
Interview of the Chairman of the Investigative Committee of Russia to Rossiyskaya Gazeta and Interfax



In the joint interview with Interfax and Rossiyskaya Gazeta, the Chairman of the Investigative Committee of Russia Alexander Bastrykin spoke about the investigation of corruption cases, the damage inflicted, and the amount of stolen money that investigators managed to return to the budget.

- Alexander Ivanovich, how do you assess the situation with corruption in the country?

- The fight against corruption is carried out consistently and systematically. It includes a wide range of measures: from improvement of legislation and activities of law enforcement, control and supervisory bodies to education of citizens to intolerance to any such manifestations.

I would like to note that the fight against misuse and embezzlement of public funds, corruption, and the shadow economy is one of the priority tasks of the state policy in the sphere of economic security, which was approved by the Decree of the President of the Russian Federation for the period until 2030.

Through their joint efforts, law enforcement agencies manage to detect a significant number of corruption crimes and bring the perpetrators to justice. All this contributes to the prevention component. It is important that we get to the point where people do not commit crimes of corruption because it is unacceptable in terms of their value system.

It should be emphasized that despite the fact that many corruption crimes are latent, there are known cases where, at the regional level, officials extorted bribes from businessmen for patronage, but after the officials resigned, the businessmen began to testify about their illegal activities.

- How many criminal cases of corruption have been opened since the beginning of the year, what are the most frequent corruption crimes?

- During the first nine months of this year, investigative bodies of the Investigative Committee received 23 thousand 634 reports of corruption crimes. As a result of their consideration 17,563 criminal cases were initiated, which is 15% more than for the same period last year. Courts received 7,405 cases (+10%) against 8,175 individuals.

Every fourth case of those sent to court was into bribe-giving (1,949 or 27%) and 16% - into bribe-taking (1,192). The "leaders" are also cases of fraud (1,083 or 15%), as well as misappropriation or embezzlement (492 or 7%).

- In your opinion, do you need any changes or perhaps innovations in the legislation to make the fight against corruption more effective?

- Despite the establishment of framework rules, there are still "gray" zones, without regulation of which it is difficult to effectively counteract illegal financial transactions using digital financial assets and digital currency by criminal law means. In particular, so far no additions have been made to the criminal and criminal procedural legislation, fixing the belonging of digital currencies to the property. I said a year ago that the recognition of digital currency as property is a prerequisite for the investigation of criminal cases, in which it is, for example, the subject of bribery or embezzlement. The absence of such norms may hinder the qualification of actions and create uncertainty in the judicial review of a criminal case. In addition, the lack of a definition of the procedural status of such assets prevents their seizure, as well as confiscation.

- And how do you arrest digital currency?

- In some cases, the success of seizure procedures can be ensured by the "controllability" of virtual asset service providers to the state, and then the arrest of cryptocurrency can be implemented by analogy with the arrest of cash and securities.

However, it is necessary to take into account the decentralized nature of digital currency issuance, which does not allow for full control of the state in this area.

In such cases, in order to seize crypto-assets, it is necessary to ensure the possibility of their transfer from the control of the accused to the control of the state, for example, by introducing into the criminal procedure law norms that allow the court to order the person to transfer crypto-assets to a special state crypto-account until the end of the trial.

The simultaneous expansion of criminal responsibility for failure to execute a court decision already

established by Article 315 of the Criminal Code will allow to make these provisions enforceable.

- In what areas the most corrupt crimes are detected, and what is the reason for this?

- Primarily it is law enforcement, financial, education and science, health and social services. All these are a large array of social relations, in which there are those who want to illegally obtain certain advantages, "to solve a problem", to accelerate the passage of certain procedures, and those who can provide it in an illegal way. This explains the largest number of crimes in these areas.

It is also well known that theft often occurs during construction, especially when budget funds are allocated for it. Now, for example, the investigation is preparing materials to apply to the competent Israeli authorities for the extradition of Alexei Kobyshcha, the founder of Okhrana Group LLC. He is accused of embezzling budgetary funds to the amount of more than 178 million rubles by overestimating the cost of CCTV equipment of Dallmier supplied for installation on "Zenit arena" stadium in St. Petersburg. Several of his accomplices have already appeared in court.

It should be emphasized that our efforts are also focused on identifying and prosecuting officials whose illegal activities cause not only material damage, but also serious damage to the authority of the civil service.

These include, for example, the investigated criminal case against Alexei Ivanov, Deputy Chairman of the Pension Fund of Russia (sentenced to 4 years), and other officials who received bribes of over 210 million rubles for illegally providing information about upcoming government procurements, general patronage and connivance in the conclusion and implementation of government contracts.

The investigation has also been completed in relation to Alexander Zolotarev, Deputy Chairman of the Government of the Stavropol Territory. According to investigators, he received more than 63 million rubles in bribes from representatives of commercial organizations for patronizing the implementation of state contracts for the construction of medical facilities in Stavropol and committing other official offenses.

As can be seen from the above examples, embezzlement of budget funds in the implementation of state contracts continues. However, most of the problems in relations with businessmen in this direction, including by eliminating the so-called kickbacks, can be solved after the entry into force of the new law (No 360-FZ), which provides for simplification of procedures and increases the transparency of state and municipal procurement. Most importantly, only companies with positive experience in this area will be able to participate in major procurements.

- How often are corruption offences detected in law enforcement area?

- In general, in recent years there has been a downward trend in crime, for example, among employees of internal affairs bodies. Thus, if in 2011 1,678 employees of the Ministry of Internal Affairs of Russia were brought before the court, in 2020 - 1,199, i.e. by a third less. This year is not over yet, but the trend remains (820 persons; - 7%).

In most cases, law enforcement officers report attempts to bribe them. Such "offers" are also made by defendants in criminal cases in order to avoid responsibility, and even by lawyers who are involved in various illegal schemes.

For example, in Dagestan for 10 years there was a criminal association, which, according to investigators, was headed by lawyer Arslanali Abulmuslimov and included several more of his colleagues, a notary, and law enforcement officers. The co-conspirators filed falsified claims to judicial bodies in the interests of persons allegedly entitled to rehabilitation in connection with their unlawful prosecution, as well as false documents confirming such right. Subsequently, over 80 million rubles were stolen from the budget on the basis of court decisions. These facts were revealed in the course of law enforcement authorities' work on the decriminalization of the North Caucasus. Now the defendants are getting acquainted with the materials of the case.

- What is the largest bribe or embezzlement in recent memory?

- In one of the criminal cases investigators found that officials of JSC "RSC "Progress", which within the framework of the implementation of the federal target program "Development of defense-industrial complex of the Russian Federation in 2011-2020" committed actions for the conclusion of a state contract for the supply of equipment at an inflated cost, caused damage of 957 million rubles.

Investigative actions in the case against the former Minister of the Open Government of the Russian Federation Mikhail Abyzov and his accomplices have been completed and the requirements of Article 217 of the Criminal Procedural Code of the Russian Federation are being implemented. The defendants have been indicted. As a result of their unlawful actions illegal income in the amount of more than 32 billion rubles was extracted.

If we are talking about crimes in the sphere of state power, and bribery in particular, then the danger to public relations is posed by smaller amounts, and taking a bribe of over one million is punishable by imprisonment for up to 15 years.

For example, this year a criminal case was sent to court against Dmitry Frisch, the former first deputy head of the Chekhov municipal district administration of Moscow region. In 2016 - 2018 he received money and real estate totaling more than 43 million rubles from representatives of commercial construction organizations for general patronage and connivance in service.

- Is it often possible to obtain compensation for damages caused by corruption offences? Does the seizure of property, which is imposed as a provisional measure, help in this matter?

- Investigators take all possible measures to compensate for the damage caused to the state, legal entities and citizens as a result of corruption crimes. This year (statistical data for 9 months of 2021) the amount of damage caused in criminal cases sent to court, terminated and suspended, as well as on materials of refusal to initiate criminal proceedings on non-rehabilitative grounds amounted to 13 billion rubles. During this period, more than 8 billion rubles have already been voluntarily compensated and property worth almost 18 billion rubles has been seized, which is twice as much as during the same period last year.

In general, we can say that comprehensive measures this year make it possible to fully compensate for the damage caused by corruption crimes.

For example, in Kabardino-Balkaria 26 properties and 22 vehicles belonging to persons involved in a criminal case on organizing a criminal association and taking bribes for illegal transportation of alcoholic beverages in the republic were arrested. Among them were 14 officials of the regional department of the Russian Interior Ministry. Their illegal activities were detected by the Main Investigative Department for the North Caucasus Federal District together with the Main Investigative Department of the Russian Interior Ministry. The accused are now being acquainted with the case materials.

- How often are the so-called "special subjects" brought to justice, how many of them became involved in criminal cases?

- In the first nine months of this year, criminal cases were sent to court against 331 persons with special legal status; in the same period of last year - 338. Among those brought to criminal responsibility are 83 deputies of local self-government bodies, 86 elected heads of local self-government municipalities, 42 members of election commissions, 19 prosecutors, 11 investigators and heads of investigative bodies of the Investigative Committee, 18 investigators and heads of preliminary investigation bodies in the Russian Interior Ministry, 41 lawyers, 7 judges, 8 deputies of the legislative body of a subject of the Russian Federation.

In particular, recently a criminal case against Roman Koval, a former deputy of the Legislative Assembly of St. Petersburg of 6th convocation, and his accomplice who were accused of taking bribes in the amount of more than 10 million rubles and an Audi car worth 6.2 million rubles, was sent to court. Subsequently, this and other property of the accused was seized to ensure the execution of the court verdict.

We also never keep quiet about corruption in our own ranks. One recent example is the verdict in the case of Mikhail Busylko, former First Deputy Head of the Investigative Committee of Russia for the Sverdlovsk Region, and Dmitry Chulichkov, former Deputy Prosecutor of the Sverdlovsk Region, who were sentenced to 9 and 8.5 years in prison respectively for taking bribes.

I have repeatedly said that only high professionalism and integrity can guarantee a place in the system of the Investigative Committee.

- There are often opinions in society that it is inappropriate to incarcerate persons in cases that are not connected with violent crimes. For example, businessmen accused of embezzlement, theft or bribery. Do you think alternative measures of restraint, such as house arrest or bail, should be used more often?

- Detention is already not applied to individual entrepreneurs who commit certain crimes in the sphere of the economy, related to their entrepreneurial activity. A number of conditions must be met: the person must not hide from the investigation, violate previously selected preventive measures, and have a permanent place of residence.

If we are talking about other categories of crimes, including crimes against the state, then a more balanced approach to the issue of the selection of a preventive measure is necessary. If there is confidence that the person involved will not hide from law enforcement agencies, try to influence witnesses, victims, destroy evidence in order to avoid responsibility, then a milder preventive measure is quite acceptable. The main thing is that such a decision does not interfere with the performance of the main tasks of the criminal process - the protection of the rights of victims and bringing the perpetrators to justice.

In conclusion, I would like to express my gratitude to all law enforcement officials who contribute to the national cause of combating corruption. I emphasize that this is our joint task, because only together we can eradicate corruption, consolidating the efforts of society and government agencies.

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