

Improving the Mode of Video Conference Communication

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Abstract: The article provides a scientific analysis of the history of the institute of criminal procedural relations and the stages of its development. It also discusses the legal foundations and practical advantages of using modern information technologies, in particular, video communication systems, in criminal proceedings. The author puts forward proposals to expand the possibilities of conducting investigative processes remotely by introducing amendments and additions to certain articles of the Criminal Procedure Code. The results of the study show that the introduction of video communication technologies will serve to conduct criminal cases more quickly, transparently and effectively, strengthen guarantees for the protection of human rights, and digitize judicial and legal reforms.

Keywords: Criminal-procedural law, video communication, investigative efforts, information technology, judicial reforms, digitization, procedural justice, human rights, international cooperation.

The development of society also leads to the development of forms and mechanisms of crime. Therefore, the use of modern technologies in the activities of law enforcement agencies is an important factor in ensuring the rule of law. In particular, the introduction of the videoconferencing regime in Uzbekistan has become relevant in exposing criminal investigation activities "on the spot" and using effective methods of proof.

The videoconferencing regime has been used in Russian legislation since 1998. Based on the decision of the Constitutional Court of Russia in December 1998, the "Basic Provisions of the Criminal Procedure Code on the Use of Technical Means in Criminal Proceedings" were approved, and on November 18, 1999, the Chelyabinsk Regional Criminal Court for the first time considered the appeal of a convict in a penal institution using videoconferencing technology. ¹Thus, the cassation appeal of a prisoner named "Murtazin" was considered in the videoconferencing regime. ²Since then, this date has been frequently recalled by Russian proceduralists. As E.F. Feoktistova notes, the use of videoconferencing in international

¹Sementsov V.A., Glimeyda V.V. : T echnology video-conference-svyazi i ee primeneniye v ugovnom sudoproizvodstve .b-70.

² Silnov M.A., German A.S. Practice of application of videoconference-communication in ugovnom processe // Ugolovnyi protsess. 2012. N 9. S. 56 - 59.

relations is also of great importance from a material point of view (reduction of business trips and unnecessary expenses of citizens).³

The first international legal framework for allowing the use of videoconferencing in criminal proceedings was established in the Guidelines for Criminal Justice Officials adopted in 1990 by the United Nations in implementation of the Declaration on Basic Principles of Fair Trial for Victims of Crime and Abuse of Power. ⁴Paragraph 55(e) of this document stated that "in cases where victims are afraid to testify, they may be allowed to testify by video recording or by direct video recording ⁵. "

It is also advisable to study the development of the history of law in our country in certain stages. Because studying it in these stages simplifies the process of studying the history of law, as well as criminal procedural law. From this point of view, the history of the development of the institute of criminal procedural relations in Uzbekistan can be conditionally divided into the following six stages:

1. The period before the conquest of Central Asia by the Arabs - the main source about this is "Avesta". It describes the prevailing legal system and rules, and views based on the struggle between good and evil.

2. The period of the introduction of Islam into Central Asia and the introduction of Sharia law. During this period, the Sharia law system, based on Muslim religious ideology, became the main source of law. ⁶Many scholars of the science of hadith - muhaddiths and jurists - emerged and became known throughout the Islamic world. This movement was led by the historical figure, the founder of religion and state Muhammad (pbuh-570-632). ⁷The work "Hidayat" by the famous jurist (jurist) in the Islamic world, Imam Burhaniddin Ali ibn Abu Bakr Marghinani, is one of the most important sources in this regard.⁸

3. The period of Tsarist rule. After Tsarist Russia conquered the territories of Central Asia, colonial rule was established in the country. The Regulation on the Administration of the Turkestan Region, adopted in 1867, ⁹served as the main source. On November 20, 1864, the Statute on the Conduct of Criminal Cases ¹⁰was approved. It is worth emphasizing that this document also became the starting point and legal basis of the main law determining the procedure for conducting criminal cases - the Criminal Procedure Code.¹¹

5. The period of independent Uzbekistan. In the early years of independence, the Criminal Procedure Code of the Uzbek SSR, adopted during the former USSR, was in force.

³ Feoktistova Elena Evgenevna . Mejdunarodnoe sotrudnichestvo organov predvaritelnogo rassledovaniya po ugolovnym delam: procesualno-pravovye i kriminalistic aspects . Dissertatsii na soiskanie uchenoy stepeni kandida yuridicheskikh nauk .M.-2007.S-3.

⁴ A.G. Volevodz .: Pravovye osnovy novykh napravlenii mejdunarodnogo sotrudnichestva v sfere ugolovnogo protsesssa : Dis. ... walk to the doctor. Nauk : 12.00.09 : Moscow, 2002 62 c. <http://www.dslib.net/kriminal-process/pravovye-osnovy-novykh-napravlenij-mezhdunarodnogo-sotrudnichestva-v-sfere.html>

⁵Declaration of fundamental principles of justice for victims of presuppleniy and abuse of power . November 29, 1985

⁶A developed medieval state and the right B-68. <https://staff.tiiame.uz/storage/users/421/books/TmkEkJ16zeaNUhbkqVZkBWJPmAqE8cWPOZEVRscJ.pdf>

⁷Z.Muqimov.: History of the State and Law of Uzbekistan. T-2003. B-68. [https://e.library.namdu.uz \(Z.Muqimov\).pdf](https://e.library.namdu.uz (Z.Muqimov).pdf)

⁸ Burhanuddin Marghinani. Hidayat" Volume 1. Azamkhon Kambarov (chief translator), Akmaljon Ikromjonov, Ilhomjon Bekmirzaev (Doctor of Historical Sciences). Hilal Publishing House. 2022. B-3.

⁹Proceedings of the scientific and practical conference on the topic "Current problems of legal science and practice of law application." Volume I. T-2020.B-78.

¹⁰Svod Zakonov 1857. - T. 15. - Kn. 2.- St. 224. Lange N. M. Drevnee russkoe ugolovnoe sudoproizvodstvo - SPb., 1881. - S. 334. 3 Tam je. - S. 348. (K.N. Emelyanov. Proseksualnye izderzhki v Rossiyskom ugolovnom sudoproizvodstve: Dis. ... candy. yurid.nauk / K.N. Emelyanov - Tyumen, 2009. – 188 p.)

¹¹A.A.Sultonov . Improving the mechanism for paying procedural costs at the pre-trial stage of the case: Dissertation Phd / - T.; 20 20 . – 36 b,

¹²Although the current Criminal Procedure Code was adopted on September 22, 1994, it did not include a single clause on conducting remote investigative actions.

6. The era of the new Uzbekistan. It was during this period that unprecedented changes were observed in the judicial and legal system of Uzbekistan. Many amendments were also made to the Criminal Procedure Code of our country, and the procedure for conducting investigative actions, which are the object of research, via videoconferencing was also introduced during this period. This era began in 2016, with the election of Sh. Mirziyoyev as the President of the country.

A completely new regime of investigative actions was introduced into the legislation by the Law of the Republic of Uzbekistan No. ZUR-542 ¹³dated May 23, 2019 “ On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan Related to Ensuring the Protection of the Rights of Participants in Criminal Proceedings” . Four more primary articles (91 ¹ ,91 ² ,91 ³ ,91 ⁴) were added to Article 91 of the Criminal Procedure Code. However, this provision, when analyzed and correlated with practice, gives rise to a number of misunderstandings and requires certain additions.

In particular, Article 91 ³ of the Criminal Procedure Code leaves open the question of where a lawyer can participate in investigative actions. For example, in the case of an investigation carried out in Tashkent, a suspect lives in a remote district and the defense suspect cannot afford to hire a lawyer, and the issue of whether this lawyer should participate from the suspect's place of residence or from the premises of the institution conducting the investigation is controversial. In 2023 alone, lawyers were involved 30,461 times at the initiative of the ¹⁴pre ¹⁵- trial investigation bodies. ¹⁶A similar practice is also established in the Criminal Procedure Code of the Republic of Korea. ¹⁷According to practitioners, in order to eliminate this gap, it is necessary to introduce into the legislation a procedure for consulting a lawyer before conducting investigative actions via videoconference. Such controversial situations are also noted by foreign scholars. According to surveys conducted by foreign researchers, 56% of respondents believe that the participation of a lawyer and interpreter on the part of the person using the services of a lawyer is necessary. ¹⁸

According to Yu.V. Kharcheikina, the question of which side the teacher, the victim's representative, and the witness's lawyer should participate in the videoconference remains open. The same applies to the participation of the interpreter during the interrogation. In the event that the teacher or lawyer is present during the interrogation of the witness or victim the procedure for providing copies of relevant documents confirming their authority to the body conducting the criminal case in the video conference communication room is not

¹²Ugolovnyy Codex of the Uzbek SSR; Criminal Code of the Uzbek SSR. S ism. i dop. on November 1, 1983 T.

¹³ Law No. ZURQ-542 “ On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Related to Ensuring the Protection of the Rights of Participants in Criminal Proceedings” . 19.05.2019 . <https://lex.uz/uz/docs/4349703> (accessed 29.11.2022)

¹⁴ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 774 dated 21.11.2024 “On approval of the Regulation on the procedure for attracting and paying lawyers providing legal assistance at state expense” (date of application 22.11.2024) <https://lex.uz/pdfs/7228726>

¹⁵ A.A.Sultonov “Costs in criminal procedural relations: theory and practice” DSc dissertation abstract. T-2024. B-

¹⁶ From the 2023 (annual) statistical data of the Chamber of Advocates of the Republic of Uzbekistan.

<https://paruz.uz/uploads/2024/01/statistika-2024.pdf>

¹⁷ Ugalovno-procesualnoe proizvodstvo v Republic of Korea. St. 30

https://pusan.mid.ru/ru/informatsiya_dlya_posetiteley/poleznaya_informatsiya/informatsiya_o_zakonakh_respublikcoreya/ugolovno_protssess_proizv/

¹⁸ K. S. Plakhota. ispolzovanie elektronnyx sredstv svyazi v ugovnom sudoproizvodstve . Abstract Dissertatsii na soiskanie uchenoy stepeni Candidate of legal studies . Moscow - 2023 . S-10. <https://www.dissercat.com/content/ispolzovanie-elektronnykh-sredstv-svyazi-v-ugolovnom-sudoproizvodstve>

clearly specified .¹⁹It is known that there is no single rule defining the procedure for conducting investigative actions in the videoconference mode in the course of research work, and different mechanisms are working in different bodies. (Letter of the Customs Committee No. 22/05-23-00618 dated 23.08.2023, No. 7-3382627/23 dated 18.09.2023 of the Department of Internal Affairs of the Republic of Uzbekistan No. f/981 dated 23.08.2023, No. 124677-r/23 dated 21.08.2023 of the Department of Internal Affairs of the Ministry of Internal Affairs, No. 9/12-23-60 dated 08.09.2023 of the Department of Internal Affairs of the Prosecutor General's Office). This issue was also covered by E.A. Arkhipova in her research, according to which, according to the results of a survey conducted among practitioners, 53.2% of respondents indicated that during interrogation via videoconference, a lawyer should be present at the location of the interrogated person, and 48.9% of respondents indicated that an interpreter should also be present with the interrogated person. In addition, 40.5% of respondents consider this necessary. Also, 0.1% of respondents insisted that a lawyer should be present on both sides at the same time. However, in the third case, i.e., the lawyer's participation in his office is considered to be contrary to the rules on the guarantees of a participant's conversation with a lawyer.²⁰Scholars of²¹a different position believe that when the case is being conducted via videoconference, there should be two lawyers, one of whom should be present in front of the suspect or accused, and the other should be present on behalf of the investigative body. N.A. Golovanova, A.A. Gravina and O.A. Zaitsev note that if one defense attorney is present directly at the investigative body and the other is present at the place where the suspect (accused, convicted) is located, then the use of videoconferencing will contribute more to the implementation of these rights and will serve to ensure legality.²²Based on the above considerations, in order to find a solution to the disputed issue, it is necessary to amend Article 91³ of the Criminal Procedure Code of the Republic of Uzbekistan to read : “When an investigative action is conducted in the videoconference mode, a lawyer or representative may participate from the place where the body conducting the investigative action or the witness, victim, suspect or accused is present.”

Also, in the process of analyzing Part 2 of Article 91¹ of the Criminal Procedure Code of Uzbekistan, the rule that a decision to conduct investigative actions via videoconference is made at the request of the participants in the criminal process is comprehensively studied, and it is clear that there are complex bureaucratic obstacles specified in Part 2 of Article 91¹ of the Criminal Procedure Code . As a result of such obstacles, in 2024, 234 criminal cases were extended by 5 months, and 25 criminal cases by 7 months, and the terms of investigation in 599 criminal cases, preliminary investigation in 1016 criminal cases, and a total of 1615 criminal cases were violated.²³Therefore, according to the information of the Qarlyk communication link of Uzbekistan Post²⁴, a letter sent from the center of the Surkhandarya region to Tashkent can reach the addressee in 92 hours, another 15 hours are spent on district centers, 4 hours are spent on sorting, and it can reach the addressee in an average of a week. In addition, according to the order of Uzbekistan Post dated December

¹⁹ Kharcheykina Yu. V. K voprosu o vnedrenii informatsionno-kommunikativnykh tekhnologiy v ugovnoe sudoproizvodstvo // sbornik nauchnykh trudov, priurochennykh k 90-letiyu doktora uridicheskikh nauk professora Izabelly Ivanovny Martinovich: [materialy Mejdunarodnoy nauchno-prakticheskoy konferentsii, Minsk, October 27-28, 2017. / editorial board: A. A. Danilevich (otvetstvennyy editor), O. V. Petrova, V. I. Samarin]. — Minsk, 2017. — S. 3 4

²⁰ Arkhipova Ekaterina Alexandrovna. Primenenie videokonferentsy v ugovnom sudoproizvodstve Rossii i zarubejnykh stran: sravnitelno-pravovoe issledovanie: Diss . dis... cand. walk science -Moscow- 20 13 . S-70

²¹ Look! Yurikievich Maria Alexandrovna. Primenenie sudom videotekhnologiy v ugovnom sudoproizvodstve . Dissertation na soiskanie uchenoy stepi kandida juridicheskikh nauk . Moscow - 2021 . S-154.

²² Ugolovno-jurisdiktsionnaya deyatel'nost' v usloviyax tsifrovizatsii: monograph // Golovanova N. A., Gravina A. A., Zaitsev O. A. i dr. "IZiSP", "CONTRACT", 2019 // SPS KonsultantPlus".) b-11

²³ From reports of criminal-legal statistics information system

²⁴Letter No. 22-01/159 of the Qarlyk communication link of “UZBEKISTAN POST” JSC dated 30.08.2023.

26, 2022 No. 217 “On the definitions of postal communication services”, each ²⁵envelope shipment costs 6,700 soums. This amount is much more expensive than calling the inquiry or investigation body, sending an SMS message or sending a message using any other method of communication, and not all participants in the process may have the skills to write a request. In particular, it is indicated that sending and receiving a response to a request in the Russian Federation can be done by fax or e-mail.²⁶

Having studied the mechanism of application of our legislation in practice, it is necessary to insert the words “oral or written through any type of communication” after the word “participants” in Part 2 of Article 91 ¹. Only then will the participants be able to request that the investigative action planned to be conducted against them be conducted in a videoconference mode via any means of communication. Also, in order to ensure the timely provision of the results of the assignment to the inquiry officer or investigator who has given the instruction to conduct investigative actions remotely under our legislation, taking into account the experience of certain foreign countries in this regard, it is necessary to supplement Part 5 of Article 91 ⁴ of the Code of Criminal Procedure after the word “report” with the words “immediately through technical channels of communication, and then within twenty-four hours”. The implementation of this proposal could significantly reduce the time required for the inquiry and preliminary investigation and ensure that a timely and lawful decision is made.

In addition, our legislation establishes a procedure for conducting investigative actions via videoconferencing, but there are difficulties with its practical application. Although more than 5 years have passed since the introduction of the videoconferencing regime in the legislation of our country, only about 40 procedural actions were conducted via videoconferencing during 2019-2023. ²⁷In particular, according to the results of the survey, 64 percent of the participating inquiry officers and investigators confirmed that they had never used the videoconferencing regime in their activities, while 40 percent of the participating respondents stated that the state (investigative) body responsible for conducting criminal cases does not have the ability (device) to use the videoconferencing regime. However, in the criminal case materials studied during the study, only 28 percent of individuals, including all defendants, needed to choose a preventive measure related to arrest remotely via videoconferencing.²⁸

Based on the above, in order to effectively use existing internal capabilities, it is proposed to add additional paragraph 24 ¹ to Appendix 1 to Resolution No. 645 of the Cabinet of Ministers of October 15, 2021, stating that “the videoconferencing room available in each internal affairs body will be used to conduct investigative actions in videoconferencing mode and to establish the practice of remotely selecting preventive measures related to arrest via videoconferencing.”

In addition, taking into account the real situations related to the need to have certain authority in the issue of making decisions on the involvement of a teacher or psychologist in the interrogation of a minor participant in the process in order to ensure the quality execution of the assignment to carry out investigative actions in a remote mode, it is necessary to introduce additions ^{such} as: “When performing the assignment, the executing inquiry officer, investigator or court secretary may be authorized to conduct all investigative and procedural actions related to the execution of this assignment, in accordance with Article 347 of this Code.” As a result of the introduction of this addition, the collection of

²⁵Order of JSC “Uzbekistan Post” No. 217 “On the Definitions of Postal Communication Services” dated December 26, 2022. JSC “UZBEKISTON POCHTASI” Letter No. 22-01/159 of 30.08.2023.

²⁶ Rasporyazhenie "Ob organizatsii primeneniya videoconference-svyazi" 01.10.2021 g. #-15. (application time 09/25/2024) <https://mos-gorsud.ru/getGalleryImage/5d3b8ad3-7303-461b-b9ce-25dddbc21f38>

²⁷ S.S. Oripov - Improving the use of information technologies at the pre-trial stage of the case. Diss. Phd. B-35. T., 2023

²⁸Such information is detailed in Appendix 7.

inappropriate evidence by the official executing the assignment will be prevented and the gaps observed in our legislation will be filled.

As a result of the research carried out within the framework of the research work, it was concluded that the number of investigative actions authorized to conduct the investigative action in videoconference mode is limited.

In her scientific conclusions, E.A. Arkhepova²⁹ notes that, in compliance with the provisions of Section 8 of the Criminal Procedure Code (General Conditions of Preliminary Investigation), which regulates the general conditions of the preliminary investigation, if there is equipment for conducting a parallel video conference session by equipping the premises of the relevant authorized body, it is possible to conduct investigative actions such as interrogation, testimony, confrontation, presentation for identification, investigative experiments, and verification of testimony at the scene of the incident, remotely through the appropriate telecommunications network. Some researchers emphasize that the results of the survey conducted confirm that even an expert opinion can be obtained remotely.³⁰

Therefore, it was concluded that the investigative action of taking evidence, presenting things at the initiative of the persons who are their owners, can also be conducted in the videoconference mode. As a result, investigative actions can also be conducted in the videoconference mode organized in the premises. Therefore, after the word "confrontation" in Part 1 of Article 91¹ of the Criminal Procedure Code, the words "testifying, It is proposed to supplement the words " to present things to the inquiry officer, investigator or court at the initiative of the persons who own them ."

Scientists have proven that a person has a low ability to remember incomprehensible words. The concept of video communication is used in the criminal procedural legislation of the Federal Republic of Germany, the Republic of Turkey, Kazakhstan, Kyrgyzstan, Turkmenistan and other countries. The term video conference used in the Criminal Procedure Code of Uzbekistan should be replaced with a short and understandable term video communication. This pure word is a concept close to the Uzbek language. In our opinion, as a result of the use of this term, the regime of conducting an investigative action will fully reveal its linguistic essence and, in our opinion, will have a positive effect on preserving the purity of the Uzbek language.

Sending and receiving instructions on conducting investigative actions via video conferencing, as well as monitoring their implementation, ensures work efficiency.

The system of sending and receiving orders and directing them to execution today also requires the involvement of innovative technologies. The order of the inquiry or preliminary investigation body to conduct the case in the videoconference mode is sent via communication mail, entered into the departmental register and directed for execution, with the exception of prosecutor's offices, where³¹ this issue has been resolved through the cedo platform. (Letter of the State Security Service No. 22/05-23-00618 dated 08/23/2023, No. 7-3382627/23 of the State Security Service of the Republic of Uzbekistan dated 09/18/2023, No. f/981 of the State Security Service of the Republic of Uzbekistan dated 08/23/2023, No. 124677-r/23 of the Directorate of Internal Affairs under the Ministry of Internal Affairs dated 08/09/2023, No. 9/12-23-60 of the State Security Service of the Republic of Uzbekistan dated 09/08/2023) The need for an electronic platform that monitors the timely execution of this instruction is growing day by day. In our opinion, the instruction sent to

²⁹ Arkhipova Ekaterina Alexandrovna. *Primenenie videokonferentssvyazi v ugovnom sudoproizvodstve Rossii i zarubejnyx stran: sravnitelno-pravovoe issledovanie: Diss. dis... cand. walk science -Moscow- 20 13 . S-78*

³⁰ S.S. Oripov - *Improving the use of information technologies at the pre-trial stage of the case . Diss.Ph.D-128. T., 2023*

³¹ <https://yandex.ru/video/preview/11133540347665832157>

conduct an investigative action in videoconferencing mode should be registered on a specific electronic platform and the execution deadline should be clearly defined. At the same time, 64 percent of respondents to the survey stated that the written instructions they sent were not executed on time. In this regard, a number of proposals were developed after analyzing the practice as part of the scientific research.

In particular, it will be necessary to introduce the possibility of sending mutual investigative orders of investigative and preliminary investigation bodies to the unified information system "Electronic Inquiry and Preliminary Investigation" into this electronic platform or to register received orders in the "E-material" software module, and replace the words "official" specified in Part 2 of Article 91³² of the Code of Criminal Procedure with the words "inquiry officer, investigator or court secretary" and entrust the execution of the order to qualified employees. As a result of the introduction of this procedure, an investigative order to conduct an investigative action by an authorized body via videoconferencing can be sent to the authorized body in a short time, ensuring its execution within the established deadlines and on time, and creating the opportunity to obtain its execution in a short time, saving the established terms of inquiry and preliminary investigation in the criminal case under investigation, and making a timely legal decision.

As part of the research work, it is sufficiently substantiated that providing each investigation and preliminary investigation body with a videoconferencing room would require a large amount of funds, therefore, taking into account the fact that today each internal affairs department (department) is equipped with a special room that allows for remote meetings, it is proposed to conduct investigative actions in the videoconferencing mode using the videoconferencing device installed in this room. As a result of this practice, it will not be necessary to equip one room of the existing internal affairs bodies throughout the Republic for conducting investigative actions in the videoconferencing mode at a large cost. Also, since these devices are fully equipped with Internet connectivity, additional costs will be avoided, and since this device is in working condition and high-quality videoconferencing is carried out, there will be no need to attract specialists and allocate additional staff due to the presence of employees who will monitor the work of providing remote communication. In this regard, it is worth noting the possibility of conducting investigative actions remotely, since special cameras are installed on the computers of the inquiry officers and investigators to record the processes of conducting investigative actions in their offices, providing these cameras with an Internet connection. It was determined through an experiment that the possibility of remotely arresting a suspect or accused or applying a precautionary measure in the form of house arrest was determined from the above possibilities. As a result of using this available opportunity, the possibility of escape of persons being escorted can be completely reduced.

Having analyzed our national legislation, substantiated proposals were developed to introduce some amendments to it. In particular, Article 91-2 of the Code of Criminal Procedure sets out 4 grounds for conducting investigative actions in the videoconferencing mode. However, it can be seen that in the legislation of foreign countries, the basis for using videoconferencing in the context of mutual legal assistance in criminal cases is also provided in this article. For example, Article 52-2 of the Criminal Procedure Code of Azerbaijan, which establishes³² the procedure for conducting investigative actions in the videoconferencing mode, states that mutual legal assistance can be provided in remote investigative actions related to a participant in the process who is in the territory of a foreign state. In Azerbaijan (Article 52-2 and Article 52-2.13)³³, Georgia (Article 113, Part 11),

³²Criminal Procedure Code of Azerbaijan. (This Code was approved by the Law No. 907-IQ dated July 14, 2000 of the Republic of Azerbaijan). (time of application 29.07.2023). https://www.e-qanun.az/framework/46950#_edn1

³³Criminal Procedure Code of Azerbaijan. (This Code was approved by the Law No. 907-IQ dated July 14, 2000 of the

³⁴Kazakhstan, Latvia, ³⁵Kyrgyzstan, ³⁶Ukraine and other countries, whose ³⁷criminal procedural legislation has been studied, the procedure for conducting investigative actions via videoconferencing has been established, as well as the procedure for applying the videoconferencing mode in matters of mutual legal assistance within the framework of a criminal case, and the rules on the admissibility of evidence obtained as a result of remote investigative actions from a foreign state have been strengthened. According to the results of the survey, almost 46% of respondents felt the need to conduct remote investigative actions related to participants in the process who are abroad and that it should be included in the Criminal Procedure Code.³⁸ This proposal was supported by 83 percent of respondents to the survey. Therefore, it is necessary to add the fifth ground to Article 91², “in the framework of criminal proceedings, when implementing mutual cooperation between courts, prosecutors, investigators and inquiry bodies with competent authorities of foreign states.”

In addition, although Section 14 (2 chapters, 17 articles) of the CPC of Uzbekistan is devoted to issues of international cooperation, it does not include a procedure for questioning a witness, victim, expert, civil plaintiff, civil defendant, their representatives and other participants in the process who are outside the territory of the Republic of Uzbekistan via videoconference. As a result of the investigation of criminal cases, it became clear that citizen B.O. was in the Russian Federation and was talking to the preliminary investigation body by phone in connection with the criminal case initiated under Part 3, Clause “b” of Article 168 of the CPC of the Republic of Uzbekistan, and that the response to the questionnaire sent within the framework of the criminal case took a long time to arrive, and in order to save time for the preliminary investigation, the criminal case was terminated on the basis of Part 1, Clause 1, Article 364 of the CPC (the person who should be involved in the case as an accused has not been identified). The case documents revealed that a request was sent to the competent foreign body almost 2 months ago. Such criminal cases can be found many times within the Republic. Therefore, it is time to supplement Article 596 of the Criminal Procedure Code with Article¹ and reflect it in a new article.

We think that as a result of the introduction of the above proposals into our legislation, the collection of inappropriate evidence will be prevented in practice, and the existing controversial issues will be resolved.

Republic of Azerbaijan). (time of application 29.07.2023). https://www.e-qanun.az/framework/46950#_edn1

³⁴ Criminal-procedural Code of Georgia . Consolidated publication 15.06.2023. (application deadline 07/31/2023). <https://text.gov.ge/ru/document/view/90034?publication=151>

³⁵ Criminal procedural law The Seymour of the Republic of Latvia was adopted on April 21, 2005 . (time of application 02.08.2023). <https://lawyer-khroulev.com/zakoni-kodeksi-latvii-i-germanii/v-Zakony-Latvii-po-russki>

³⁶ KYRGYZ REPUBLIC OF KYLMYSh - CODE OF CRIMINAL PROCEDURE UALDY K . 2021-jyldyn 28-oktyabry No. 1 29 (*Kyrgyz Respublikasynyn 2021-jyldyn 28-oktyabryndagy No. 126 was entered into Myyzamy menen koldonuu*) (application time 02.08.2023). <http://cbd.minjust.gov.kg/act/view/ky-kg/112308>

³⁷ Criminal Procedural Code of Ukraine dated April 13, 2012 No. 4651-VI (amendments and additions *effective March 21, 2023*) (time of application 03.08.2023). https://continent-online.com/Document/?doc_id=31197178#pos=5;-128&sdoc_params=text%3D%25D0%25B2%25D0%25B8%25D0%25B4%25D0%25B5%25D0%25BE%26mode%3Dindoc%26topic_id%3D31197178%26spos%3D1%26tSynonym%3D0%26tShort%3D1%26tSuffix%3D1&sdoc_pos=5

³⁸ S.S. Oripov - Improving the use of information technologies at the pre-trial stage of the case . Diss.Ph.D-162. T., 2023