ANNEX NO. 1 to the Resolution of the Central Election Commission of the Republic of Uzbekistan dated September 11, 2019 № 934

INSTRUCTION
on the Registration of Cases of Offenses in the field of Organizing and Holding Elections and Referendums by Election Commissions and Referendum Commissions

This Instruction defines the procedure for the detection, registration and referral of offenses in the field of Organizing and Holding Elections and referendums by election commissions and referendum commissions to the courts, as well as informing law enforcement agencies about the detected offenses.

Chapter I. General Provisions

1. In case of detection of administrative offenses under Articles $51^2 – 51^9$ of the Administrative Liability Code (hereinafter referred to as the ALC), members of the Central Election Commission of the Republic of Uzbekistan (hereinafter referred to as the CEC), regional, district, city election commissions, district election commissions, district referendum commissions shall file cases of administrative offenses.

2. This Instruction does not apply to the registration of offenses committed by servicemen in Organizing and Holding Elections and referendums.

Chapter II. Registration of cases of administrative liability by election and referendum commissions

3. When detecting offenses in Organizing and Holding Elections and referendums, in accordance with the ALC Articles $51^2 – 51^9$, special attention should be paid to the signs of the following offenses:

interfering in the activities of election and referendum commissions and obstructing their work;

failure to execute decisions of election commissions and referendum commissions, unlawful refusal to consider their appeals, or violation of deadlines for their consideration without a good reason;

violation of the rights of a candidate, proxy, observer or authorized representative of a political party;

violation by a candidate, a proxy, a representative of a political party, or an official of the terms and procedures for campaigning, or campaigning on issues submitted to a referendum;

publication or dissemination in other ways of knowingly false information about a candidate or a political party to influence the results of elections;

deliberate destruction or damage of information and campaign materials during the preparation and administration of elections and referendums;

violation of the procedure for financing elections and referendums, as well as violation of the procedure for publishing (disclosing) the results of public opinion polls and forecasts of election results.

4. In cases of revealing the commission of administrative offenses specified in the ALC Articles $51^2 – 51^9$, under the ALC Articles 280 and 281, an administrative offense report may be drawn up by the chairperson, deputy chairperson, and members of the CEC, regional, district, city election commissions, district election commissions, district referendum commissions. The report shall be drawn up in the manner prescribed by ALC Article 281 in the form as per the Annex to this Instruction.

5. The report shall be signed by the person who drew it up and the person who committed the administrative offense, and in the presence of witnesses and victims - also signed by these persons.

If the person who committed the offense refuses to sign the report, this shall be recorded in the report. The person who committed the offense shall have the right to provide an explanation and comments on its content attached to the report, as well as to set forth the reasons for their refusal to sign.

6. When drawing up the report, the offender shall be explained their rights and obligations under the ALC Article 294, which shall be recorded in the report. In particular, it shall be explained that:

a person brought to administrative liability shall have the right to examine the case file, provide explanations, present evidence, file motions, use the legal assistance of an advocate in the proceedings, speak in the native language and use the services of an interpreter, and appeal against the ruling on the case;

the case of an administrative offense shall be considered in the presence of the person brought to administrative liability.

7. In accordance with part one of the ALC article 284 to draw up an administrative offense report, if it is impossible to draw it up on the spot, if drawing up a report is mandatory, the offender may be brought to the internal affairs agency or the premises of citizens' self-governance body by an internal affairs officer or other person authorized to draw up an administrative offense report.

8. Pursuant to the ALC Article 287 paragraph 1, part 1, the internal affairs agencies may undertake an administrative detention measure against an offender for unlawful acts provided for in Articles 51^2, 51^8 and 51^9 of the ALC.

9. If, when drawing up a report, it became necessary to deliver the offender to the internal affairs agency or the premises of a citizens' self-governance body for administrative detention, members of election commissions may turn to employees of internal affairs agencies.

10. Based on the requirements of ALC Article 282, the report, together with other documents and physical evidence in the case, shall be sent to the district or city criminal court within one day of the commission or discovery of an offense under Articles 51^2 through 51^9 of the ALC.

(paragraph 10 in the wording of the Resolution of the Central Election Commission of the Republic of Uzbekistan No. 1072 of June 16, 2021)

11. The administrative offense report shall be attached by the following:

1) copy of the extract from the document confirming the identity of the person brought to administrative liability;

2) an explanation of the person brought to administrative liability;

3) testimony of the victim, witnesses, expert opinion, if any;

4) other materials confirming the fact of an administrative offense.

12. In the event that the materials of an administrative offense case are submitted to a district, city criminal court in violation of the requirements of Articles 281, 282 of the CCP, no later than 12 hours upon a reasoned written request of this court, the agency that drew up the administrative offense report shall rectify the deficiencies.

(paragraph 12 in the wording of the Resolution of the Central Election Commission of the Republic of Uzbekistan No. 1072 of June 16, 2021)

Chapter III. Informing about administrative offenses

13. In the case of detection of administrative violations under Articles 512 - 519 of the ALC, members of the CEC, regional, district, city election commissions, district, and precinct election commissions, district and precinct referendum commissions may inform law enforcement agencies, and superior election commissions about the offense.

14. The information must specify:

personal data of the offender (if available);

information about the place, time, and essence of the administrative offense;

names and addresses of witnesses and victims, if any;

other information as necessary.

15. Received information shall be considered by law enforcement agencies under the procedure established by law.

Chapter IV. Final Provisions

16. District election commissions and district referendum commissions shall inform the relevant regional, district, and city election commissions and the CEC of the preparation of an administrative offense report, no later than the day the report is sent to the court.

17. Regional, district, and city election commissions shall inform the CEC of drawing up an administrative offense report, no later than the day the report is sent to court.

18. Cases of offenses in organizing and holding elections and referendums under the ALC shall be heard by the district and city criminal courts.

(paragraph 18 in the wording of Resolution Resolution No. 1072 of the Central Election Commission of the Republic of Uzbekistan of June 16, 2021)

19. This Instruction has been consulted with the Supreme Court of the Republic of Uzbekistan.

Consulted with:

Chairperson of the Supreme Court of the Republic of Uzbekistan
K. Kamilov

ANNEX to the Instruction on the Registration of Cases of Offenses in the Field of Organizing and Holding Elections and Referendum by Election Commissions and Referendum Commissions

REPORT № _____
on an Offense in Organizing and Holding Elections and Referendum

«____»_____ 20___ at_____ (time)_____
(area name)

This report is drawn up by me,_____

_____
(surname, first name and patronymic, position of the person who drew up the report)

Citizen | | | | | | | | | | | | | | | |

_____
(Date and place of birth) *(nationality)*

Citizenship (1-Citizen of the Republic of Uzbekistan, 2-Foreigner, 3- Stateless person) | |

_____ _____
(address) *(telephone number)*

_____

_____ _____
(place of employment) *(telephone number)*

ID document:_____
(type, series, number, date of issue and name of issuing authority)

My rights and obligations as defined in Article 294 of the ALC were explained to me: _____
(offender's signature)

«____» _____ 20___ at__ (time)___

_____
_____
_____
_____
_____
(location and description of the offense)

i.e., an offense under Article _____ of the ALC has been committed.

Witnesses: are aware of the requirements of Article 298 of the ALC

1. _____
(surname, first name, patronymic, year of birth)

_____
(address, signature)

2. _____

(surname, first name, patronymic, year of birth)

_____

(address, signature)

I have read the protocol, and I will state the following on its contents:

_____

_____

_____

_____

_____

(offender's explanation) *(offender's signature)*

Attachments to the report: _____

_____

(medical examination report, act, physical evidence, explanatory statement, other documents relevant to the case)

I was informed of the place and time of the administrative case consideration: _____

(signature)

Report drafter: _____

(signature)

ANNEX NO. 2 to the Resolution of the Central Election Commission of the Republic of Uzbekistan No. 934 dated September 11, 2019

LIST
of some amended Resolutions of the Central Election Commission of the Republic of Uzbekistan

1. Paragraph 96 of the Regulation on the Activities of the District Election Commissions during the Elections to the Legislative Chamber of the Oliy Majlis, Regional, District, and City Councils (Kengashes) of People's Deputies approved by the Central Election Commission of the Republic of Uzbekistan on July 23, 2019, № 924, shall be amended to read as follows:

"96. The processing of administrative bookkeeping on offenses in the field of Organizing and Holding Elections to the Legislative Chamber and local Councils (Kengashes) shall be based on the Instruction of the Central Election Commission on the Registration of Cases of Offenses in the field of Organizing and Holding Elections and Referendum by Election Commissions and Referendum Commissions".

2. Paragraph 119 of the Regulation on the Activities of Precinct Election Commissions during the Elections to the Legislative Chamber of the Oliy Majlis, Regional, District, and City Councils (Kengashes) of People's Deputies, approved by Decree No. 924 of the Central Election Commission dated July 23, 2019, shall be amended to read as follows:

"119. The processing of administrative bookkeeping on offenses in the field of Organizing and Holding Elections to the Legislative Chamber and local Councils (Kengashes) shall be based on the Instruction of the Central Election Commission on the Registration of Cases of Offenses in the field of Organizing and Holding Elections and Referendum by Election Commissions and Referendum Commissions".