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## **Interview by Alexander Bastrykin, Chairman of the Russia's Investigative Committee to Rossiyskaya Gazeta**



Judge them for their actions

Alexander Bastrykin is sure that there are no people untouchable for his agency

At the Business Lunch at Rossiyskaya Gazeta Chairman of the Investigative Committee has told about investigation of high-profile crimes and new bills which will help to fight the most high-ranking corruption.

Mr. Bastrykin, there is much talking, rumors and implications that the famous Oboronservis case will be wrapped up silently and then dismissed, because too big shots are touched.

Alexander Bastrykin: This is no more than a rumor. The criminal case will develop. I can assure you

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the geographical limits of the case will be widened.

Moreover, we can assume that the sum of damage will become higher considering the huge assets of the Defense Ministry.

As you know, in October 2012, the Main Military Investigations Directorate of the Russia's Investigative Committee launched several criminal cases now filed in a single law suit. They are officially known as a criminal case against officials of the Defense Ministry, persons, performing managerial functions in organizations included in the holding structure of the OAO Oboronservis (OJSC). As of today the damage is estimated as on an especially large scale.

- How many cases did you have to file?

Alexander Bastrykin: There are 10 criminal cases filed. Now there is going to be huge work to find the truth.

- But this is not the only case against the "untouchables". Some of similar cases have been finished.

Alexander Bastrykin: Indeed, the Main Investigations Directorate of the Russia's Investigative Committee has finished investigating a criminal case against former governor of the Tula Region V. Dudka and former director of Department of Property and Land Relations of the Tula Region V. Volkov charged with a bribe of 40 million rubles. This was the price the officials set up for a piece of land they gave up for rent in Tula for the construction of a hypermarket.

- Are there similar cases in Moscow?

Alexander Bastrykin: The Investigative Committee has solved a criminal case against former head of Moscow Office of Property Ministry T. Naydyonova and former deputy head of this agency V. Polyutov. They were charged with exceeding official powers involving grave consequences. To be precise, during privatization of federal state-funded unitary enterprise Stankoimport they had illicitly put in the list of the property subject to privatization securities (shares, investments) of 19 foreign companies, organized abroad using the state funds. As the result of their scam the state had been illicitly deprived of property worth over 2.5 billion rubles.

The jury of the Moscow city court found them guilty last year.

The sentence has been passed over Moscow Region deputy minister of finance V. Nosov, who extorted 73 million rubles from his debtor-businessman.

- The names of the corrupt officials are known to everybody, but there are thousands of such crimes in our country.

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Alexander Bastrykin: If put it in numbers then we have the following result: in the period between 15 January 2012 and December 2012 we have revealed more than 20 thousand cases of bribery.

- Are there many untouchables among them?

Alexander Bastrykin: More than 1.5 thousand persons with special legal status have been subject to prosecution for corruption, the exact number is 1,568, from which 150 are investigators of internal affairs bodies, 21 investigators of the Federal Service for Control of Drugs Circulation, 42 prosecutors, 41 members of election commissions, 509 deputies of local governments, 589 elective heads of local governments, 34 deputies of legislative bodies of the Russian subjects, 116 lawyers and 11 judges.

Over the two past years the Investigative Committee in cooperation with President Control Office, General Prosecutor's Office, Chamber of Accounts, Federal Security Service and Interior Ministry has stopped activity of 85 organized corrupt criminal groups.

If over 9 months of 2011 investigators of the North Caucasian Federal District Investigative Committee investigated 275 criminal cases of the mentioned category, this number nearly doubled over the same period in 2012.

- Are those ordinary cases?

Alexander Bastrykin: No, it would be enough to remind that the Kabardino-Balkarian investigating bodies are investigating a case against head of the republican office of Federal Treasury Leonid Zrumov. He is suspected of embezzlement of budget funds on an especially large scale: he used fake documents to receive from the budget about 20 million rubles allegedly for capital repairs of a building, which did not even exist. The investigation is underway against administration head of Stavropol suspected of attempted bribery of 50 million rubles for giving up land, and against a number of other corrupt officials.

- Talking about criminal proceedings against not simple persons, people say that all are equal in the face of law, but some are more equal than the others. Do you agree with that?

Alexander Bastrykin: Realizing the principle of equality of all citizens in the face of law, the Investigative Committee has initiated easier procedure for launching criminal proceedings against persons with special legal status.

- Can you give more details?

Alexander Bastrykin: We have prepared a number of regulations providing for prosecution of so called raiders already on the initial stage of their takeover of somebody's property and for protecting citizens against illegal practice of non-payment of wages. There is a new procedure for pre-

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investigating checks and indictments, the grounds for granting bail have been widened. And these laws have already been approved and are working. That's not the half of it.

Last year the Investigative Committee prepared a bill introducing criminal liability for creating and leading activity of financial pyramids, which was upheld by deputies of the State Duma.

- Two years of activity of the Investigative Committee is in fact very little, but so many serious cases. For many years people have argued what such agency is for, and some carry on doing that even now. What was the reason to establish such agency?

Alexander Bastrykin: To understand this we should go back to origins of the new Investigative Committee. First of all, it should be noted that over the past decade law enforcement bodies in our country have undergone large-scale reform. Their development was determined by needs of social and economic development in the country and highlighting of efficient and reliable legal protection of rights and interests of citizens, property and business activity.

In dynamically developing economic relations the judicial system and bodies of prosecution have undergone considerable changes. The problem of independent courts of justice and investigators has been cardinally resolved.

In the process of implementation of judicial reform, the concept of which was approved by RSFSR Supreme Court in October 1991, at first it freed courts of justice from the prosecutors' supervision and later departmental investigating bodies. If you remember, the Investigative Committee of the Prosecutor's Office of the Russian Federation was established in September 2007. And on 15 January 2011 Federal Law No 403-FZ took effect. It determined powers of independent investigating body – the Investigative Committee of the Russian Federation.

- What is the most important difference of the new system?

Alexander Bastrykin: There is a new system of control over procedural activity of investigators by the head of the investigating body, who has been delegated a large proportion of powers, which were earlier executed by the prosecutor. The final result of these transformations was separation of functions of leadership of investigation from supervision over the investigation and establishment of the Investigative Committee.

- Who does the Investigative Committee report to today?

Alexander Bastrykin: At present our Investigative Committee is an independent structure in the system of state bodies reporting only to the head of state – that is president and acting only within law. The past two years of our activity have proved that the leadership of our country made a right decision.

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-What is your main achievement?

Alexander Bastrykin: The main achievement is that during this hard for the country time, being in the thick of things from the very first days of our activity, we have actively joined full-scale battle with crime.

Thus, over the past two years investigators of the Investigative Committee have reviewed around 2 million messages about crimes and initiated 234 thousand criminal cases. More than 370 thousand criminal cases have been under proceedings and 168 thousand criminal cases have been sent to courts. This is, as you can see, is tremendous work.

Over the past two years 1,658 murders, 864 facts of fatal infliction of grave injuries, 994 rapes, have been solved and part of them were not even registered. That is why the people who have become victims of unlawful actions still go to us for help. The growth of people's trust is the main criterion evaluating our work and we have to do everything possible to make it efficient.

And one more thing. Summarizing our activity over these two years we cannot but say about work of SKR investigating bodies in the North Caucasian Federal District. Since the moment the North Caucasian Federal District was created, I have directed heads of investigating divisions there to tighten penal counteraction to terrorism, extremism and corruption.

- Terrorism and gangs hiding in the mountains are less active than in previous years, but are still dangerous.

Alexander Bastrykin: To timely solve serious and especially serious crimes there is an inter-agency operative group working with good results in the North Caucasian Federal District Main Investigations Directorate. In addition, each subject of the district has constant inter-agency coordination and analytical operative investigating groups, whose main tasks are investigating and solving murders and terrorist attacks. Working under extreme conditions, in close cooperation with Interior Ministry and Federal Security Service, we have managed to reveal and isolate the majority of members of criminal gangs which were destabilizing the situation.

- Which from these investigations would you call the most successful?

Alexander Bastrykin: Last year in Staropromyslovsky district of Grozny the Chechen Republic investigators have stopped criminal activity of the Magomadovs charged with banditry, encroachment on law-enforcement agents and other especially serious crimes. Investigators established 19 episodes of their criminal activity, among which are murders of two interior bodies' agents and organization of explosion at the prosecutor's office building.

In North Ossetia-Alania investigators have suppressed the criminal activity of the gang Vilayat Galgayche, who had committed more than 30 especially serious crimes in the North Ossetia and

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Ingushetia, including a terrorist attack near the entrance to the central market in Vladikavkaz on 9 September 2010, a number of encroachments on lives of militia agents and military servants.

8 of the gang members have been sentenced to long prison terms, the Supreme Court of the Republic of North Ossetia-Alania is listening to a criminal case against five more. For efficient investigation of such crimes we should really think about establishing Single Federal Biometric Identification Database of persons convicted of terrorism or extremism crimes.

- It is known that terrorists use the Internet in their activity. Do you know how to respond to this threat?

Alexander Bastrykin: It is necessary actively using all legal means to stop efforts to use the Internet for publishing materials of extremism or terrorist character, calling for national enmity as it is obvious that it is impossible to eliminate the threat from extreme religious and terrorist organizations only by penal measures.

For that we should take efficient legal measures to prevent dissemination of extremism materials in the net, because the existing system makes it easy available to inspire extremism ideas.

- But the sites are often located far from Russia. Can you penetrate abroad?

Alexander Bastrykin: The Investigative Committee has enough powers in the area of international cooperation with competent bodies in foreign states. We have a system of interstate agreements and national criminal legislation as the legal framework for efficient battle against international crime. The Investigative Committee is working actively in this area, both during investigation of certain crimes and during organization of bilateral exchange of information with competent bodies of other states and international organizations.

- How does it look like in action?

Alexander Bastrykin: The principal aim of this work is to prosecute the persons guilty of crimes whatever their citizenship or whereabouts. In this area we have already done a lot of work and acquired invaluable experience. It enough to remember the solved by the Investigative Committee criminal case over pirate seizure of Arctic Sea cargo ship with Russian team aboard happened in July 2009.

- Today the Investigative Committee is celebrating its second anniversary. We congratulate you and your staff.

Alexander Bastrykin: Thank you. In January 2013 we mark our professional holiday – the second anniversary since the Investigative Committee was established. It was established by the presidential Decree and started working on 15 January 2011. Using an opportunity I congratulate all our staff

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members, their families and veterans of investigation on the second anniversary of the Investigative Committee and wish them health, happiness, peace and optimism.

- There has been a lot talking after the SKR announced that not only physical, but a legal person should bear criminal liability. Does it mean that we can get convicted firms?

Alexander Bastrykin: We have offered to include in the Russian legislation criminal liability for legal persons. Last year Russia's government approved the plan for privatization of state property which provides in near-time outlook for reduction of state share in economy through selling large (or even major) holding of stock (market shares) in authorized capitals of largest fuel and energy companies. It is also planned that state corporation will go public and state will sell non-core assets of state enterprises, establishments, state corporations and economic unities with state participation.

- Does it matter for the Investigative Committee?

Alexander Bastrykin: In view of this we expect stealing of state property through all kinds of corruption schemes. Such schemes include violation of rules for organizing a tender or auction, forgery of its results, setting up knowingly false price on the property on sale, selling state property to affiliated or controlled organizations at considerably lower prices. The profit made by this criminal way will be legalized by flowing it abroad through fictitious transactions using phony firms and companies.

- So what is the way out?

Alexander Bastrykin: In order to fight such crimes we offer to amend the law so that to bind the pretender in the tender or auction to reveal information not only about direct founders (participants), but about founders (participants) of the organizations themselves and their final beneficiaries.

In addition it is necessary to provide opportunity for investigation to check the authenticity of documents and study the juridical personality of organizations participating in privatization tenders and auctions during privatization of large property. By the way, the law provides for the same procedure when foreign investors conduct transactions entailing control over facilities of strategic significance.

It is also necessary to introduce legal liability of appraisers for putting in the appraisal report knowingly false information or using during appraisal knowingly groundless standards of appraisal if the actions entail large or especially large losses.

- High-rank officials are the object of your close attention.

Alexander Bastrykin: I am sure, that today we need criminal liability for deliberate evasion of CEO of state corporation, state or municipal enterprise from approving a large transaction or transaction,

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the state is interested in, if the actions entail large or especially large losses. The social danger of such an action is that such transactions are taken out from corporate control of organization authorized managing bodies or state authorities.

NUMBER: Investigators of the Russia's Investigative Committee have initiated 234 thousand criminal cases over the past two years.

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