

LAW OF THE REPUBLIC OF UZBEKISTAN

**ON PROTECTION OF VICTIMS, WITNESSES AND OTHER PARTICIPANTS IN A
CRIMINAL CASE**

Adopted by the Legislative Chamber on November 22, 2018

Approved by the Senate on December 13, 2018

Chapter 1. General provisions

Article 1. Purpose and key objectives of this Law

The purpose of this Law shall be regulation of relations in the field of protection of victims, witnesses and other participants in a criminal case.

The key objectives of this Law shall be establishing a system of measures to protect victims, witnesses and other participants in a criminal case (hereinafter — protected persons), including safety and social protection measures that apply in case of existing threat of infringement on life, health and property of persons who contributed to prevention or solution of a crime; as well as determining the basis and procedure for their application.

Article 2 Legislation on protection of protected persons

Legislation on protection of protected persons consists of this Law and other legislative acts.

If an international agreement of the Republic of Uzbekistan establishes other rules than those stipulated by the legislation of the Republic of Uzbekistan on protection of protected persons, the rules of the international agreement shall apply.

Article 3. Basic principles of protection of protected persons

The basic principles of protection of protected persons shall include legality, priority of rights and legal interests of a protected person, as well as mutual responsibility of protected persons and state bodies that provide protection.

Article 4. Protected persons

Protected persons shall include:

- 1) a victim and her legal representative;
- 2) a witness;
- 3) a public prosecutor and a public defender;
- 4) a suspect, a defendant, a person on trial, their defenders and legal representatives;
- 5) a convicted person, an acquitted person, a person against whom criminal case is dismissed;
- 6) a civil claimant, a civil defendant and their representatives;
- 7) an expert, a specialist, a translator and an attesting witness.

Protected persons may also include family members and close relatives of persons specified in **Part One** of this Article.

Protection measures may also be applied, before initiation of a criminal case, in relation to an applicant, eye-witness of a crime, or other persons who contributed to prevention or solution of a crime.

Article 5. State bodies providing protection

State bodies providing protection shall include:
bodies making a decision on providing protection;
bodies providing security measures;
bodies providing social protection measures.

A decision on providing protection shall be made by bodies that perform pre-investigation check, inquiry, preliminary investigation, and by court that perform criminal proceedings.

Protection measures in relation to protected persons under criminal cases in proceedings of internal affairs bodies or bodies of the State Security Service of the Republic of Uzbekistan shall be provided by such bodies.

Protection measures in relation to protected persons under criminal cases in proceedings of a court or a prosecutor's office shall be provided under decision of a court or a prosecutor by internal affairs bodies located at the location of protected persons.

Protection measures in relation to protected persons from among military servants shall be provided by command of corresponding military bases and superior command of military units of the Armed Forces of the Republic of Uzbekistan.

Protection measures in relation to protected persons detained in detention facilities shall be provided by internal affairs bodies and bodies of the State Security Service of the Republic of Uzbekistan, accordingly.

Protection measures in relation to protected persons detained in places of service of sentence shall be provided by institutions of the Main Directorate of Corrections of the Ministry of Internal Affairs of the Republic of Uzbekistan.

Authorities in charge of social protection of population and other bodies shall be responsible for provision of social protection measures to protected persons according to the procedure established by the Cabinet of Ministers of the Republic of Uzbekistan.

Chapter 2. Types of protection

Article 6. Security measures

Security measures shall include:

- 1) ensuring confidentiality of information on a protected person;
- 2) personal security, protection of dwelling and other property;
- 3) equipping a protected person with special personal protective equipment and technical means;
- 4) temporary accommodation at a secure place;
- 5) resettlement to a different place of residence; changing place of work (service) or education;
- 6) change of documents;
- 7) restricting access to information on a protected person;
- 8) providing additional security measures in relation to a protected person detained in custody or in places of service of sentence.

Security measures specified in the [clauses 6 and 7](#) of Part One of this Article shall be undertaken only in the context of criminal cases on serious and very serious crimes, as necessary.

Article 7. Ensuring confidentiality of information on a protected person

Ensuring confidentiality of information on a protected person shall be implemented under decision of a body that provides for security measures by imposition of a prohibition on issue of information on a protected person from government and other information and reference repositories available through operators; changing subscriber's numbers of her phone and state registration plates of vehicles used or owned by her.

In exceptional cases related to another criminal, administrative, commercial or civil case proceedings, information on a protected person may be provided to bodies of inquiry, pre-investigation check, or court based on a written request and subject to written authorization from a body that made a decision on ensuring protection.

Article 8. Personal security, protection of dwelling and other property

In case of determining data that indicate presence of a threat of infringement on life or health or property of a protected person, subject to her agreement, bodies that provide security measures shall ensure her personal security, protection of her dwelling and other property.

Dwelling occupied by a protected person and other property may be equipped with technical means for surveillance, fire and security alarm systems, as well as with other equipment.

Article 9. Equipping a protected person with special personal protective equipment and technical means

In due regard of the level of threat to life and health of a protected person, bodies providing security measures may equip her with special personal protective equipment and technical means.

Article 10. Temporary accommodation at a secure place

If necessary, adult protected persons, subject to their agreement, while minor protected persons — subject to agreement of their parents or other legal representatives, may be temporarily accommodated at places where their security will be ensured. Period of stay at such a place shall be agreed between a protected person and a body that provides security measures.

Article 11. Resettlement to a different place of residence, changing place of work (service) or education

Subject to the agreement of protected persons, or following their application they may be resettled to a different temporary or permanent place of residence, transferred to a different temporary or permanent work (service) or place of education.

When resettling a protected person to a different permanent place of residence, she shall be provided, at the expense of the state, with housing, compensation of expenditures related to relocation, financial support, guaranteed employment, and support in finding a place of work (service) or education that is similar to the previous one. When resettling a protected person to a different temporary place of residence, the previous her housing and guarantees of employment at a previous or similar to previous place of work (service) or education shall be preserved for her during the whole period of her absence due to the specified cause.

Resettlement to a different place of residence; changing place of work (service) or education shall be performed only in cases when security of a protected person cannot be ensured through application of other security measures in relation to her.

Article 12. Change of documents

Following application from protected persons or subject to their agreement, they can receive identity documents and other documents that contain changed surname, name, patronymic, or other information.

New surname, name, patronymic shall be selected subject to mandatory agreement with a protected person or by herself, while for minors - subject to agreement with their parents or other legal representatives.

Article 13. Restricting access to information on a protected person

Restricting access to information on a protected person shall consist of withdrawal from a criminal case file of information on biographical details of the person; their storage separately from main proceedings; as well as using a pseudonym for such purposes.

Article 14. Providing additional security measures in relation to a protected person detained in custody or in places of service of sentence

Security of a protected person detained in custody or in places of service of sentence in form of custodial restraint, imprisonment, or detainment in a disciplinary military unit shall be provided through application to her of security measures specified in the [clauses 1 and 7](#) of Part One of Article 6 of this Law.

In order to provide security measures for persons specified in [Part One](#) of this Article, the following measures can also be applied:

1) directing a protected person and a person from whom a threat of violence originates, upon their arrest, confinement under guard and criminal sentencing, to different places of confinement under guard and service of sentence;

2) transfer of a protected person or a person from whom a threat of violence originates from one place of confinement under guard and service of sentence to another;

- 3) separate detainment of a protected person and a person from whom a threat of violence originates;
- 4) changing a restraint measure applied to a protected person.

Article 15. Social protection measures

In case of death of a protected person as a result of her participation in criminal proceedings, family members of the deceased (dead) person, as well as other her dependents, following a resolution of a body making a decision on providing protection, shall receive from the funds of the State Budget of the Republic of Uzbekistan a one-off benefit and a loss of breadwinner pension.

In case of infliction to a protected person of a bodily harm or any other damage to her health as a result of her participation in criminal proceedings, which results in disability, she shall receive, following a resolution of a body making a decision on providing protection, from the funds of the State Budget of the Republic of Uzbekistan a one-off benefit and a disability pension.

In case of infliction to a protected person of a bodily harm or any other damage to her health as a result of her participation in criminal proceedings, which does not result in disability, she shall receive, following a resolution of a body making a decision on providing protection, from the funds of the State Budget of the Republic of Uzbekistan a one-off benefit.

In case of death of a protected person as a result of her participation in criminal proceedings, family members of the deceased (dead) person, as well as other her dependents, shall they have right for various one-off benefits, shall be assigned one one-off benefit at their choice.

Protected persons that have right for various one-off benefits, in case of infliction of bodily injury or other damage to their health, shall be assigned one one-off benefit at their choice.

Property damage caused to a protected person in connection with his participation in criminal proceedings shall be reimbursed from the State Budget of the Republic of Uzbekistan and other sources not prohibited by law, and then these funds shall be recovered from the person guilty of causing property damage to the protected person.

Chapter 3. Grounds and procedure for implementing protection

Article 16. Grounds for applying security measures

Evidence on presence of a real threat of a homicide of a protected person, violence against her, destruction or damage of her property as a result of her participation in criminal proceedings, identified by a body making decision on providing protection, shall be the grounds for applying security measures.

Security measures shall be applied based on a written application from a protected person or subject to her written agreement, while with regard to minors — based on a written application from their parents or other legal representatives, as well as authorized representatives of guardianship and wardship authorities (in case of persons left without parental care or care of other legal representatives), or subject to their written agreement.

If application of security measures affects the interests of adult family members of a protected person and other persons living in the same household with her, their written agreement shall be required for application of security measures.

Article 17. Grounds for applying social protection measures

Death of a protected person, infliction of a bodily injury to her or any other damage to her health, as well as of property damage as a result of her participation in criminal proceedings shall be the grounds for applying social protection measures.

Article 18. Procedure for applying security measures

Bodies that perform pre-investigation check, inquiry, preliminary investigation; a prosecutor; a court, after receiving an application (a notification) on a threat of homicide of a person indicated in [Article 4](#) of this Law, of violence against her, destruction or damage to her property, or on any other dangerous illegal act, shall check such application (notification) and within three days, while in cases where time is of essence — immediately, adopt a resolution (order) on application of

security measures in relation to her, or on rejection to apply such measures. Resolution (order) on the day of its adoption shall be sent to a body that provides security measures for enforcement, as well as to a person in relation to whom such resolution (order) has been adopted.

Resolution (order) on application of security measures, or on rejection to apply such measures, may be appealed through a superior body, prosecutor or court. An appeal shall be subject to consideration during twenty four hours after its submission.

A body providing security measures shall select necessary security measures stipulated by this Law and shall determine methods of their application. A protected person shall be provided with prescriptions, which are mandatory for observance for the sake of her security. On request of a protected person changes can be made to prescriptions, but only subject to approval of a body providing security measures.

Adopted security measures shall not infringe housing, labour, pension and other rights of protected and other persons.

Selected security measures, their changes, amendments, and results of application of the said measures shall be communicated by a body providing security measures to a body that performs pre-investigation check, inquiry, preliminary investigation, a prosecutor or a court, which are responsible for proceedings on application (notification) on a crime or for a criminal case; while in case of removing a security threat in relation to a protected person, such body requests cancellation of security measures.

If necessary, a body providing security measures shall sign with a protected person agreements in written form on terms and conditions of application of security measures, on mutual responsibilities, and on mutual liability of the Parties.

Application of security measures in relation to minors or persons who due to their physical or psychological conditions are deprived of a possibility to independently exercise their rights and interests shall be implemented with involvement of their legal representatives. Legal representatives shall have the same rights as individuals represented by them, within the limits specified by this Law.

Article 19. Procedure for applying social protection measures

A body making a decision on providing protection, after receiving an application (notification) on death of a protected person and after establishing that her death occurred as a result of her participation in criminal proceedings, within three days shall adopt a resolution (order) on application of social protection measures in relation to family members of a deceased (dead) person and other her dependents, or on rejection to apply such measures.

A body making a decision on providing protection, after receiving an application (notification) on infliction to a protected person of bodily injury or other damage to her health, or property damage as a result of her participation in criminal proceedings, shall check such application (notification) and within three days shall adopt a resolution (order) on application of social protection measures, or on rejection to apply such measures.

Resolution (order) on application of social protection measures shall be sent to a body that provides social protection measures for enforcement, as well as to a person in relation to whom such resolution (order) has been adopted.

Resolution (order) on application of social protection measures, or on rejection to apply such measures, may be appealed through a superior body, prosecutor or court. An appeal shall be subject to consideration during one month from the date of its submission.

A body providing social protection measures, after receiving the resolution (order) on application of social protection measures shall enforce it within ten days.

Article 20. Procedure for canceling security measures

Security measures shall be canceled if the grounds for the application, as specified in [Article 16](#) of this Law, were eliminated, as well as in case if their subsequent application is not possible due to violation by a protected person of terms and conditions of an agreement signed by the body providing security measures with the protected person in accordance with [Part Six](#) of Article 18 of this Law.

Security measures can be canceled following a written application from a protected person submitted to a body making decision on providing protection.

Cancellation of security measures shall be allowed only under a resolution (order) of a body that made a decision on providing protection, or under a resolution (order) of a body in charge for the criminal case proceedings.

Resolution (order) on cancellation of security measures may be appealed through a superior body, a prosecutor or a court. An appeal shall be subject to consideration during twenty four hours after its submission.

The resolution (order) on cancellation of security measures shall address the issues of restoring property rights and thus related personal non-property rights of a protected person.

The resolution (order) on application of security measures shall be effective until adoption by a body specified in **Part Two** of Article 5 of this Law of a decision on their cancellation.

A court, in adopting resolution on criminal sentence, shall adopt an order on cancellation of security measures, or on continued application of the specified measures.

Article 21. Enforceability of decisions on providing protection

Decisions of bodies on providing protection adopted in line with their competence shall be mandatory for execution by bodies and organizations to which they are addressed.

Chapter 4. Rights and responsibilities of protected persons and state bodies providing protection

Article 22. Rights of protected persons

Protected persons shall have the right to:

seek provision of personal and proprietary security, as well as personal and proprietary security of persons specified in **Part Two** of Article 4 of this Law;

seek application of social protection measures in cases stipulated by this Law;

be informed about application, in relation to themselves and to persons specified in **Part Two** of Article 4 of this Law, of security measures and about nature of such measures;

submit an application on application of additional security measures, or on their cancellation;

appeal through a superior body, a prosecutor or a court decisions of state bodies providing protection, as well as actions (failure to act) of their officials that provide protection;

apply for receiving psychological support to bodies providing security measures.

Article 23. Responsibilities of protected persons

Protected persons shall be obliged to:

follow prescriptions stipulated by a body providing security measures, as well as its legitimate requests;

immediately inform a body providing security measures about each case of a threat or illegal actions in relation to them;

take care of property provided to them for security provision purposes;

avoid disclosing information on security measures applied in relation to them.

In case of sale, transfer to another person, or damage of property provided for use with the purpose of ensuring security, a protected person shall be held liable in accordance with the legislation.

Article 24. Rights of state bodies providing protection

Bodies making a decision on providing protection shall have right to:

request and receive from state bodies, citizens' self-government bodies, legal entities and individuals required information under applications (notifications) on a threat to security of persons in relation to whom the decision is made on providing protection;

perform legal proceedings or issue required instructions to bodies providing security measures;

seek, as necessary, from bodies providing security measures and bodies providing social protection measures application of additional security measures;

fully or partially cancel security measures and social protection measures subject to approval with bodies providing the specified measures.

Bodies providing security measures shall have the right to:

select required security measures, determine methods for their application, if necessary, change and amend applied security measures;

seek from protected persons observance of terms and conditions of application of security measures in relation to them, and execution of legitimate instructions related to application of the specified measures;

apply to bodies performing pre-investigation check, inquiry, preliminary investigation, a prosecutor or a court that are in charge of criminal proceedings, with a request to apply security measures in performance of legal proceedings, or on their cancellation;

implement law enforcement intelligence operations.

Bodies providing social protection measures shall have the right to:

request from bodies that made a decision on providing protection and from protected persons additional information required to exercise social protection measures;

apply to bodies that made a decision on providing protection with a request on cancellation of social protection measures in case of identifying circumstances that exclude a possibility of applying the specified measures.

Article 25. Responsibilities of state bodies providing protection

State bodies providing protection shall be obliged to:

immediately respond to each case known to them that requires application of security measures or social protection measures;

provide all required security measures and social protection measures;

timely inform protected persons on application, change, amendment or cancellation of application in relation to them of security measures and social protection measures, as well as on adoption of a decision related to protection provision;

explain to a protected person her rights and responsibilities when communicating her a resolution (order) on providing protection in relation to her;

undertake measures to organize and provide psychological support to a protected person.

Article 26. Financing and material and technical support for measures to protect protected persons

Financing and logistical support of protection measures for protected persons shall be carried out at the expense of budget funds and other sources allocated for these purposes to the state bodies providing protection, which are not prohibited by law.

Expenditures related to providing protection of protected persons may not be imposed on such persons.

Chapter 5. Final provisions

Article 27. Liability for violation of the legislation on protection of protected persons

Persons guilty of violating the legislation on protection of protected persons shall be liable in accordance with the established procedure.

Article 28. Ensuring the execution of this Law, its communication, and explanation of its essence and meaning

The Cabinet of Ministers of the Republic of Uzbekistan and other involved organizations shall ensure the execution of this Law, its communication to the executors, and explanation of its essence and meaning among the population.

Article 29. Bringing the legislation in line with this Law

The Cabinet of Ministers of the Republic of Uzbekistan shall:
bring government decisions in line with this Law;

ensure that state administration bodies review and abolish their normative legal acts that are contrary to this Law.

Article 30. Entry of this Law into Force

This Law shall enter into force six months after the date of its official publication.

President of the Republic of Uzbekistan Sh. MIRZIYOYEV

Tashkent city,
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