

Organizational, Legal And Criminalistic Foundations For Improving The Tactics Of Interviewing Foreign Nationals In Criminal Proceedings

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Abstract: This article provides a comprehensive analysis of the procedural, legal, and forensic tactical aspects of interviewing foreign nationals in criminal proceedings. It examines the legal framework governing the interrogation of foreign citizens, the specific features of preparation for this investigative action, the establishment of psychological rapport while taking into account national, cultural, religious, and ethnic characteristics, as well as the procedural and tactical aspects of interpreter participation. Furthermore, based on a comparative legal analysis of foreign legislation and best international practices, the study develops scientifically grounded recommendations for improving the Criminal Procedure Code of the Republic of Uzbekistan and introducing audio-video recording tools and artificial intelligence-based digital technologies into investigative practice.

Keywords: Criminal proceedings, interrogation, interrogation tactics, foreign national, investigator, inquiry officer, interpreter, criminalistics, psychological rapport, intercultural communication, consular law, audio and video recording, digital technologies, artificial intelligence, criminal procedure legislation.

Introduction: In recent years, as a result of the large-scale reforms implemented in the Republic of Uzbekistan to promote international tourism, improve the investment climate, expand foreign economic relations, and regulate labour migration, the country's openness and attractiveness in the international arena have increased significantly. Consequently, the number of foreign nationals entering Uzbekistan for tourism, employment, business, education, and other purposes has been steadily increasing from year to year.

While this trend, on the one hand, reflects the country's socio-economic development, the strengthening of international cooperation, and its growing investment attractiveness, on the other hand, it necessitates that law enforcement authorities, particularly during the investigation of criminal offences, effectively organize procedural actions involving foreign nationals in strict compliance with the requirements of the law.

According to the reports of the National Statistics Committee of the Republic of Uzbekistan, 11.6 million foreign nationals visited Uzbekistan for tourism purposes in 2025. Compared with 2024 (7.9 million visitors), this represents an increase of approximately 48 per cent. In addition, during the same period, the number of foreign nationals arriving on business trips increased from 338,000 to 1.3 million, representing an increase of approximately 285 per cent compared with the corresponding period of 2024.

These figures demonstrate that the number of foreign nationals entering the Republic of Uzbekistan continues to grow steadily each year. Consequently, the number of criminal procedural relationships involving foreign nationals in the activities of law enforcement authorities is also likely to increase, including situations in which they are interviewed as witnesses, victims, suspects, or accused persons.

At the same time, interviewing foreign nationals is considerably more complex than an ordinary procedural action, as it encompasses a number of distinctive features, including language barriers, differences in national and legal culture, consular rights, the organization of interpreter assistance, and compliance with international human rights standards. For this reason, improving the tactics of interviewing this category of persons has become an issue of considerable importance not only from a theoretical perspective but also in terms of practical application.

METHODOLOGY

This study is aimed at comprehensively examining the theoretical, normative-legal, and practical aspects of improving the tactics of interviewing foreign nationals in criminal proceedings. The research methodology was developed on the basis of the general and special methods of scientific inquiry, integrating the disciplines of criminal procedural law, criminalistics, forensic psychology, and international law.

The theoretical foundation of the research consists of the scholarly works of national and foreign researchers devoted to the tactics of interviewing in criminal proceedings, the theory of evidence, the psychology of investigative actions, and the protection of human rights. In addition, the Constitution of the Republic of Uzbekistan, the Criminal Procedure Code of the Republic of Uzbekistan, the international treaties of the Republic of Uzbekistan, other international legal instruments, and the criminal procedural legislation of foreign states constituted the normative basis of the study.

The following scientific methods were employed in the course of the research:

The system analysis method was used to examine the process of interviewing foreign nationals as an integrated system, with its procedural, criminalistic, psychological, linguistic, and organizational components being analyzed in their interrelationship.

The methods of logical analysis and synthesis were applied to generalize the views presented in the scholarly literature, compare different academic approaches, and formulate the author's conclusions.

Furthermore, the content analysis method was employed to systematize national and foreign academic literature, the recommendations of international organizations, and the theoretical approaches advanced in scholarly studies concerning the tactics of interviewing.

The comparative legal method was used to examine the criminal procedural legislation and practice of leading jurisdictions, including Germany, the Russian

Federation, the Republic of Kazakhstan, Japan, and the Republic of Korea, with a view to analyzing advanced approaches to interviewing foreign nationals. This method made it possible to identify legal solutions that may be useful for improving national legislation.

The practical component of the research was carried out through the analysis of normative legal acts, publicly available sources relating to judicial and investigative practice, as well as practical examples presented in the scholarly literature. This approach made it possible to identify the principal problems encountered in the process of interviewing foreign nationals and to develop scientifically grounded recommendations for addressing them.

RESULTS

Criminal proceedings, irrespective of the place where the criminal offence was committed, shall be conducted in accordance with the legislation in force at the time of the inquiry and preliminary investigation, unless otherwise provided by treaties or agreements concluded between the Republic of Uzbekistan and other states. Accordingly, criminal proceedings concerning offences committed by foreign nationals within the territory of the Republic of Uzbekistan shall be conducted in accordance with the legislation of the Republic of Uzbekistan.

In particular, pursuant to the Law of the Republic of Uzbekistan No. LRU-692 of 4 June 2021, "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Uzbekistan", a foreign national is defined as a person who is not a citizen of the Republic of Uzbekistan and who possesses evidence confirming his or her citizenship of another state.

Article 5 of this Law expressly provides that foreign nationals present within the territory of the Republic of Uzbekistan are equal before the law of the Republic of Uzbekistan, regardless of their sex, race, nationality, language, religion, social origin, beliefs, personal status, or social status.

Furthermore, Article 20 of the Criminal Procedure Code of the Republic of Uzbekistan guarantees the right to the assistance of an interpreter for persons who do not know the language in which the criminal proceedings are conducted.

Within the territory of the Republic of Uzbekistan, procedural coercive measures and administrative penalties may be applied to foreign nationals only on the grounds and in accordance with the legislation of the Republic of Uzbekistan. Foreign nationals who are detained or taken into custody in the manner prescribed by the legislation of the Republic of Uzbekistan shall be informed of their rights and of the

reasons for their detention or custody.

At the same time, foreign nationals are under a mandatory obligation to comply with the Constitution of the Republic of Uzbekistan, its laws, and other normative legal acts.

The tactics of interviewing in criminal proceedings constitute one of the most extensively studied areas of criminalistics. Scholarly research devoted to this subject has primarily focused on the procedural foundations of interviewing, its psychological characteristics, tactical techniques, and its significance in the process of proving. However, the specific features of interviewing foreign nationals, particularly under the contemporary conditions of intensified globalization and migration, have not been sufficiently examined as an independent subject of scientific research.

The theory of interviewing tactics developed by the Russian scholar R.S.Belkin is regarded as one of the fundamental doctrines of criminalistics. Belkin substantiated the necessity for investigators to correctly assess the investigative situation, establish psychological rapport, and apply scientifically grounded tactical techniques during the interview process. These theoretical views continue to retain their scientific relevance today.

However, when Belkin's theory was developed, international migration had not yet reached its current scale, and technologies such as artificial intelligence, automated translation, remote procedural actions, and digital communication did not exist. Consequently, this theory does not fully address the linguistic, cultural, and digital challenges that arise during the interviewing of foreign nationals.

A.N.Vasilyev and N.P.Yablokov argue for the necessity of adopting an individual tactical approach corresponding to the specific investigative situation. The author supports this position but considers that, under contemporary conditions, the concept of an individual approach should be understood more broadly. Today, an investigator should take into account not only the psychological characteristics of the individual but also his or her national legal culture, religious values, communicative practices, and linguistic environment.

The scholarly views advanced by the Uzbek researchers T.B.Mamatqulov and Sh.T.Djumanov occupy an important place in the development of national criminalistics. They conducted an in-depth analysis of the psychological and tactical aspects of interviewing and substantiated the necessity of harmonizing the requirements of procedural law with criminalistic recommendations. At the same time, these studies

have primarily focused on investigative practice involving citizens of the Republic of Uzbekistan, while the distinctive features of interviewing foreign nationals have not been sufficiently examined as an independent field of scientific inquiry.

An analysis of the foregoing scholarly views demonstrates that the following issues have not yet been adequately addressed in the existing body of research:

- the absence of a unified criminalistic model for interviewing foreign nationals;
- the lack of systematic research into the tactical implications of national customs and traditions;
- the insufficient scientific substantiation of the role of the interpreter in the interviewing process;
- the absence of a comprehensive analysis of the relationship between consular rights and criminalistic tactics;
- the inadequate examination of issues relating to the integration of artificial intelligence and digital technologies into the interviewing process.

In the author's opinion, it is precisely these scientific gaps that necessitate the development of the tactics of interviewing foreign nationals as an independent field of scientific inquiry. This field should be developed not solely within the framework of criminal procedural law but on the basis of an integrated scientific concept incorporating the achievements of criminalistics, forensic psychology, linguistics, international law, and information technologies.

Furthermore, the analysis demonstrates that investigators (inquiry officers) encounter a number of problematic situations and practical difficulties when conducting investigative actions involving foreign nationals during the investigation of criminal offences. These circumstances may be explained by the following factors:

- 1) the specific nature of the regulation of the legal status of foreign nationals under the criminal procedural legislation of the Republic of Uzbekistan and international treaties concluded with foreign states;
- 2) the lack of sufficient methodological guidelines for the investigation of criminal offences committed by foreign nationals, as well as the fact that the existing approaches are based predominantly on the psychological characteristics of foreign nationals participating in criminal proceedings rather than on clearly defined legal criteria;
- 3) the insufficient legal awareness of law enforcement officials, particularly investigators and inquiry officers,

regarding international legal instruments governing cooperation with the competent authorities of foreign states, as well as other related issues.

It is well recognized that one of the most common and complex investigative actions in the investigation of criminal offences is the interview. Indeed, no criminal case can be conducted without this investigative action. By its very nature, interviewing consists of obtaining, in the form of testimony, information from the interviewee that is relevant to the criminal case and subject to proof.

The regulation under national legislation of the interviewing of specific categories of persons, particularly foreign nationals, in criminal proceedings has for many years remained the subject of both academic and practical debate. These discussions primarily concern compliance with the procedures prescribed by law, guarantees of the rights of foreign nationals, and the recording and subsequent use of the results of the investigative action.

The interviewing of a foreign national is subject to substantially the same procedural rules as the interviewing of a citizen of the Republic of Uzbekistan, with the exception of foreign nationals enjoying special immunity.

Accordingly, when interviewing foreign nationals in the course of criminal proceedings, particular attention should be paid not so much to the procedural aspects as to the tactical aspects of the interview.

According to S.Tabriz, the selection of interviewing tactics should take into account the specific legal status of foreign nationals, the existence of language barriers, and the distinctive features of the culture and mentality of the foreign state concerned. At the same time, the psychological discomfort arising between the interviewer and the interviewee namely, the unusual situation and stress experienced by the investigator as well as the investigator's limited knowledge of the interviewee's way of life, patterns of behaviour, customs, traditions, and the legislation of the foreign state, constitute additional factors that should be considered during the interview.

Preparation for interviewing foreign nationals is of particular importance. During the preparation stage, it is essential to select both the most appropriate venue for conducting the interview and the most suitable method of summoning the interviewee. Given the psychological complexity of interviewing this category of persons, it is more effective to conduct the interview in surroundings familiar to the interviewee, such as the premises of a diplomatic mission, a consular office, or other similar locations.

Foreign nationals are summoned for questioning by the investigative and inquiry authorities of the Republic of Uzbekistan in accordance with Article 97 of the Criminal Procedure Code. However, the national legislation does not establish any specific procedure for summoning foreign nationals. In the author's opinion, the summons should be prepared in a language understood by the interviewee and accompanied by a map indicating the route to the location where the investigative action is to be conducted. Where a foreign national has entered the country as part of a tourist group or official delegation, the summons should preferably be communicated through the head of the group. Where the person has arrived for educational purposes, the summons should be transmitted through the administration of the educational institution concerned. Likewise, where the individual has entered the country as a specialist for permanent employment, the summons should be delivered through the management of the relevant enterprise or institution.

At the same time, during the preparation for the interview, it is equally important to determine the composition of the participants in the procedural action. The question of whether the participation of an interpreter is required must invariably be addressed. The foreign national's decision to provide testimony either with or without the assistance of an interpreter should be recorded in the interview record. Furthermore, depending on the procedural status of the foreign national, the participation of defence counsel should be ensured, while, at the request of the interviewee, a representative of the consular office or diplomatic mission of his or her home State should also be permitted to participate in the interview.

Furthermore, an important element of preparation for this investigative action is the prior collection and examination of information relating to the interviewee. When developing the interviewing strategy, the investigator should first determine the interviewee's nationality and, where possible, obtain information concerning the individual's country of origin, culture, religion, mentality, and other relevant characteristics. It is likewise necessary to establish the purpose of the individual's entry into the Republic of Uzbekistan and the duration of his or her stay in the country. The use of audio and video recording during the interview is of particular importance, as it enables a more comprehensive understanding of the interviewee's statements at a later stage.

When preparing for the interview, the investigator (inquiry officer) should determine in advance the facts and circumstances requiring clarification and formulate the questions to be asked. It is advisable to provide the interpreter with a preliminary list of the proposed

questions before the interview so that they may be translated promptly and accurately for the interviewee during the investigative action. Furthermore, culturally or politically inappropriate expressions (offensive ethnic terms such as “Negro”, “Habash” (a derogatory ethnic designation), etc.) should not be used during the interview, as they may give rise to conflict during the questioning process.

In addition, the investigator (inquiry officer) should prepare the documents, physical evidence, and technical equipment necessary for making a video recording of the interview.

The conduct of the interview and its results shall be documented in accordance with the criminal procedural legislation of the Republic of Uzbekistan. In practice, however, many investigators (inquiry officers) fail to comply with the requirements of Articles 90, 93, and 106 of the Criminal Procedure Code when recording the personal identification data of foreign nationals. In this regard, it is recommended that the foreign national be requested to write his or her personal identification details by hand on a separate sheet of paper, after which the information should be entered into the interview record.

Where a foreign national is interviewed as a witness or victim, the investigator (inquiry officer) shall warn the individual of criminal liability for refusing to testify or for knowingly giving false testimony, except in cases involving persons enjoying legal immunity. Such warning shall be confirmed by the interviewee’s signature in the interview record.

After recording the personal identification data of the interviewee and explaining his or her procedural rights, the investigator (inquiry officer) should listen attentively to the interviewee before recording the testimony. This approach facilitates the establishment of the necessary psychological rapport, demonstrates respect for the interviewee, reflects the investigator’s genuine interest in the testimony being provided, and contributes to creating an atmosphere of openness and mutual trust between the participants.

The right of a foreign national to give testimony in a language of his or her own choosing and to request the assistance of an interpreter is guaranteed by law. Where an interpreter participates in the interview, he or she shall, in accordance with Article 238 of the Criminal Procedure Code, be warned of criminal liability for knowingly providing an incorrect translation. Before commencing the interview, the investigator (inquiry officer) should ensure that the interpreter and the interviewee are able to communicate effectively in the same language and, in particular, that the interpreter has a sufficient understanding of the interviewee’s

dialect. Furthermore, it is necessary to determine whether any conflict of interest or strained relationship exists between the interpreter and the foreign national, including conflicts arising from differences in nationality, religion, or ethnicity.

It should be noted that the criminal procedural legislation of the Republic of Uzbekistan does not establish specific qualification requirements for interpreters. Pursuant to Article 59 of the Criminal Procedure Code, it is sufficient that an interpreter possesses knowledge of the language necessary for interpretation. In the absence of statutory qualification requirements, this provision remains largely declaratory, as it effectively obliges the investigator to assess the interpreter’s competence within the limits of his or her own authority.

Pursuant to Articles 72 and 353 of the Criminal Procedure Code of the Republic of Uzbekistan, an interpreter is strictly prohibited from disclosing information obtained during the inquiry or preliminary investigation without the authorization of the inquiry officer, investigator, or prosecutor. However, the legislation does not establish liability for the disclosure of other information that becomes known to the interpreter during the interview or other investigative actions, which, although not formally incorporated into the criminal case as evidence, may nevertheless be of significance to the proceedings. Consequently, such information may potentially be disclosed without any legal consequences.

At the same time, one of the issues that continues to be debated both in legal scholarship and in practice concerns the possibility of an investigator (inquiry officer) conducting an interview in the language spoken by a person who does not know the Uzbek language. Where the investigator (inquiry officer) possesses a high level of proficiency in the language in which the foreign national wishes to give testimony and is able to communicate fluently in that language, the legislation does not prohibit the interview from being conducted directly in that language. Such an approach facilitates communication between the investigator and the interviewee and contributes to the establishment of psychological rapport and a relationship of mutual trust.

Nevertheless, it should be recognized that the investigator (inquiry officer) and the interpreter are distinct participants in criminal proceedings, performing different procedural functions. The question of whether these procedural functions may be combined remains unresolved under the current legislation. Where necessary, this issue may be addressed by recording in the interview record that the

foreign national has raised no objection to the investigator performing both functions. It is likewise recommended that, where the interview is conducted in a foreign language, the interview record be prepared in that language and subsequently translated into the language of the judicial proceedings with the assistance of an interpreter, with the translated version attached to the case file.

Furthermore, when interviewing foreign nationals, it is essential to understand the fluency and pronunciation of the interviewee's speech. During communication, it is advisable to avoid the use of dialectal expressions or region-specific vocabulary, as such expressions may create difficulties in translation and, in some cases, may even prove impossible to translate accurately. Throughout the interview, the investigator (inquiry officer) should communicate in a calm and composed manner. In certain situations, foreign nationals may deliver testimony in a manner that appears abrupt or harsh due to the cultural characteristics of their speech. For example, representatives of the Balkan countries (including Croats, Serbs, and others) often speak very rapidly, in a loud voice, and with extensive gestures, which may mistakenly be perceived as signs of aggression. Likewise, the speech of individuals from the Caucasus region (including Armenia, Azerbaijan, and Georgia), characterized by the frequent use of deep guttural sounds, may distract the investigator (inquiry officer) and lead to the erroneous conclusion that the interviewee is nervous or emotionally agitated.

It is well recognized that, during the interview process, the investigator (inquiry officer) continuously evaluates the information provided by the interviewee while simultaneously analyzing the interviewee's non-verbal behaviour and gestures. In assessing such non-verbal cues, the investigator (inquiry officer) should take into account the cultural background of the interviewee. For example, representatives of the Bulgarian nation traditionally shake their heads from side to side to express agreement or to indicate "yes," whereas they nod their heads up and down to express disagreement or to indicate "no." Similar gestures are characteristic of Greeks, Romanians, Macedonians, and Indians. In contrast, within Uzbek culture, shaking one's head from side to side generally signifies disagreement or a negative response. Likewise, in Malta, a gesture of refusal is expressed by touching the chin with the fingertips. In Japan, refusal is commonly indicated by waving the palm of the hand from side to side, whereas in Arab cultures it may be expressed by tilting the head backwards. An investigator (inquiry officer) who is unfamiliar with such cultural characteristics may incorrectly interpret the information obtained during the interview and, consequently, reach erroneous

conclusions.

When interviewing a foreign national, the investigator (inquiry officer) should not attach undue significance to behaviour that may appear to be impolite or culturally inappropriate, as such conduct may simply reflect differences in cultural norms rather than intentional disrespect. Misinterpreting such behaviour may lead to incorrect conclusions or give rise to conflict during the interview.

CONCLUSION AND RECOMMENDATIONS

The findings of the present study demonstrate that the interviewing of foreign nationals constitutes a distinct investigative action possessing specific procedural and tactical characteristics within criminal proceedings. The rapid growth of international tourism and labour migration, the increasing incidence of transnational crime, and the expanding participation of foreign nationals in criminal cases require the adoption of new approaches to the organization of investigative activities. Accordingly, the interviewing of foreign nationals should be improved not only through the application of general procedural rules but also through the integration of international legal standards, criminalistic interviewing tactics, and the achievements of contemporary investigative practice. This is particularly important because misunderstandings arising during the interview of a foreign national may result in errors in the evaluation of evidence that is relevant to the criminal case. Therefore, the effectiveness of this investigative action largely depends on the investigator's knowledge of the interviewee's country of origin, cultural background, religious affiliation, and national traditions, as well as an understanding of behavioural patterns, communication styles, and non-verbal expressions that may appear unfamiliar from the perspective of the investigator's own culture.

The results of the comparative legal analysis demonstrate that the legal systems of Germany, Japan, the Republic of Korea, the Russian Federation, and Kazakhstan attach particular importance to ensuring the procedural rights of foreign nationals, the effective participation of interpreters, the use of audio and video recording technologies, and the transparency of investigative actions. This experience is of considerable scientific and practical significance for the further improvement of the criminal procedural legislation and investigative practice of the Republic of Uzbekistan.

Based on the findings of the present study, the following recommendations are proposed.

First, it is advisable to specifically reflect the procedural particularities of interviewing foreign nationals in the provisions of the Criminal Procedure Code of the

Republic of Uzbekistan governing the interview. In particular, the Code should require that the procedural rights be explained to the individual in a language that he or she understands and that this fact be recorded separately in the interview record.

It is proposed to supplement Article 100 of the Criminal Procedure Code with the following second paragraph:

“Before interviewing a foreign national or a stateless person, his or her procedural rights and obligations shall be explained in a language that he or she understands, and this fact shall be separately recorded in the interview record”.

Second, it is advisable to improve the provisions of the Criminal Procedure Code governing the interview record by introducing a requirement that, where an interview is conducted with the participation of an interpreter, the record shall separately specify the language into which interpretation was provided, the identity of the interpreter, the method of interpretation used, and, where applicable, the attachment of audio and video recordings.

It is proposed to supplement Part Nine of Article 106 of the Criminal Procedure Code with the following provision:

“Where an interview is conducted with the participation of an interpreter, the interview record shall specify the language into which interpretation was provided, the identity of the interpreter, confirmation that the interpretation was provided continuously throughout the interview, and, where audio or video recordings exist, a separate reference thereto shall be included in the interview record”.

Third, it is necessary to expand the practice of using audio and video recording technologies during interviews involving foreign nationals by recognizing them as one of the principal procedural safeguards. Such measures would enhance the reliability of testimony, strengthen supervision over the quality of interpretation, and ensure the protection of the procedural rights of participants in criminal proceedings.

Fourth, drawing upon the experience of foreign jurisdictions, it is advisable to establish a unified organizational mechanism for the selection and appointment of interpreters in criminal cases, to ensure the continuous improvement of their competence in legal terminology, and to create a register of qualified interpreters.

Fifth, it is recommended that the training and professional development programmes for investigators include specialized educational modules devoted to the tactics of interviewing foreign nationals,

intercultural communication, international legal standards, and the use of modern information and communication technologies.

In this regard, it is proposed that the Prosecutor General’s Office, jointly with other competent authorities, develop a joint guideline entitled “Methodology for Interviewing Foreign Nationals”. Such a document should regulate the specific features of preparing for interviews, cultural considerations, the appointment of interpreters and the rules governing their participation in investigative actions, issues relating to consular and diplomatic immunities, as well as the use of audio and video recording technologies.

Sixth, it is advisable to establish the legal framework for the use of artificial intelligence-based automatic transcription, electronic interview records, and digital recording technologies during the interview process. These technologies may be employed as auxiliary tools for documenting evidence and enhancing procedural transparency.

The implementation of the above recommendations would contribute to the further improvement of the Criminal Procedure Code of the Republic of Uzbekistan, provide more effective guarantees for the procedural rights of foreign nationals, enhance the transparency and effectiveness of investigative actions, and bring the national system of criminal procedure into closer alignment with international standards.

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