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



Light Fingers Traces

Alexander Bastrykin tells about new ways of combating corruption

Will corrupt officials be able to hide the stolen property at their relatives and friends? How to bring to justice companies engaged in corrupt schemes? How to punish law enforcement officers and other “immunities” from the so-called “special subjects”? Chairman of the Investigative Committee of Russia Alexander Bastrykin answers these and other critical questions in the exclusive interview to Rossiyskaya Gazeta.

Alexander Ivanovich, it has been six months since Dmitry Zakharchenko was sentenced. However, his relatives are still trying to challenge the decisions regarding the confiscation of

their money. Are there grounds for such demands, in your opinion?

Alexander Bastrykin: Moreover, these persons even tried to challenge the constitutionality of a number of provisions of the acting anti-corruption law trying to interpret its certain regulations in their favor. They were obviously trying to influence the court decision on returning to the state the monetary funds seized under the probe into Dmitry Zakharchenko, while the legality of those was not verified.

Still, the legislation in force protects the rights of all participants of the process to the full extent. It ensures a balance between public interests of combating corruption and private interests of the property owner given it was not acquired as a result of corruption activities. This is the position of the Constitutional Court. The plaintiff has a right to submit any admissible evidence to verify the legality of receiving the funds. As I have already said, they failed to prove that. By the way, these measures of preventing corruption offenses correspond with the standards formulated at the international level and recognized in the Russian Federation. In particular, I am talking about the United Nations Convention against Corruption.

Does the Investigative Committee use this practice of seizing millions “earned by hard work” from relatives and acquaintances of corrupt officials for other probes?

Alexander Bastrykin: Such a mechanism of alienation to the benefit of the state of the property, the origin of which a state servant failed to explain, was simultaneously used in our other probes when investigators could find and arrest the property of convicted persons.

Old Schemes

Can you provide an example?

Alexander Bastrykin: For example, the investigation into former Head of the Federal State Budgetary Institution “Green Valley Sanatorium of the Federal Bailiffs Service” Alexander Safonov. He had been misleading the Direction of the Federal Bailiffs Service of Russia and receiving financing for the purchase of gas in an overstated volume not required by the sanatorium. He had paid for the gas that was not supplied under forged documents.

Investigators found out that the accused had purchased 44 expensive real estate objects in Moscow and Krasnodar Region and seven automobile vehicles of the total value of 280 million rubles. He had registered all of those on his relatives and children. The property was arrested and it was obvious that its value did not correspond with the civil servant income. In this situation, the supervising agency motioned the court to return the property to the state. There are lots of similar examples.

In your opinion, have the corruption schemes used by officials changed over the recent years?

Alexander Bastrykin: Schemes may vary. There still are facts of corruption in the management of state and municipal property and in financial and economic activities of state and municipal institutions and unitary enterprises. There are different ways to commit offenses. Those include a supply of overpriced or poor-quality goods under state contracts, embezzlement of budgetary funds through fictitious relatives that only receive salaries but do not work, and conclusion of contracts for the provision of services without their actual provision.

I wish we could have more details here...

Alexander Bastrykin: This year Deputy Director of the Federal Penitentiary Service of Russia Oleg Korshunov and his accomplice Vitaly Morusov have been sentenced. They had stolen budgetary funds by supplying to the institutions of the Federal Penitentiary Service of Russia defective shoes for prisoners and penal system officers for the total value of 260 million rubles.

Under another probe, Korshunov was indicted for episodes of bribe-taking and embezzlement of budgetary funds by over-pricing state contracts for the supply of food and fuel for over 150 million rubles. The probe is now being reviewed by the court.

In order to ensure the execution of the court decision on the civil claim, the investigation arrested the property of the convicts for over 240 million rubles. Korshunov's arrested property included a collection of expensive watches, light motor vehicles Cadillac and Mercedes, two speedboats, and a yacht on board of which he was detained. This is an example of the lifestyle and expenses of corruption offense perpetrators.

Bribe Leads the Parade

The year is coming to an end. Can we say that the Investigative Committee has made progress in investigating corruption crimes?

Alexander Bastrykin: First of all, I have to say that the fight against corruption is systematic in our country. Criminal justice mechanisms play an important part in this and the agency I lead consistently increases its efforts in this area.

In 9 months of this year alone, we have referred to court 6,468 probes on 11,664 corruption offenses investigated by officers of the Committee.

These include 53 criminal cases into organized groups bringing to justice 135 persons and three probes into criminal communities charging 22 persons.

This year we have brought to trial the probe into former Deputy Governor of Moscow Region Alexey Kuznetsov extradited from France. Former Head of the Komi Republic Vyacheslav Gaizer and his accomplices have been sentenced for corruption. As has been former Vladivostok Mayor

Igor Pushkarev. As have been former officials of the Republic of Dagestan. As have been former Deputy Head of Dalspetsstroy and other persons.

6,902 individuals have stood trial, 3,952 of whom have been public officers, including 752 officers of internal affairs agencies, 476 representatives of local self-governments, 181 officers of the Federal Penitentiary Service of Russia, and 84 officers of the Federal Bailiffs Service of Russia.

In total, investigators of the Investigative Committee of Russia have referred to court over 80,000 criminal cases into corruption since 2011--the year the Investigative Committee was established.

What kinds of offenses prevail among all corruption probes referred to court?

Alexander Bastrykin: Similarly to the previous year, the majority of corruption offenses has been related to bribe-giving and bribe-taking, amounting to about 30% of the total number.

Another 15% have been cases into swindling or embezzlement, that is where some damage was inflicted.

For all such probes, we seek not a deprivation of freedom for the perpetrators but the compensation of damage and the current Russian legislation makes it possible to a sufficient extent.

This year the damage of 2.047 billion rubles has been compensated under probes into corruption offenses. In order to ensure compensation of inflicted damage, the property of persons accused of corruption offenses of the total value of 12.9 billion rubles has been arrested.

We carry out this work in close interaction with prosecution authorities, our colleagues from the Russian Ministry of Internal Affairs, Federal Security Service, Accounts Chamber, Federal Service for Financial Monitoring, and other state bodies.

We also attach great importance to prevention: in 9 months of this year, we presented recommendations on the elimination of causes and circumstances of committing corruption offenses over 7,000 probes into crimes involving corruption.

Special Subjects Assessments

It appears that hundreds of officers of law enforcement, the penal system, and the bailiffs' service have been placed in the dock. How can you describe the general level of corruption among officers of law enforcement bodies and special subjects? Are there any changes in these statistics, in your opinion?

Alexander Bastrykin: Compared to the previous year, there is a 5-10% decline in the number of convicts under probes referred to court being officers of the Ministry of Internal Affairs, Federal

Penitentiary Service, Federal Customs Service, and other agencies.

As far as persons with special legal status are concerned, this year we have referred to court 308 probes into such persons, which is insignificantly less than the year before. At present, the investigation into several special subjects at once is on the final stage. It concerns former First Deputy Prosecutor of the Republic of Bashkortostan Oleg Gorbunov and nine of his accomplices: two prosecution officers, an advocate, a deputy, and several entrepreneurs.

I think we should remind our readers what Oleg Gorbunov is accused of.

Alexander Bastrykin: Gorbunov is indicted for taking three bribes of the total value of 18 million rubles. In 2016-2017, he had received bribes through mediators from different persons interested in his making certain procedural decisions. Whereby such decisions were related to exoneration from criminal responsibility of persons having committed very serious offenses--the organization of murder by hire, infliction of severe bodily harm entailing the death of the victim, abuse of power.

He used the money received as bribes to buy a BMW worth some eight million rubles and registered the ownership right on his acquaintance. Our investigators found out that, while committing offenses, Gorbunov had thoroughly followed conspiracy measures and regularly changed phone numbers registered on other persons. He had used these phone numbers to correspond with his mediator and forwarded him pictures of procedural decisions he had made in order to confirm his actions.

The Caucasian Trace

Lately, there has been a lot of information about the work of your subordinates on corruption probes in North-Caucasus Region. Do you have any news from there?

Alexander Bastrykin: With operative support of the Federal Security Service and the Ministry of Internal Affairs, the Investigative Committee of Russia continues the investigation of probes into corruption offenses committed in North Caucasus.

The Main Directorate on Major Crimes Investigation and the Main Investigations Directorate over the North-Caucasus Federal District are doing a lot of work. Head of the Dagestan Federal Anti-Monopoly Service Kubasay Kubasaev has been sentenced. The investigation of probes into Deputy Governor of the Republic of Dagestan Shamil Isaev, former Minister of Education of the Republic of Dagestan Shakhbas Shakhov, Deputy of the Parliament of the Republic of North Ossetia (Alania)--Rector of the Medical Academy Tamara Gatagonova, and a number of officials of the Stavropol Regional Main Directorate of the Ministry of Internal Affairs has been finished.

In general, it is a large-scale work and we will gradually disclose its results. But sometimes the investigation discovers very interesting facts.

For instance, former Acting Governor of the Republic of Dagestan Abdusamad Hamidov and his Deputy Rayudin Yusupov have been sentenced under the probe into embezzlement of over 40 million rubles allocated from the regional budget. In order to compensate for the damage inflicted, investigators identified and arrested the property owned by the convict. This included his country residence--a mansion of the estimated value of 23 million rubles. It was discovered that the house is an unauthorized construction that lacks title documents.

That means that, for years, no one has been paying for utility services but the house that does not exist in documents was somehow connected to utility lines. The Investigative Committee continues to investigate other episodes of criminal activity by Hamidov and his accomplices as part of the general criminal case.

Does the Investigative Committee of Russia take part in the development of measures to counter laundering of money at the international level?

Alexander Bastrykin: Since 2003, Russia has been a full member of the FATF (Financial Action Task Force) organization along with other 39 countries. This organization establishes global standards for countering the legalization of criminal proceeds and financing terrorism; according to those, the member countries amend their domestic legislation and law enforcement practice.

The system of countering money laundering in Russia is subject to systematic assessments, the last round of which took place in 2018-2019 with the active participation of the Investigative Committee of Russia. The draft report was discussed in Paris this August and the rating of our country was upgraded as a result of the joint work of representatives of the Investigative Committee of Russia and the Federal Financial Monitoring Service. After that, at a FATF plenary session, during public presentation of the Russian Federation report, the high rating on indicators characterizing the work of investigative bodies of the Investigative Committee of Russia was retained. As a result, the Russian Federation has become one of the eight countries out of 40 that passed the assessment successfully, overtaking many other countries in the area of countering terrorism and laundering of money.

Key Question

- In your opinion, should there be any additional amendments to the anti-corruption legislation?

Alexander Bastrykin: As I have already said, our law is efficient enough. Last year, the Federal Law (No. 307 of August 3, 2018) "On Amendments of Certain Legislative Acts of the Russian Federation in Order to Improve Control over Observance of the Anti-Corruption Legislation of the Russian Federation" improved the mechanism of expenditure control and established an opportunity to control the expenses of former--I will underline that--former officials.

These powers were granted to prosecution bodies. The amendments disabled the corrupt officials from using the trick of avoiding responsibility in case of retirement of a light-fingered authority.

However, we still consider the previously announced initiative to institute criminal responsibility for legal entities as relevant. It also comes with the Russian Federation membership in international organizations and participation in international agreements that require the establishment of such responsibility.

For example, the responsibility of organizations involved in corrupt offenses and commercial bribery is provided for by the Council of Europe Criminal Law Convention on Corruption (of January 27, 1999), the United Nations Convention against Corruption (of October 31, 2003), the OECD (Organization for Economic Co-operation and Development) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (of December 17, 1997), and the International Convention for the Suppression of the Financing of Terrorism (of December 9, 1999).

In this, the presence of a mechanism of bringing legal entities to criminal justice creates the legal framework for extraterritorial criminal prosecution of international organizations located abroad and foreign legal entities for crimes encroaching on interests protected by Russian legislation.

I would like to remind about another initiative. Facts have become widespread when, as early as during the preliminary investigation, the inspected persons are taking active steps to conceal their property.

In this relation, it seems reasonable to amend Article 26 of the Federal Law (No. 395-1 of December 2, 1990) "On Banks and Banking Activities" to empower an investigator to request data constituting bank secrecy during not only criminal proceedings but also pre-investigative probes.

I am certain that the implementation of these suggestions will create an additional legal mechanism of protecting victims of corruption offenses.

I can ensure Rossiyskaya Gazeta readers that the Investigative Committee of Russia will continue to pay close attention to corruption-intensive areas, detect and investigate misconduct offenses, and take measures to compensate for the damage inflicted by corruption offenses.

Text by Natalya Kozlova

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