

## THE HOSTAGE DIARY

My name is Victor Skormin. I am a 62-year old university professor, more exactly, distinguished service professor at the State University of New York and director of a university research center. After cancer surgery I have one kidney that according to my nephrologists, Dr. Khan of Vestal NY, operates at 30% of its capacity. I have high blood pressure (Dr. S. Malkin of Vestal NY) and diabetes (Dr. Howland of Lourdes Hospital) and in order to operate take 6 different pills two times a day. Year and a half ago I was blessed with a titanium hip joint and still have problem walking. I am spending sleepless nights in a small hotel room in Astana, capital of Kazakhstan trying to shake off a nightmare that is a reality. I am accused of a crime that I did not commit and wait for a trial that according to my lawyer seldom acquits anyone because judges are afraid to be accused of accepting bribes. My hotel living costs me \$300 a day, but I suppose I must be happy: I just avoided being locked in jail where one could be infected with AIDS. My pills supply will expire in two days then my diabetes symptoms will kick in. Let me share with you my diary.

September 12, 2008: I arrived Almaty, Kazakhstan, invited by the President of the Kazakh National Al-Farabi University to assist in establishing American style PhD, deliver lectures, consult graduate students, and recruit Kazakh students to our graduate program.

September 13, 2008: In the evening I joined the celebration of the 40<sup>th</sup> anniversary of my graduation from the Kazakh Polytechnic Institute. Met a whole bunch of old boys and girls whom I haven't seen for at least third of a century, heard many stories about professional success, grandchildren retirement plans and untimely deaths.

September 14, 2008: Met three 62-year-old boys, my friends since the time we were ten. They are like brothers to me. We ate, drunk, recited almost forgotten stories of our childhood, talked about our parents who are not with us, and were singing songs that most people have forgotten.

September 15-18, 2008: Spend in the Al-Farabi university talking, teaching, advising, meeting deans and vice-presidents. There are many students interested in education abroad; money is not a problem anymore: President of Kazakhstan established a special fund called Balashak that supports virtually anyone who is qualified to be enrolled in a Western university. Right now there are more applicants but for a good reason: apartments belonging to students' parents are used as a collateral. Many students are uneasy with such a deal. Language is also a problem; in this part of the world English is taught by people who never used it, consequently they put emphasis not on live conversation but on grammar. Too bad. I always tell potential applicants to our graduate program: all requirements could be found on the website, but if you cannot read and understand them, do not apply.

September 19, 2008: I was the whole day in my Alma-Mater - the Kazakh National Technical University. I spend 5 years there as a student (1963-68), 3 years as a doctoral student (69-71), 3 years as a researcher (72-74), and 5 years as an Associate Professor (75-79). In 79 I was subjected to threats and insults when applied for emigration, and finally, in 1999 was elected an Honorary Professor. As an Honorary Professor I present there my annual lecture. But this visit was very special, my Internet-based lectures on Automatic Control Systems have been translated into Russian and English and a magnificent (bragging) 600-page book is supposed to appear in press in October 08. The book is published under the wing of the president of the technical university. He expressed interest in publishing three more volumes that altogether will include all major courses that I teach at Binghamton since 1986. Some time ago I proudly showed my book Immunocomputing to my mother and was dumbfounded by her question: why your father wrote thick books and wrote only one and so thin? I guess I am late with my response to her sarcasm.

September 20, 2008: I left Almaty and arrived to Astana following the invitation from the President of the Eurasian University. My function there is the same: assisting in establishing American style PhD, lecturing, consulting graduate students, and recruiting Kazakh students to our graduate program.

September 23-26, 2008: I was busy in the university lecturing (Adaptive Control Systems), running advising sessions and giving seminars on computer network security. Every evening my Kazakh colleagues invited me for an excessive dinner Kazakh style. On September 25 I had a meeting with the president of the program Balashak, a 31-year old business lady, highly intelligent and well traveled. I learned from her that Balashak really does not care about the tuition cost, unused money just return to the state budget, but the main issues are the rating of the university, ratings of the particular programs, presence on campus of a person governing international students, cost of leaving, and the level of crime. I think Binghamton is very competitive! She and I made arrangements about sending her materials on Binghamton University upon return home.

September 27, 2008: Department chairman, Dr. Bisenbi who had visited Binghamton, organized for me an overnight trip 260 km north to a lake. It was a cold and crisp weather. The most interesting feature of the lake is a natural, all granite, perfectly shaped pyramid, much bigger than the one in Egypt. I joked that what the Egyptians built at a tremendous cost, the Kazakhs got for free.

September 28, 2008: Returned to Astana and start packing luggage. My trip home was scheduled for 4:30 am on September 29.

September 29, 2008: This is when the nightmare began. Prof. Bisenbi and his doctoral student drove me to the airport in Astana, we arrived at 2:00 am. I registered and checked in my luggage taking with me my attaché and jacket. I had with me cash in the amount of \$14,221. This amount resulted from the compensation/reimbursement paid to me by two universities plus \$1,000 that I had of my own. I had with me documents identifying the source of this cash. Normally, about a half of this amount would pay for my expenses in Kazakhstan but I received this money on the last day of my stay and all my expenses were paid from my credit card. I knew that in JFK one does not have to fill the custom declaration on the way out and it was not required on my recent trips to (from) Russia, Kazakhstan and Czech Republic. I knew that I have documents clearly showing that the moneys were paid by the universities with the explanation of each item. After getting through the security, I assumed that the next booth is passport control. Half way to this booth a man in some kind of local uniform rushed me to the booth and I complied. The officer in the booth asked me typical question for a passport control: your passport? I was slightly surprised when he also asked if I have foreign currency. I assumed it was just human curiosity about “these rich Americans” but answered “yes”, and when he asked how much, I said \$3000 – the content of my wallet. He invited me to walk in a tiny windowless cabin to count money. When I presented the cash they announced that I must be arrested for illegal money trafficking. I offered documents from both universities indicating the legality of my cash but it did not have any effect. Two men in civilian clothing walked in and started counting cash and recording numbers of each of 144 banknotes, very slow, until my plane left. It was clear that they were expecting me to offer them a bribe but I am not familiar with this side of life and do not offer bribes. I was shocked to see in their eyes readiness to do anything to get my money. Later I found out that while hidden cameras monitor flow of passengers in the custom zone, there are no cameras in these tiny cabins and for a good reason.

This most frightening moment in my life my memory replays several times every night. Then the sleepless prosecutor occupying a cell in my brain blames me for not sending money to myself via Western Union-type service available in every bank. I blame myself for following the crowd and not reading signs. But I knew that only crazy would smuggle across the border legally earned money. I also understand that filling the custom declaration would so simple since I had justifying documents. It was not a show of disrespect for local laws – tired and sleepy at 2:30 am I mistook custom control booth for a

passport control booth. Was it clear to my captors? – yes. Could the man ushering me to the booth ask me if I filled the custom declaration? – yes. Could custom officers see the difference between a seasoned absentminded university professor and a currency smuggler? – yes. Did custom officers understand that I had no reason for smuggling this sum of money across the Kazakh border? – yes. Both investigators of my “crime” told me in front of my lawyer that they know that I am innocent but if they would close my case and let me out it will look like they received a bribe. So notwithstanding the absentminded professor syndrome, the essence of my trouble was bribery: I was arrested to extort a bribe and I am held here just to prove that nobody takes bribes. Did I become too old and lost the sense that I am walking on a mine field? - Yes, perhaps.

The interrogation in the tiny cabin was taking place for four hours, during this time I was not allowed to leave for the bathroom and see Professor Bisenbi who refused to leave the airport. Then I was escorted to a custom office in the airport, and finally, along with Professor Bisembi was driven to the central headquarters of custom service of Astana. Professor Bisembi heard one plain clothed man saying “I should have stopped it”. In the headquarters I spent endless hours answering questions of two investigators who were filling endless forms and finally announced that I am suspected of smuggling currency in exceptionally large amounts, and my money are confiscated and I will be transferred to a jail for further investigation. They explained that the jail part is necessary otherwise I can be hiding in American embassy for years. Fortunately, Professor Bisenbi managed to ask the President of his university to give written personal assurance of my appropriate behavior that he kindly signed, and only at 9 pm we were released and had our first meal of this day. I was in a small overpriced hotel and my phone was taking only incoming calls. I found a way to contact my son in Buffalo NY; soon after my phone rang - he was on the phone.

It was my hope that someone big and authoritative will come out of our embassy and save me. How naïve - a lady with Asian accent introducing herself as Elena called from the consulate, talked to my captors and then told me that she will request official explanations, but if I am accused of smuggling currency, she will just make sure that my human rights are not violated. Indeed.

September 30, 2008: It would be a routine for a suspected currency smuggler: I got an attorney, a 33-year-old Kazakh lady, Riza, mother of two, a daughter and sister of lawyers, smart, quiet and sweet. Later she told me that she belongs to a sect praying to Ieshiba Moshiah, a. k. Jesus Christ. She told me about patience, accepting the will of our merciful God, importance of this little golden phone through which our prayer reaches Him. She did right paperwork, made numerous phone calls, and was filling me with information about caught (real) money smugglers, complex interactions and private dealings of powerful men of Kazakhstan, and of course about bribes – the most ancient mechanism of wealth sharing that overwhelmed this society. All day I had a nauseating feeling of falling into an abyss. I ate only three glasses of yogurt. In the evening I was getting numerous phone calls from my concerned friends on both sides of the ocean. Then followed the sleepless night.

October 1-3, 2008: The diabolic game did not stop. I was scheduled for an investigative experiment in the airport where I showed how and where I walked at 2:30 am on the day when my crime was committed that was carefully photographed. Then a chart of my path, from the elevator to registration to security check to what I thought to be a passport control booth was drawn and has to be signed by several people including me and my attorney. For the next day I was scheduled for a psychiatric and alcohol/drug testing but it was later announced that the appropriate papers will be prepared without seeing me. Perhaps, someone decided that I am OK from these sides.

Meanwhile, my Kazakh visa expired and I could be subjected to arrest as an illegal immigrant. Following the request of my attorney and few calls from our consulate, my crime investigators, old and young, put me in someone’s luxuries car and took me to the immigration police to extend my visa. The procedure cost approximately \$20 and my young captor run to the bank to pay this amount out of his

pocket. While waiting, the old captor, also 62-year-old, had a very friendly conversation with me telling me about his life, asking about my life... Again, he reiterated that I have not committed a real crime and the prosecutor or court may just close my case.

Our phone line connecting us (and may be everybody else) to the American consulate was severed. My attorney suggested that we visit the consul in person; perhaps she was worrying about something that she never told me. She drove me to the compound and walked in. I got my share in the great American pie thirty years ago and at a very high price; let me tell you – when I walked in I almost cried. The consul received us almost immediately. He was a relatively young man whose face showed intelligence and good education and through a bullet-proof glass I was telling him my story enjoying my English language that I did not use for so long. Perhaps he heard too many stories of bribes and injustice, both truths and lies. Can tell you one thing: he was thoughtful, little bit sad and polite. He promised to follow my progress and gave me a card with a cell phone in the case if regular phone would be disconnected again.

My attorney found for me an apartment at \$50 per night instead of \$200 per night hotel where I lived before. The apartment was reasonably clean but the smell of the lavatory was quite pronounced. In the evening, I was visited by my old crime investigator who suggested bringing a bottle of brandy but I refused. He told me that he was in this apartment before; it was a kind of apartments that are used for extramarital affairs and could be rented along with the apartment owner, a robust 40-year-old lady. We talked about life and he suggested that I should have bribed to custom officer and that my attorney should know how to bribe the judge.

October 4, 2008: Two days ago my friend in Almaty told my story to a local Russian language newspaper Express-K; soon after I got a phone call from a reporter who visited me along with a photographer whom I told my story. They told me that in their experience my entire adventure stems from an attempt to extort bribe and later from the attempt to cover the first attempt. They told me that President Nazarbaev reads their newspaper and that some heads will be chopped off. I replied that I do not care and just feel like my head may fell off: all these days I could not eat and sleep. I have in my hands the newspaper with my big photo on the first page; I keep my empty pills dispenser; my face looks unfriendly; there is no evidence of food deprivation. The article is titled “The Declaration of Dependence” – American motive – Declaration of Independence plus a reference to custom declaration. The article is very supportive; it even mentions the infamous Borat movie that was making fun of Kazakhstan and Kazakhs. Indeed, situations like this are destructive to the international image of Kazakhstan. Unfortunately, bribe takers are concern only about their personal images. But the most important is this: would this newspaper article help to release me? The problem is in a very simple fact: I was told that my captors have no problem placing heroin in my suitcase and then police dog can easily find it...

Want to tell you something else: my PhD student from Kazakhstan, Arnur Tokhtabayev, called me from Binghamton, apologized for his countrymen and asked me not to hate Kazakhstan and Kazakhs. You have my promise, Arnur.

October 5, 2008: It was a day off. My official host, Prof. Bisenbi and I had the longest walk since I got my titanium hip. It is a warm fall, somewhat like our Indian summer. This place used to be a tiny provincial town, perhaps big village, called Aktubinsk, later Khrushchev renamed it into Tzelinograd (Virgin Land City), and now oil-rich Nazarbaev called it Astana (Capital City). It is beautifully built and still is being built following the plans of a Japanese architect who recently died. It has gigantic observation towers, skyscrapers, palaces, statues of bronze horsemen, pyramid bigger than the one in Giza, bridges, river encapsulated in granite, luxury cars follow one another. I understand the will and superhuman organizational effort of President Nazarbaev behind this architectural jewel in the middle of nowhere that was created in spite of corruption, laziness, irresponsibility, thievery, and all other sins inherited from Communism.

We ended up in a two story Georgian restaurant and I was treated by a great dinner with wonderful Georgian \$60 a bottle wine. My host tried so hard to sweeten my bitter experience. For a short time I forgot that I am a hostage, perhaps a canary in a golden cage. We spoke about politics, old friends, history, carefully avoiding topics related to my problem, so traumatic for both my host and me. Then there was another sleepless night filled with dialogues with my internal prosecutor.

October 6, 2008: I had the most promising meeting with the prosecutor, a very friendly young man with good manners and sense of humor. He was listening to my reasoning of the absurdness of my criminal case and smiled to my sarcastic comments. His final question was about the result of presidential elections in the US. I left with the sense of relief: it really looked that my case will be dismissed.

October 7 - 8, 2008: The prosecutor approved my criminal case and forwarded it to court. This prompted my poem below:

Don't ask canary for a song  
Because it's caged through all day long  
Although it's a golden cage  
It's filled with sorrow and rage,  
With prayer and with silent scream  
With horror filling every dream  
With sparks of hope in the night  
That die in morning's milky light.

Wake up, Almighty, get amazed  
It is my mind that's getting crazed  
It is my life's the darkest page  
It is my face inside the cage  
It is my heart that is in pain  
My whole future looks in vain  
And days that I ungainly spend  
Reminds me of untimely end

Almighty, I should not complain  
I could be accidentally slain  
I am in cage, but not on chain  
And under roof not under rain  
But I am falsely accused  
My plea for truth has been refused  
My sense of justice is abused  
I'm very tired and confused

But I discovered that friends  
Come to support when justice ends  
And I believe truth will prevail  
And piece of justice, cold and stale  
Still will be served me in the cage  
And truth will occupy the stage  
And then I will express my rage  
Outside the cage...

In the evening I got a call from a man who was my friend when we were students. He told me that his son-in-law is a prominent businessman and he instructed him to place me in one of his apartments in Astana. Soon after this call a 40-year-old man, built like a wrestler, showed up on my doorsteps and announced, “Dr. Skormin, I am taking you to a little bit better place”. Half an hour later I was in the most magnificent apartment in a high-rise building in the heart of the city with a view on the President’s Palace. It had heated marble floors, was expensively furnished and had the most modern bathroom, kitchen and security equipment. It became my golden cage mentioned in the poem.

October 9, 2008: I was told that today my criminal case will be delivered to the court and that I should feel lucky: the prosecutor could have studying it for ten working days.

President of the Kazakh National Technical University, Dosym Suleev, promised to arrive from Almaty to Astana to organize efforts to support me.

Today I realized that my medication that was purchased for me locally with the help of my son does not work: my feet are swollen and toes are numb – this would normally happen to me when I run out of medication for a couple days. It may very well be that my American-made \$170 per container diabetes pills are fabricated by a local craftsman hopefully from bread – this is a very common practice in this part of the world.

October 10, 2008: First Vice-President of the Al-Farabi University, Dr. Mansurov, sent a very strong letter in my support.

My lawyer told me today that the court has its constitutional right to set up a trial within two months after receiving a criminal case.

The lady in the US consulate told me that they would send an official request to Kazakhstan government to release me based on my medical condition. Following the suggestion of our consulate I visited one of the better medical facilities in Astana to assess my health status. The assessment was laughingly unsophisticated they asked for my American diagnosis, rewrote it in English and place a seal of their institution. When I asked if they would check my blood sugar I was told to go downstairs to an internist and get in line. It was a very long line and I decided not to... I expected that the consulate will arrange for my return home. Later I found that the official request never was filed.

October 11, 2008: President of the Kazakh National Technical University, Dosym Suleev, who knew me since we both were students, met me in the airport between his flights and gave me his warm hand-written letter describing my character, sense of humor, contribution to the university and Kazakhstan in general. He was on his way to an island resort.

My diabetic symptoms got worse.

October 12, 2008: It has been an empty day, but in my golden cage I discovered DVDs with 30 hours of the Genghis Khan movie series made in China and translated in Russian. Not only it was educational and kept me busy for 30 hours over several days, it was very insightful: the Kazakhs were one of the nomad tribes that participated in Genghis Khan Army. Now I am dealing with their descendents. Indeed.

October 13, 2008: It was announced that the assigned judge is Almagul Ospanovna Esgauletova scheduled my trial for October 28 that will be followed by 2 weeks for appeals. This means that I am locked in Kazakhstan for another month! I called President of my university Lois DeFleur and asked her for help referring to my medical conditions and to the fact that my medication does not work; she told me that she assigned university lawyer to get involved. My attorney Riza Nurbaeva promised to meet with the judge and ask to reschedule my trial. I spoke with Elena, assistant to our consul and she promised also to speak with the judge. Consequently, the new trial date is October 21.

I received a phone call from a reporter of the Kazakhstani newspaper that placed an article in my support. He was very surprised to find out that there was absolutely no progress in my case and told me that he has to interview academics who know me and to place a second article.

Later today I received a letter of support from the member of the Russian Academy of Sciences, director of the St.Petersburg Institute for Information and Control Dr. R. Yusupov and the Chief Scientist of this Institute Dr. V. Gorodetski. They described my contribution to the 11-year research collaboration between Russian Scientists of their institute and scientists of US Air Force and assured that I could not possibly have criminal intentions.

October 14, 2008: I received phone calls from several colleagues who were interviewed by the newspaper. The reporter, A. Kaminski, called me and assured that his article describing all absurdness of my situation will be published on Saturday, October 18. The rest of the day I spent watching the endless Genghis Khan movie and making comparisons ...

Later today I found out that the university attorney finally called our consulate but the consulate lady refused to talk to her because of the privacy rules: I had to give consulate a formal permission to discuss my health with strangers. Our political correctness works even in Kazakhstan!

Late in the evening I got calls from my friend Jim Moronski from home. First, he reached offices of our congressman Morris Hinchie and Senator Shumer who promised to work on my behalf. Second, he found a way to receive all invoices and bills that were waiting for me in the post office, with my help got access to my account and paid them all.

October 15, 2008: This is a bad day. In the morning I receive a phone call from the consul who asked me traditional “how are you”. Instead of offering a list of my problems, including numbness in my swollen feet, that he was aware of from our previous conversation, I answered “not bad – C-plus”. The result was swift and totally unexpected: offices of congressman Hinchie and Senator Shumer received an e-mail stating that “medical condition of Dr. Skormin is stable and his illnesses are treated”. Each office immediately closed my case.

October 16, 2008: I spent this day talking to the consul who acknowledged that his colleague misinterpreted my answer and being a diplomat produced an elaborate apologies. He explained that offices of Hinchie and Shumer were actually contacted by the legal counselor of my university who, as he said, did not have to rush. I called the president of my university, told her about my problems, my health situation that was misinterpreted in such a crucial time, inability to obtain medications, and was heard. I asked the president to contact Hilary Clinton’s office and ask for help. She promised to instruct the university lawyer. Consequently I called the lady-counselor, she was abrasive and sound very prejudiced against me; hesitantly she agreed to talk to me and promised to do something to help me under the “tight constraints she has”.

I realized that I have to have my health assessed by respectable local physicians. Our consulate instructed me to address the SOS office that is regarded as the most advanced diagnostic facility in Astana. I was warned that it is “very expensive: only the entrance fee is \$500”. My financial situation was disastrous; I made sure that my health insurance assured me that my medical expenses will be reimbursed and made an appointment in the SOS office.

October 17, 2008: In the SOS office I was met by a short skinny lady with sad but very intelligent eyes who introduced herself in quite decent English as Dr. Elena. Knowing how ungainly she looks, he assured me of her many years of experience that also included lecturing in a medical school. Her office had a modern computer and was copied after an American medical office that would be normally manned by a nurse. Even the garbage container had an English label. Dr. Elena, relieved that I could speak Russian, started asking questions about my health status and filling some forms. When my health problems were recorded, the next question was if I have enough cash to pay for medical treatment because the cost will be under a thousand US dollars. My credit card was immediately rejected, and Dr.

Elena made at least half a dozen phone calls to her superiors to let me bring cash tomorrow. The answer was unambiguous: no money - no treatment. She was embarrassed but told me that she cannot disobey the order: every piece of instrumentation and materials – from a napkin to latex gloves must be accounted for and she cannot afford their super inflated costs to be subtracted from her \$500 per month salary. It was my turn to make half a dozen phone calls, finally, one of my Kazakhstani friends, a department chairman of system science at the local university, promised to bring to the office the money. Dr. Elena made another half a dozen calls that yielded the answer: do not do anything until cash will be in your hands. She blushed and spent one and a half hour talking to me about life in America that in her view was so materialistic that she would never imagine herself joining her brother who is living in America for seven years, but “is making sure that his daughter is brought up to be a really Russian girl”. It looked like that I was the only patient scheduled at the SOS office for the first half of the day.

Finally cash arrived, and I was subjected to comprehensive and very thorough medical tests that were conducted personally by Dr. Elena. Actually, there was a nurse in the office, but she was a relative of the owner of SOS office and was overseeing Elena’s work, perhaps making sure that she will not spend more napkins than necessary. The medical test supported my claims of poor health; even my only kidney was carefully counted. It took some time to analyze my list of medications, to translate my blood sugar count from Russian to American units, and finally, my complains, my medical history, test results and doctor’s recommendations were typed in the computer in quite decent English, printed out and signed by Dr. Elena. The supervisory nurse walked in, gave me the bill, two or three times counted the money, then applied the office seal on the top of Elena’s signature, and handed me the document. It had an important conclusion: “It is in the interest of the patient to return to his home country as soon as possible and be observed by his existing medical team”. One hour later, our consul read the document and said: “OK, now I know what we will do”. I still had no real medications and was feeling increasingly worse, but I had a hope that Kazakh government will receive the demands of the US consulate and will let me out. I was naïve.

October 18, 2008: The promised newspaper article did not appear. It was a bad news. I was told by friends that the reporter spent considerable time interviewing many academics who unanimously supported me. I also was told that a petition on my behalf is circulated among my friends in academia. I hoped that it may help. Then I got a phone call from the man who wrote the article; he said that it was delayed because of technical problems and will appear on October 21.

Today it was announced that my trial is scheduled for October 28. This meant that since there is a 15 day waiting period after the trial, and trial may take more than one day, I will return home in the mid-November. Should the court decision be appealed, I may stay here indefinitely. My lawyer tried to reason with the judge about the trial date, but the answer was: we must schedule trials within a two-month period and we always do. I assumed that there was a call from the US consulate as well. Consequently the trial was rescheduled for 4 pm on October 21. It was a small victory.

October 19-20, 2008. I woke up late with a very bad headache and pain in my legs that were swollen below my knees. There was no sensitivity in my feet. I realized that my only kidney just went on strike. I called Dr. Elena and my son in Buffalo, NY, who immediately contacted my nephrologists, Dr. Khan of Vestal. Their response was unanimous: I must call ambulance and be taken to a hospital that is equipped to perform dialysis. Dr. Elena gave me the phone of a private ambulance, the only one that can take me to the President’s hospital, “the only properly equipped facility with proper medical conditions”. By mistake, I called the ambulance in Russian; the answer was highly abrasive: “Who the hell are you and why the hell are you calling here? Do you know that our visit costs \$200, and why the hell you think that you belong in the President’s hospital?” I panicked and yelled back in English; they simply hanged up. Then I called Dr. Elena who made arrangements on my behalf, and in no time the ambulance arrived. The ambulance had two physicians on board: the Enthusiastic One who did not know what to do, and the Tired One who knew what to do. They spent in my apartment at least one hour taking my blood pressure and EKG several times with completely different results, checking my blood sugar five or six times and

averaging the mutually-exclusive readings, and doing endless paperwork. Finally, the ambulance took me to the hospital.

The President's hospital was a warm, clean, empty and sleepy place. I was told that because of weekend there is nobody who can offer real help, but a good single room with a private bathroom is waiting for me, the bed is soft, the food is good, and I can always ring a bell for a nurse. With swollen legs and a terrible headache I got in bed and fall asleep. I woke up because of smell of food. The concept of "breakfast food" and "lunch food" is unknown in this part of the world; what I got reminded me food cooked by my grandmother fifty five years ago.

Two men walked in my room. The big one introduced himself as the therapy head of the hospital, professor and director of a research center. When I explained him that I am also a professor and director of a research center, he stopped being condescending and cracked a joke: "welcome to the President's hospital, which is as President's as everything else in this country". The second man, whom I initially assumed to be a KGB officer, happened to be a very good urologist, who took me to his office and did a very thorough ultrasonic examination of my kidney, explaining in real time every feature of the image on the screen. It was much more educational than anything I ever had in the US. It became very clear to me that the filtration ability of my kidney is next to nothing. Within the next 48 hours I received several medications, two of them into my bloodstream, and my kidney start working again providing plenty indication of its activity. My physicians agreed that the medications purchased for me locally are most likely counterfeited and offered me the real ones. The swellings on my legs were gone, the headache was gone, and in the morning of October 21 I left the hospital "against the medical advice" with the promise to return if my kidney will give me trouble again and with a three-day supply of the "real" medications. The two day treatment plus ambulance cost me \$500 – just the monthly income of Dr. Elena.

October 21, 2008: Today is the day of my trial. I left the hospital early enough to shave, take shower and change. The first news of the day was the article "Borats of the Customs" (I want to remind that "Borat" was the title of the comedy making fun of the Kazakhs and Kazakhstan). It is available in Russian at the newspaper's website, just search for "Express K" in the Internet, and its English translation could be found at [www.bringvictorhome.com](http://www.bringvictorhome.com)

The courthouse is an old building that was recently renovated. Although very expensive materials were used (polished granite and marble tiles), the quality of renovation was very bad, tiles are broken, walls cracked, pieces of telephone wire are sticking out of the walls. The renovators had no concern for the safety of humans walking on floors made of polished granite; this winter many human bones will be broken in this building. The court secretary, a tall Asian girl dressed as a Los Angeles hooker announced the arrival of the judge. All raised.

The Judge was a fifty-year-old lady with attentive, scanning eyes of someone who is ready to uncertainties of life and sudden turns of the road ahead. Watching her dress and mannerism immediately told me that she watched too many Hollywood movies about judges and courts.

I was allowed to present my version of the story. I spent 10 minutes talking about me being born in Kazakhstan, becoming an American, maintaining ties with my colleagues in Kazakhstan, becoming an Honorary Professor at the Kazakh Technical University, my involvement in various educational programs in Kazakhstan, my unique 600-page book in three languages, English, Kazakh and Russian, that will appear in the bookstores in the nearest future. On September 29 at 2:30 a.m. on my way home in the Astana airport I mistook the customs office for the passport control office and misrepresented the amount of cash I had with me. It happened only because I was tired, sleepy and had my periodic blood sugar high. I emphasize that I had no criminal intentions what-so-ever: I presented to the custom officers all documentation explaining the source of the money. My mistake could not possibly cause any economic or any other damage to the Republic of Kazakhstan. However, I am being detained by Kazakhstani officials since September 29 as a money smuggler and my passport and earned money were confiscated. I stated that all my "crime" is nothing but a harmless mistake for which I have been severely punished by almost a month of house arrest.

The prosecutor stated that by attempting to smuggle an *excessively high amount* (\$14,221) of foreign currency across the custom border I had a criminal intent to cause harm to the national economy of Kazakhstan and violated particular sections of the anti-contraband law. He agreed that I have a good reputation, however, the “law must be applied equally to everybody” and requested for me a \$2000 fine and full confiscation of the money I “tried to smuggle”, i.e. \$14,221.

Then it was time to question the witnesses, i.e. the custom officers. Since they simply did not show up, the judge announced that the continuation of the trial will be scheduled for October 29. My attorney managed to convince Her Honor to continue on October 23.

October 22, 2008: The day was filled with the attempts to ensure that custom officers will appear in court. Knowing that their absence would not result in a dismissal of my case and that delays are damaging to me, technically they could fail to show up again and again. At the same time, I received some threatening phone calls from my crime investigators: they did not like my statement that appeared in the second newspaper article: “I saw in the eyes of custom officers a hunger for my money and the readiness to do anything in their power to get the money”, or something to this effect. They felt that it is very unfair and promised that I will be sorry about it. I responded that this indeed was my personal perception of the situation and I am the one who was treated unfair. I also told them that they did to me all bad things that they possibly could and they already cannot do worse.

October 23, 2008: The witnesses did arrive. They did not say much: everything was on the video. My attorney asked why they did not follow the written regulation for custom officers that requires them to explain passengers that they are in the custom zone and remind them that custom declarations must be filled and signed. Their response was that the request was played on radio every three to five minutes (indeed it was but was illegible due to poor acoustics). The officer who rushed me to the custom booth was asked why he did not tell me that I am in the custom zone; his response was “I do not remember why. Skormin looked like he lost his way and I gave him directions”. The custom officer in the booth who asked for my passport first, and did not say a word about being a custom officer, said that it was clear from his uniform (that I did not recognize). When I asked him if national interests of Kazakhstan will be harmed if they would not stop me at all, the answer was “yes”, when I asked “in what way it will be harmed?” the answer was “I do not know”.

The judge offered me to make a statement. I said that there is law and there is fairness. The law is the prosecutor’s domain, and the fairness is the judge’s domain. I said that I hope that both the law and the fairness will be properly served.

Her Honor scheduled viewing videos for the morning of the next day. I heard the prosecutor’s laughter: “he wants me to forget the law for the sake of fairness”

October 24, 2003: Since nobody knew how to use the computer, I had to do it. Two CDs did not show any new information; it was seen how I got through security check, how a custom officer rushed me towards the booth, how I approached the booth, etc. I’d like to reiterate that there is no cameras in the tiny cabin where the deal are made and the bribes change hands.

Her Honor announced that the trial is over and in two hours she will announce the judgment.

We had a lunch with Prof. Bisenbi and my attorney and agreed that the most likely outcome would be that I will be fined and my money be returned. Such a decision would prevent me from suing for damages, that I could do only if I am acquitted, and address the fact that the money were legally earned.

In disbelief I heard the judgment: “... guilty of contraband of foreign currency in extra large amount... fine of \$2000, reimbursement of the legal expenses in the amount of \$100, and confiscation of \$11,221 ...” In addition, I had to wait for another 15 days for the judgment to come into effect.

In my last word I said “do you realize that in addition to losing all what earned in Kazakhstan you forced me to spend over a month under house arrest, two days in the hospital and many other expenses?” Her honor said “thank you”. The trial was over.

October 25-26, 2008: Although it was not much to celebrate, Prof. Bisenbi invited me to his modest apartment for dinner. He made a very interesting point: thirty years ago university professors, scientists and especially members of the Academy of Science were highly respected and well-paid part of the population. Their opinions were respected by the authorities. Nowadays their status is different, they receive very low salaries and nobody takes them seriously – all letters to the court on my behalf were completely ignored. Then he spoke about the judicial system of Kazakhstan that is driven by bribes and the phone calls “from above”. He showed me the newspaper that was published just yesterday, on the exact day of my trial. Below are some excerpts from this newspaper.

Kazakhstani newspaper “Moia Respublika (My Republic)” of October 24, 2008

Website: [www.respublika.kz](http://www.respublika.kz), E-mail: [respublika\\_kz@list.ru](mailto:respublika_kz@list.ru)

Excerpts from the article by Valeri Mamchenko and Tamara Merezha

### **“Is there justice in Kazakhstan?”**

In the past the newspaper was discussing the sad conclusions of the investigation of the corruption problem conducted by the Association of sociologists of Kazakhstan. According to the study, the “greediest” in the field of corruption are courts. However, the most troublesome is that the population has effectively accepted this reality.

Information from the Public Anti-Corruption Council “Nur Otan”:

During the third quarter of 2008 six out of ten citizens of Kazakhstan (61.6% of the respondents) at least once were involved in corruption (giving or accepting bribes). This figure grew by 2.3% comparing with the second quarter of 2008. During the third quarter of 2008 the pressure on the population forcing citizens to participate in corruption shows 20% increase comparing with the second quarter.

Distribution of bribes in the third quarter of 2008:

1. Courts (average bribe \$2092)
2. Purchase of land parcels (average bribe \$1320)
3. Career advancement (average bribe \$1050)
4. Military drafts (average bribe \$820)
5. Purchase of apartment (\$764)

The “greediest” courts are in Almaty and Astana where average bribe exceeds \$3000. 9 out of 16 regions of Kazakhstan showed that the willingness of population to offer a bribe grew by 4.9% during the summer of 2008. In the third quarter of 2008 the anti-corruption notion among the population fell by 10% comparing with the second quarter. The conclusion is made that the population of Kazakhstan generally accepts bribery as a necessary part of life.

An Anticorruption Centre of Kazakhstan exists 6 months. During this time it received over 500 voluntary reports on instances of bribery: 13% of these reports are in connection with courts, 24% in connection with education, and 13% in connection with private property rights.

All judges are appointed directly by the President of Kazakhstan Nazarbaev. Official information about dismissal and prosecution of corrupted judges is unavailable.

Opinion of the known in Kazakhstan human right activist E. Zhovtis: a system of judicial bribery has already been established, everyone within this system must follow already existing rules that include bribery. Those who refuse are discarded by the system.

Polling 52 randomly chosen residents of Karaganda aged from 18 to 69 yielded these results:

60% are personally familiar with cases of judicial wrongdoing  
78% do not believe that all citizens are equally treated by the law and courts  
98% never heard about someone who got compensation for the damage caused by wrongdoing of courts and judges  
84% believe that courts would work better if judges be honest and objective, instead of getting a better salary  
75% do not believe in honesty and objectiveness of judges

(From page 5 of the newspaper)

October 27, 2008: The President of the Eurasian University, formerly a Member of the Supreme Court of Kazakhstan, was angered with the court decision and started making phone calls. He spoke with my judge, with the Chairman of the district court and some other undisclosed offices. He promised to organize for my early release. Generally, I could not get my \$3000, my passport and leave without paying the \$2000 fine and legal expenses. I could not make any payments because ALL MY MONEY was confiscated. Therefore, the University President concentrated on finding a way from this vicious circle. It took him over two days to make some arrangements that later fell through. How would it be for a simple Kazakh citizen who is not supported by a former member of the Supreme court?!

October 30, 2008: The phone calls made by the President of the Eurasian University on my behalf were not entirely in vain. My attorney received a call from Her Honor, the judge, who invited us to come and get my passport. Her Honor was 30 minute late for the meeting; she invited us in her office and requested that I submit an application stating that “because of my poor health I must urgently return to the US for medical treatment; I have no intention to appeal the court ruling; I agree with the court decision, and consequently I am requesting that my passport be returned before the court ruling comes into effect.” I was concerned that such an application would preclude me from appealing the court decision in the future but my attorney explained that it will not because it is written due to my medical concerns. Normally, the 15 days waiting period would expire on November 10 and it was worth to me to cut my house arrest by ten days. With a smile of a British royalty Her Honor handed me my passport and said “thank you” reminding us that her time is very valuable. Looking through my long awaited passport I realized that my visa issued by the Kazakh authorities expires today and asked Her Honor if it will cause me difficulty in leaving the country. Her answer was quite unsophisticated “I am not familiar with these laws, buy your ticket and I hope that they will let you out”. “Your Honor, you made me a smuggler, now I can get arrested for the illegal attempt to cross the national border of Kazakhstan, would you please write a note to the border guards?” – She said “No. You will be OK without my note. Thank you.”

Thirty minutes later I was in the airport buying my new ticket home. I felt great: I will be leaving this godforsaken place at 6 am on Monday November 3. I was naïve again: the hospital land of Kazakhstan was not ready to let me go so easy. While in the airport, just in case, I stopped at the border control office and asked if I will have problem leaving on November 3<sup>rd</sup> with my visa status. No, said the officer, with this passport we will take you off the airplane in no time – you must rush to the immigration police before we get you arrested for the violation of the visa regulations (I want to remind you that Russia, China and Kazakhstan are the only states in the world that require Americans to have visas). So, I rushed to the immigration police. It was a dirty place filled to capacity with all kind of refugees from troublesome Caucasus and stricken by unemployment Middle Asia, tired, angry and willing to offer bribes. After an hour waiting in line it was my turn at the small window. After I brief explained my situation I was told to bring five different notes from five different offices in original, “with proper signatures and seals” by 5 pm otherwise the boss will have no time to review the case before the weekend. It was a carefully hidden request of a bribe: it was Thursday; my flight was scheduled for early morning of Monday, and not having a visa before the weekend effectively meant that I had to discard my existing

ticket and later buy a new one for a different date. I joined efforts with my attorney and her brother, also an attorney, and we, three highly educated professionals, did unthinkable – by 5 pm we produced the required documents and submitted them into the small window. By this time the “boss” has left for the day.

October 31, 2008: During the night I received several phone calls from my friends in the US, who thirty years ago spent years trying to get out from Kazakhstan. They were sure that this night I will be arrested for the violation of the visa regulations and I must run to the US embassy and get asylum there. I decided against it (naïve again?). I woke up at 5 am stricken by anxiety. At 9:30 am I was told that the “boos” is not in his office yet. At 10:30 my attorney called and announced his decision: I will get my visa only after I pay the \$2000 fine imposed by the court. It was a blow below the belt: just yesterday the judge agreed that the fine will be paid out of the \$3000 that will not be confiscated after I will receive this money. Just yesterday I could request my son to wire this sum to me – it would take 24 hours to receive it here; today it was late. Obviously, it was the penalty for not offering the bribe. In this part of the world, \$2000 is not a lot of money for a corrupted judge or a businessman, but for the university employees it is a four – five month salary! Do I dare to ask these poor people for a loan?

It is noon. Several people put together their modest savings to form the required sum of \$2000 that will be paid by my attorney as the local bank open at 2:30 pm. The receipt will be submitted in the small window of the immigration police, and my way home will be cleared. Am I naïve again?

Afternoon I knew that I indeed was naïve. My poor lawyer tried to pay my fine in the nearest bank. The payment was not accepted because I, Victor Skormin, do not have an equivalent of our Social Security Number. The fact that I am a foreigner was disregarded, but the bank suggested making this payment in a different bank that may not have so strict regulations. The second bank directed us to the third bank...with the same result. The fourth bank suggested that I applied for this number and will receive it within a week. At 4:30 I called the American consulate and with their help the fourth bank accepted the payment. At 4:50 we tried to submit the receipt to the “small window” but suddenly found out that the receipt must be registered by the judge who imposed the fine and have her signature. It was getting late but the immigration police officer agreed to wait for us after hours till 6 p.m., perhaps for a fee. At six p.m. we handed him all what was required. We were told to come tomorrow, on Saturday, in the morning.

Later today I gave a phone interview to a lady from a Russian newspaper published in Moscow. She was honestly amazed with my story.

November 1, 2008: Good news! We were told that “I was granted a visa” that enables me to leave Kazakhstan. I spent half a day with my attorney filling and notarizing documents that will enable her to receive my \$3000 and disperse them as required. Later I paid \$200 for the ambulance and \$500 for the treatment at the President’s hospital. In the evening Prof. Bisenbi invited me to a restaurant to celebrate my approaching departure. Again, he decided to take me to the airport and watch me leaving the country. He said, “In Kazakhstan one can never be sure of anything”. I agreed.

November 2, 2008: I woke up at 2 a.m. because of a nightmare; I dreamed that I am detained in the airport again. Visions of many provocations against me by customs, police and KGB were going through my mind. I called Jim Moronski in New York who told me that he has the same thoughts. I dictated him names of some Kazakhs who may organize such a provocation, and first of all KGB General Karbuzov, the current head of the custom service, who was personally responsible for my adventure. ( I was told that his colleagues suggested him to release me; his response was “nyet” - I added this piece of information already in US: in Kazakhstan mentioning this would be extremely dangerous). Finally, we decided that the odds of a provocation are low.... but I have to be careful. I took cold shower and start packing my suitcase...

November 3, 2008: Exactly like it was more than one month ago, Professor Bisenbi took me to the airport. It was 3 a.m. and very cold. We were joking that if I would stay till the end of the 15 day after trial period I would end up spending money on winter clothing. We both were nervous. Custom officers recognized me and looked victorious. The passport control guy was surprised to see so many marks on my passport and was checking me for at least twenty minutes. Finally, I was awaiting the call for boarding. I realized that my heart starts pounding each time someone in uniform was walking through the waiting zone. Only when the airplane was landing in Germany I was fully relieved.

In Frankfurt airport I spent three hours in the bar drinking Applewine (German hard apple cider) and exchanging jokes and enjoying using my English. I mentioned to one of the passengers, also fond of the Applewine, that after my adventure in Kazakhstan I am ready to kiss the first custom officer I will see in JFK, and he guessed that it looks like I will be arrested in JFK as well.

My dear doctoral students, Arnur and Andrew, were waiting for me. On my way home I received phone calls from my friend Jim Moronski who created the website [www.bringvictorhome.com](http://www.bringvictorhome.com) and was so active in fighting through all levels of bureaucracy, my Assistant Dottie, her husband Bob, my former student and colleague Vlad who were waiting for me at my home and according to Jim were helping themselves going through my bar... Finally, my garage door opened and my Rottweiler Kaiser licked my face. It was my home, sweet home!

I, Victor Skormin, express my deepest thanks to all my numerous friends in Kazakhstan and US who helped me to get through this trouble and get home in one piece. I promise to write about all of you.