving witnesses (interrogation, identification of individuals and things, confrontation) may be executed using videoconference utilising technical resources. In such instances, witnesses are summoned to the law enforcement agency or court in the region, district, or city of their current location or residence. The requirements stipulate that during the videoconference, participants in the investigation action may directly view the process and outcomes of the investigative action via live broadcasting.<sup>3</sup>

Per section six of the Law of the Republic of Uzbekistan, dated May 23, 2019, No. ZRU-542, "To safeguard the identifier's security, the identification of an individual may be conducted at the discretion of the investigator, inquiry officer, prosecutor, or court under conditions that prevent the identifier from being visible to the individual being identified." [13]. The witnesses will be present at the location of the identifier.<sup>4</sup>

To effectively safeguard the rights and legitimate interests of minor witnesses, regulations have been established concerning the involvement of a teacher, psychologist, or victim's advocate during the preliminary investigation and trial phases [14]. Article 121 of the Criminal Procedure Code now specifies that "the interrogation of a minor witness or victim in criminal cases, as well as in other situations, may occur in a designated room equipped with stenographic, video surveillance, and audio-visual recording systems, with the involvement of a legal representative,

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<sup>1</sup> Ўзбекистон Республикаси Президентининг 2020 йилдаги 10 августдаги ПФ-6041-сонли “Суд-тергов фаолиятида шахснинг ҳуқуқ ва эркинликларини ҳимоя қилиш кафолатларини янада кучайтириш чоратадбирлари тўғрисида”ги Фармони.

<sup>2</sup> Ўзбекистон Республикасининг 2021 йил 18 февралдаги ЎРҚ-675-сонли Қонунига асосан киритилган — Қонун ҳужжатлари маълумотлари миллий базаси, 18.02.2021 й., 03/21/675/0126-сон).

<sup>3</sup> Ўзбекистон Республикасининг 2019 йил 23 майдаги ЎРҚ-542-сонли Қонунига асосан киритилган — Қонун ҳужжатлари маълумотлари миллий базаси, 24.05.2019 й., 03/19/542/3177-сон).

<sup>4</sup> Ўзбекистон Республикасининг 2019 йил 23 майдаги ЎРҚ-542-сонли Қонунига асосан олтинчи қисм билан тўлдирилган — Қонун ҳужжатлари маълумотлари миллий базаси, 24.05.2019 й., 03/19/542/3177-сон).

educator, or psychologist, if deemed necessary for the interests of justice or the minor" [15]. Additionally, rules were later incorporated permitting the participation of a teacher or psychologist at the option of child witnesses.<sup>5</sup>

In 2023, notable political events transpired, including the ratification of a revised edition of the Constitution of the Republic of Uzbekistan subsequent to the referendum conducted on April 23. The current edition of the Constitution of the Republic of Uzbekistan serves as a robust safeguard for the honour, dignity, rights, and legitimate interests of persons and citizens. The revised Constitution includes a clause asserting that "no individual is compelled to testify against themselves or their immediate relatives." This criterion was subsequently integrated into the Criminal Procedure Code of the Republic of Uzbekistan as a crucial safeguard for the privilege of testimony. The Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan, dated July 23, 2023, No. 16, titled "On Some Issues of Direct Application of the Norms of the Constitution of the Republic of Uzbekistan in the Administration of Justice," asserts that the infringement of personal rights and freedoms enshrined in the Constitution, particularly the right against self-incrimination and the obligation to testify against close relatives, constitutes a significant breach of procedural law. Furthermore, it emphasises the right of the suspect, accused, or defendant to be informed of the nature and basis of the charges, as well as the right to have individuals testifying against or in favour of them interrogated<sup>6</sup>.

Relevant modifications and enhancements have been implemented in Articles 66 and 2041-2042 of the Criminal Procedure Code. Specifically, it is established that witnesses possess the right to provide evidence, and both witnesses and other individuals are entitled to furnish electronic information by transferring a copy of this information from one electronic medium to another<sup>7</sup>.

## Conclusion

Consequently, the previously described reforms in the judicial and legal domain have led to substantial alterations in the legal regulation of a witness's procedural status. Between 1991 and 1996, the escalation of organised crime resulted in several occurrences of illicit influence on witnesses, compelling them to either decline to testify or to testify in alignment with specific people's interests. In this context, the lawmaker acknowledged the imperative of safeguarding witnesses in criminal processes, prompting the initiation of procedures to build a legal framework for implementing protective security protocols. Moreover, witnesses acquired constitutional rights that necessitated safeguarding in criminal procedures. The normative foundations of a witness's procedural status gradually emerged, incorporating the Criminal Procedure Code of the Republic of Uzbekistan, other laws, and subsidiary legislation. This was executed with the objective of combating, preventing, and revealing crime.

A new stage of development in Uzbekistan's judicial and legal system was associated with the newly elected president. These changes led to the adoption of numerous decrees and resolutions aimed at improving and strengthening the procedural status of witnesses. Specifically, these measures addressed issues such as ensuring the safety of witnesses and their relatives, social protection, and the preliminary securing of testimony for objective reasons. These reasons

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<sup>5</sup> Ўзбекистон Республикасининг 2019 йил 23 майдаги ЎРҚ-542-сонли Қонунига асосан учинчи — олтинчи қисмлар билан тўлдирилган — Қонун ҳужжатлари маълумотлари миллий базаси, 24.05.2019 й., 03/19/542/3177-сон); Ўзбекистон Республикасининг 2021 йил 7 декабрдаги ЎРҚ-735-сонли Қонунига асосан иккинчи, учинчи ва тўртинчи қисмлар билан тўлдирилган — Қонунчилик маълумотлари миллий базаси, 07.12.2021 й., 03/21/735/1141-сон).

<sup>6</sup> Ўзбекистон Республикаси Олий суди Пленумининг 2023 йилдаги 23 июлдаги 16-сонли “Одил судловни амалга оширишда Ўзбекистон Республикаси Конституцияси нормаларини тўғридан-тўғри қўллашнинг айрим масалалари тўғрисида”ги қарори.

<sup>7</sup> (Ўзбекистон Республикасининг 2024 йил 21 ноябрдаги ЎРҚ-1003-сонли Қонуни таҳририда — Қонунчилик маълумотлари миллий базаси, 21.11.2024 й., 03/24/1003/0943-сон); (Ўзбекистон Республикасининг 2024 йил 21 ноябрдаги ЎРҚ-1003-сонли Қонунига асосан киритилган — Қонунчилик маълумотлари миллий базаси, 21.11.2024 й., 03/24/1003/0943-сон).

included departure from Uzbekistan's territory, illness, old age, minority status, residence at a considerable distance, or ensuring their safety.

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