

Subject of Witness Testimony During Interrogation

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Abstract: In criminal proceedings, witness testimony serves as a central means of establishing factual circumstances. According to the Criminal Procedure Code of the Republic of Uzbekistan, a witness is legally obliged not only to testify but to provide truthful information. This responsibility has implications both for the reliability of evidence and the procedural integrity of criminal trials. Despite the formal legal framing, ambiguity remains regarding the scope and interpretation of a witness's obligation to testify truthfully and the admissibility of information based on its origin and reliability. This study aims to analyze the subject of witness testimony during interrogation, including the legal basis, procedural mechanisms, and evidentiary value, by examining both domestic and foreign legislation. The findings indicate that while the law obligates witnesses to provide information known to them, only deliberately false testimony constitutes a criminal offense. Furthermore, the personal attributes and perceptions of the witness significantly affect the evidentiary value of their statements. The article contributes a comparative perspective by integrating international legal approaches and scholarly interpretations into the analysis of Uzbekistan's legal framework. These insights underline the importance of refining interrogation practices to assess the reliability of testimony and ensuring procedural fairness by balancing the rights of both prosecution and defense during witness examination.

Keywords: criminal case, criminal procedure, investigator, court, obligation, summons, appearance, false testimony, concealment, intentional, information related to the criminal case, foreign experience, rights and freedoms.

Introduction

Per Part 2 of Article 66 of the Criminal Procedure Code of the Republic of Uzbekistan, upon receiving a summons from the investigator or court, the witness is mandated to provide accurate evidence, disclose all pertinent facts regarding the case, and respond to the enquiries presented" [1]. A witness may incur criminal liability for refusing to testify and for providing deliberately false testimony (Articles 238, 240 of the Criminal Code of the Republic of Uzbekistan). Thus, these rules impose two independent obligations on the witness: the first is to give testimony, the second is to give truthful testimony. However, since these obligations are closely interconnected, we are talking about the witness's obligation to give truthful testimony [2].

The duty to testify entails that a witness is required to disclose to the investigator or the court, in a legally prescribed manner, the details of the criminal case that they have become aware of, and to respond to the enquiries directed at them. The witness's testimony must be accurate [3]. The words of the law "truthful testimony" should be interpreted taking into account the content of the corpus delicti, which provides for liability for giving knowingly false testimony, about which the witness is warned before interrogation (the investigator explains to the witness his obligations, which, in turn, is reflected in the interrogation record (Article 100 of the Criminal Procedure

Code). In this sense, a witness's obligation to provide truthful testimony does not mean that the information given by the witness must always correspond to the absolute truth [4]. Only knowingly giving false testimony constitutes a criminal offense, that is, a crime committed with direct intent if the witness is aware that they are conveying deliberately false information to the investigator and the court, and wishes to do so. This is because everyone can perceive the same event differently [5].

Methodology

The methodology of this research is based on a qualitative legal analysis approach, utilizing comparative, normative, and interpretative methods. The study relies primarily on a doctrinal review of Uzbekistan's Criminal Procedure Code, particularly Article 66, as well as related provisions of the Criminal Code (Articles 238 and 240), to understand the legal foundations of a witness's obligation to provide truthful testimony. A rigorous analysis of key legal documents, including Resolution No. 24 of the Plenum of the Supreme Court of the Republic of Uzbekistan, is conducted to evaluate the standards of admissibility and the evidential value of witness statements. In addition, the research incorporates comparative analysis by reviewing selected foreign legislation and international practices related to witness interrogation to identify similarities and differences in procedural standards [6]. The examination also draws upon authoritative legal commentaries and theoretical perspectives from established legal scholars such as M.S. Strogovich and V.D. Arsenyev to explore conceptual interpretations of evidentiary and auxiliary facts. Particular attention is given to how the witness's cognitive perception, physical and psychological condition, and personal relationship with other parties in the case may affect the reliability of their testimony [7]. The data sources include statutory documents, court rulings, and secondary literature, which are evaluated through legal hermeneutics to determine their implications for current practice. By integrating normative texts with doctrinal critique, the study provides a comprehensive understanding of how witness testimony is regulated, interpreted, and applied in both national and comparative legal contexts [8].

Results and Discussion

Therefore, Article 66 of the Criminal Procedure Code stipulates the witness's obligation to testify in good faith, without evasion or false testimony. Certainly, when issuing a verdict, the court must thoroughly examine witness testimonies, even if they are given conscientiously, but base the verdict only on reliable testimonies. The witness's obligation to give truthful testimony stems from their impartiality and includes the need to provide information as they perceived it (completely), without deliberately concealing any facts known to them about the case [9].

The subject of witness testimony during interrogation may include:

- a) any circumstances related to the criminal case;
- b) information about the identity of the suspect, accused, and victim;
- c) their relationships with these individuals [10].

Indeed, if there is doubt about the witness's lack of interest in the case outcome, their ability to adequately perceive the situation, or their capacity to provide accurate testimony, they may be questioned about themselves to verify their reliability as a source of information. The witness must disclose the source of their information; failure to do so will render their statements inadmissible as evidence per Article 951 of the Criminal Procedure Code, particularly if the source is unidentified or unverified during criminal proceedings [11].

Information about any facts and circumstances of the crime stated by the witness may be accepted as evidence. According to Resolution No. 24 of the Plenum of the Supreme Court of the Republic of Uzbekistan, dated August 24, 2018, titled "On Certain Issues of Application of the Norms of Criminal Procedure Law on the Admissibility of Evidence," assessments, conclusions, opinions, assumptions, and rumours articulated by a witness are inadmissible as evidence if the witness is unable or unwilling to disclose the source of their knowledge [12].

Additionally, witness testimony may be important for the investigator to develop other assumptions, plans, versions, and other tactics regarding the case.

Of course, the witness's testimony plays a significant role in proving the guilt or innocence of the detainee. Or can serve as auxiliary and intermediate evidence in the case. At the same time, it can determine the further course of the preliminary investigation.

Auxiliary facts - those that are important for finding evidence and verifying its reliability. These include, for example, facts that characterize the identity of a witness, which allows us to assess the accuracy or reliability of his testimony (he may have previously been prosecuted for giving false testimony) [13].

In interrogation, witness information is considered important, since personal information can often be clarifying or exposing for witness testimony [14]. It is known that a number of factors can influence the perception and transmission by a witness of facts known to him in the case: the presence of physical or mental illnesses, as well as his attitude towards the accused, the victim, and other participants in the process (there may be mutual hostility due to close kinship, intimacy), personal interests in the case, etc. This information is also important for the defense, which undoubtedly limits its right to participate in court proceedings on equal terms with the prosecution [15].

Conclusion

In conclusion, the analysis of the subject of witness testimony during interrogation reveals that the obligation to provide truthful testimony, as stipulated in Uzbekistan's Criminal Procedure Code, encompasses both legal and ethical dimensions, with criminal liability only arising in cases of knowingly false statements. The findings highlight the crucial distinction between factual inaccuracies due to perception and deliberate misinformation, emphasizing that a witness's testimony must be assessed in light of their personal circumstances, cognitive ability, and potential bias. The study further demonstrates that the evidentiary value of testimony depends not only on content but also on the credibility and source of the information provided. This underlines the importance of ensuring that interrogation practices respect procedural fairness while critically evaluating the reliability of witness statements. The implications suggest a need for enhanced procedural safeguards and training for investigators to recognize the complexities in witness perception and truthfulness. For future research, a deeper empirical examination of court practices and the psychological dimensions influencing witness behavior could provide practical insights for refining interrogation procedures and strengthening the justice system's evidentiary standards.

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