
Alexander Bastrykin takes part in round table at All-Russian State University of Justice



The All-Russian State University of Justice together with the Russia-Armenia (Slavic) University (Yerevan) has held a round table discussion: Urgent issues of criminal law science and law enforcement practice in the CIS countries.

The round table was attended by: Chairman of the Investigative Committee Alexander Bastrykin, Chancellor of the All-Russian State University of Justice Olga Aleksandrova, Russia's Deputy Minister of Justice Dmitry Aristov, Judge of the RF Supreme Court Olga Vedernikova, Adviser to the Chief Justice of the Armenia's Constitutional Court Aram Vardevanyan, professors and scientists of leading educational and scientific institutions of the Russian Federation and Armenia, representatives of other CIS countries, as well as researchers from Germany interested in development of the said issue, practical experts of the Russian Ministry of Justice, judges of the Moscow City Court, representatives of regional courts of justice and representatives of the Russia's

Prosecutor's Office.

In his speech the Chairman of the Investigative Committee noted that “meeting in the form of round table shows our common interest in joining efforts to develop single doctrines, unifying and harmonizing separate legal institutions, and in the long run in ensuring uniformity of law enforcement practice in the CIS countries”.

Speaking about the law on criminal liability for manipulating market and illegal use of insider information, Mr. Bastrykin noted that the legislation in this area needed to be improved. “One of the problems is that there are a lot of so-called dead norms with extremely low law-enforcement potential. Such norms are undesirable in the current criminal legislation because they only make semblance of criminal protection of corresponding civil relations, which in fact are not protected from infringement at all. For example, it is well-known that such severe devaluation of Russian ruble was connected to not only fundamental economic factors (fall in oil prices, large dependence of the Russian economy on imported goods, tougher monetary policy of the USA, world's recession), but to the strongest pressure of speculation on the ruble. Some large participants of the foreign exchange market were building their speculation strategies using financial instruments in such a way as if they knew all the details of further dynamic of fluctuations in the rate of national currency exchange. It seems that without some insider information they would hardly make such speculative transactions involving high risks using almost all cash position they had. Meanwhile, over three years since articles 185.3 and 185.6 of the RF Criminal Code that carry liability for manipulation of the market and illegal use of insider information came into force, only three cases have been opened over such crimes. This is connected not only to some objective difficulties and lack of skills in revealing such crimes. Those articles are in essence norms almost impossible to use.”

Proceeding from national problems to international ones, the Chairman said: “It is hard to argue that the national law system in general and criminal laws especially can't move away and exist in isolation from outward challenges and threats to the state. They should guard the statehood and national sovereignty. We can say with confidence that over the past two decades many states, including the former Soviet Union, have been living in so-called hybrid war (economic, political, informational) waged by the United States and supported by some other countries. Moreover, in the past few years this war has moved to an absolutely new phase of open confrontation. Main elements of its economic area are dumping wars at fuel market and considerable fall in its prices and currency wars suggesting all-round world expansion of the US dollar, emission of which is not secured by any assets, but depends on artificial demand. Another of the elements is economic sanctions, aimed at most vulnerable sectors of Russian economy. It should be noted that Russian organizations were deprived of the channels of outside long-term borrowing which made the basis for investments in development of real (production) sectors of economy and ensured economic growth. It is remarkable that restrictions in the movement of finances were not applied to short-term financing which forms the speculative capital that presses our national currency. As a result we have a situation when the money supply is much shrunken (the degree of monetization of the economy is three-four times less than that in industrially-oriented countries) and there is not enough money to develop production.

There is budgeted deficit and consequent reductions of its supply and growth of fiscal load to increase the income. The income of people has fallen pulling down customer demand. All this, of course, does not help to implement tasks outlined by the country's leadership to substitute import, raise the technological level of production, strengthen competitiveness of Russian not raw materials on outward markets. Unfortunately, justice has become one more victim in this hybrid war. It is surprising that judicial authorities of some of the countries easily make decisions, connect certain crimes to senior officials of Russia without any proof, defying not only all possible universal principles and standards of the law of evidence, but functional immunity of such officials set by the international law. Striking examples of this are decisions made over YuKOS cases, the report on the murder of former FSB officer Alexander Litvinenko in London, the report of the Netherlands Security Committee on the investigation in the crash of Malaysian Boeing MH17, the check conducted by the US FBI into legitimacy of giving Russia and Qatar the right to host the 2018 and 2022 FIFA Cup, kidnapping, forced transportation to the USA and conviction to long prison terms of our citizens Viktor But and Konstantin Yaroshenko”.

Mr. Bastrykin also noted the necessity of building the international system of checks and balances which would allow for the balance of interests of all states on the political and economic arena. “I believe that to do that we need an alliance or if you wish a coalition (in good sense) of countries, whose harmonious development and agreed actions would make it possible to form an effective axis to counter the dictatorship imposed by the Americans and their Western allies. The basis of such cooperation have already been laid in such organizations as the Shanghai Cooperation Organization, the BRICS, the Eurasian Economic Union, the Collective Security Treaty Organization which determine integration of states in separate areas of partnership (economic, political, military and others). Supranational judicial authorities in civil, arbitration and criminal proceedings, similar to the European Court of Human Rights (ECHR), International Criminal Court (ICC), Permanent Court of Arbitration in The Hague and others could be created under such organizations. Probably, it's not a secret that the geopolitical domination of the United States is based on its financial might which as it has already been mentioned is founded on basically uncontrolled and unguaranteed emission and all-round expansion of the dollar. In order to get rid of the domination of the US dollar, countries of such an alliance will need to reduce gradually the amount of dollar supply in gold and currency reserves and to abandon it completely in future. I think you'll agree that it is against common sense to financially supply the country that is using those same resources against us. The principle component of this system should be the integration of financial systems of the states. To do that we have to move on to direct international accounts in national currencies of allied countries, create centers for accumulation and distribution of investments. The first step in this direction was the creation of the Eurasian Development Bank (EDB). In future it is possible to create a single note-issue center following the example of the European Central Bank. Such measures would allow our countries to jointly resist the outward challenges.”

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