NCSEER NOTE

This is the fifth in a series of Council Reports which, in all, will contain a book, by the same authors and probably with the same title, forthcoming, M. E. Sharpe. This Report begins Part III: an introductory essay, The Gorbachev Period: Economic Crimes, continued by Donald Barry; and chapter Seven: The Churbanov Case by Yuri Feofanov. Subsequent Reports in the series, numbered sequentially, will conclude Part III and contain the remaining Parts IV - VII. They will carry the same main title and the subtitle of the Part contained.

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IV. THE GORBACHEV PERIOD—ECONOMIC CRIMES CONTINUED

Donald D. Barry

The most publicized case of economic crime during the Gorbachev era was undoubtedly that of Yuri Churbanov, son-in-law of the late leader Leonid Brezhnev. Churbanov’s connection with the former first family and the magnitude of his alleged crimes made spectacular news in the West. And with glasnost now well under way in the Soviet Union, journalists there were able to treat the case far more openly than they might have several years earlier. But the power of the regime to control the press was still quite strong, and except for the opening of the trial, news from the courtroom during its four-month duration was limited to official dispatches prepared by the authorities. Feofanov, for instance, wrote several important articles about the Churbanov case for Izvestiia, but they were published either before the trial began or after the sentence had been handed down.

Although Churbanov’s corruption was wide-ranging, a significant part of it grew out of his association with the political leadership of Soviet Central Asia, particularly the republic of Uzbekistan. This is clear from the identity of his eight co-defendants in the trial: the former Uzbek Minister of Internal Affairs, two deputy ministers, and five former chiefs of regional internal affairs administrations in the republic. This, then, was police corruption at a high level in the republic, linked to Moscow through Churbanov, who was second in command of the police for the whole Soviet Union (his position was First Deputy Minister of Internal Affairs of the USSR).

Since many of the crimes of which Churbanov was accused could be traced to the period while Brezhnev was still in power, his corruption was seen as part of a larger picture, a general atmosphere of decadence and decline that had been permitted to develop under the late leader. The Churbanov affair, then, was striking evidence that the late Brezhnev period was indeed one of "stagnation."

The Churbanov trial was important not only because of the celebrity of the main defendant. It was also the centerpiece of a number of trials based on the work of two of the most well-known investigators of the late Soviet period, Telman Gdlyan and Nikolai Ivanov. In the field of law during this period no individuals aroused more controversy—dividing the public into ardent supporters and equally strong critics—than did Gdlyan and Ivanov. Gdlyan’s name came up earlier in the book, in connection with the case of Johannes Hint in Chapter Five. Hint’s conviction for embezzlement, forgery and other crimes was overturned by the USSR Supreme Court in April 1989, at about the time the criticism against Gdlyan and Ivanov for
their investigations in Uzbekistan was reaching its height. But Gdlyan’s investigation of Hint
dates back to the beginning of the 1980s, when Gdlyan was head of the investigatory group for
especially important cases in the USSR Procuracy. The Supreme Court’s criticism of him in
1989, therefore, may fit into the larger picture of the contention between the two investigators
on the one hand and the higher authorities on the other.

In 1983 Gdlyan was made head of a special unit of the USSR Procuracy assigned to
investigate the Uzbek mafia, and Ivanov was his chief assistant. Their group, which grew to as
many as 200 investigators at one point, worked on the Uzbek cases for about five years. The
results of their efforts were considerable: formal charges were brought against seventy people,
nineteen cases were tried, and forty defendants were convicted and sentenced.¹

But they also ran into problems. As time went on their investigative tactics came
increasingly under fire, and when some trials did not produce the results they wanted or
expected, they complained publicly. Earlier they might have simply been removed from their
positions for their indiscretions, but this was not so easy to do in the glasnost period of the late
1980s, especially when the principals turned out to be as combative as Gdlyan and Ivanov.

Regarding the impropriety of their investigative practices, it is clear, in the view of
Feofanov and others, that there was substance to the charges. Both Gdlyan and Ivanov were
seasoned investigators who had worked at their profession before the heightened attention to
the rights of the accused became a matter of open public debate. It would not be surprising,
therefore, that their investigative techniques included practices of questionable legality. In the
words of the Russian journalist Arkady Vaksberg: "Both of them [Gdlyan and Ivanov] were
themselves products of that system of 'socialist legality' (to be more exact, illegality), under
which people were none too fussy about exact observation of the procedures which they
disparagingly referred to as 'legal formalism'."²

Those who defended Gdlyan and Ivanov, and there were many, appeared ready to
condone such practices as necessary to root out hard-core corruption, especially when it was
suggested that the corruption reached into the highest bodies of Soviet power. Their detractors
took the view that in a system truly based on law, all practices, including the investigation of
obviously corrupt officials, must be scrupulously fair and in accordance with the law.

The controversy soon went beyond the bounds of strictly legal matters, however. As the
criticism of their work gained force, Gdlyan and Ivanov concluded that higher-ups in political
authority, fearing exposure, were attempting to block their anti-corruption activities. Gdlyan,
Ivanov and others suspected that the restriction on news coverage in the Churbanov trial was
intended to protect higher officials who might have been implicated by the testimony.³ This
impression was reinforced, in their minds, by the relative lightness of the sentences handed
Churbanov received a twelve year sentence, six others got between eight and ten years, and two of the defendants were set free. 4

Gdlyan openly attacked the court’s decision, and soon thereafter the venue of debate between the two investigators and their opponents shifted to a more political plane. Both Gdlyan and Ivanov were elected deputies to the new USSR Congress of People’s Deputies in the Spring of 1989. They soon released charges that several present or former Politburo members, including number-two man Yegor Ligachev, as well as former Supreme Court Chairman Vladimir Terebilov, were connected to Uzbek corruption. Three commissions, one named by the Presidium of the USSR Supreme Soviet, one by the Congress of People’s Deputies, and one by the Central Committee of the CPSU, were created to examine the charges associated with the Gdlyan-Ivanov investigations. Defenders of the investigators established a Public Committee for the Defense of Gdlyan and Ivanov.

Both investigators lost their jobs with the Procuracy and were expelled from the Communist Party. The Supreme Soviet refused to strip them of their parliamentary immunity, but the USSR Procurator General, in July 1991, signed a statement on behalf of President Gorbachev declaring that sufficient evidence existed to charge the two with the crime of exceeding the scope of their official authority. In August 1991, however, shortly after the coup attempt, the charges were suddenly dropped.

Russia soon entered a new phase with the collapse of the Soviet Union, and talk of prosecuting Gdlyan and Ivanov faded away. But the pair continued their efforts to tell their side of the story, publishing a book in 1994 about what they refer to as “The Kremlin Case.” 5 And they continue to pursue their political careers, in the People’s Party of Russia, for which Gdlyan serves as co-chairman.

Yuri Churbanov served over six years of his twelve year sentence. He was pardoned by President Yeltsin in August 1993, the last “Uzbek affair” defendant to be released. On coming out of prison he learned that his wife had divorced him some time earlier. Churbanov now insists on his complete innocence of the crimes for which he was convicted. 6

Feofanov’s analysis of the Churbanov affair deals largely with legal rather than political matters. A discussion of the details of Churbanov’s career and the magnitude of his graft (as well as the occasional pettiness of his dishonesty, such as stealing an inexpensive rug from his office) serve as a backdrop to Feofanov’s examination of the investigative and judicial phases of the case. And here he finds plenty to criticize.

Several days before the trial opened Feofanov wrote, without mentioning the defendants by name, that “some people have already been publicly declared to be criminals and are named in articles, and television programs are showing thick bundles of stolen money, talking about
what is still under investigation as if it had been proven." He urged, concluding his article, that the public "let the court decide who's who and what's what. The court and no one else."  

Regarding the trial itself, Feofanov's main concern was with the investigation and its impact on judicial proceedings. At first he was impressed with the evidence compiled by Gdlyan and Ivanov, but later, when it was challenged in court, he found much of it questionable.

In looking at the relationship between preliminary investigation and trial, several recurring themes characterize Feofanov's view. They may be found in his analysis of the Churbanov case, but they are also present in other cases that he examines in the book: 

1. Flaws in the criminal procedural law. Of foremost importance, to Feofanov, are the absence of real limits on pre-trial detention and the lack of prompt access to a defense attorney for a person brought in for questioning. 

2. Improper pressures by investigators on suspects. Feofanov points out here (as he did in Chapter Five) that such practices may not, at least technically, constitute violations of the law. The clever investigator knows how to utilize legalized coercion to the utmost. It is, as Feofanov puts it, in "the nature of the preliminary investigation itself." Still, some of the practices described would strain any reasonable conception of legality in many legal systems. Subj ecting an improperly clothed person to long periods of solitary confinement in an unheated cell (as described in Chapter Five) suggests a considerable stretching of what most would consider a lawful investigative technique. 

3. The excessive reliance by investigators (and courts) on confession as proof of guilt. As Feofanov points out, this is a particular problem where a confession made during investigation is later retracted in open court, as is so often true in the economic crime cases presented here. He traces the excessive importance of confessions to the purge trials of the 1930s (Vyshinsky's "queen of evidence" is mentioned in this context). This has engendered, he believes, a tendency among investigators to do careless and incomplete work: if the courts accept the case made by the prosecution essentially without question (even if confessions are retracted in court), then why should investigators work any harder to build their cases? 

As Feofanov acknowledges, this is a particular problem in bribery cases, where often the bribegiver and the bribetaker are the only ones present. If neither confesses, or if confessions are retracted, there is not much to build a case on, particularly in a country like Russia, where, Feofanov asserts, the crime of perjury is not often prosecuted. 

He believes that the court in the Churbanov case should have attempted to determine if illegal pressure was placed upon the defendants, as the defense demanded. Unlike Gdlyan and Ivanov, however, he thinks that the judges did a creditable job in the case, and that in terms of
the evidence presented, reasonable sentences were assessed. In fact, he asserts that Judge Marov showed sufficient independence in conducting the trial to be forced into retirement soon thereafter.9

4. The key concept, however, to which all of the above themes relate (and to which much of Feofanov's writing has been devoted over the years) is the independence of the court. Until this is achieved, no legal system worthy of the name can exist in Russia. Thus, while not condoning the release of the guilty or the prescribing of mild punishment to persons who undoubtedly committed serious crimes, Feofanov believes that the higher goal is the development of the rule of law, and that this can only be achieved when judicial proceedings truly require the state to prove its case in open court. As he puts it in Chapter Eight with regard to an acquitted defendant who unquestionably committed at least some of the acts for which she was being tried: "I was happy about one thing: whether the defendant was guilty or not guilty, since the guilt was not proven she was adjudged not guilty. This common occurrence in judicial proceedings in other countries was a major achievement for a Soviet court, which was in the process of liberating itself from the servitude of a repressive ideology."

As indicated earlier, the Churbanov trial was just one of nineteen cases that went to court on the basis of the Gdlyan-Ivanov investigations. In Chapter Eight, "The Uzbek Criminal Epic," Feofanov examines two more of these cases, involving Normakhonmad Khudaiberdiev, Chairman of the Council of Ministers of Uzbekistan, and Rano Abdullaeva, a former secretary of the Communist Party of Uzbekistan.

As Feofanov makes clear, he has no doubt that the accused engaged in at least some of the activities for which they were charged. His interest, however, is in what is to him the larger matter: the court's independent determination of their guilt.

The chapter concludes with an excerpt from the report of a special commission created by the Presidium of the USSR Supreme Soviet to examine complaints of violations of the law by the Gdlyan-Ivanov group. The commission was composed of a number of eminent legal scholars and members of the law enforcement establishment. It was one of the bodies mentioned above that were constituted to examine alleged problems in the investigators' work.

The final chapter in this section deals with the case of Akhmadzhon Adylov. In some respects it is the most spectacular of the Uzbek cases. Adylov was an extremely powerful figure in Uzbekistan, a "godfather" some said was more important than party boss Rashidov himself.10 The treatment the accused Adylov received was even more egregious than that of other detained suspects, and his absolute refusal to be broken by investigators appears to have
been unprecedented. These are the aspects of the case that fascinated Feofanov. Adylov's ultimate fate, in the judicial sense, was closely tied to the fate of the USSR.

NOTES


4. "Prigovor" (press release of the USSR Supreme Court), Izvestia, January 1, 1989, p. 6. Defendant Kakhramanov was acquitted and defendant Iakhiaev's case was separated from the others at the end of the trial. He was released from further incarceration, according to the press release, for health reasons.

5. Kremlevskoe delo.

6. In a newspaper interview in July 1994 Churbanov stated: "The only thing I am guilty of is that I was married to the daughter of the General Secretary of the Central Committee of the CPSU." "Samyi izvestnyi zek epokhi perestroiki," Argumenty i fakty, July 1994, no. 28, p. 3. In the next issue of the same newspaper Gdlyan and Ivanov provide a detailed description of Churbanov's crimes as well as a critical assessment of his character. "Iu. Churbanov-politicheskaia zhertva ili ugolovnyi personazh?" Argumenty i fakty, July 1994, no. 29, p. 3. Churbanov wrote a book while in prison about his career, trial, and time in confinement. He dedicated it to his wife. Ia rasskazhu vse, kak bylo (Kazan: "Liana" and "Nezavisimaia gazeta", 2nd edition, corrected and enlarged, 1993).


8. Feofanov has written about these matters numerous times. One discussion, at the beginning of the Churbanov trial, is his interview by Felicity Barringer, "A Changing Soviet Approach to Crime and Punishment," New York Times, September 13, 1988, Section 4, p. 3. On paper at least, these problems are now addressed in Russian law. In fact, protection against abuses in these areas have been elevated to the level of constitutional guarantees. Article 22 of the Russian Federation Constitution of 1993 provides: "Without a judicial decision no person may be subjected to detention for a period of more than 48 hours." Article 48 provides: "Every person detained, taken into custody, or accused of having committed a crime shall have the right to use the assistance of a lawyer (defense attorney) from the moment of such detention, custody, or bringing of a charge."

9. It may be that the court manifested its professionalism and independence more thoroughly than the limited press coverage of the verdict suggested. A report written shortly after the decision in the Churbanov case was handed down asserts that "[i]n its verdict the court noted gross violations of the law during investigations." Nothing to this effect is to be found in the official release on the sentence (see above, note 4). Oleg Temushkin, "Verdict Announced, Problems Remain." Moscow News, January 15-22, 1989, no. 2, p. 4.

CHAPTER SEVEN: THE TRIAL OF YURI CHURBANOV

Yuri Feofanov

In the two previous chapters I discussed how the administration of justice reached a standstill before an untouchable communist elite. But even to say that the "administration of justice reached" is stretching the point to some extent. The new regime decided to clean the stains off the surface, to put some makeup on a hideous face. Neither the investigators nor the prosecutors were allowed to go after high officials or their aides on their own. But the party permitted the pursuit of a few of them as a kind of token offering.

This was the spirit in which the initiation of criminal proceedings against the top officials in the MVD. Minister Nikolai Shchelokov, seeing the shame that threatened him, took his own life. His first deputy, Colonel-General Yuri Churbanov, the son-in-law of the late Leonid Brezhnev, found himself accused. Of course politics played a primary role in this. But the case was a purely criminal one, not at all concocted according to the recipes of 1937. No, Churbanov dealt in bribes and in abuses of his office. No-one has any doubt of this at all. But the same kinds of acts were committed by many officials of the same and higher rank, and the majority of them were beyond the reach of the law. For these people, the judicial and penal institutions were still fully subordinate to party authority.

The "case of Churbanov and others" was just one episode in an enormous set of legal proceedings known as the "Uzbek Case" or the "Cotton Case." It began with the blessing of Yuri Andropov after the deaths of General Secretary Brezhnev and Sharaf Rashidov, the First Secretary of the Communist Party Central Committee of Uzbekistan and the absolute ruler of that republic. It commenced when the head of the police of one of the oblasts of Uzbekistan was caught red-handed accepting a bribe. The broad chain of crimes uncovered was there for everyone to see. Neither Gosplan nor the Ministry of Finance nor the statistical administration could have failed to know about the shady dealings going on with cotton. In Uzbekistan, where cotton is grown, and in Ivanovo, where there are large textile enterprises, a ramified criminal group or, more precisely, a mafia clan organization, had been created. To the south thousands of tons of cotton that never existed were recorded as having been harvested. To the north documents were filled out testifying to the receipt of this non-existent cotton. A significant amount of both the raw material and the fabric existed only on paper, but this phantom "product" was paid for from the state treasury in fully authentic rubles. On the black market at that time a U.S. dollar cost about five rubles, and for a number of years some 5-6 million rubles per year were disappearing from the treasury. Naturally, this could not help but be
noticed in the statistical and control organs, of which there were a considerable number (they had been created under the Leninist slogan "socialism equals accounting").

When the "Uzbek-Ivanovo mafia" began to be uncovered, naturally none of the top leaders intended that this whole abscess be exposed, because the threads of the crime would have reached to the very top, behind the Kremlin walls, where access was prohibited even to the KGB, and it was this organization that had begun to investigate this criminal web. When the first bribe-takers and treasury filchers were caught red-handed, the case was transferred to the USSR Procuracy. A large group of investigators was sent to Uzbekistan. This team was headed by Telman Gdlyan and Nikolai Ivanov, who would soon become famous throughout the country and even around the world. Famous because first openly in the press and then at the Congress of People's Deputies they accused the highest party functionaries, including the "second person" in the party and thus in the state, Egor Ligachev, of taking bribes.

Before the trial I became acquainted with Gdlyan, Ivanov and their colleagues. They eagerly told of their accomplishments in detail, and showed video tapes of the interrogations. Everything looked very convincing. Armed with this evidence, I went to the trial. But during the court phase, under pressure of cross-examination and before the independent eye of the judges, much of the evidence began to collapse.

When I wrote about the trial and my essay appeared in Izvestiia, Gdlyan and Ivanov became furious with me. They expected automatic and full support from the press, and they received, if not full exposure of their investigatory methods then at least some doubt as to the purity of their activities. Exposure of their methods came a bit later. This brought forth rage from the "people's heroes," which the investigators, who had the courage to hurl accusations at the "top people," had become.

An unquestionably positive result of this whole scandal was that for the first time the illegal acts of the whole investigatory machine were hauled before the court of public opinion. For the first time the public demanded that the court act like an organ of justice and not a cog in the mechanism of repression.

And all of this began with the case of Yuri Churbanov, the once lucky but in the end unfortunate son-in-law of Leonid Brezhnev.

So the Churbanov case was the first in which an official of such a high rank was brought to trial. It seemed just like the old days, when everything was agreed upon and pre-determined by the party Central Committee. The journalists accredited to cover the trial were summoned to the propaganda section of the Central Committee and were advised on how to write their stories, what kind of slant was desirable, and on what to be silent. I don't know if such chats were carried out with the prosecutors and judges, but I am sure that in some fashion
everything was discussed in advance. But everything did not proceed in that way. At least not as Soviet tradition would have laid it out. The Military Collegium of the USSR Supreme Court, chaired by General Mikhail Marov, violated the "rules of the game"; the presiding judge conducted the trial not like a communist and Soviet general, but like a judge, and this cost him his job, since after the trial he was forced into retirement, at the rank of a pensioned-off general.

The proceedings began after the initiation of perestroika, but before real political reform began, before the First Congress of People's Deputies of the USSR which, in spite of all of its flaws, marked the beginning of the legal democratization of society.

I attended this trial from beginning to end, and I want first to share some impressions of the proceedings. Since this was his "case," the figure of Yuri Churbanov attracted great interest. Long before the trial began myths had been created about the colossal sums he had stolen. But when I mentioned in private conversations the sums that figured in the accusation, the general reaction was one of disappointment. The more so since the foreign press had carried a photomontage showing Churbanov with millions in cash and piles of gold. Many people hoped to hear about details of the high life among the courtiers, and to get inside political information about the Brezhnev regime.

"Did this trial represent a return to 1937?" This question is not a fairy tale invention. It was put to me by a "New York Times" correspondent who interviewed me about perestroika and democratization, but was first and foremost interested in Churbanov. I tried to deflate this balloon, but she showed me articles from our newspapers where Churbanov was discussed in the same context as Yezhov and Beria.

In reality, however, Churbanov could hardly be compared with this pair. He was a comparatively small fish, and basically he was a part of a rather ordinary corruption ring. But no matter how much we tried to convince ourselves that this was a regular trial of a corrupt careerist who had sunk to taking bribes, one couldn't escape the fact that he was not just a high-level official but the son-in-law of Leonid Brezhnev. And this presented a considerable problem for the court as well. The trial did not involve any hidden political agenda for the court. But public opinion could not help but affect the judges. They had to examine all aspects of the case carefully while at the same time rendering a judgement, not for being a son-in-law but for what this son-in-law really did and for what could be unquestionably proven.

He had led a charmed career: the shoulder boards of a colonel-general, the job of first deputy minister at the USSR level, the position of son-in-law, all of the material goods one would need and . . . the theft from his ministry of a nylon-filament rug for his dacha worth 132 rubles!
At the time of the trial he was just past fifty. He had been in the army, and worked as a mechanic, and since 1959 had served in Komsomol work, as an instructor in the Moscow City Committee of the Komsomol. In 1961 he began working for the Ministry of Internal Affairs, first as an instructor at prisons and later as aide to the director of the political section at prisons run by the ministry’s division in Moscow oblast. He left the MVD in August 1964 at the rank of "Senior Lieutenant of the Internal Services" to return to the Komsomol, this time taking a position in its Central Committee. He graduated by correspondence from the Philosophy Faculty of Moscow State University. In 1964 he divorced his former wife, leaving her with one son.

In April 1971 Churbanov married Galina Brezhnev. He was immediately named deputy director of the political section of the USSR MVD administration for Moscow with the rank of lieutenant colonel. A year later, jumping several rungs on the promotion ladder, he became deputy director of the political administration for all internal troops in the USSR MVD. His progression in rank was no less swift--to colonel, major-general, lieutenant-general and colonel-general. He became Deputy Minister and then First Deputy Minister of Internal Affairs. He was chosen candidate member of the CPSU Central Committee and a deputy of the RSFSR Supreme Soviet. He received military orders in peacetime and was awarded a state prize. He had begun to write his memoirs, entitled "My Career."

Before fortune smiled on this attractive young man, he was a komsomol functionary, and then a junior officer working his way gradually up the ranks of Ministry of Internal Affairs. Suddenly this junior had earned the trouser stripes of a general. It didn't take much to figure out what had happened. And when he said in court that he had done nothing, that people brought him money "for no reason at all," I, for one, believed him. It is unlikely that he had what it takes to have organized a criminal gang or become the head of a mafia clan. But he could become a son-in-law. And this was sufficient for him to receive sums of 10,000, 30,000 or even 50,000 rubles.²

"They gave me money for no reason at all," affirmed Churbanov in court. It was as simple as that. Let's consider this: would anyone part with this kind of money "for no reason at all"? Whatever our judgment on this question might be, it does not constitute legal grounds for calling it a criminal act. And without a precise legal basis a court cannot punish a person. How should one explain the fact that the former First Secretary of the Central Committee of the Uzbekistan Communist Party presented an official from an office where he did not work, and who nominally held a much higher position, with a sum of fifty thousand rubles? He put precisely this amount into the pocket of a robe that Churbanov had received as a gift. In addition, the former prime minister of this republic also contributed. For what? On this matter
the web of legal considerations is intertwined with, as they say, the realities of life. We will return to this matter when we get closer to discussing the sentence. In the meantime, let’s look at how the court case proceeded.

The Military Collegium of the USSR Supreme Court, chaired by General of Justice Mikhail Marov, heard the case. The accusation was presented by Aleksandr Sboev from the USSR Procurator’s office. Every defendant had his own lawyer. Besides Churbanov the other defendants were the Minister of Internal Affairs of Uzbekistan, Khaidar Iakhiaev, Deputy Minister T. Kakhramanov and five heads of oblast internal affairs offices. All were accused of giving and accepting bribes and of abuse of their official positions. The trial began on September 5, 1988, and in addition to other evidence, the testimony of about 200 witnesses was heard.

Before discussing the trial itself it would be useful to return to some of the events that preceded it. After his arrest early in 1987 Yuri Churbanov wrote numerous letters to the investigators and the USSR Procurator General assuring them that "I am not trying to diminish my guilt" and that "I want the investigators and the court to understand how I was involved and that now I have admitted everything," etc. He repeated this during his interrogation and in the opening statement of his deposition. So this is how it looked as the case opened.

The investigators who handled the case, Telman Gdlyan and Nikolai Ivanov, told me that when Churbanov was arrested and during the first interrogations, he did not deny anything; indeed, he told them about much that they had not known. He explained his fall by saying that “these hangers-on of Rashidov wanted to win me over in order to secure the favor of my father-in-law.” In other words, he himself answered the question as to why they gave things to him . . .

The sincere repentance of the accused, the proof of the bribes that were taken, and other evidence formed the basis for the investigatory team’s charge that Churbanov had received bribes in the amount of 650 thousand rubles. Later during the course of the investigation, Churbanov admitted to receiving 400 thousand of this amount.

The investigators reviewed every instance of bribe-taking in detail. And, of course, they were interested in finding out where the money had gone. Churbanov said that he had purchased precious stones for about thirty thousand rubles, that he gave them to his sister for safe keeping, and that he also gave her 7 thousand rubles for expenses. His sister returned all of these valuables to the investigators. Certain sums, according to Churbanov, were spent on building a dacha and on furnishing an apartment. He was charged with abuse of his official position as a result of spending state funds on his dacha. It should be noted in passing that the
salary of a first deputy minister at the union level, a person having the rank of colonel-general, would have been fully sufficient to maintain an apartment and a dacha without bribes.

In any case, a third of a million was spent somewhere. But where? By the simplest logic, if you are sincerely repenting, burning bridges to the shameful past, you return the dishonestly gotten money. Or at least you explain in some reasonable way where it disappeared to. As was said in holy Russia, "if you steal, you need to be ready to answer for it."

How then did Churbanov explain the disappearance of 300,000 rubles at the preliminary investigation? I will quote from his deposition, which was included in the accusation:

January 24, 1987: "As concerns the remaining valuables [not including those given to his sister—Y.F.], I request that I be given time in order to remember where they are. I intend to produce everything voluntarily. . . . I see in this the material affirmation of my repentance. I want to cleanse my conscience before the party and the state, and I understand that only through my own concrete acts can I prove my decency."

In a 25 January letter to the General Procurator it was remorsefully stated that the money was located at Churbanov’s dacha at Zhukovka, and a sketch of the hiding-places was included. The authorities went there, dug and tapped on walls, both according to the diagram and at random, and they found nothing.

January 26: "Regarding Zhukovka I gave false testimony. I don’t remember where the money is."

June 10: "I want to assure the investigators that the money will be turned over, but this matter is not so easy for me to resolve for certain reasons. I request that I be called for questioning in a week."

June 19: "The question about the money is connected with a number of complex problems."

July 4: "In the near future I will decide the question of turning over the money."

July 16: "I gave 300,000 to my wife Galina Brezhneva as a present from Rashidov. She spent it on gems."

July 17: "My previous testimony was given impulsively. I didn’t give my wife any money except for my salary."

July 23: "The question about the money is very complex. The fact of the matter is that I don’t have the right to compromise the family of my late father-in-law and even more so his memory."

It is understandable that Yuri Churbanov was somewhat out of touch with the fast-moving events of the time. It is hard to say to what extent these new developments had reached Lefortovo Prison, where he was being held during his investigation and trial. But it could
hardly have been news to him that the memory of his late father-in-law was held in quite low esteem. In any case, where was the money? The variety of Churbanov's attempts to muddy the waters is shown by another of his answers:

December 4: "I passed the money on to Vashkov—300,000 rubles in two leather cases. He told me that he was going to 'do a deal with someone from the world of trade.' And that the money would be returned soon. However within two months Vashkov unexpectedly died and did not return the money." The Vashkov in question then held the position of head of the trade section of the USSR Ministry of Internal Affairs.

It is necessary here to go beyond the confines of the case as considered by the court. This case is just a one small drink during the long-term binge that took place in Uzbekistan. The painful but sober times of the hangover led to uncovering the existence of a mafia that had long flourished in that republic. In my opinion some injustice was done toward the republic and its people in all of this, in the sense that when the words "corruption" and "mafia" were used, the adjective "cotton" was immediately brought to mind and linked with Uzbekistan. But what can one do? One must look truth in the face. And the facts, as they say, jump out at you.

It began in April 1983, when the KGB of the Uzbek SSR caught the head of the Bukhara police, Akhat Muzaffarov, red-handed in accepting a bribe of 1000 rubles. The case was transferred to the USSR Procuracy, and an investigation quickly turned up a great number of other such cases, a fact that sent a genuine shock through Soviet officialdom. In the trials that ensued those found guilty of criminal violations included the Chairman of the Council of Ministers of the Republic, two party Central Committee secretaries, several secretaries of oblast and raion party committees, some other governmental officials, and some employees of law enforcement organs. Included in this group were the defendants in this case.

In the course of the investigation forty two million rubles were recovered. Two suspects had six million each, a third had four and-a-half million, a fourth two million, and many others had "small change" numbering in the hundreds and tens of thousands of rubles. In saying "in the course of the investigation." I mean not the case of Churbanov and his colleagues in his trial, but the investigation of the whole "package" of cotton cases.

Naturally, none of this money was acquired by lawful means. What seemed strange to me was that the bribes were paid with no particular objective in mind. If that had been the case one could at least identify the extortionist, the victim, and the illegal gain. A simple matter of the technique of search and investigation: the facts are established and the givers and receivers of bribes are apprehended. How much worse it is for a society when bribes are given and received "for nothing at all." Or, to put it more precisely, for protection and the opportunity to engage in conspiracy on the job; for selling positions, transfers and promotions; for covering
up omissions, violations, crimes. Everything was involved: hosting people and giving gifts, taking care of taxes, providing apartments, cars and other goods in short supply, getting children of associates into higher educational institutions, etc. These were not "isolated instances," which have long attracted our attention. This was the corruption and degeneration of the official hierarchy. Where did it all come from, these millions of bribes? It can all be traced back to the whole corrupt mechanism of state and society. The desire at any cost to fulfill the plan for cotton production, however unreal, led to falsification. Four and one-half million tons of cotton, worth six billion rubles, which had supposedly been turned over to the state, simply did not exist. The books were falsified to show that this production figure was reached and, of course, that the money was turned over to the state. And the state considered that it actually had the amount indicated on paper, the value of the "white gold." In fact, there was nothing. Thus the strong personal interest of each individual briber, the overwhelming effort both to enrich himself and to contribute to his boss or protector on a higher level, thereby undermining the material, financial and other strength of the state. And the outcome was inevitable: the systematic of betrayal of the state, the corruption, and the mutual protection, which struck at the administrative, soviet and party organs of the Uzbek SSR in the 1970s and the beginning of the 1980s.

And so, back to Churbanov. It was not Churbanov himself but others who were the chief culprits in establishing the system of corruption. Here is the testimony of the former Chairman of the Council of Ministers. Think about it—Narmakhonmad Khudaiberdyev, the head of government of a supposedly sovereign republic:

"Together with Rashidov," he stated, "we met Churbanov at the airport as if he were an especially important personage. Basically as if he were a head of state, with all of the trappings. His appearance at the meeting of the Communist Party Central Committee was met with applause. Everybody rose to their feet. I personally wanted to become more closely acquainted with him, in order to make a good impression. Pettiness under these circumstances would not have made any sense. So I decided that 50,000 was an appropriate sum. I passed it on to Churbanov in his hotel room, along with a coffee service set."

This was done only to make a good impression? Let's not be naive. The head of the government knew well to whom and for what purpose he was, on this first acquaintance, passing a bribe of this amount.

The former first secretary of the Navoiskii Oblast party committee, Yesin, brought Churbanov a gold-embossed robe with a tiubeteika, together with 30,000 rubles. He was more frank:
"Churbanov was from Brezhnev’s family, and therefore it was important to make a good impression on him. The oblast had only recently been created, and there were many problems to solve. Rashidov considered it very important that the son-in-law leave with a positive impression."

Among the defendants was the former Uzbek Minister of Internal Affairs, Khaidar Iakhiaev. He had left this position some time ago, having been replaced by Kudrat Ergashev, who later committed suicide. A large portion of the bribe money that Churbanov received, according to the charge, came from the latter. And this took place during an All-Union Conference of the MVD and the USSR Writer’s Union on the subject of "Moral Problems in Fiction." This conference took place in October 1979, and I was a participant. Everything, of course, proceeded according to the spirit of the times. There was a government reception, where Rashidov appeared with Churbanov. There were very correct speeches replete with toasts. And, believe it or not, there among the presidium members was the son-in-law. Of course we couldn’t know then that he left this meeting with many thousands of rubles, given to him to "make a good impression." I only learned about this recently. But at the time I only reflected on the fact that such beautiful speeches, of such high moral quality, were presented at that conference!

I began by describing Churbanov’s behavior with regard to his ill-gotten gains. And about how he wouldn’t say where they had disappeared to. But during the investigation he clarified why the gifts were given to him: "These hangers-on of Rashidov wanted to win me over, and through me to secure the favor of my father-in-law." This outraged the young officer Churbanov, who was trying so hard to climb the bureaucratic ladder. "I felt uncomfortable," he said, "and wanted to send these sycophants packing and to throw the money in their faces . . . I’d only have to do it once . . . But I couldn’t find the civic courage to stand up to the flattery and the bribes."

However, when the questioning of Churbanov in court commenced, he did not express this remorse. When the question that always follows the reading of the charge was asked ("Do you admit your guilt?") five defendants (Begelman, Norbutaev, Dzhamalov, Makhamadzhanov and Norov) answered in the affirmative, Sabirov admitted partial guilt and Kakhramanov and Iakhiaev denied their guilt completely. Remember that the last-mentioned was the Minister of Internal Affairs, Kakhramanov was the deputy minister, and the others were oblast heads of the internal affairs administration. Churbanov said that he admitted guilt for abuse of his office, but he denied taking bribes since he considered the money he received to have been given as gifts.
Just a few words about the testimony of those who admitted guilt during the investigation and did not change their positions in court. Begelman spoke with assurance and in detail about how he took from subordinates and gave to his boss. "There was nothing else that I could do," he said. "That's just the way it was in the republic and in our organization. Rashidov had created his cult based on favoritism, bribe-taking and sycophantism. My bribes came mostly from GAI (State Automobile Inspection) inspectors. And I in turn gave bribes in order to receive honors and promotions. That was the procedure, and I followed it."

Sabirov admitted that he gave bribes to Minister Iakhiaev and to Kakhramanov. "And how could I do otherwise?" he asked, "when you consider that they had important visitors from Moscow every day whom they had to feed, ply with drinks and give presents to." "And where did you get the money from? Your salary was 500 rubles a month. Look what this amounts to: you gave 380 in bribes and that left you 120 to live on. What gives?"

"Well I have two sons who work, and they provided food for me. Some of the officials from the police sometimes brought me some things, since they knew that I was going to Tashkent and that it was necessary to take a thousand to the Minister."

It makes little sense to review the refutations of Kakhramanov and Iakhiaev. They put out a flood of words, especially Kakhramanov, beginning with detailed descriptions of their employment records and ending with appeals for strengthening friendship among peoples. They denied everything and they heaped abuse on the investigation in general and certain investigators in particular. Unfortunately, there was good reason for some of this.

And Churbanov also said a good bit about investigators "applying psychological pressure" and "testimony being coerced in every way possible." No-one presented concrete evidence to support illegality in the methods of investigation. No-one said that he, for instance, had been beaten, starved, or deprived of sleep. In their words, they were threatened with "being imprisoned with the criminals at Butyrka Prison," "having the lives of those close to them destroyed," "having something done to their children." And, of course, they themselves were frightened by the thought of seeing the prison watch-towers. As one of them put it, he was questioned "without being given the chance to collect myself, to gather my thoughts."

I present for illustration a portion of the transcript of the protocol. Churbanov: "Why did I confess during the investigation and am now denying my confession? When I began to be called as a witness I understood that they were collecting evidence against me. But it never occurred to me that they would arrest me, a colonel-general. When I was 'retired' from the service at age 50, I still didn't think that I would end up in jail. And then suddenly I was arrested. I was crushed, under stress. I needed to pull myself together but I faced an
interrogation, and then a second, and a third. I had no time to collect my thoughts. Then depression overtook me and I gave up."

Procurator: "But your letter to the USSR Procurator General: You yourself stated whom you took money from."

Churbanov: "I wrote this under the direction of the investigator. Yes, I named 123 names. I unjustly implicated people under pressure from the investigator. They demanded that I get it up to a million, but that wasn't the case."

Procurator: "But where is the money that you now admit to receiving?"

Churbanov: "I refuse to answer that question."

Sitting in the courtroom and listening to the testimony, and having previously reviewed the videotapes of the questioning and Churbanov's responses, this question was constantly before me: Did Churbanov and his co-defendants voluntarily confess to their deeds, or were they coerced? This kind of typical complaint regarding the behavior of police investigators would be persuasive if supported by facts or even logic. And to some extent, of course, the accused were right: anyone can be stunned and broken by arrest, not just a colonel-general. And interrogation is no joke. When the procurator noted that there really was time to take hold of oneself, to write a supplementary statement during the course of the investigation, and that he was giving contradictory testimony, the accused answered that it was useless. And again he may have been right:

"Churbanov, the Deputy Procurator General of the USSR talked with you before the end of the preliminary investigation, and for some reason you did not tell him what you are saying now," stated the procurator.

"I did tell him, but you, procurator, stand on the other side of the barricade, and it is useless to complain about you."

"You demanded a different interrogator, and they gave you one, but you didn't change your testimony then."

"I was already broken."

In court Churbanov spelled it out in these terms, supplementing his story as follows:

"Yes, I took money, but not bribes. From police personnel I didn't receive a kopeck. Perhaps there were some gifts of fruit, but never any money. I dined and took a walk with prime minister Khudaiberdyev. He gave me a package as a souvenir, and it turned out to have 50,000 rubles in it. But he didn't ask for anything, and I did nothing for him. How is this a bribe? Or in Navoi, the obkom first secretary Yesin. I inspected the city with him, and had a meal. He presented me with a robe and a tiubeteika, and at the hotel I found 30,000 rubles in the pocket of the robe. Why did I, a person who lived comfortably, take it? This is difficult to explain.
There was a regular contest going on for me, a kind of hunt, in order to provide gifts. I didn't want to insult people, to violate their traditions. Now I am mortified by it all, and I can't explain why I didn't throw the money back in the faces of these grovelers. That's how it was, and that's all there was to it. I won't say any more, and I refuse to answer all questions.

Then the witnesses began to testify. Naturally it varied from person to person. Some witnesses were brought in under guard. Their trials were yet to come. Others who had been released also testified in varied ways. A lot of time had passed since the commission of the acts under question, and there was considerable inclination to forget what was possible to forget. Out of this whole mosaic of testimony the judges were faced with sorting out the grains of truth on which a verdict could be based.

It is necessary to return here to perhaps the most complex part of the trial, the characterization of the acts that the indictment treated as bribes. The defendants and their lawyers, in particular Churbanov, sought to show, through their interpretation of the statute, that they were not bribes.

The law (article 173 of the RSFSR Criminal Code) is reasonably clear, but as practice has shown, the crime of taking a bribe is somewhat narrowly defined: "for performance or non-performance, in the interests of the giver, of any kind of act..." In connection with the uncovering of mafia clans and other corrupt groups that include high officials, the law enforcement system has been confronted with bribes given "for nothing at all." In such cases, when the passing of large sums of money to an official has been established, but there is no action ("performance") or inaction ("non-performance"), it is difficult to establish a causal connection.

In the bureaucratic system of the time, involving top-down management, there were times when it was not necessary to "do" anything. In reporting to a superior it was sufficient to remain silent about something that was not on the up-and-up in the region or to note simply in passing that all was not ideal in the oblast. When asked what in particular, the answer would be, "just details, nothing worth mentioning." It could then be said that the matter was reported, but at the same time a sort of curtain had been drawn over it. For acts of this kind generous payments would be made.

But note that we are not talking about simply an official, but about the top official in the state apparatus, sitting somewhere and having dinner with the favorite son-in-law. At the mention of some oblast head, the son-in-law says something, or perhaps just frowns or smiles. No-one knows, of course, what went on at such dinners, and the court did not attempt to find out. But then consider this. Churbanov, while in an oblast center, goes into a store, grumbles about the poor service and the poor state of the town in general. In these circumstances how
could one not give him something. Especially when, after dinner and the "gift" of 30,000 rubles, there was no more "grumbling." We know enough about mafia gangs in Russia to know that when they give generously "for nothing at all," they receive fabulous returns for these contributions.

The judges and the procurator were required to ask almost all defendants and a number of witnesses either "What were you given a bribe for?" or "What did you give a bribe for?" And even those who admitted everything or admitted only that they gave from their hard-earned wages found it hard to say why they gave. It seemed to me that this difficulty was not invented. "That was the way it was," or "everybody did it," or "if I didn't, I would have lost my job"—could this all be lies? No, it was the truth. This was the engine of the system that Soviet power had created. And the junior officer, whose fate it was to gain the general's stars, played the role of one of the leading drivers. Taking thousands of gifts just from the ranks of the police under his command and from the bosses of the party and state apparatus of the republic who were not under his command, he, by this alone, introduced moral degradation and rot, encouraged thievery and official corruption, and created an air of confidence that no violation of the law would be punished.

I will introduce the testimony of just two people, one from the investigation and the other from the trial. First Yerezhep Aitmuratov, a former secretary of the Central Committee of the Communist Party of Uzbekistan: "The leadership of the USSR MVD exercised strong influence on the development of corruption in the republic by selecting people that would be useful to it. The role of Churbanov, the son-in-law of Brezhnev? His word was law for the republic organs of internal affairs. This was because the leadership of the republic enjoyed the trust of Brezhnev, and his son-in-law was the first deputy Minister of Internal Affairs. In turn, Rashidov and his team did anything necessary to protect the organs of internal affairs from criticism or from being checked up on. Many workers in the police organs, from the local inspector to the republic Minister, engaged in extortion."

Khaidar Iakhiaev, the former Minister of Internal Affairs of the republic: "With Churbanov's arrival at the central apparatus of the MVD, corruption began to run wild. A kind of dual power was established in the ministry, but in fact Churbanov ran everything. Both Shchelokov [the Minister] and Churbanov took bribes, but the former was a trained professional while the latter had neither competence in any area of police work nor any desire to learn. It is not by chance that he carried parade drill to an extreme and became a kind of martinet. He began to push forward his favorites, and to treat the real professionals shabbily."

Much of what has been related here was expressed in the court statements of the Aleksandr Sheboev, the state prosecutor. The arguments of the defense lawyers were brilliant.
and they could also be examined in more detail. But the basic conflict involved the problem already alluded to: whether what was involved was the undeserved receiving of gifts or the criminal act of bribe-taking. The sentence handed down under the law in this case provided the answer.

The personality of Churbanov came up again and again in the trial. As already noted, he was not only the central figure in the case, but a person whom everyone talked about, who got extensive coverage in the press. And why not, he had a fantastic career. The takeoff of a career accompanied by a personal degradation, alas, takes place all too frequently. But Churbanov's case was a grotesque example. It was like especially brilliant flowers or vegetables of fantastic size grown in radioactively contaminated soil.

Still, Churbanov's sentence of 12 years in prison was unexpected. He had been accused of receiving bribes in the amount of 560 thousand rubles, but the crimes for which he was convicted involved a bit more than 90 thousand. Co-defendant Kakhramanov was acquitted. The case of Iakhiaev was heard separately, and he was released from custody.

If there were many who expressed disappointment at the amount Churbanov was charged with taking—650 thousand rubles—the real bewilderment was created by the amount that the sentence found him guilty of—only 90 thousand. "That can't be," a number of people said to me. "He hid it, and in two years he'll get out and will be laughing at all of us."

"But if it wasn't proved?," I countered. "A regular person steals 50 rubles, and you can be sure that they will prove it," was the response I got, and to this I had nothing to say.

One citizen said to me, "They should have let the people sentence him; he would have been shot." "Don't you think," I responded, "that if we start letting the people vote on sentences that maybe sometime soon we'll be shooting ourselves?" "You're being demagogic," he said. "This is serious; we need to deal severely with the mafia, and not be excessively soft."

These demands for extreme punishments are understandable. This harsh morality and its unmistakable attributes—"shoot," "destroy," "crucify," trace their origin to the dark days of the 1930s and earlier. However, regarding specific defendants, Churbanov in particular, we journalists contributed to the prevailing atmosphere. How could the public not be concerned about the sentence, when long before it was handed down we had put Churbanov in the same category as Beria? Common sense should have shown this to be ridiculous, but when the press began its campaign, the seeds of political accusation were sown. It was understandable, then, that 12 years for this new Beria was seen as a joke.

But even if one ignores such exaggerations and absurdities, it is still true that the depiction of Churbanov as the enemy had been established before the trial commenced.
Rumors circulated that the future defendant was the head of a mafia clan that had stolen millions. One can understand the contempt toward the "son-in-law" who was so loathsomely taking advantage of his "dynastic" position. The court, however, was not supposed to look at rank on the hierarchical ladder, but at the criminal acts of the defendants, particularly citizen Churbanov. And the crimes had to be proven. By facts and evidence, not emotions and rumors.

But we are so accustomed to equating accusation with conviction. This is no doubt based in part on the legacy of the 1930s, but it is not just journalists who should be faulted. Official press releases entitled "In the USSR Procuracy," or "In the USSR KGB," would tersely state that fascist spies or their accomplices had been caught, and that the criminals would be brought before a court. But why to court, since they are already criminals? It is an accused, no more and no less, who stands before a judge. But we have become accustomed to the old ways, and don’t pay attention to these "details." We operate under the assumption that the "competent organs" know everything. And we often don’t ask, even in a theoretical sense. "What if the charge isn’t proven?" This accounts, by the way, for the large number of procedural violations that take place during preliminary investigation.

In preparing for court proceedings it suddenly became clear that the case being brought against Iakhiaev involved a series of episodes that were not connected with the charge that the Military Collegium was supposed to hear. He was accused of the illegal arrest of people, groundless commitment to a psychiatric hospital, and other crimes. (rather than bribe-taking, the basic crime of which his co-defendants were accused). His defense lawyer, of course, considered this a breach of procedural law that violated the rights of his client. Six volumes of evidence were amassed for the court on this matter. The case was prepared, the charge was presented, but it went no further than that. That is, the case was not dismissed, but it wasn’t given over to the court either. His lawyer petitioned for a full review of the charge against Iakhiaev. The court ordered that his case be separated from the others for hearing on its own, and he was released from custody.

He and Kakhramanov completely denied the charges, and their confessions during the preliminary investigation were adjudged to have been coerced. In giving testimony, both spoke at length, made historical digressions, and sang the praises of the friendship of the Soviet peoples. The presiding judge did not once try to interrupt this irrelevant flow of words. Both of them, in common with practically all of the remaining defendants, attacked the investigation. They said that they had confessed under psychological pressure during the interrogation. This is a matter to which I’d like to give some attention.
I am convinced that the investigators in question were courageous and dedicated fighters against the mafia, professionals in their work. But the question arises as to how one should judge the fact that the major part of the charge against Churbanov was not proven in court, and that Kakhramanov was completely acquitted, even though he confessed during the investigation. As I have indicated, I didn’t find in the statements of the defendants any persuasive evidence that illegal methods of interrogation were used.

Unquestionably the case was full of contradictions. But they could not be accounted for either by the acts of the investigators or by my particular views. They grew out of the nature of the preliminary investigation itself. A smart investigator once said to me: "I will never break the law, but I will always get whatever testimony I need." Of course! The accused finds himself for months or even years in a one-on-one situation with the investigative machine. Since the legally-prescribed lengths that a person can be held for preliminary investigation are regularly violated, he has no hope of holding out.

The Churbanov case, it seems to me, also brings to light another side of the problem. Here too the complaints of the accused against the investigators make sense. The military collegium of the court did not try to determine the conditions under which the interrogations and confrontations during preliminary investigation took place, as the defendants demanded. The court simply rejected all accusations that called these procedures into question, thereby affirming a basic principle of the administration of justice: no proof, no fault.

At the preliminary investigation Churbanov admitted receiving bribes in the amount of 650 thousand rubles, then retracted this in part, and then in court changed his story again before refusing to give further testimony. When was he lying? Generally speaking, the confession of one’s guilt is not such a straightforward matter as people sometimes say. Article 77 of the Criminal Procedural Code of the RSFSR states: "An acknowledgement of guilt by the accused may become the basis for an accusation only if the acknowledgement is confirmed by the totality of evidence in the case." Please understand that I have no argument at all with this provision. But in bribery cases, for example, where it is rare that material evidence can be uncovered, how is one to evaluate confessions that are given and then retracted? If today they admit guilt and tomorrow deny it, which version should be accepted?

At a symposium of Soviet and English jurists in 1984 that I attended, Oxford Professor A. Zuckerman cited the words of Law Lord Hailsham in the case "The Director of Public Prosecution against Ping Lin." The judge stated in that case: "In every case this question must be answered: has it been shown that the statement under review was obtained voluntarily, that is, that it was not made as a result of the fear of negative consequences or the hope of gain represented or suggested to the person by a representative of authority. Such a causal
connection must be eliminated in the charge. This sums it up: the accusation should demonstrate that the confession was not coerced.

My purpose is not to show that other legal systems have done a better job with the problem of confessions. But it is a fact that in this area our system has worked poorly. During the judicial phase in the Churbanov case the court was strict in its assessment of the prosecution's case and rather critical of the confessions made during the preliminary investigation. Nevertheless, the prosecution's charge was simply re-written in the sentence, and the renunciation of the confessions was ignored without any investigation.

NOTES

1. Several articles of Feofanov bear on the Churbanov trial. His "Prigovor do suda" ("Sentence Before the Trial") appeared in Izvestiia on September 3, 1988, p. 6, several days before the trial started, and was critical of journalists and investigators for excessive negative publicity against the defendants prior to the trial. "Unter v lampasakh," Izvestiia, January 2, 1988, p. 4, was published several days after the trial and mainly discussed the sentence. "Toska po ‘tsaritse’..." ("Longing for the ‘Queen’..."—a reference to earlier days of Soviet jurisprudence when the defendant’s confession was the "queen of evidence") appeared in Izvestiia on April 1, 1989, several months after the trial had been concluded. It contained an analysis by a military lawyer followed by a commentary by Feofanov. Both were critical of the investigatory methods of Gdlyan and Ivanov. "Tol’ko zakon," Izvestiia, May 21, 1989, p. 4 was an interview by Feofanov with Deputy RSFSR Procurator A. Buturlin. The interview was conducted in response to a call by Gdlyan to Izvestiia complaining about the article "Toska po ‘tsaritse’..." and demanding the right to respond. Feofanov invited Gdlyan to be interviewed in Izvestiia, an offer which Gdlyan did not accept.

2. At the time of the Churbanov trial the official rate of exchange between the ruble and the U.S. dollar was about one ruble = $1.60. The black market rate was about 5 rubles to the dollar. Although Soviet sources had recently begun openly admitting the problem of inflation in the economy, it did not begin to take on runaway proportions for another year or two.

3. A hat worn by Uzbek men.