



THE ACTIVITY OF THE PROSECUTOR'S OFFICE IN TURKESTAN (20th years of XX century)

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ABSTRACT

The article covers a wide range of primary sources, such as the organization of the activities of the State Prosecutor's office in the Turkestan ASSR, the work done by the prosecutor's office, the issue of personnel in the system, their social status.

KEY WORDS: *Turkestan ASSR, People's Commissariat of Justice, State Prosecutor's Office, Prosecutor's Office, Regional Prosecutors, Prosecutor's Control, Personnel Issues.*

DISCUSSION

Prosecutor's office, which monitors the implementation of laws, also plays an important role in the law enforcement system of the state.

The life of the peoples of Central Asia has long been regulated by Islamic law – the *Sharia*, during which time the courts, prosecutors, lawyers, notaries, in general, the functions of the judiciary were performed by *muftis*, *muhtasibs* and *judges*. After the Russian Empire established its rule in Turkestan, a separate institute of prosecution was introduced. Initially, the duties of the prosecutor in the country were performed by the Governor-General of Turkestan and representatives of the local administration. On the basis of the “Regulations on the management of the Turkestan region” adopted on June 12, 1886, from 1887 the posts of prosecutor and his assistant were introduced in the regional courts[1].

After the Soviets took power in Turkestan, the judiciary began to be reorganized from an ideological and class point of view. The former Imperial Prosecutor's Office was abolished by a resolution of the Provincial Council of People's Commissars (CPC) on December 12, 1917, but prosecutorial control was maintained in the imperial courts operating during this period. In particular, the prosecutor's office of the Tashkent Judicial Chamber functioned until 1919[2]. The department had a

chamber prosecutor, 2 assistant prosecutors, a department secretary, a typist, a registrar and an interpreter[3]. However, they were strongly controlled by the Soviet government, including the commissariat.

Although Soviet power was established in the country, the prosecutor's office was not initially established. One of the main reasons for this was the revolutionary political situation in the entire Soviet state, as well as the widespread use of repressive methods by the Bolsheviks to punish the enemies of power.

The process of developing the Statute of the State Prosecutor's Office in the Turkestan ASSR began in early 1922. Initially, this bill was considered at the 8th session of the Commissariat of Justice on March 23, 1922, and then discussed at the meeting of the Central Committee of the Turkestan Communist Party, the ICC. After a long debate, the Turkestan Central Executive Committee (CEC) adopted the Regulation on the State Prosecutor's Office on May 9, 1922, which came into force on June 3. It should be noted that although there was considerable controversy and debate over the development and adoption of this legislation, it was almost indistinguishable from the law adopted in the RSFSR[4].

On the basis of the decision of the Turkestan CEC by October 31, 1922, another Regulation on the activities of the prosecutor's office was introduced



into practice[5]. Although this Regulation was developed under the law of the RSFSR, some changes can be seen in it. For example, the provincial prosecutor's office has been empowered to suspend the execution of illegal decisions and orders of local councils. However, the provincial prosecutor's office has never done such a thing during the period under investigation. The Charter also defines the legal status of national and local prosecutors. According to him, the TASSR prosecutor monitored the operation of all people's commissariats, institutions and organizations in accordance with Soviet legislation. In addition, orders and instructions were developed for all prosecutors in the republic within the framework of Soviet law, which were binding, and on the basis of which prosecutors carried out their activities on the ground. The Prosecutor of the Republic of Turkestan annually reports to the Presidium of the Turkestan CEC on the activities of himself and all its constituent bodies[6].

During this period, the Commissioner of Justice was simultaneously the Republican Prosecutor. The head of the prosecutor's office was his deputy and a member of the board. The regional prosecutor, his deputy and the assistants of the regional prosecutor under the regional courts functioned in the regions and were organized in all regions of the TASSR. By the order of the Commissariat No. 66 of May 15, 1922, Uspensky was appointed to the post of Samarkand regional prosecutor, Smirnov to Fergana region, Grigorev to Yettisuv, Verdinsky to Amudarya, and Kiselev to Turkmen region[7].

In 1922, the following places were allocated to the regional prosecutor's offices in the state: Syrdarya - 16, Fergana - 13, Samarkand - 12, Turkmen - 12, Yettisuv - 17, Amudarya - 6[8]. It should be noted that during the period under review, along with other judicial bodies, there was a constant shortage of staff in the states where the prosecution system was established.

The responsibilities of the district prosecutor are divided between the prosecutor and his assistants. Local prosecutors also had the authority to attend all meetings of local executive committees, to challenge decisions and orders issued by them, and to demand their change. It should be noted that in the initial period, the powers of prosecutors were limited, and they were only involved in supporting public prosecution in court proceedings.

Regional prosecutors of the Republic of Turkestan are required to report quarterly to the Republican Prosecutor and the regional executive committee on the work done by him and his assistant. In 1923, a total of 54 prosecutors and 101 technicians served in the TASSR regions. Of these, 6 were regional prosecutors, 16 were assistant prosecutors under regional courts, and when distributed by regions, there were 3 assistant prosecutors in Syrdarya, Samarkand, Fergana and Yettisuv regions,

and 1 assistant prosecutor in Amudarya region. There was a constant lack of prosecutors on the ground. The largest number of prosecutors was in the Syrdarya region, and in 1923 a total of 13 prosecutors served in the region[9].

In the districts, there were prosecutor's offices, where the assistant regional prosecutor, secretary and mail carriers work. During this period, there were 28 prosecutor's offices in the territory of the Republic of Turkestan[10].

The TASSR prosecutor's office was given the task of combating bribery, career-related crimes, squandering of economic property, and violators of tax laws as its first priority. Also, in the fight against crime, the state prosecutor's office shall: a) prosecute officials and citizens on its own initiative or on the basis of applications and complaints received; b) control over the conduct of inquiries and preliminary investigative actions, as well as provide instructions and explanations to the investigative bodies on the preliminary investigation and other related issues; c) referring cases to the court or closing the case, received from the bodies of inquiry; g) the preparation of an indictment and a decision to dismiss the case after the preliminary investigation; d) the defense of public prosecution in court; e) to verify the lawfulness of the detention of prisoners in places of deprivation of liberty and the legality of their release, and other similar powers[11].

On the basis of the decision of the Turkestan CEC of August 1, 1922, the Criminal Procedure Code of the RSFSR came into force in the territory of TASSR. At the same time, the decision strengthened the prosecutor's supervision over the investigation of crimes. Prosecutors were given additional powers, such as access to all materials related to criminal cases, additional instructions on ongoing investigations, and the transfer of the investigation to another investigation unit.

Prosecutors have been more active in supporting the prosecution in court. In particular, they participated in 470 of the 479 court hearings held in the first half of 1922 with indictments. If we look at the participation of prosecutors in the trials at the regional level, the Fergana Prosecutor's Office participated in the trial 101 times, and the prosecutor and assistant prosecutor of the Amudarya region participated in the trial 21 times[12].

In 1923, the Turkestan CEC adopted another resolution on the activities of the prosecutor's office. According to it, all inquiry bodies were directly subordinated to the state prosecutor's office. It is also planned that the police and criminal investigation departments will assist the prosecutor's office in ensuring the execution of inquiries and court decisions.

The Soviet prosecutor's office conducted a large-scale investigation. In particular, in the first half of 1923, the Turkestan Prosecutor's Office conducted 4,308 investigations. In terms of regions,



the Syrdarya region investigated 1,233 cases, the Yettisuv region prosecutor's office 803 cases, the Turkmen region prosecutor's office 723 cases, the Samarkand region prosecutor's office 712 cases, the Fergana region prosecutor's office 468 cases and the Amudarya region prosecutor's office 369 cases. Surprisingly, the Syrdarya Regional Prosecutor's Office conducted the most inquiries, but ranked last among the provinces in terms of indictments (7.7 percent of the total). According to the results of the investigation, Amudarya region ranked first in Turkestan, ie 48 out of 123 cases (39.2%) were prosecuted[13].

During its existence, the TASSR Prosecutor's Office has also carried out a number of activities to monitor the observance of the law in penitentiary institutions. In particular, in 1922-1923, the Fergana Regional Prosecutor's Office conducted 125 inspections of regional penitentiaries at various levels and found that 33 prisoners had been illegally detained and 18 had been released. During this period, the Syrdarya Regional Prosecutor's Office released 22 prisoners, the Samarkand Regional Prosecutor's Office released 15, and the Amudarya Regional Prosecutor's Office released 9 illegal detainees[14].

During the period under review, illegal actions by officials (especially those in charge of executive committees) were common. For example, the prosecutor of the Samarkand region, Wojciechowski, received information that the Samarkand city judge had received additional payments from the population. Of the 343 complaints received by the Fergana regional prosecutor's office in 1923, 140 were related to the illegal actions of officials. In total, in 1923, the prosecutor's office received 877 complaints against officials, most of which were found to be valid[15]. However, the Soviet prosecutor's office did not fight them enough. The reason was that the immunity of prosecutors was not ensured, and if an assistant prosecutor initiated a case against an official on his own initiative, the provincial party committee or executive committee would take action against that prosecutor. In particular, in September 1923, the executive committee of Kattakurgan district in various ways obstructed the investigation of a murder case by the prosecutor's office. The Jizzakh District Executive Committee ordered the arrest of the victim in protest of the prosecutor. The Turkestan County Executive Committee has decided to arrest the assistant prosecutor on charges of incompetence[16].

On September 13-18, 1923, the First Council of the TASSR Prosecutor's Office was held. The meeting analyzed the short-term activities of the Soviet prosecutor's office and identified the next tasks of the prosecutor's office, consisting of 23 items. According to it, the prosecutor's office was to carry out its activities in two directions: to ensure the protection of Soviet law and to perform its judicial

functions. The importance of these two functions of the TASSR prosecutor's office in the establishment and implementation of Soviet legislation in the country was also emphasized by the State Prosecutor of the Republic of Turkestan in an interview with *Turkestan'skaya Pravda*[17].

Frequent rotations of prosecutors have also become commonplace. They were now transferred to other areas when they began to study a case. For example, in October 1922, A. Voitsekhovskiy served as a prosecutor of the Turkmen, Samarkand and Syrdarya regions[18]. In general, during 1922, such cases were observed 5 times in Tashkent, 3 times in Samarkand, 4 times in Yettisuv, and 2 times in Amudarya region. Similar situations continued in later years[19]. This process has undoubtedly had a negative impact on system performance.

"... Although prosecutors were required to keep the doors open' of all judicial and other Soviet institutions open[2], by 1924 the Prosecutor's Office of the Republic of Turkestan had great difficulty in carrying out its duties. The Soviet government wanted to solve this problem by recruiting staff from the RSFSR, as well as by increasing the number of staff in the prosecutor's office. For this purpose, the number of states assigned to the TASSR Prosecutor's Office was increased from 82 to 177 and distributed to the systems as follows: 10 employees to the State Prosecutor's Office within the Commissariat, 6 to the Prosecutor's Office under the Turkestan Branch of the Supreme Court. The number of employees of the regional prosecutor's office has also increased significantly. During this period, the regional prosecutor's office had 69 employees: 6 regional prosecutors, 6 deputy prosecutors, 11 assistants, 6 secretaries, 11 deputy secretaries, 6 typists, 6 assistants, 6 translators, 11 correspondents carrier[21].

The number of staff in the district prosecutor's offices has also been increased. As a result, they had 92 employees (assistant prosecutor, secretary, mail carrier)[22].

The Communist Party of Turkestan also controls the state prosecutor's office. According to the decision of the Central Council of the Party of September 13, 1922, the provincial and district party committees supervised the activities of prosecutors. In addition, candidates for the post of prosecutor and his assistants in the country were nominated by a decision of the party's central council.

There was a constant shortage of staff in the states allocated to prosecutors. In the Amudarya region, one assistant replaced the two assigned prosecutors, while in the Fergana region, six prosecutors worked in nine states[23]. This situation also caused a lot of misunderstandings and confusion in the work of prosecutors.

Focusing on the level of education of the state prosecutors of the Turkestan ASSR, it can be said that the majority of employees were those with



secondary and lower education. In 1922, 8 of the prosecutors working in the system had higher education, 13 had secondary education, and 4 had lower education. According to their ethnic composition, 13 of them were Russian, 6 were indigenous, 1 was Jewish, 4 were Polish, and 1 was German[24].

During the period of revolutionary change, the justice workers of the Republic of Turkestan were paid insignificant salaries. This led to a deterioration in their financial situation. As a result, many experienced workers left their jobs to pursue other occupations, farming and handicrafts. The Turkestan regional prosecutor said in a report: "Employees are leaving their jobs due to the rapid rise in prices in the markets and untimely payment of salaries" [25]. Such cases have been reported in all prosecutors' offices in the country. For example, in a short period of time in Tashkent, six assistant prosecutors resigned due to lack of funds. The situation in the judiciary of the Bukharan People's Soviet Republic (Bukharan SSR) is completely different[26].

Insufficient funds have been allocated for the activities of prosecutors, let alone for their work. A report to the provincial prosecutor's office said: "... there is no money to buy a postage stamp to send even the most important official correspondence"[27]. There was also a constant shortage of legal literature and stationery. Chimdin, the assistant prosecutor of the Yettisuv region, wrote to the commissariat on July 1, 1924, stating that the work of the prosecutor's office had been suspended due to a lack of funds for the chancellery and other daily expenses[28]. Such data testify to how difficult the social and material security of the Soviet prosecutor's office was.

In conclusion, it can be said that the state prosecutor's office established in the country has done a number of things despite the difficult political and material conditions. However, like other law enforcement agencies, it acted on the instructions of the Bolshevik authorities and expressed their interests. As a result, the activity of the Soviet prosecutor's office during this period became one-sided.

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