



THE INVESTIGATIVE JUDGE AND HIS POWERS

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Abstract

This paper examines the legal and institutional significance of the Presidential Decree No. PF-89 (DP-89) dated 10 June 2024, which introduces the investigative judge as a new subject of criminal procedure from 1 January 2025 and strengthens judicial control at the pre-trial stage. The reform redistributes key decision-making powers regarding procedural sanctions (including detention/house arrest, searches, interception of communications, seizure of property) and certain coercive measures, thereby expanding the scope of independent judicial oversight over investigative and operational-search activities. Particular attention is given to guarantees of impartiality and due process: the decree emphasizes the investigative judge's independence and prohibits assigning non-justice-related tasks, while also establishing that pre-trial procedural sanctions authorized by the investigative judge are reviewed exclusively by the appellate instance in a single-judge composition. In the administrative dimension, the reform is linked to jurisdictional rules under Article 245 of the Code of Administrative Responsibility, which provides for the consideration of specified administrative offence cases by the investigative judge of a district (city) criminal court. Overall, the introduction of the investigative judge is assessed as a structural safeguard aimed at enhancing rights protection, strengthening evidentiary scrutiny, and reducing risks associated with combining pre-trial coercive decisions and subsequent adjudication within the same judicial function.

Keywords: Investigative judge; pre-trial judicial control; procedural sanctions; operational-search activities; detention and house arrest; coercive measures; appellate review; administrative offence jurisdiction; due process; judicial independence.



Introduction

It is known that on **10 June 2024** the President of the Republic of Uzbekistan adopted the Decree No. PD-89 *“On Measures to Further Strengthen Guarantees for the Reliable Protection of Individual Rights and Freedoms in Operational-Search and Investigative Activities.”*

According to this document, starting from **1 January 2025**, it has been established that a new position — that of the **investigative judge** — shall be introduced into the list of officials responsible for conducting criminal proceedings.

Pursuant to the substance of the current legislation, a citizen of the Republic of Uzbekistan who has attained the age of thirty-five and possesses higher legal education may be nominated for the position of an investigative judge, and investigative judges of district (city) courts shall be appointed by the Supreme Judicial Council of the Republic of Uzbekistan, while an investigative judge of a district (city) court of the Republic of Karakalpakstan shall be appointed by the Jokargy Kenes of the Republic of Karakalpakstan upon submission of the Supreme Judicial Council of the Republic of Uzbekistan.

According to the Decree, it is envisaged that the investigative judge shall be vested with the following powers:

1. Consideration of cases concerning administrative offences — in this regard, it is envisaged that the authority of the investigative judge to consider cases concerning administrative offences shall be determined based on the articles and circumstances provided for in Article 245 of the Code of Administrative Responsibility of the Republic of Uzbekistan in force;

2. Consideration of sanctions in criminal materials — in this regard, it is envisaged that the investigative judge shall consider motions related to the application of a preventive measure in the form of detention or house arrest; motions related to the extension of the period of detention or house arrest; motions concerning the suspension of the validity of a passport (travel document); motions concerning the exhumation of a corpse; motions concerning the seizure of postal and telegraph items; motions concerning the conduct of a search; motions concerning the interception of conversations conducted via telephones



and other telecommunication devices and the obtaining of information transmitted through them; as well as motions concerning the seizure of property;

3. Application of coercive measures in criminal materials — in this regard, it is envisaged that the investigative judge shall consider motions concerning the temporary suspension of the accused from office; motions concerning the placement of a person in a medical institution; motions concerning the extension of the period of the accused's stay in a medical institution; and motions concerning the extension of the period of detention up to forty-eight hours;

4. Consideration of the prosecutor's motion to secure in advance the testimony of a witness and a victim (civil claimant) in criminal materials — in this regard, it is envisaged that the investigative judge may secure in advance the testimony of a witness or a victim (civil claimant) in cases where, due to objective reasons (departure from the territory of the Republic of Uzbekistan or the existence of a serious and prolonged illness excluding participation in criminal proceedings), there are grounds to assume that subsequent interrogation during pre-trial proceedings or during court hearings may become impossible.

The Decree establishes that the investigative judge shall carry out his activities independently, shall be subject only to the law, and that the assignment of any duties not related to the administration of justice to the investigative judge shall not be permitted, while the management of the organizational activities of the investigative judge shall be exercised respectively by the chairpersons of the courts of the Republic of Karakalpakstan, the regional courts, the Tashkent City Court, and the Military Court of the Republic of Uzbekistan.

Furthermore, the Decree also envisages the establishment of a procedure whereby procedural sanctions granted by the investigative judge during the pre-trial stage of criminal proceedings shall be reviewed exclusively by the appellate instance in a single-judge composition.

In conclusion, these changes contribute to the protection of citizens' rights and freedoms, including by abolishing the practice whereby a single judge both decides on the application or non-application of detention and subsequently considers the same case, as well as by assisting law-enforcement bodies and courts in examining all circumstances of a case thoroughly, fully, comprehensively and impartially, ensuring the correct assessment of evidence



and the evaluation of each piece of evidence in terms of its relevance, admissibility and reliability.

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