



LISTENING TO CONVERSATIONS CONDUCTED FROM TELEPHONES AND OTHER TELECOMMUNICATION DEVICES, REMOVING INFORMATION TRANSMITTED THROUGH THEM: THE ROLE AND ESSENCE OF THE INVESTIGATIVE ACTION.

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Article history:	Abstract:
Received: December 8 th 2023 Accepted: January 7 th 2024 Published: February 8 th 2024	The scientific article considers the general concept and the very procedure for conducting an investigative action, such as listening to conversations conducted from telephones and other telecommunication devices, and removing information transmitted through them. In addition, the importance of this investigative action in the disclosure and investigation of serious and especially serious crimes is explained. Examples from foreign practice are also given.
Keywords: investigative action, operational search event, technical and procedural inspection, procedure, tactical techniques, slang expressions.	

In connection with the large-scale reforms carried out in the judicial and investigative activities of the Republic of Uzbekistan, urgent directions have been identified to ensure respect for individual rights and freedoms, improve the quality of procedural actions, and introduce modern information and communication technologies into the process of investigating criminal cases.

Moreover, in accordance with the Law of the Republic of Uzbekistan dated November 30, 2020, No. LRU-651¹, amendments were made to Chapter 21 of the Criminal Procedure Code of the Republic of Uzbekistan² related to listening to negotiations. However, if the evidence collected in the case provides sufficient grounds that information relevant to the case can be obtained, the inquirer, the investigator has the right to make a decision on listening to conversations conducted from telephones and other telecommunication devices, and removing information transmitted on them. Nevertheless, this information should be recorded, or rather recorded. At the same time, the recorded

information is subject to attachment to the protocol of the investigative action.

In fact, we will further clarify that according to the Law of the Republic of Uzbekistan "On operational investigative activities"³, listening to conversations conducted from telephones and other telecommunication devices, removing information transmitted through them is a kind of operational investigative event, the essence of which is the secret listening, interception and recording of ongoing negotiations, including transmitted text, graphic and multimedia information, on communication channels, using special technical means. In general, the purpose of this action is to detect information about the illegal activities of a person and identify his criminal connections.

As a result, this definition seems to cover two stages: technical, that is, listening and recording negotiations by using any means, and procedural - inspection and listening to information. At the same time, it is important to mention the views of scientists, relatively

¹ Law the Republic of Uzbekistan on amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the improvement of legislation aimed at protecting the personal rights and freedoms of citizens. Electronic website: URL: <https://lex.uz/ru/docs/5132771> (date of application: 02/02/2024).

² The Criminal Procedure Code of the Republic of Uzbekistan. Electronic website: URL:

<https://lex.uz/docs/111463#188763> (date of application: 02/02/2024).

³ The Law of the Republic of Uzbekistan, dated December 25, 2012 No. LRU-344. Electronic website: URL: <https://lex.uz/docs/2106527> (date of application: 02/03/2024).



speaking, regarding the nature of monitoring and recording telephone conversations. For example, professor B.T. Bezlepkin emphasizes that the production of control and recording of telephone conversations are carried out exclusively within the framework of an investigative action. In contrast, professor O.Y. Baev notes that monitoring and recording telephone and other conversations are not investigative actions. At the same time, he does not exclude the use of their results in judicial evidence⁴.

We believe that the duality of the nature of monitoring and recording telephone conversations leads to duplication of procedural documents. Since this action directly affects the constitutional right to secrecy of telephone conversations, it requires the approval of the prosecutor or a court ruling.

In addition, according to article 171 of the Criminal Procedure Code of the Republic of Uzbekistan, the person who conducted the listening and recording of negotiations conducted from telephones and other telecommunication devices, the removal of information transmitted on them, draws up a protocol outlining the content of information relevant to the case, in addition, the recording of negotiations, messages and data is sealed and attached to the protocol. In addition, the protocol reflects the subscriber's number, the time and place of listening and recording, in addition, the type and model of the technical means used, information about the persons who carried them out.

In addition, regarding the procedure, we emphasize, referring to the Criminal Procedure Code of the Republic of Uzbekistan, that the resolution not authorized by the prosecutor on listening to conversations conducted from telephones and other telecommunication devices, removing information transmitted on them, is valid for one day. The investigative action itself: listening to negotiations cannot last more than six months.

By all means, it is worth considering the pressing points about tactical techniques for monitoring and recording telephone conversations. For example, practice shows that when conducting operational investigative measures and investigative actions, it becomes clear that persons involved in the distribution of narcotic drugs use slang expressions or conventions such as "sugar", "Konstantin Konstantinovich" - cocaine; "Hera"

- heroin; "horse" - methadone and others. In this regard, the investigator must prepare himself, study the jargon of criminals. Such techniques are also needed: creating an alarming situation among criminals by informing them of information aimed at increasing the activity of their actions or staging a data leak related to the event under investigation in order to encourage criminals to use the information obtained for their own purposes, including through the use of communication tools. When realizing the danger, criminals will want to contact their accomplices, relatives by phone and exchange information that may be important for solving the crime⁵.

As an example from foreign practice, we can recall the scandalous case when the US intelligence services listened to tens of millions of telephone conversations of Spanish citizens, which led to a deterioration in trusting relations between the two countries⁶.

Another example is the case when the phones of Spanish Prime Minister Pedro Sanchez and Defense Minister Margarita Robles were tapped using the Pegasus program. This was stated by representatives of the government of the country. According to the investigation, data leaks from the prime minister's phone occurred twice in May last year, and the Minister of Defense in June. At the same time, Felix Bolanos, head of the Spanish Prime Minister's office, notes that "illegal wiretapping was proven during the audit, which is still ongoing and will cover all members of the government. We report verified and reliable facts, not assumptions. These are very serious facts that demonstrate that the incursions took place outside government institutions and outside the law." At the same time, the Spanish authorities call "foreign extremists" as the alleged customers of the hacking⁷.

Thus, summarizing the above, it can be concluded that this investigative action plays a key role in the disclosure and investigation of crimes related to kidnappings, murders and other serious and especially serious crimes. As a result, in order for the information obtained during wiretapping of phones and other devices to acquire the force of evidence in court, it is necessary to initially carry out all actions in accordance with the requirements of criminal procedure legislation, and

⁴ Control and recording of telephone conversations: issues of theory and practice. A.S. Danilyan, O.V. Mikhailovskaya. // Scientific article on law. – pp. 94-96. – URL: <https://cyberleninka.ru> (date of application: 02/05/2024).

⁵ Criminology. Electronic textbook. // Chelysheva O.V. – 2017. – URL: <https://be5.biz/pravo/k043/23.html> (date of application: 02/05/2024).

⁶ In Spain, the wiretapping of phones by American intelligence agencies is being investigated. – 2013. // Electronic website: URL: <https://vovworld.vn> / (date of application: 02/06/2024).

⁷ The Spanish Prime Minister's phone was hacked using the Pegasus – 2022 program. // Electronic website: URL: <https://ru.euronews.com/2022/05/02/pedro-sanches-pegasus-phones-ppp> (date of application: 02/06/2024).



record the information received, including the entire course of events in the protocols in the specified order.

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