
Interview of Chairman of the Investigative Committee of Russia Alexander Bastrykin to Rossiyskaya Gazeta



Can honest entrepreneurs see investigators not as persons seeking a way to imprison them but as defenders of their interests? By what means do perpetrators make their fraud schemes look like a respectable business? What was established during the investigation into the murder of the Russian Ambassador in Turkey? How new forensics technologies help solve the most complicated offences? Chairman of the Investigative Committee of Russia Alexander Bastrykin has answered these and many other questions for Rossiyskaya Gazeta.

Alexander Ivanovich, I am sorry to say that our first question is devoted to a sad topic. At the moment, the entire country is offering condolences to the families of the children who died in the burnt camp in Khabarovsk Territory. We know that the probe was referred to the Central Office upon your instruction. What can you tell us as of today?

Alexander Bastrykin: First of all, I would like to express my condolences to the families and friends of the deceased children. It's a tremendous human tragedy. Unfortunately, I have to note that not all of the entrepreneurs responsible for the safety of children's activities have learned from the tragedy on Syamozero Lake that happened three years ago in the Republic of Karelia. The Khabarovsk accident proves it.

Our experienced investigators are engaged in the work on this probe. I instructed them to thoroughly establish who organized the children's vacation and how, why they let the accident happen, and why they could not prevent such grave consequences. All these persons must be brought to justice. At present, three individuals have been detained: the owner and the director of the camp, and the Head of the Department on Supervision of the Regional Directorate of the Ministry for Emergency Situations. Forensic examinations have been arranged, interrogation of witnesses and other investigative activities are ongoing. Final conclusions about the causes and circumstances of the tragedy will be made upon the investigation.

Business under the Criminal Code

You have mentioned the responsibility of entrepreneurs. Recently, one of the most frequent complaints about your subordinates has been that investigators excessively motion the court to put persons accused of crimes related to entrepreneurship under custody. How do things really stand?

Alexander Bastrykin: In general, there is a tendency of decreasing the number of persons kept under custody during a preliminary investigation. Entrepreneurs are subject to this preventive measure only if they commit offences not related to the business sphere. Do you remember the probe into former Head of the Komi Republic Vyacheslav Gayzer and his accomplices, including entrepreneurs? As a result of their swindling activities, the shares of the enterprise became the property of a legal entity controlled by the convicted. Such activities are not related to the business sphere.

However, most entrepreneurs are honest people. If somebody puts their business under pressure, trying to take over or to destroy it, where do they go? To you?

Alexander Bastrykin: Honest entrepreneurs need to be efficiently protected to secure them from unjustified pressure and restrictions. That's why the Investigative Committee of Russia set up a special communication channel for admission and emergency response to reports on any pressure on the business. I have organized a regular personal reception for representatives of the business community to enable entrepreneurs to tell about violations of their rights.

There is one more question associated with entrepreneurship--the Article of the Criminal Code providing responsibility for organization and participation in criminal communities, with terrifyingly long prison sentences. A couple of years ago, this Article was almost never

used. Today, it seems that it is used quite often. Entrepreneurs addressed this question on the Direct Line with the President of Russia. How common is this practice?

Alexander Bastrykin: First of all, I have to say that straight away after the Direct Line with the President of Russia we were instructed to analyze the current practice and to make a proposal for the use of Article 210 of the Criminal Code of Russia. We have worked through this issue together with other law enforcement, control, and supervision bodies, including the Ministry of Internal Affairs, RusFinMonitoring, and others.

Here is the general data: in 2018, the Investigative Committee launched 41 criminal cases into offences under Article 210 of the Criminal Code of Russia, that is organization and participation in a criminal community. Most of them are of the general criminal nature, related to terrorist activities, illegal turnover of drugs, and other offences.

This year, we have launched only four probes under this Article related to the business sphere, while having 3.4 million of legal entities and 3.8 million of individual entrepreneurs registered in our country. Thus, the involvement of entrepreneurs in such illegal activities is not actually a common thing.

But certain facts still take place, what do they relate to?

Alexander Bastrykin: First of all, it's illegal gambling, for which perpetrators organize legal entities and hire employees with fake duties, who in fact organize underground casinos. This includes security, technical surveillance of telecommunication networks, bookkeeping, and laundering of acquired money. Apart from gambling, there is an example of illegal banking activities, including cash-out and laundering of illegally acquired profits, as well as those obtained by stealing money from the state, by means of officially registered legal entities.

There is a practice of the use of legal entities for fake participation in the public procurement aimed to steal budgetary funds and other ways of stealing them in the form of cash-out of maternal capital and refund of VAT from the state budget.

Can you give an example?

Alexander Bastrykin: We have suppressed the activities of a criminal community consisting of over 15 persons in Saint Petersburg. By illegal refunds of VAT, they stole four billion rubles from the state budget under the disguise of legal entrepreneurial activities. To legalize these activities, the participants of the community used 75 legal entities registered for nominal directors and controlled by them.

I wonder whether similar offences take place abroad.

Alexander Bastrykin: Similar offences are also common in the countries of the European Union. According to the Tax Committee of the European Commission, 200-250 billion euros is stolen annually through VAT swindling. It amounts to 10-13 percent of the total collected VAT or 2-2.4 percent of the GDP of the European Union. These offences are committed by organized criminal groups and communities under the disguise of legal entrepreneurial activities of legal entities.

And it creates additional bottlenecks for the investigation...

Alexander Bastrykin: Correct. The establishment of legal entities in order to legalize entrepreneurial activities is one of the means of conspiracy and one of the attributes of a criminal community, where specific persons hold nominal positions and, usually, steal budgetary funds. The organized criminal community uses legal entities for criminal purposes since their legal form enables them to openly create offices and even networks of subsidiaries of the criminal organization.

In advance of the visit of FATF (Financial Action Task Force) to Russia, RusFinMonitoring carried out a national risk evaluation. The results of the analysis showed that for the commission of offences in credit and financial sphere, perpetrators often use not shell companies but organizations with long-term history, tax records, offices, and equipment. Such companies are specifically acquired for carrying out illegal activities under the disguise of legal entrepreneurial activities. Therefore, along with Article 210, we need to use Article 174.1 of the Criminal Code of Russia that provides responsibility for the legalization of money acquired by illegal activities.

Back Home upon Request

What are the main matters for cooperation between the Investigative Committee of Russia and its foreign colleagues?

Alexander Bastrykin: The Investigative Committee takes an active part in the joint search for the most efficient ways and means of combating international crime.

The Investigative Committee of Russia acts as a relevant authority under over 60 interstate and intergovernmental multilateral and bilateral international agreements of the Russian Federation on countering international crime. We have concluded over 20 international interagency agreements with relevant authorities of foreign countries.

What does such cooperation provide for?

Alexander Bastrykin: It provides for interaction on a wide range of issues, including combating extremism and terrorism, countering economic offences and offences involving corruption.

Can you set specific examples of effective cooperation?

Alexander Bastrykin: Due to cooperation with our international colleagues, the Main Directorate on Major Crimes Investigation of the Investigative Committee of Russia pressed charges against First Deputy Governor of Moscow Region Alexey Kuznetsov, who was extradited by relevant authorities of the French Republic. According to the investigation, Kuznetsov and his accomplices had inflicted the damage of over 14 billion rubles to the regional Public Utilities companies and Mosobltrustinvest. The investigation is finished. The case materials have been sent to court.

Another example, in June 2018, Aslan Gagiyeu was extradited from the Republic of Austria upon materials submitted by investigators of the Main Investigations Directorate of the North Caucasian District. He is accused of the organization of a criminal community, banditry, contract murders, and encroachment on the lives of law enforcement officers. The investigative activities into him are finished; at present, Gagiyeu and his advocates are studying the case materials.

Aslan Yandiyev was extradited from Slovakia in 2018 upon materials of the Investigative Committee of Russia. He was an active member of an armed gang and was involved in committing a number of especially grave offences, including terrorist acts in Russia. Those were, among others, the shelling of a substation of a network company of the Russian unified energy system Vladikavkaz-2 in North Ossetia-Alania with anti-tank grenades. For a long time, Yandiyev was hiding in the countries of the European Union but was identified by means of comparison of biometric data. He has received a long-term prison sentence.

During the investigation into the death of people in a fire in Zimnyaya Vishnya mall in Kemerovo, the investigation established the involvement of former Director-General of Kemerovo Confectionery Plant OJSC Vyacheslav Vishnevsky in bribe-giving. He was placed on a wanted list to be arrested in Poland where the court ruled upon his extradition.

How is the investigation into the murder of Russian Ambassador Andrey Karlov in Turkey going?

Alexander Bastrykin: We have carried out a set of investigative activities in the Republic of Turkey that enabled to establish the circumstances of the preparation of the crime. We have reconstructed the route of the murderer, Turkish police officer Mevlüt Mert Altıntaş. He carefully prepared for the murder, studied the events involving the Ambassador and chose a day when the diplomat was announced as a participant of a photo exhibition in the Modern Arts Centre. The day before the murder, he went to a hospital to get a note releasing him from work. On December 19, Altıntaş booked a hotel in a minute walk from the event site and visited it to examine the place. In the hotel room, he put on his business suit, took a firearm, and entered the Centre before the arrival of the Ambassador without an inspection, using his official identity card. The course of events that followed is well-known. There are other questions that interest the Russian investigation but it is too early to talk about them.

Long Way to Sentence

There are quite a lot of people who criticize the Investigative Committee. Still, can you call the work of the Committee successful and high-quality?

Alexander Bastrykin: It is an extensive issue. Such an assessment must be given, among all, by society. Many citizens thank our team and certain investigators who managed to restore justice. But participants of legal proceedings also have reservations about the Investigative Committee officers who make incorrect decisions. We try to resolve these problems and sometimes we have to take strict measures up to criminal responsibility.

As of the quality, based on the statistics, the number of probes sent back by courts has decreased by four times (from 5,047 to 1,504) in comparison with 2006, that is before the investigation authorities' reform. It shows that fewer procedural violations are made now than 12 years ago. On our behalf, we take organizational measures and analyze our mistakes in order to improve the performance of the investigation. It is in the custom of our Committee to work with full commitment and to bear responsibility for our work.

In this relation, your agency is often criticized for long investigations.

Alexander Bastrykin: Timelines of the investigation is also a relevant question. For example, in Q1 2019, 11,467 criminal cases were investigated for over two months, which is insignificantly more than in Q1 2018. We are talking about 35 percent of all finished probes. Naturally, complicated cases involving numerous episodes require months and sometimes even years for the quality investigation. In other cases, we take measures to meet the deadlines. Above all, this requires the proper organization of investigative activities and timely arrangement and carrying out of forensic examinations.

Crime reduction in the country is reached due to the hard work of our team and the help of our colleagues from other law enforcement bodies. We understand well that we have to work hard in order to maintain and continue this positive trend.

Speaking in terms of numbers, how many cases go through investigators and forensic experts of the Investigative Committee of Russia?

Alexander Bastrykin: Investigators and forensic experts of the Committee counter the most dangerous forms of crime and make a stable impact on the social, political, and economic life of the state. The unity of our officers and of jointly performed work was initially provided for by the ideology of our Committee, and the well-established crime situation monitoring system enables us to timely respond to all crimes under our jurisdiction. This included grave and especially grave offences.

Over 800,000 probes have been sent to the court from the moment of the establishment of the Investigative Committee of Russia, that is from 2011. About 9,000 persons with a special legal status

have been brought to justice under probes referred to court. Last year only, about 73 billion rubles have been reimbursed to the government and to the victims of the offences during preliminary investigations and procedural probes. Since 2011, the total amount has almost reached 300 billion rubles.

However, the compensation for damage inflicted on citizens and the state is the common endeavor of all law enforcement officers.

Alexander Bastrykin: Taking into account the fact that the matters of the improvement of work on the compensation for damage inflicted through, above all, crimes involving corruption, are at the intersection of interest of different state authorities, they are to be resolved by joint efforts. In the first place, it relates to the creation of unified federal and regional databases on real estate objects, banking accounts, and deposits opened in credit organizations.

Do you have statistical data on the number of corrupt officers who were not only identified and subjected to criminal proceedings but actually went to sew gloves in a colony?

Alexander Bastrykin: During the years of the Investigative Committee's operation, we have referred to the court almost 80,000 probes into offences involving corruption. Annually, officials of various levels become perpetrators under such probes. In recent years former Governors of Sakhalin and Kirov Regions, former Head of Karelia, Deputy Governors of Altai Territory, Vladimir, Vologda, Chelyabinsk Regions, former Deputy Chairman of Penza Municipal Duma, former Minister of Healthcare of Zabaikalsky Territory, former Head of the Federal Antimonopoly Service of Dagestan and other major official have been brought to justice. Recently, former Head of the Komi Republic Vyacheslav Gayzer and former Chief of the T Directorate of the General Administration for Economic Security and Corruption Control of the Russian Ministry of Internal Affairs Dmitry Zakharchenko have been found guilty of committing offences involving corruption.

Isn't the probe into Colonel Zakharchenko finished?

Alexander Bastrykin: The probe into Zakharchenko is not completed yet, we investigate additional episodes of his illegal activities.

Found Even Below Ground

Alexander Ivanovich, how did the work of investigators change with the emergence of new technologies?

Alexander Bastrykin: At present, it is impossible to establish the truth in criminal proceedings without using high-tech forensic equipment. Answering your question, I can't help but recall the words of remarkable lawyer Vladimir Danilovich Spasovich, "In order to understand the huge amount of evidence gathered in a case, it is necessary to arm oneself with a huge amount of special

knowledge, to present the evidence in a strict logical order, using widely and skillfully the special knowledge in various fields of law.”

Our officers use the newest technological equipment to address complicated investigative and forensic challenges.

Can you list them for better understanding?

Alexander Bastrykin: Unmanned aerial vehicles help search for missing persons, special complexes to detect objects in the water and underground, portable spectrometers to identify different types of substances. DNA laboratories are actively operating, which allows us to work together with our colleagues from the Ministry of Internal Affairs and the Federal Security Service of Russia to solve more than 90% of murders and rapes in the country on average.

Innovative DNA technologies and methods of their use in forensics practice are being developed under a state contract signed as part of the implementation of the Scientific and Technical Program of the Union State of Russia and Belarus.

What kinds of crimes do these technologies help solve?

Alexander Bastrykin: Due to the introduction of special complexes of data analysis contained on mobile storage devices, we are able to actively address the challenges of modern terrorism and to suppress the challenges of its financing. For example, careful analysis of “electronic footprints” left by instigator, organizer, and perpetrators of the Saint Petersburg subway terrorist act of 2017 made it possible to identify all members of the criminal group despite the fact that they had not been acquainted and had kept in touch using modern means of communication.

In May of this year, in cooperation with the Federal Security Service, we suppressed the activities of Georgy Guyev who had used bank cards to transfer over 50 million rubles to terrorists of ISIS, which is banned in Russia.

I have to remind that when the Investigative Committee had been created (in 2007), it received over 200,000 unsolved criminal cases from the Prosecutor’s Office. As a result of the use of innovative technologies, we have solved almost 70,000 of past years’ crimes.

Traces in the Mountains

Many recent high-profile arrests were made on behalf of the North Caucasian investigation. Is the situation there still tense?

Alexander Bastrykin: The most complicated cases are investigated by the Main Investigations Directorate over North Caucasian Federal District. One of the main principles of criminal procedure

is the inevitability of punishment. And we can see that after so many years in this complicated region our investigators manage to bring to justice those persons who encroached on the integrity of our country in the early 2000s. Everyone knows about the heroic feat of the 6th Company of Pskov troopers in Chechnya who had been attacked by the outnumbering armed gang of operatives led by Basayev and Khattab. We are still identifying the participants of those events. The investigation has established the involvement of 23 persons in this crime, 14 of them have already been sentenced, five are on a wanted list, and the probe into the other four is currently reviewed by the court.

I think everyone also remembers the events of 1999 in the Republic of Dagestan when armed gangs had attacked Botlikhsky and Tsumadinsky Districts of the Republic and organized firefights with Russian military personnel. Dozens had been killed! Over 1,600 persons were recognized as victims under this probe and from 2012 the investigation was never suspended. 78 participants of the attack have been accused and sentenced to long-term imprisonment. The probe into two other participants is reviewed by the court. In this, three participants of the attack are being brought to justice, and the investigation is checking the involvement of five other persons in this crime and establishing their roles and actions in the armed gang. This work is carried out jointly with the Federal Security Service and the Ministry of Internal Affairs.

I see. And as of yesterday cases?

Alexander Bastrykin: The targeted work on decriminalization of the North Caucasian Region is ongoing. The Investigative Committee bodies are processing probes into former major officials of the Republic of Dagestan, former member of the Federal Council Rauf Arashukov, and other officials.

The implementation of the principle of inevitability of punishment, the never-ceasing fight against corruption, and other measures, including those taken by the Investigative Committee of Russia, help us improve the situation.

Investigative Selection

You employ a lot of young people. What do you focus on in recruitment?

Alexander Bastrykin: Today, the Investigative Committee of Russia is one of the youngest state structures, and an increasingly larger number of young people joins the Committee as our profession gains social prestige. Certainly, in order to become an investigator, one needs to obtain a higher legal education, knowledge in the field of criminal law and procedure, forensic science, and other matters, to be a role model of ethics and to have a moral sinew. In this, it is important to never stop learning. Here I can't help but mention our main sources of manpower--the Moscow and Saint Petersburg Academies of the Investigative Committee of Russia, where the education focuses on specialized training for investigative activities; also, the departments of advanced training. In the Academies, future investigators start their complicated paths of mastering the profession. It is important for us to

train a specialist able to rapidly adapt to the system and work efficiently. We have strong teaching staff with extensive experience of the work, a good base, forensics equipment, and a training site. That is why education in the Academies of the Committee is most effective for training and requalification of investigative unit officers. We have created all conditions for ensuring a high level of staff capacity of the Committee.

From every platform, you speak about the vigor work of the Investigative Committee of Russia with young people. Is it aimed for the long-term future?

Alexander Bastrykin: For several years already, we have been developing the cadet movement and we see that citizens are highly interested in it. The Cadet Corps is functioning in Moscow and Saint Petersburg and we are planning to open an educational institution in Volgograd. The patriotic work attracts children a lot. I am particularly proud to note that the Investigative Committee initiated a heroic and patriotic relay “The Path of Memory”. This mass patriotic event embraced the whole country from Vladivostok to Moscow, took place in the Hero Cities and the Cities of Military Glory of Russia and was finished in the Republic of Belarus.

I should also note that upon the initiative of the Investigative Committee of Russia, the Club of Heroes of the Russian Federation, and veterans, we have created the interregional public organization “Youth Union “Young Investigator” that unites 23 constituents of Russia and at present is comprised of over 800 cadets. Our strategic goal is to bring up, in a consistent and continuous manner, the new investigative elite capable to solve crimes of any level of complexity.

Does the senior generation of your colleagues help follow this course for the creation of the elite?

Alexander Bastrykin: Largely, the authority of the Committee was built due to the hard work and knowledge of our veterans. Many of them still take part in consultative and advisory bodies of the Investigative Committee of Russia and in the National Association of investigative veterans’ organizations “Union of Investigation Veterans”. They help our young generation both in word and deed. I am very grateful for that! The veterans not only train young investigators and teach the cadets. It is sufficient to say that in 2018 they assisted in solving over 600 crimes and, speaking frankly, sometimes their experience and professional intuition is more important for the young investigators than the newest methods and technologies of investigation.

Housewarming Party

Alexander Ivanovich, July 25 is the Day of Investigative Officer of the Investigative Bodies of the Russian Federation. The editorial office of Rossiyskaya Gazeta congratulates you and your colleagues on your professional holiday.

Alexander Bastrykin: I sincerely thank you for your congratulations! On July 25, our

colleagues--investigators of the Ministry of Internal Affairs and the Federal Security Service--and we celebrate one of the youngest of state holidays, the Day of Investigative Officer of the Investigative Bodies of the Russian Federation. This milestone established in 2013 upon the initiative of the Investigative Committee of Russia shows a high level of public recognition of our profession. I am proud to note that today we are solemnly opening a new building of the Investigative Committee in Moscow that will provide comfortable working conditions to our employees, which will benefit the quality of their work. The address is the same, 2 Tekhnicheskoy Lane.

I'll take the opportunity to congratulate my colleagues and veterans of investigation on the Day of Investigative Officer of the Investigative Bodies of the Russian Federation.

I wish good health and success in every undertaking to you, your family and friends! I look forward to your integrity, professionalism, high moral standards, and fortitude in serving the Law.

Key Question

Recently, your agency has acquired the legal right to carry out forensic examinations. Do the expert units of the Investigative Committee of Russia help significantly in identifying perpetrators?

Bastrykin: The Committee has a system of expert units on the most necessary high-tech kinds of expert examinations. Over 1.5 billion rubles have been spent on their equipment since 2010. Annually, investigators of the Investigative Committee of Russia carry out over 30,000 complex examinations of specific kinds (DNA, computer, phonoscopic, and other). The results often help establish the circumstances of high-profile and complicated non-obvious crimes.

The methodological approaches of experts of the Investigative Committee of Russia are recognized and implemented by our colleagues from other agencies, and leading specialized higher education institutions are engaged in advanced training of our experts. In addition, the Forensic Research Institute is intensively continuing its work in the field of forensic research of digital information and its carriers, the use of psychological knowledge in the process of investigation, the development of computer programs for the recognition and identification of persons on video images with a large number of people, and a number of other promising studies.

I should underline that in the last five years almost all forensic examinations carried out by the units of the Investigative Committee of Russia were found by the court to be admissible.

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