



 Research Article

GUIDELINE ON EVALUATION OF EVIDENCES IN CRIMINAL PROCEEDINGS

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Jasur Aminjanovich Nematov

Doctor Of Law, Professor, Tashkent State University Of Law, Tashkent, Uzbekistan

ABSTRACT

In the article there made a comprehensive analysis of regulations of criminal procedure legislation of the Republic of Uzbekistan on assessing evidences in course of executing justice. Types of evidences that are subject of judicial estimation are identified. Authorities of a judge of requesting additional evidences to verify all circumstances of case are examined. Criteria are highlighted, methods are given, goal is formulated and features of consolidating the results of evaluation of evidences are indicated. Recommendations and suggestions on improving the activities of judges in studied area are given.

KEYWORDS

Criminal procedural and criminal legislation, a concept of evidence, written and material evidence, methodology for evaluation of evidence, comprehensiveness, relevance, admissibility, reliability of evidence, inquiry, preliminary and judicial investigation, judicial acts.

INTRODUCTION

Proof consists in collecting, verifying and evaluating evidences in order to establish truth about

circumstances relevant to lawful, reasonable and fair resolution of a case.[1]



In this regard, criminal procedure law obliges the court to find out whether there has been a crime event, who is guilty of its commission, as well as all other circumstances related to it in order to establish the truth in a case. At the same time, it is allowed to use only that information which is discovered, verified and evaluated in the prescribed manner. In addition, all facts of a case to be proved must be investigated thoroughly, comprehensively, fully and objectively. In course of solving any issues arising in a case, circumstances must be clarified and taken into account, both incriminating and justifying the defendant, as well as mitigating and aggravating his responsibility.[2]

Such normative explanation of the proving process in criminal case in practical activity of the courts does not cause any problems at the stages of collecting and checking evidences. While the most important element of court research activity is evaluation of evidences, which ultimately forms a basis of made decision.

According to S. Ozhegov's dictionary: "To evaluate means to determine the value of someone, something; to establish quality of someone, something, degree, level of something; to express an opinion, judgment about value or significance of someone, something".[3]

In criminal proceedings evaluation of evidences determines speculative occupation of a judge, aimed at understanding circumstances of a case. As A. Davletov noted correctly: "Value representations do not only reflect some kind of reality, are not only knowledge of something, but also guide people's activities, that is, they have practical character".[4] Therefore, evaluation of evidences is mental activity of judges, carried out in logical forms, following to scientific methodology of cognition, that ensures achievement of truth. However, considered features are insufficient

to characterize a concept of evaluation of evidences in criminal proceedings. The role of inner conviction, law, and justice should also be pointed out. In criminal proceedings, evidence is assessed based on judges' internal conviction, based on comprehensive, complete and objective examination of evidence. Formal conditions are not indicated in a law that would determine value and significance of each evidence individually and their totality in advance. Characterization of evaluation of evidences includes the role of justice. As a part of general worldview of judges, legal awareness allows understanding meaning and significance of requirements of law for evaluation of evidences. Based on evaluation of evidences judicial versions are put forward and it turns out whether one of them is sufficiently confirmed and all others are refuted; grounds are established for adoption of various procedural decisions, including conduct of judicial actions; conclusions are drawn about evidence or unprovenness of certain circumstances of a case and a crime as a whole.

The foregoing defines the purpose of writing these guidelines on evaluation of evidences in criminal proceedings, which is scientific and practical interpretation related to the topic of studying norms of current criminal procedure legislation to formulate correct conclusions about established circumstances of a case, and provide practical assistance to the court in making and deciding fair and lawful decisions according to the results of judicial review of cases. A developed list of questions, answers to which are sufficient for professional understanding of this area of the research is achieving this goal.

Types of evidences liable to judges' evaluation

Types of evidence is conditional separation of actual circumstances of a case established by court, which are obtained from original source or indirect information



carrier.[5] As there is no categorical distinction of evidences in criminal procedure legislation, depending on their weight, relevant for proper resolution of a case, in law enforcement activities of judges, the following formal sequence of evaluation of evidences can be traced, on the basis of which decisions are made.

Thus, for judgement of conviction there must be proved [6]:

- 1) object of a crime; nature and extent of damage caused by crime; circumstances characterizing the identity of victim;
- 2) time, place, method, as well as other circumstances of crime specified in the Criminal Code; causal connection between act and ensuing socially dangerous consequences;
- 3) commission of a crime by that person;
- 4) commission of a crime with direct or indirect intent or through negligence or presumption; motives and goals of a crime;[7]
- 5) circumstances characterizing personality of defendant.

These data are established: by testimony of witness, victim, defendant, expert opinion, material evidences, sound recording, video and film recordings, protocol of judicial actions and other documents.[8]

Material evidence is an object that has physical signs or marks according to which it is possible to establish its origin, belonging to any person, its use or suitability for certain purposes, movement of this object, exposure to it of certain substances, objects, processes and phenomena, as well as any other signs and traces indicating circumstances of a case.[9]

Written evidence is a document or other record in verbal, digital, graphic or other symbolic form, made by official or citizen and intended to save, transform, transmit information that may be relevant to a case.

Written evidence also includes protocols of investigative actions, minutes of court hearings and their annexes.

Documents and other records with signs, marks, traces, can also serve as material evidence.[10]

It should be noted that only evidence that reveals factual circumstances of a case accurately, which correspond directly to the elements of a crime, directly specified in law is subject to assessment.

Current norms of the Code of Criminal Procedure provide for interconnection in determining event and composition of a crime. A content of a concept of crime event includes time, place, method and other circumstances of act of volitional behavior of a person whose act qualifies as a crime.

At the same time, presence of crime event in cases specified by law does not always mean that law enforcer formulates conclusion on presence of crime in the person's actions.[11] Therefore, this rule of law requires a judge to establish causal relationship between the event and consequence of a crime, since one of frequently encountered judicial errors is to consider consequences of a crime as a crime event itself. Such misunderstanding of terminology is characterized by absence of legislative interpretation of a concept of crime event in presence of normatively fixed individual signs of it.

Judicial practice shows that assessment of evidence collected in a case is carried out in order to indicate limits of evidence using norms of Special part of



Criminal Code, which provides detailed description of punishable act.

A particular attention in assessing evidence should be undoubtedly paid to establishing the object of a crime, without which a crime cannot be solved and act of a person is correctly qualified.

However, in considering a case by a court in practice, the objective side of a crime is recorded in testimonies of court participants. Sometimes, subjective side of a crime is also reflected in information provided by participants to the court. However, the object of a crime has to be judged only by totality of crime signs.

Thus, elements to which the court should pay attention in assessing evidences are establishment of place and time of crime event.

Firstly, they determine individuality of what happened, which affects the effectiveness of review process.

Secondly, these elements acquire special significance for qualification of a crime, determine the choice of mitigating or aggravating circumstances.

Along with it establishing real time of commission of a crime is essential both for prosecution and acquittal of defendant.

It is important for a court to establish exact place where the crime was committed in assessing evidence. The requirements for place accuracy are also different depending on type and conditions of a crime. Determining distances or scales for some is essential, for others it does not matter.

In addition, identification of sign for certain elements of crime requires appropriate period of time, combination of conditions and place, as well as other circumstances.

Method of committing a crime is also significant in assessing evidence, which should be understood as making a number of sequential and coordinated acts by guilty person to implement criminal plan. Moreover, it sometimes acquires decisive importance for qualification of certain categories of crimes.

Fact of committing a crime by a certain person must be established in order to assess evidence that are characterizing features of subject and subjective side of a crime. Reaching the age at which criminal liability and sanity comes, as well as person's guilt of committing a crime, determining special status if the defendant is a minor, establishing characteristic feature of a person and state of health, living conditions and upbringing, presence or absence of adults who are inciters and other criminal participants are obligatory condition to be proved which affect legality of sentence or other court decision.[12]

In committing a deliberate crime evidences disclosing intent are subject to assessment. If the crime was committed through negligence, then the estimates are subject to assumptions according to which the subject of a crime could and should have foreseen the consequences of his actions. Clarification of motive for committing a crime also affects crime qualification, its mitigating and aggravating circumstances. [13] In addition, the court must assess evidence of circumstances that contributed to commission of crime and consequences of crime - damage or harm. Ignoring these circumstances will lead to incorrect resolution of a case, as in considering the case the court will certainly encounter problem of incompleteness of investigation, since criminal procedural law contains a number of circumstances to be proved that are implemented in subject of evidence in each criminal case.

Judge's authority in evaluation of evidences

Evaluation of evidences in criminal cases by judges of the first, appeal, cassation and supervisory instances is carried out during administration of justice, by means of investigation and establishment of circumstances that are essential for lawful resolution of a case.[14]

The indicated judge's authorities on assessing evidence arise from implementation of principle of adversarial procedure of parties in judicial practice, [15] which stipulates that in considering a case in a court, functions of prosecution, defense and resolution of a case are separate from each other and cannot be assigned to the same body or same official. Therefore, state and public prosecutors, defendant, legal representative of minor defendant, defense counsel, public defender, as well as victim, civil plaintiff, civil defendant and their representatives participate in hearing as parties and enjoy equal rights to present evidence, participate in their investigation, state petitions, express their opinion on any issue that is relevant to proper resolution of a case. [16] A court does not stand on a side of prosecution or defense and express any their interests. A court, maintaining objectivity and impartiality, creates necessary conditions for the parties to fulfill their procedural obligations and exercise the rights granted to them.

During criminal trial a judge assesses evidences based on his inner conviction, founded on thorough, comprehensive, complete and objective investigation of all circumstances of a case, guided by law and legal awareness.[17]

There is no normative definition of inner conviction concept of a judge for its practical guidance and application in criminal procedure legislation. However, in scientific legal literature there are many interpretations of this concept, among which two main

points of view prevail and do not lose their relevance up today. In particular:

- 1) internal conviction is a conviction in which a sense of confidence of judges in truth or falsity of fact follows from objective grounds, from correct knowledge of phenomena of reality that make up content of a case at the court;[18]
- 2) conviction is called: a) process of inducing someone (including oneself) to a certain look, act; b) result of this process, i.e. specific opinion, view; c) person's attitude to his knowledge, decisions and actions, i.e. state of confidence, conviction.[19]

In both cases of understanding inner conviction a feeling of confidence in correctness of their knowledge and conclusions sufficient for a judge to make a decision is the only and basic sign uniting them.

Along with it, inner conviction of a judge does not arbitrarily arise, as it is provided for in criminal procedure legislation, it should be based on thorough, comprehensive, complete and objective investigation of all circumstances of a case. Since the evidence perceived by a judge forms a certain state in him. It is characterized by trust or mistrust, doubt or confidence in correctness of established facts, etc. Carefulness, comprehensiveness, completeness, and objectivity exclude volatility in formulating conclusions by a judge during assessment of evidence collected in a case. These concepts also do not have normative fixing in criminal procedure legislation. Therefore, interpretation of their essence is considered by judges.

However, if a content of concepts is disclosed, based on general legal principle of accuracy and comprehensibility of law-making activity, which presents quality of clarification and explanation of legal norms by subjects of interpretation, then in



criminal procedure legislation evidences suggests that decisions taken by a judge should be based on evidence examined in trial. [20] Comprehensiveness means that a judge must base decisions after considering and discussing all evidence presented by the parties. [21] Completeness determines that judicial decisions should be made based on the results of assessment of perception and analysis of totality of evidence. [22] Objectivity implies that any evidence does not have predetermined force for decisions of a judge. [23]

Finally, in formation and expression of inner conviction, a judge should be guided by law and legal awareness. Thus, a judge participating in criminal proceedings is required to observe strictly and fulfill the requirements of the Constitution, the Code of Criminal Procedure and other legislative acts of the Republic of Uzbekistan. [24] Therefore, legislation provides guarantees to ensure independence of inner conviction of a judge who evaluates evidence. [25]

In general, analyzing judge's authority on assessing evidences it should be noted that the court is an active participant in evidence process, which is implemented during judicial investigation. Therefore, law granted a judge the authority to carry out procedural actions both on his own initiative and at the request of the parties. [26]

Claiming additional evidences during a trial

A judge is called to ensure that the parties verify all evidences collected in inquiry or preliminary investigation of criminal case that has been essentially submitted for examination and require additional evidence for their evaluation. It means that the court conducts an independent assessment of all evidences

without exception, since in criminal case the court is obliged to examine evidences directly [27], without which a judge will not be able to form his inner conviction and order a legal, reasonable and fair sentence. [28] Superior body, i.e. appellate, cassation and supervisory instances just verify compliance of the first instance by the court in passing sentence, specified by criminal procedure legislation. [29]

At trial stage, the proof is carried out by parties in the context of full implementation of criminal process principles, which favors establishment of truth. Therefore, in preparatory part of hearing, in accordance with the requirements of Chapter 51 of the Code of Criminal Procedure, for completeness, comprehensiveness and objectivity of evidences analysis during judicial investigation there permitted issues of calling new witnesses, ordering expert examinations, requesting documents and other additional evidence. [30]

Having created the conditions for fulfilling the requirements of Chapter 52 of the Code of Criminal Procedure at preparatory part of court session a judge together with participants of the process during investigation of evidences collected in a case, will also examine additional evidences by means of which evidences available in criminal case is verified by comparing and identifying sources for their receipt, confirming or refuting verifiable evidence. [31]

In procedural form, the requirement of additional evidence is carried out during implementation of judge's rights granted to him: to ask the participants questions in order to clarify facts and events that they explain in the process [32]; attaching documents to the case submitted to the court at his request or initiative of other persons [33]; inspection, survey; appointment and production of additional, repeated, commission or complex expertise; presentation for identification,



production of experiment, obtaining samples for expert research [34], etc.

At the same time, the Code of Criminal Procedure granted the judge specified authority, because indictment or conclusion is procedural documents for the court, which set out preliminary versions to be checked. In this regard, a judge is legally obliged to investigate all possible versions that arose in court session. It is necessary to prove fully version of prosecution or lead judge to the conclusion that the defendant is innocent.

General methods for evaluation of evidences in criminal proceedings

Reasoning of conclusions in evaluation of evidences always depends on used methods. In this aspect, categories and concepts are essential that do not need formally to be challenged, as they are fixed in regulatory legal acts. This condition is sufficient and correct for their use when judge selects necessary methods for assessing evidences collected and verified in criminal case during a trial. At the same time, application of judge evidence assessment methods does not exclude formulation of ordinary, logically correct conclusions. For judicial practice the use of dialectic and formal logic in their relationship are generally known methods for evaluating evidence. If method of dialectical logic reflects the process of natural formation or development of situation or circumstances that fall within the scope of assessment subject then formal logic method contributes to correct execution and consolidation of these phenomena in the form of evidence in criminal case based on norms of criminal procedure legislation. Consequently, in evaluation of evidences, conclusions drawn by method of dialectical logic about objective

information of reality will not always be essential for solving the problems of criminal proceedings, without using the method of formal logic. At the same time, without applying the method of dialectical logic, it is not possible to evaluate evidences that should be materialized, i.e. processually fixed by using method of formal logic. In this regard, the main and only purpose of application, in interconnection and complementarity of considered methods for assessing evidence in criminal proceedings is to ensure that law enforcer achieves simplicity of understanding, law enforcement, awareness of wrongfulness of the act for which criminal prosecution is established.

Key criteria for evaluating evidences in criminal proceedings

The main criteria that a judge should follow in assessing evidences in a trial are regulated by criminal procedure law. In particular, it is provided: “Every evidence shall be evaluated in terms of relevance, admissibility and certainty.”[35] It should be noted that this requirement of law reveals the concept of interpretation of evaluation of evidences and indicates that it should be carried out not only during collection or verification, but also before judge makes any procedural decision in a case, including final act - verdict. Therefore, each of criteria for evaluating evidence has an independent value and acquires special significance at certain stage of proof.

Thus, assessment of relevance of evidences consists in revealing connection of facts or objects that confirm, disprove or question conclusions about existence of circumstances relevant to the case. [36] At first, these circumstances are considered as likely to be relevant. Further, evidences that confirms or disproves at least one of judicial versions is recognized as relevant.



Consequently, definition of a circle of evidences depends on versions available in a case - how accurately judicial investigation established reason for appearance of evidences, which brings entail supposed consequences. In gathering documentary material, the analysis is made through which there is an explanation of unlawful act of a person, existence of one common reason. In this regard, generalization of judicial practice in certain categories of cases allows the judge increasing professional experience by comparing circumstances of each new criminal case with previous most similar case, which is now being undertaken in judicial practice, but not so often.

The evidence obtained in a process of proving the case is recognized admissible without violating the norms of material and procedural legislation. The judge in assessing evidence should pay attention to:

1) whether protection of the rights and legitimate interests of citizens, as well as enterprises, institutions and organizations[37], has been ensured, which means: whether actions have been taken that are dangerous to the life and health of persons or that degrade their honor and dignity[38]; whether violence, threat, deception and other illegal measures were used while receiving testimonies, explanations, conclusions, carrying out experimental actions, preparing and issuing documents or objects [39]; whether investigative actions were taken at night, that is, from 10 p.m. to 6 a.m., with the exception of cases when it is necessary to stop a crime being prepared or committed, to warn possible loss of a trace of a crime or escape of a suspect, to reproduce situation of investigated event during experiment; whether the procedure for conducting examination of a person of opposite sex has been followed [40]; whether measures have been taken to not disclose information about personal life of suspect, accused, defendant,

victim, and other persons revealed during investigation and trial;[41]

2) whether evidence is fixed in the minutes of investigative actions or minutes of court session, which are conducted by persons who is responsible for the proceedings. As information and objects can be used as evidences only after they are recorded in relevant minutes. Whereas minutes are introduced: information about persons participating in investigative or judicial action, explanation of these rights and obligations to these persons; place and time, conditions, course and results of investigative or judicial action, description of material objects discovered in this case and their signs that may be relevant to the case; indications of facts requested by participants in investigative action or trial to certify; their testimonies, explanations, comments about what is happening; petitions, complaints, objections declared by them; facts of violation of procedure in investigation or during trial as well as measures taken to prevent these violations. [42] In order to consolidate evidence sound recording, video recording, filming, photography, making casts, impressions, plans, diagrams and other methods of displaying information with the involvement of specialists can be also used along with compilation of minutes. Minutes of procedural actions in the form of inspection of scene of especially serious crime, search, verification of evidence at scene of event, investigative experiment using video recording means is mandatory.[43] In addition, it is necessary to pay attention to established grounds, conditions and procedure for production of procedural actions in mode of video conferencing;[44]

3) whether corroboration of evidence is verified, which implies the exercise of the rights of participants in the process to familiarize themselves with the minutes, where progress and results of these actions are



recorded, as well as make additions and corrections to the minutes;[45]

4) whether all possible versions of a case are excluded, except of finally put forward one, which is confirmed by established factual data.[46]

It should be noted that a basis for assessing evidences from the point of view of admissibility undoubtedly is normative components, but it largely depends on the level of justice of a judge.[47]

In this regard, presence of judge's conviction in reliability of obtained data plays an important role in assessing evidence. Reliability of data is established on the basis of verification of facts corresponding to reality.[48] This course of events or combination of circumstances, with certain guilty behavior of a person who creates socially dangerous consequences, which is unlawful and depending on gravity of committed act is criminally punishable.

However, not each reliable fact can be evidence in a case if you do not comply with the requirements of criminal procedure legislation on admissibility. Consequently, the condition for reliability of evidence depends on their admissibility.

The assessment of reliability of evidences ends with formulation of conclusions in a case in procedural decision adopted by a judge, which should reflect the results of logically reasoned and consistent thought process.

The purpose of evaluation of evidences in criminal proceedings

The purpose of evaluation of evidences in criminal proceedings is to establish the truth in a case.[49] It

has practical value, since the principle of presumption of innocence depends on it. [50] This principle can only be refuted if the court reaches the truth. Without the goal of establishing the truth, the judge's activities will not be aimed at reliable investigation of circumstances of crime and its legal assessment.

Truth is a philosophical concept that still does not have an unambiguous legislative interpretation. Although it is gaining relevance in the sphere of law enforcement.

According to V. Dal': "Truth is truth in practice, truth in good, honesty, integrity, justice; to act in truth means to act in truth, in justice; truthfulness as a person's quality or belonging to a concept, story, description; full agreement of word and deed, truth. "[51]

"Truth is opposite of lies; all that is true, authentic, exact, fair, that is; all that is truth. Now truth answers this word, although it will rather be understood as the word "truth" truthfulness, justice, justice, rightness. Truth refers (more) to mind and reason, and good or welfare to love, temper and will. "[52]

Legal literature distinguishes absolute and relative truth. [53] In relation to criminal proceedings, achievement of objective of assessing evidences depends on competence of cognizing subject of cognized object of perception. However, there are objects that, due to their immutability, can be reflected in consciousness correctly or incorrectly, respectively, they cannot be considered more or less true. [54] In this regard, it is legally correct to consider as an absolute truth the conclusion formulated by the results of the research of evidences, taking into account application of requirements of principle of presumption of innocence, which states that: "All doubts about guilt, if possibilities have been exhausted to resolve them, should be resolved in favor of suspect, accused or defendant. Also, in favor of suspect, accused or

defendant, doubts arising in application of law must be resolved.” [55] Despite the presence of this norm, in the process of studying circumstances of a case, goal of subject of assessment of evidences should be an effort and assertiveness to establish objective truth always.

Assigning the results of evaluation of evidences in criminal proceedings

Procedural consolidation of the results of assessment of evidences in criminal proceedings is characterized by some features.

In order to use objects, documents and other records as evidence in a case, they must be obtained as a result of investigative or judicial actions. [56] However, their assessment without inspection [57], where signs are established that allow concluding relevance to a case, as well as necessary for individualization, are not possible without fixing in the minutes of court session. [58] At the same time, material evidence and documents must be thoroughly examined at hearing along with other evidence in a case, and persons to whom they are presented can pay court attention to certain circumstances related to their investigation.[59]

The court shall issue judicial determination on recognition of object as material evidence and its inclusion in criminal case. In the same determination, the issue of leaving material evidence in a case or handing it over should be resolved.[60]

Procedural consolidation of the results of evaluation of evidences in a court is significantly affected by parties and participants in the process. But it does not mean that preliminary evaluation of evidences in adopted court definition determines the outcome of a case.

Therefore, the court, evaluating the evidences procedurally fixed in a case, resolves first the issue relating to completion of judicial investigation. [61] Thus, confirming that all admissible evidence in a case has been investigated, which is sufficient to make a final decision - drawing up and announcing the verdict.

Court verdict is the most important act of justice, it is decided on behalf of the Republic of Uzbekistan, which concludes the trial and resolves the main tasks of criminal proceedings, so that everyone who commits a crime is subjected to fair punishment and not a single innocent person is brought to justice and convicted. A verdict is based on principles of criminal process provided for in the Constitution and the Code of Criminal Procedure. Any deviation from these principles is a basis for recognition of sentence as unfounded no matter how motivated it may be.[62]

Specified requirement of criminal procedural law obliges the judge to motivate conclusions set forth in verdict with evidence examined during the trial, but at the same time, take into account that any evidence obtained in violation of the law has no legal force and cannot be given in verdict, and moreover, they cannot be taken as its basis.[63]

In this regard, the results of assessment of evidence fixed in sentence are reflected in answers to the following questions, namely:

- 1) whether there has been an act in commission of which the defendant is charged;
- 2) whether this act is a crime and which article of Criminal Code it is provided for;
- 3) whether the defendant committed this act;
- 4) whether the defendant is guilty of offense, and if guilty, what is the form of his guilt;



5) whether there are circumstances mitigating and aggravating the liability of the defendant;

6) whether the defendant is punished for the crime committed by him.

All others, that are subject to clarification and description in sentence, are derivative, although they are also binding.[64]

The results of assessment of evidence are consolidated during consideration of criminal case and in appeal, cassation or supervisory procedure, by which the courts verify legality, validity and fairness of verdict, determination, ruling on materials available in a case and submitted additionally by participants of the process or requested by a court, and if resumption of a case because of new discovered circumstances - and based on investigation of these circumstances. At the same time, higher judicial instances must comply with the limits of a trial that was previously conducted by a court of first instance only with respect to the accused, as well as in order to establish the truth, with respect to other persons who were not involved as defendants in a case.[65]

CONCLUSIONS

1) Requirements for additional evidence in criminal case under consideration should serve only for a judge to pass a lawful, justified and fair sentence. A position of a judge is not to uphold any party, but to establish the truth in a case. In another understanding of this authority of a judge it will contradict the principle of adversarial proceedings in a court;[66]

2) The leadership of the Decisions of Plenum of the Supreme Court of the Republic of Uzbekistan in criminal cases where clarifications are given on application of legislation [67] contradict the principle of independence of judges and their subordination to

the law [68], since the Constitutional Court gives an official interpretation of norms of the Constitution and laws of the Republic of Uzbekistan;[69]

3) The Code of Criminal Procedure establishes that a judge, in deciding inadmissibility of evidence, is obliged to find out where exactly the violation was expressed in each case, and make a reasoned decision.[70] But, clarifications of Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan [71] do not comply with indicated norm of law [72] and contradict principle of legality.[73]

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