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



Investigation Held by Experts

Chairman of the Investigative Committee of Russia Alexander Bastrykin talks about secrets of forensics

Alexander Ivanovich, the Federal Chamber of Advocates criticized the Presidential draft law that empowers the Investigative Committee of Russia to create forensics institutions and to carry out forensic examinations. The advocates claim that, according to the law, a forensic expert cannot depend on a body or a person that arranges the forensic examination. The advocates also warn that, should the Presidential draft law be adopted, the adversarial nature of the Russian justice will be completely ruined. How would you respond to this?

Alexander Bastrykin: From the moment of its creation, the Investigative Committee of Russia being a direct subordinate to the President of the Russian Federation has been actively building its potential for combating crime. During this time, the list of acts of violence under the jurisdiction of investigators of the Investigative Committee of Russia has been significantly extended.

Tax crimes and grave and especially grave offenses committed by and against minors have been referred to the jurisdiction of the Investigative Committee. The overwhelming majority of offenses involving corruption has been excluded from alternative jurisdiction and referred to the exclusive jurisdiction of the Investigative Committee.

Since 2011, we have delivered to the court over 785,000 criminal cases, including over 70,000 cases on corruption. Over 8,500 persons with a special legal status have been brought to justice under probes sent to the court. More than 272 billion rubles have been reimbursed to the government and to the victims of offenses during preliminary investigations and procedural probes.

Certainly, forensic experts of the Investigative Committee of Russia made a significant impact on these results.

What kinds of forensic examinations are currently conducted by the Committee and how does the Investigative Committee of Russia see the importance of forensic and expert components?

Alexander Bastrykin: The global experience and our own practice prove that detection and high-quality investigation of crimes are impossible without effective expert support. This dependence increases in terms of speeding development of science and technology. I want to underline that, at the moment of its creation, the Investigative Committee of Russia was the single federal body to carry out the functions of a preliminary investigation without having its own system of expert support.

In this relation, the President empowered us to carry out forensic activities providing for expert units and positions. These issues are governed by the Statute on the Investigative Committee of the Russian Federation approved by the Presidential Decree on the Issues Relating to the Activities of the Investigative Committee of Russia. The structure of the Committee includes expert divisions on the most demanded high-tech kinds of expert examinations, the arrangement of which in other agencies caused problems.

This includes phonoscopic, DNA, computer technical, video technical, and some other types of examinations.

These divisions are provided with the best, and sometimes unique for Russia, expert equipment and technology. Highly qualified and certified specialists with special expert training and work experience in state forensic and scientific institutions were hired as experts.

In their work, they use technically tried expert methods that are approved and used in forensic institutions of other federal agencies.

We pay special attention to the identification and implementation of advanced expert equipment, modern devices, and Russian expert technologies in the work of experts of the Investigative Committee of Russia.

Can you disclose how many experts are currently employed by the Investigative Committee and how many forensic examinations they can carry out?

Alexander Bastrykin: We have an internal system of expert divisions. As of January 1, 2019, the Committee has 664 experts represented in every regional investigative unit. From 2010 to 2018, about 1.5 billion rubles were spent on their technical equipment.

Annually, the Investigative Committee experts carry out over 30,000 (176,000 in total) complex examinations of specific types (DNA, computer technical, phonoscopic, linguistic, video technical, tax audit, psychological and physiological, etc.), the results of which often reveal the final piece of evidence in high-profile, complicated non-obvious crimes.

The most mass provision of psychological and physiological examinations using a polygraph machine is performed at a good scientific and practical level: up to 9,000 expert examinations are performed annually during the investigation.

For instance, last year, during the investigation into Roman Shugaibov suspected of nine murders of Moscow citizens and subsequent takeover of their apartments, the experts carried out a number of psychological and physiological examinations that helped to identify his accomplices. During the psychological and physiological examination, investigators of the Investigative Committee of Russia recognized one of the accomplices as a murderer and subsequently found the place where the body of his victim had been buried.

As far as tax offenses are concerned, as you know, they were referred to the jurisdiction of the Investigative Committee of Russia in 2011. In this relation, 80 percent of forensic audits and tax audits are provided by expert economists of the Investigative Committee of Russia.

Are there any unique or fundamentally new accomplishments?

Alexander Bastrykin: Experts of the Investigative Committee of Russia have obtained unique experience of the use of new methods of psychological and physiological examinations using devices for registering and analysis of the oculomotor activity. Only the USA has had a similar experience of the use of an “eye-tracker” for lie detection by state bodies since 2018.

The Committee has reached the highest scientific and technical level of computer technical

examinations. Methodological approaches of the Investigative Committee of Russia were approved by and implemented at the Russian Ministry of Internal Affairs and Ministry for Justice. Our new developments include new kinds of expert examination of mobile storage devices, digital footprints, and big data sets with the use of newest Russian program and technical means.

For example, during the investigation into the armed attack on a stationary security post of an orthodox cathedral in Grozny in 2018, which resulted in the death of two police officers and a parishioner, experts of the Investigative Committee of Russia promptly carried out 13 forensic computer technical examinations of 23 pieces of computer equipment. Their results helped to establish all circumstances of the committed offense. The terrorists were eliminated during a special operation.

I shall add that we have started to arrange forensic examinations for probes into medical errors. We have employed 22 medical experts with significant experience. In 2018, we carried out 146 examinations in this category of offenses.

Do you think it is necessary to involve external scientists to develop new methods?

Alexander Bastrykin: I am convinced that the effective investigation of crimes depends to a large extent on the use of modern technical and forensic tools and the possibilities of expert research. Their development requires a profound scientific approach. We discussed these matters with President of the Russian Academy of Sciences, academician Alexander Sergeyev during our working meeting. Recently, we have concluded a cooperation agreement between the Investigative Committee of Russia and the Russian Academy of Sciences. Its implementation provides for close interaction on scientific, technical, expert, and information analysis issues. Main research fields have been defined for the nearest future. These include the development of Russian device and technologies for human DNA research; equipment for the search for missing bodies below ground and in water; methods of search for living persons in a different landscape, temperature, and weather conditions; and the development of a sample geophysical device for the search for buried items of criminal nature. There is also a number of specific matters related to our work that require profound scientific research, and we are actively working on it.

As the Head of the Committee, what do you think about the qualification of your experts? Do they retrain?

Alexander Bastrykin: By introducing advanced expert technologies into the work of the experts of the Investigation Committee, we organize a large number of training events for experts. Leading specialized higher educational institutions are engaged in this process, such as the Bauman Moscow State Technical University, the Lomonosov Moscow State University, the Saint Petersburg State University, the National Research Moscow State Construction University, the Moscow State University of Linguistics, and others.

Several times, experts of the Investigative Committee of Russia have traveled to Germany, the USA, Israel, France, Italy, and England to study the experience of organization and carrying out DNA, computer technical, psychological and physiological, and video technical examinations.

At the same time, there are aspects of work that draw international law enforcement officers to learn from us. For example, the advanced experience of the experts of the Investigative Committee of Russia in the examination of digital footprints in social networks and other Internet resources during the investigation of different offenses is studied by law enforcement officers from Italy, France, and other countries.

We see proof of high-quality training of our experts in certain results of their work for the identification of persons committing crimes and the establishment of significant circumstances of committing offenses. But the indicator that is most important to us is the fact that in 10 years of work 176,000 expert conclusions of the Committee have been verified and found admissible by the courts.

Let's continue our conversation about examinations with specific examples.

Alexander Bastrykin: DNA examinations carried out by our forensic experts helped to solve many especially grave crimes against the person. Those include a series of murders and rapes of women committed in Sevastopol by Pavel Bondarenko in 2009–2015, who was sentenced to life imprisonment. Konstantin Russkikh, who had committed the murder of two minor children in the Udmurt Republic in 2014, was identified. He is also serving a life sentence. In 2018, the murder of a minor in Kostroma Region was solved and Dmitry Dirko who had committed it was sentenced to 14 years of imprisonment. Also last year, the murder of a 19-year-old student from Obninsk of Kaluga Region committed in 2016 by two brothers was solved. The convicted are studying the case materials.

In this, the method of DNA analysis has a big advantage in the fast solving of terrorist acts. For instance, in 2011, a set of expert examinations, including the first-ever molecular genetic ethnic-geographical examination of the perpetrator's haploid genotype, was conducted within two days, making it possible to identify terrorist Evloyev at record time.

This and other newest expert DNA technologies are developed upon the initiative of the Investigative Committee of Russia as part of the Scientific-Technical Program of the Union State "Development of Innovative Gene-Geographical and Genome Technologies of Personal Identification and Detection of Individual Personal Features Based on Studies of Gene Pools of Regions of the Union State".

The unique for Russia information and analysis researches of big data sets make it possible to solve 'hopeless' crimes. For example, studying video records of the Flow system (of the State Road Traffic Safety Inspectorate) collected in relation to a series of rapes committed in 2003-2016 in Saint-

Petersburg and the Republic of Komi, investigators identified a car, the owner of which had been genotyped under the indicated series of crimes. It proved his involvement in the commission of the offenses.

Thus, the expert system of the Investigative Committee of Russia is effective, innovative in many ways, and has a good potential of scientific and technical development. This system does not duplicate other expert systems but complements them, being a flagship of the implementation of new expert technologies.

However, does the status of this system require additional regulation?

Alexander Bastrykin: At present, there is a draft law “On Amendments to the Federal Law “On State Forensic Expertise in the Russian Federation” and the Federal Law “On the Investigative Committee of Russia”. This draft was introduced to the State Duma by the President of Russia and is aimed to improve the legal regulation of organization and performance of forensic examinations of the Committee. The adoption of this law will create optimal conditions for the development of expert capabilities of the Committee necessary for combating grave and especially grave offenses under our jurisdiction.

Key Question

Can an internal expert of the investigative system be impartial?

To sort out the details, impartiality and objectivity of an expert are guaranteed by the existing legislation that provides for criminal responsibility for issuing expert conclusions known to be wrong and for illegal interference in expert activities, as well as for the obligation of an expert to recuse in cases of being influenced or presence of circumstances that indicate that the expert is personally, directly or indirectly, interested in the results of a probe.

Therefore, in every single case, an expert conclusion helps to establish the objective truth. This independent position provides for making a reasonable legal decision during the court proceedings. As a result, all of it guarantees the equitable justice.

Moreover, the expert conclusion contains detailed information about examination objects, methods used, process and results of the examination. Everything is transparent since the whole process might be reconstructed and checked to the full extent, if necessary.

I shall underline once more that the principle of the adversarial nature and equality of rights of the parties to criminal proceedings is fully granted by the Russian legislation. Concerned parties have a right to question and challenge the experts.

For Reference by Rossiyskaya Gazeta

In terms of DNA-genealogy, DNA-testing of males results in two basic indicators: Haplotype and Haplogroup. Haplotype is a set of numbers, which, for every man without exception, is a personal ID number. And Haplogroup, figuratively speaking, is an ID cover. It's not an individual, but a group characteristic. Haplogroup identifies an owner of a Haplotype to some specific bloodline of a historical tribe. Every Haplogroup, as well as every bloodline or tribe, has its own common ancestor, a patriarch. Therefore, just like the ID number and ID cover is a unique identifier of a person, the Haplotype and Haplogroup is an equally unique identifier of a person, provided that the number is long enough.

If a person doesn't have this number and the ID cover, they are a woman. This is a conclusion of archaeologists who use this method to reliably determine the gender of skeletal remains in ancient burial places. No Y-chromosome in the DNA, no male Haplotype and male Haplogroup, so a woman it is. Women have their own DNA IDs called 'mitochondrial DNA', which they pass to their children, both to girls and boys. Fathers pass only the Y-chromosome, and only to sons.

By Natalya Kozlova

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