
Meeting of Alexander Bastrykin and Leonid Roshal



Chairman of the Investigative Committee of the Russian Federation Alexander Bastrykin and President of the National Medical Chamber Leonid Roshal held a working meeting. During the meeting, they discussed matters of improvement of the criminal and procedural law, as well as of the relevance of organisation in the Investigative Committee of specialised units in charge of investigating of healthcare offences.

President of the National Medical Chamber Leonid Roshal told about the common concern of the medical community about the recent instruction by the Investigative Committee to create specialised units for investigation of “iatrogenic” crimes committed by healthcare specialists. At the meeting, he explained his perspective:

“The overwhelming opinion of medical workers comprises a concern that this measure will entail an increase in healthcare-related criminal cases and stricter punishments. We see that this is an in-house matter but nevertheless feel sorry that it has not been negotiated with the National Medical Chamber,

given that we have a temporary joint working group of the Investigative Committee and the National Medical Chamber.

It is also surprising that, despite the previously reached by the Investigative Committee and the National Medical Chamber agreement on the misuse of the term “iatrogenic” towards the acts of medical assistance, the term is applied in the instruction - in the name of specialised units for investigation of healthcare-related crimes.

The medical community is severely concerned, it is obvious. Medical workers cannot get it in general: there was no profession subject to a separate article of the Criminal Code, but now there is one for us, and the investigative authorities create separate units designed for healthcare-related cases.

We are most certain that the number of complaints on doctors will keep increasing in our country, because the issue of insurance for medical workers provided worldwide has not been addressed yet, and the complaints are often associated with a possibility of refunds. This is another chance to get paid, and some dishonest lawyers contribute to that, finding a possible profit for themselves as well. Speaking impartially, the quality of diagnostics and treatment is on the rise in our country. Is it appropriate to address the issue of patients’ complaints by introducing special sanctions for medical workers and special-purpose investigative units?

The National Medical Chamber stands for its joint opinion that a doctor must not be imprisoned for any unintended illness-induced complications.

This also applies to the amendments to Article 124.1 of the Criminal Code of Russia suggested by the Investigative Committee of Russia. The same applies to introduction of the term “foetus” to the draft, which was discussed in detail during a working meeting of the joint group of the Investigative Committee and the National Medical Chamber attended by leading Russian neonatal specialists and obstetrician-gynaecologist.”

Chairman of the Investigative Committee of Russia Alexander Bastrykin commented on the subject of the meeting:

“The creation of specialised investigative units in charge of healthcare-related crimes is not designed to toughen the punishment of medical workers. The long years of our operation showed that the investigators’ specialisation contributes to increased efficiency of their work in certain areas.

It is thanks to special-purpose units that we have become more efficient in solving crimes committed by law enforcement officers. There are also separate units in the Investigative Committee in charge of military crimes. Such experience provides for an impartial investigation - we can avoid investigative errors, prevent red-tapery, and protect the rights of victims. On the other hand, we can secure representatives of these agencies from groundless prosecution. Procedural probes into these

also require sufficient knowledge and experience in order to make an impartial procedural decision - especially if it is about a rejection of launching of a criminal inquiry when the probe results prove a person being not involved.

There are distinguishing investigative features for other categories of crimes as well, such as tax crimes, corruption crimes, economic crimes, crimes against minors, crimes of past years, where an investigator must possess additional knowledge apart from the criminal and procedural law.

Healthcare-related offences are very challenging too, which is why we decided to apply the similar approach to them by creating of the special-purpose units in the Central Office. It must be said that reasons for one or another tragedy are mostly related to systemic troubles of the healthcare industry.

There are few of such incidents in total, and most of them do not require opening a criminal inquiry upon the procedural probe's results. For instance, from January to September 2018, the investigative bodies have received 4,868 reports on offences, while 1,557 criminal inquiries have been launched upon the probe's results and only 176 cases have been referred to court.

The first task of investigators in such situations is to sort out the circumstances of the incident, not to bring to justice the doctor. Sometimes, investigative and procedural activities, including examinations, are needed to establish the motive of the crime and to make a final decision. A full, comprehensive investigation can be provided for a criminal case alone. Given the complexity of the subject, the investigators may spend years trying to find out the circumstances. And that is the main reason for people's complaints, including those who come to personal reception sessions. It is hard for them to understand why it takes so long for the investigators to reveal the cause of their troubles. This means that our mission is to improve the quality of investigations: avoid errors in procedural decisions; prevent red-tapery; develop approaches to such crimes to unify the regions.

I must stress that the introduction of the specialised units is not designed for imposing of stricter punishments on medical workers - on the contrary, it is aimed at producing impartial and professional evaluation of a certain case to eliminate the possibility of groundless accusations. This is why this decision will help improve the investigative efficiency and, most importantly, prevent groundless violations of the rights of both patients and doctors.

I sincerely hope that we will come to an accord with the National Medical Chamber on the matters of the use of "iatrogenic" term and of amendments to Article 124.1 of the Criminal Code to eliminate classifying of healthcare-related cases under Article 238 of the Criminal Code."

Official spokesperson for the Investigative Committee of Russia S. Petrenko

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