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The Establishment And Activity Of Military Judicial Commissions In The Turkestan General Governorate

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ABSTRACT

This article presents information on the organization, structure, and activities of the Military Judicial Commissions operating in the Turkestan Krai, based on the audit report of the Emperor's secret advisor, Fedor Karlovich Girs.

Keywords:

Turkestan, F.K. Girs, Military Judicial Commissions, Tashkent, Kazalinsk (Syrdarya region), Margilan and Osh (Fergana region), Samarkand (Zarafshan district), Petro-Aleksandrovsk, Prezus, Charter of 1867, Chief Officer, Assessor, Auditor.

The audit report by Fedor Girs, who conducted the inspection of Turkestan, is an important source for studying the process of establishing and regulating the judicial system in the Turkestan region. According to the report, during the reform of the judicial system, the Dash Commission decided to transfer certain criminal cases from the district (uyezd) courts and people's courts to the Military Judicial Commissions. Two reasons were provided for this decision:

1. The low number of criminal cases—only about 25 cases per year, which was not considered a significant amount at the time.
2. The ongoing state of military operations—since Turkestan had not fully transitioned to civilian administration, military governance remained dominant. Therefore, rapid judicial proceedings were required, which were considered more appropriately handled by military courts.

Additionally, this approach reflects the Russian Empire's desire to establish order in its colonial territories. Military judicial commissions were not ordinary courts but were courts under military rule, through which the empire sought to strengthen its order. The establishment of Military Judicial Commissions in Turkestan was part of the Russian Empire's broader policy of maintaining military control over its colonial regions. This situation indicates that the region had not yet established a fully civilian order, and military governance was still essential. It was also a pragmatic approach for the time, though far from democratic legal norms.

According to the 1867 regulation on the temporary administration of Turkestan, Military Judicial Commissions were given the authority to hear the following cases:
a) All criminal cases involving Russian nationals, particularly those related to the restriction of social rights;

b) Disputes between local populations (natives) and Russians, as well as between various local ethnic groups;

c) Cases involving treason, incitement against the government, attacks on postal and state transport systems, damage to telegraphs, murder of people wishing to convert to Christianity, and the killing of officials.

Over time, the expectations of the Dash Commission regarding the low number of cases and their quick resolution did not materialize. The number of cases increased annually, reaching an average of 280 cases per year. The process of resolving these cases became so slow that individuals who had been arrested had to wait for up to two or even three years before a verdict was issued.

Initially, the Military Judicial Commissions were set up temporarily alongside military units. Later, it was considered more efficient to establish them as permanent organizations with a defined staff. Consequently, in 1878 and 1879, permanent Military Judicial Commissions were established in Tashkent, Kazalinsk (Syrdarya region), Margilan and Osh (Fergana region), and Samarkand (Zarafshan district), and Petro-Aleksandrovsk. These commissions were staffed with positions including a permanent presiding judge (Prezus), three assessors from the military staff, one auditor, and a translator. Due to the increasing caseload, additional auditors from various military battalions were appointed to assist in the work. By 1882, additional auditors were appointed to the Military Judicial Commissions in Tashkent, Margilan, and Samarkand.

The role of auditors in these military courts was significant. They were responsible for reviewing legal matters and providing advice on decisions. Auditors were expected to have a solid understanding of military law and legal procedures.

The procedural rules for the Military Judicial Commissions were defined in the military regulations of 1859. A key difference from other courts was that the rulings of these commissions were not subject to prosecution review. All decisions were final only after being reviewed and approved by military commanders, including the head military court.

The process for handling cases in the Military Judicial Commissions was regulated by law. Before examining the practical operations in Turkestan, it is useful to consider the service privileges given to military court officers and how judges and assessors were appointed.

Presiding judges (Prezus) were appointed from the military staff and held positions that were considered lower than other military ranks. Despite their important duties, their salaries were modest, with a base salary and a 600-ruble supplement but no additional earnings. Assessors, on the other hand, had an even more difficult situation—they only received their regular military pay with no additional compensation for their work on the Military Judicial Commissions.

The work of the Military Judicial Commissions in Turkestan was marked by slow proceedings. According to the data in Girs' report, by 1882, six military judicial commissions in the region had processed 773 criminal cases. The majority of these cases were related to murder (212 cases), followed by theft and fraud (188 cases), robbery (118 cases), and assault (68 cases). Some cases, such as resistance against authority, forgery of official documents, and adultery, were less common but still part of the overall caseload.

In 1882, additional auditors were appointed, leading to an increase in the number of cases processed, but the overall efficiency of the commissions did not improve as expected. Despite the increase in auditors, the total number of cases processed in 1882 was still lower than anticipated, with only 58% of the cases resulting in convictions.

The detailed report from the inspection of the Military Judicial Commissions illustrates the inefficiency of the system. The slow pace of legal proceedings was partly due to the laxity of some commissions, particularly the Tashkent commission, as highlighted by the inspection. Moreover, the significant delays in case resolutions and the increase in unresolved cases indicate that the commissions were not as effective as intended.

In conclusion, while the Military Judicial Commissions established by the Russian Empire in Turkestan were expected to serve as tools for

maintaining order, they did not meet the expectations of the imperial administration. The data provided in Girs' report serves as a clear example of how military judicial bodies became a tool for unjust decisions, where innocent local people were often wrongfully punished.

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