

Regulation on the Conduct of Internal Investigations Regarding Corruption Actions and Violations of Ethical Standards of Employees of the Ministry of Mining Industry and Geology of the Republic of Uzbekistan

I. General Provisions

1. This Regulation is an internal departmental document that establishes the procedure for conducting internal investigations within the Ministry of Mining Industry and Geology of the Republic of Uzbekistan (hereinafter referred to as the Ministry) and its subordinate organizations in cases of violations of the legislation of the Republic of Uzbekistan in the area of combating corruption or internal departmental acts related to anti-corruption efforts.

An internal investigation is an inquiry into the facts of a disciplinary violation by an employee, the establishment of the employee's guilt in committing the violation, the identification of causes and conditions that contributed to the violation, as well as the nature and extent of material damage that may be caused to the employer.

2. This Regulation is developed with the aim of:

Establishing a unified approach to conducting internal investigations within the Ministry;

Establishing requirements for the process and documentation related to internal investigations;

Identifying and eliminating the causes and conditions that contribute to violations in the Ministry and its subordinate organizations that could lead to damage;

Developing recommendations to address shortcomings in internal documents and control measures to prevent future violations;

Reducing the risk of legal liability for violations of the legislation applied within the Ministry and its subordinate organizations.

3. Employees of the Ministry and its subordinate organizations participating in internal investigations bear personal responsibility for complying with the requirements of this Regulation.

4. Internal investigations within the Ministry are conducted based on the following principles:

Legality;

Respect for the rights, freedoms, and legitimate interests of employees of the Ministry and its subordinate organizations;

Protection of the rights and freedoms of citizens;

Confidentiality of information and materials obtained during the internal investigation;

Transparency, honesty, collegiality, impartiality, and objectivity in conducting internal investigations;

Presumption of innocence of the employee under investigation.

II. Appointment of an Internal Investigation

5. An internal investigation is appointed if there is credible information regarding the violation of the legislation of the Republic of Uzbekistan in the field of combating corruption or internal departmental documents related to anti-corruption by employees of the Ministry and its subordinate organizations.

6. Such information may come from the following sources:

Information provided by employees of the Ministry and subordinate organizations, either orally or in writing, to their immediate supervisors or other authorized individuals;

Reports from individuals and legal entities submitted through the Ministry's communication channels, including anonymous reports;

Appeals from individuals and legal entities;

Information from the media, as well as from social networks;

Information obtained through surveys, including social and statistical studies;

Conclusions from the internal audit and financial control department, as well as from state financial control bodies and the Accounts Chamber of the Republic of Uzbekistan;

Results of monitoring and compliance with internal anti-corruption requirements conducted by the Internal Control Department (hereinafter referred to as the Internal Control Department);

Instructions from the President of the Republic of Uzbekistan, the Cabinet of Ministers, and other government bodies;

Reports received through other information channels that contain signs of corrupt actions.

7. The following individuals may initiate an internal investigation:

The Minister and his deputies;

Heads of subordinate organizations and their deputies;

The Ministry's Ethics Commission;

The Internal Control Department (responsible for anti-corruption efforts);

Head of the Ministry's Legal Department;

Head of the Ministry's Human Resources Development and Management Department.

8. For any information received from the sources specified in paragraph 6 of this Regulation, the Internal Control Department conducts an initial review and analysis to determine if there is sufficient basis and information to initiate an internal investigation and to establish whether the material is related to employees of the Ministry.

9. An employee who may be subject to an internal investigation or is involved in a conflict of interest cannot be involved in the initial review.

10. The initial review must be conducted within no more than 10 (ten) working days from the date the relevant information is received.

11. The initial review is not considered an internal investigation.

12. If, based on the results of the initial review, it is found that a violation related to the Ministry and its subordinate organizations has occurred or may occur, the Internal Control Department sends a written request to the Minister or the head of the relevant subordinate organization.

13. If the internal investigation is appointed concerning a responsible employee of the Ministry or the leaders of subordinate organizations, the request is directed to the Minister.

14. If the internal investigation is appointed concerning the Minister or his deputies (in cases of suspected corrupt actions or concealment of a conflict of interest, as provided by the legislation of the Republic of Uzbekistan and internal documents of the Ministry), the relevant information is forwarded in accordance with the procedure established by the Internal Control Department to the Cabinet of Ministers of the Republic of Uzbekistan or law enforcement agencies of the Republic of Uzbekistan.

15. The Minister or the head of the subordinate organization must make a decision (order) regarding the initiation of the internal investigation or refusal within 3 (three) working days from the date the request is received.

16. The Minister or the head of the subordinate organization may decide to refer the relevant materials to the law enforcement agencies of the Republic of Uzbekistan without conducting an internal investigation.

17. Upon deciding to conduct an internal investigation, the Minister or the head of the subordinate organization simultaneously appoints the head of the working group to conduct the investigation and assigns them the task of forming the group and preparing the order for the internal investigation.

18. The order for conducting the internal investigation must include:

The subject of the internal investigation (topic);

The reason or situation that served as the basis for the internal investigation;

Employees suspected of violations, their full names, positions, and department names;

The composition of the working group responsible for conducting the internal investigation;

The rights and responsibilities of the working group members and the group leader;

The deadlines for conducting the investigation and presenting the results.

19. The draft order for conducting the internal investigation must be submitted to the Minister or his deputy for signature within 3 working days from the decision to initiate the internal investigation.

III. Formation of the Working Group for Conducting the Internal Investigation

20. The composition of the working group for conducting the internal investigation is formed upon the proposal of its leader and generally includes employees from the Internal Control Department, human resources units, the legal service, internal audit and financial control, as well as employees from other departments whose duties are related to or closely connected with the subject of the investigation.

21. Employees from the Ministry's central apparatus and its subordinate organizations may be included in the working group.

22. The following employees cannot be included in the working group:

Close relatives of the employee under investigation;

Employees directly subordinate to the employee under investigation;

The immediate supervisor of the employee under investigation (except for the Minister and heads of subordinate organizations);

The Minister's deputies and the deputies of the heads of subordinate organizations responsible for the area being investigated;

Employees suspected of being directly or indirectly interested in the outcome of the investigation (e.g., former classmates, individuals from the same region, those in romantic relationships, or those in clear conflict with the employee under investigation, etc.).

23. The responsibility for forming the working group rests with its leader. The leader must check for possible conflicts of interest among the group members, as outlined in paragraph 22 of this Regulation.

IV. Conducting the Internal Investigation

24. The internal investigation must be conducted within 15 working days from the date the corresponding order is signed.

25. If additional procedures (e.g., conducting additional surveys among employees or others) or the request for additional documents are needed during the investigation, the leader of the working group is required to notify the management of the need to extend the deadline. In such cases, the investigation period may be extended by 15 working days.

26. If the employee under investigation is absent (due to vacation, illness, business trips, etc.), the investigation is suspended, and the investigation period is automatically extended for the duration of the absence. If the employee is absent for more than 30 calendar days or refuses to participate in the investigation by other means, the internal investigation may proceed without their participation, with the consent of the Minister or the head of the subordinate organization. This circumstance will be recorded in the results of the investigation.

27. The Minister or the head of the subordinate organization, upon the proposal of the working group leader, may impose restrictions on the employee's access to certain information systems or documents. The employee will be notified of this order on the day it is signed and must sign the order. If the employee refuses to acknowledge the order, an act is drawn up.

28. The order restricting access to information systems and documents cannot exceed the duration of the internal investigation.

V. Information Studied During the Internal Investigation

29. During the internal investigation, the working group collects, analyzes, and documents information related to the violation, including:

The violation and the reasons for its occurrence;

Violation of the legislation of the Republic of Uzbekistan and internal regulations of the Ministry;

The time, place, and method of the violation;

The persons involved in the violation (including third parties, beyond Ministry employees);

The severity of the violation;

The amount and nature of material, non-material damage, and reputational damage caused to the Ministry;

Any other information related to the violation.

30. Sources of information obtained during the internal investigation may include:

Written or oral explanations from the employee under investigation, other employees of the Ministry, and third parties;

Supporting documents (written and electronic);

Information from public internet sources;

Audio recordings, photos, and videos;

Other materials related to the violation.

31. All the above-mentioned materials, including confidential data, must be obtained and used by the working group in accordance with the procedures established by the Ministry, as well as in compliance with the Ministry's internal documents and the legislation of the Republic of Uzbekistan.

32. During interactions with Ministry employees or involved parties, audio or video recordings may be made, and a protocol may be created (the audio or video recording will be included in the materials of the internal investigation). Prior consent must be obtained from the person being interviewed before conducting any recording. If consent is not obtained, the use of recording equipment is prohibited.

33. In the event of refusal to cooperate or provide explanations by an employee or structure under investigation, an act must be drawn up in accordance with the form provided in Appendix 1 of this Regulation.

34. The working group leader must notify the employee of the need to sign the acknowledgment of the act. If the employee refuses to sign the document, the group leader must make an appropriate note.

35. An employee's refusal to sign the act (or other documents) does not exempt them from being held accountable for the violation.

VI. Rights and Duties of the Head and Members of the Working Group

36. The head of the working group is responsible for the effectiveness and results of the internal investigation, as well as for ensuring that the members of the working group comply with the requirements of this Regulation.

37. During the internal investigation, the head of the working group performs the following tasks:

Defines the areas of the internal investigation and assigns tasks to the members of the working group;

Organizes and coordinates the process of conducting the internal investigation by the working group;

Monitors the progress of the internal investigation in accordance with this Regulation;

Prepares a list of employees to be interviewed or to provide explanations;

Takes necessary measures to ensure an objective and effective internal investigation (e.g., requesting a halt to data destruction in the Ministry, proposing restrictions on access to certain information systems or documents during the investigation, preparing proposals for extending the investigation period if necessary, etc.);

Ensures that the results of the internal investigation are submitted to the Ministry's leadership.

38. The head of the working group and its members have the following rights:

To request written explanations from employees under investigation, as well as to suggest the disclosure of other information related to the internal investigation;

To request written explanations from employees who may have information about the facts to be clarified during the internal investigation;

If there are reasonable grounds to believe that an employee's presence at the workplace could hinder the investigation, to propose to the Ministry's or subordinate organizations' leadership to suspend the employee from work during the investigation period;

To access documents important for the investigation and, if necessary, attach copies to the investigation materials;

With the permission of the Ministry's or subordinate organizations' leadership, to inspect office and production premises, including workstations, areas, warehouses, desks, shelves, files, and other items that may contain confidential information, as well as to check accounting records (logs and books of account) reflecting the receipt and movement of confidential information;

To request inventory checks, audits, and inspections;

To request the involvement of specialists for consultations on issues requiring specialized scientific, technical, or other knowledge on a contractual basis; the involvement of third parties and external experts must be agreed upon with the Ministry's or subordinate institution's leadership;

If necessary, to record interviews in writing or by using audio and video recordings with the consent of the person giving the explanation;

To receive materials related to the internal investigation from Ministry employees;

To conduct inventory and asset checks within the Ministry to assess their safekeeping;

To take photos and videos while performing official duties during the internal investigation.

The working group may also have other rights in accordance with the law.

39. The duties of the head of the working group and its members:

To comply with the requirements of this Regulation, other internal regulatory documents of the Ministry, and the legislation of the Republic of Uzbekistan when conducting the internal investigation;

To respect the rights and freedoms of employees under investigation, as well as other persons involved in the investigation;

To ensure the security and confidentiality of the internal investigation materials and not disclose information about the results of the investigation;

To inform the employee under investigation of their rights and obligations;

To keep the Ministry's and subordinate organizations' leadership informed of the progress of the internal investigation;

If a disciplinary violation is detected, to record the date and time of its occurrence and the circumstances that may mitigate or aggravate the employee's liability;

To collect documents and materials characterizing the personal, professional, and moral qualities of the employee under investigation;

To review materials from previous internal investigations and information about any disciplinary violations committed by the employee;

To provide clarifications on issues directly related to the ongoing investigation and prepare the appropriate act if the employee refuses to provide an explanation;

If witnesses of a disciplinary violation are identified, to conduct questioning during the internal investigation;

To determine the causes and conditions that contributed to the commission of the disciplinary violation and propose measures to eliminate these factors;

To adhere to the established time frame for the internal investigation;

To prepare an act on the results of the internal investigation and submit it to the Ministry's leadership within 3 working days;

To collect all materials related to the subject of the internal investigation;

To take measures to ensure the safekeeping of important materials for the internal investigation (documents, electronic data, etc.);

To maintain full confidentiality (secrecy) of the information obtained during the internal investigation, except in cases specified by this Regulation, the Ministry's internal documents, and the legislation of the Republic of Uzbekistan;

To document the results of the internal investigation in accordance with the requirements of the Regulation, including proposals on measures of responsibility, causes of the violation, and actions that may eliminate the conditions that contributed to its occurrence.

VII. Rights of Employees Subject to an Internal Investigation

40. An employee who is subject to an internal investigation has the following rights:

To know the reason for the internal investigation;

To challenge the exclusion of members of the commission (working group);

To provide written explanations on the issues under investigation;

To submit requests during the internal investigation process;

To provide documents and physical evidence to be added to the materials of the internal investigation;

To present witnesses who may be questioned later in the course of the investigation;

To review the materials of the internal investigation and obtain copies;

To review the act on the results of the internal investigation;

To challenge the results of the internal investigation, including decisions and actions (or inaction) of the commission, in accordance with the established procedure in case of individual labor disputes.

An employee has the right to request an internal investigation if the information that may damage their honor and dignity is false. A request for an internal investigation must be submitted in writing to the Ministry or the leadership of the subordinate body and should be reviewed no later than three working days from the submission date.

The employee is obligated to use their rights in good faith, not to obstruct the internal investigation, not to evade participation in it, and not to destroy or falsify evidence or engage in any other illegal activities that could hinder the establishment of the truth.

VIII. Rights and Duties of Employees Involved in Conducting an Internal Investigation

41. Employees involved in the internal investigation are required to cooperate with the working group, provide the required explanations, information, and documents, and participate in interviews conducted by the group.

42. Employees involved in the internal investigation are prohibited from disclosing any information they learn during the investigation.

43. Employees involved in the internal investigation have the following rights:

To refuse to testify against themselves or their close relatives;

To file complaints regarding the actions (or inaction) of the head and members of the working group to the Minister.

IX. Documentation of the Results of the Internal Investigation

44. Based on the results of the internal investigation, the working group, its leader, all members of the group, and the employee under investigation shall sign the act.

45. The act is drawn up in accordance with Appendix 2 to this Regulation and includes an introduction, description, conclusions, and recommendations.

46. If any member of the working group or the employee under investigation disagrees with the act or any part of it, they may sign the act with remarks, provided these are submitted in writing and registered.

47. If the employee under investigation refuses to sign the act, the act is drawn up without their signature. In this case, the act must be signed by at least two individuals who are not interested in the results of the investigation, excluding members of the working group.

48. Based on the act, the Minister and the head of the subordinate institution may make the following decisions:

To terminate the internal investigation due to lack of confirmation of the violation;

To return the materials of the internal investigation for revision and, if necessary, change the composition of the working group;

To hold the guilty employee accountable for a disciplinary violation;

To apply a warning or preventive measures to the employee;

To develop measures to prevent similar violations in the future;

In case of confirmed signs of a violation or crime, to forward the materials to law enforcement authorities.

49. The act on the results of the internal investigation is submitted to the internal control department and human resources departments.

50. Persons who reported the information that led to the internal investigation must be informed about whether the violation was confirmed or disproved and about the actions taken.

X. Storage and Use of Documents Related to the Internal Investigation

51. Employees of the Ministry involved in the internal investigation are required to maintain the confidentiality of information learned during the investigation (except in cases provided for by the legislation of the Republic of Uzbekistan).

52. The right to authorized use of information within the framework of the conducted internal investigation is granted to the Minister, the internal control department, and members of the working group (for investigations in which the group members participated).

53. Employees who need to use information from the internal investigation to perform their official duties must obtain written consent from the head of the Ministry or the subordinate body.

54. The materials of the internal investigation are handed over by the head of the working group to the internal control department and the human resources department in the form of separate certified and numbered folders.

55. The internal control department in the central office of the Ministry and the corresponding departments of subordinate organizations must maintain an electronic registry of internal investigations in accordance with Appendix 3 to this Regulation. These departments must submit the electronic registry of internal investigations to the internal control department every quarter.

56. All documents related to the internal investigation must be stored for 10 (ten) years from the date of their approval, unless otherwise specified by the legislation of the Republic of Uzbekistan.

XI. Final Provisions

57. The results of the internal investigation are entered into the Ministry's electronic registry of internal investigations.

58. Heads of the Ministry's structural divisions are personally responsible for implementing the recommendations and conclusions based on the results of the internal investigation, as well as for providing relevant information to the internal control department regarding the actions taken.