
Interview of the Chairman of the Investigative Committee of Russia to Kommersant newspaper



"The negative consequences of corruption are harder than direct damage"

Alexander Bastrykin explained the decrease in corruption in the internal affairs bodies

The chairman of the Investigative Committee, Alexander Bastrykin, told the head of the crime department of Kommersant, Maxim Varyvadin, about investigation of high-profile criminal cases. The investigation found out the origin of billions of rubles found in the apartment of ex-Interior Ministry colonel Dmitry Zakharchenko; figured out why the Ministry of Emergency Situations bought cheap fire hoses instead of reliable ones and how the officials of the Federal Reserve Agency got rich themselves, extending the shelf life of diesel fuel. However, despite certain successes in the fight against corruption, General of Justice of the Russian Federation Bastrykin continues to seek not only the return of the

institution of confiscation to the Criminal Code, but also justifies the need to introduce this additional punishment for all types of corruption-related crimes.

- How do you generally assess the fight against corruption in Russia?

- To begin with, criminal law measures reliably protect the state and society from various manifestations of corruption. In 2019, the Investigative Committee initiated over 18 thousand criminal cases on corruption offenses. Our investigators have sent 8409 criminal cases of corruption to courts to prosecute over 9 thousand persons. This includes 81 cases against organized groups and 6 against criminal associations or criminal organizations. At the investigation stage, damage was compensated for almost 2 billion rubles, property worth another 7 billion rubles was arrested.

- What are the most common corruption crimes?

- About 20% are criminal cases into giving bribes (1747 cases), slightly less - 16% - into taking bribes (1396). A significant proportion is accounted for fraudulent offenses (1279 cases), which is about 15%. Petty bribery - 1124, misappropriation or embezzlement - 601 cases. Based on these data, we see that most of the corruption-related crimes are related to bribe-giving. In this regard, this year, together with the Prosecutor General's Office, the FSB, the Ministry of Internal Affairs, the Federal Customs Service, the Federal Antimonopoly Service, the Federal Tax Service and Rosfinmonitoring, we continue active preventive work on combating corruption and protecting budget funds, including making the most of the media resources.

- In what areas are the biggest bribes?

- Analysis of the investigated criminal cases shows that the largest bribes are taken by high-ranking officials from entrepreneurs. As a rule, they are associated with the implementation of any actions in their favor, as well as the provision of general patronage. For example, Vyacheslav Gorbachev, former deputy chief of staff of the Sakhalin Regional Administration, was convicted in one of our criminal cases. As part of an organized group, together with the former governor of the Sakhalin region, Alexander Khoroshavin and his adviser, he received bribes from five entrepreneurs in the amount of 255 million rubles. Another example is the completed and sent to the court criminal case against the former deputy head of the Nizhny Novgorod administration, Vladimir Privalov. Together with the former head of the city administration, Oleg Kondrashov, through intermediaries, he received 17 million rubles. also for the general patronage of entrepreneurs providing funeral services. Kondrashov fled from the investigation and was put on the international wanted list. Another case is against the First Deputy Minister of Housing and Utilities, Energy, Digitalization and Communications of the Trans-Baikal Territory Oleg Kuznetsov, he is charged with taking bribes worth 7 million rubles, also for general patronage. There are a lot of such examples in the regions, but the scale, as we can see, is different.

- Are the episodes of the crimes of former Interior Ministry colonel Dmitry Zakharchenko

still being investigated?

- At present, the investigation into a new episode of Zakharchenko's criminal activity is at the final stage, the process of acquaintance with the materials of the criminal case is underway. Thanks to numerous investigative actions, it was established that Zakharchenko had been engaged in criminal activities back in 2007. Businessman Valery Markelov, as well as Zakharchenko's friends Viktor Belevtsov and Vasily Kritinin have been brought to criminal responsibility along with him. Several perpetrators have been put on the wanted list.

According to the investigation, in 2007-2016 Zakharchenko received bribes in the form of property rights to non-cash funds in the amount of over 1.4 billion rubles. This money was cashed, and, among others, they were subsequently found during a search of his apartment in 2016.

The bribe-givers were large businessmen - Valery Markelov and Boris Usherovich, as well as the heads and co-owners of the commercial bank "Novoye Vremya" Ivan Stankevich and Dmitry Motorin.

- How did the criminal scheme operate?

- According to the investigation, the named bribe-givers created a carefully covert and well-oiled automated banking system, which was used to illegally manage a large amount of money belonging to both individuals and large legal entities. At the same time, it was very difficult to identify the ultimate beneficiaries of the so-called site, since the initially received funds under the guise of seemingly legitimate civil transactions after a number of banking operations came to the disposal of persons who had no documentary relation to these funds. Given the high level of secrecy, the capabilities of this automated banking system were used to bribe Zakharchenko. He, in turn, carried out general patronage of the illegal commercial activities of bribe givers and until the moment of arrest in September 2016 effectively took all the necessary measures to ensure that such activities could not be suppressed by law enforcement agencies.

Also, based on the materials collected during the investigation of this case, a criminal case was initiated and is being investigated on the fact of organizing a criminal community and carrying out illegal banking activities, under which more than 20 people were brought to criminal responsibility.

- As we know, the size of the bribe affects the punishment, nevertheless, even on the basis of relatively small extortions, criminal cases are initiated for the commission of especially grave crimes.

- The sanction of the article of the Criminal Code provides for a more severe punishment when it comes to a significant, large or especially large amount of a bribe. At the same time, the terms of imprisonment also vary. But the priority here is the principle of inevitability of punishment, and this is regardless of whether the bribe is large or small. Taking a bribe is an official crime against state

power and the interests of the civil service, not against property. Therefore, even when certain officials receive small amounts, especially if this happens systematically, colossal damage is inflicted to the interests of the state. For example, in the Krasnodar Territory, investigators of the Main Investigative Department for the North Caucasus Federal District, together with the Main Directorate of Security of the Ministry of Internal Affairs of Russia, suppressed the illegal activities of a group of police officers that had been engaged in extortion from citizens for several years. 15 persons have been charged under this probe. According to the investigation, traffic police officers systematically received bribes, turning a blind eye to various violations. The bribe-givers got away with drunk driving, the presence of other violations related to the operation of freight transport. There were also such facts when the traffic police allowed to continue the movement of a vehicle that was on the wanted list or carrying narcotic drugs. The total sum of bribes amounted to over 50 million rubles. All this is a serious discrediting of the authorities in the eyes of the people. After all, citizens who face such manifestations form a biased and negative opinion about the law enforcement system as a whole. In reality, this is not the case. On the contrary, those who break the law are a minority. Thanks to the systematic work to combat corruption, including the preventive measures taken, corruption crime among certain categories of law enforcement officials continues to decline.

- You mean the police?

- Including the police. For example, in 2019, the number of accused (**of corruption**) from the number of employees of the internal affairs bodies decreased by 60% compared to 2011. This is not a coincidence.

When comparing the data for the past years, one can see an annual gradual decrease in the number of officials of the internal affairs bodies prosecuted for corruption.

The same dynamics can be traced in a number of other law enforcement and security agencies. Our opponents may object, saying that maybe we are bad at detecting? But the comprehensive work to suppress the facts of corruption has only intensified over the years. Preventive work within other law enforcement structures is also at a high level. It should also be noted that the recent high-profile trials in cases of bribery and other corruption crimes investigated by the Investigative Committee with the assistance of the FSB and the Ministry of Internal Affairs, in relation to the former head of the Komi Republic, the former governor of the Sakhalin Region, former Minister of Finance of the Moscow Region and a number of other high-ranking officials had a serious preventive effect.

- In what areas is it especially difficult to identify and investigate corruption crimes?

- A significant part of corruption crimes is committed during the implementation of state and municipal purchases. The main methods of theft are the same - unjustified overstatement of prices for material and technical values and services provided, as well as overstatement of the volume of work performed. Such crimes are very carefully planned, and the persons involved in illegal schemes use all sorts of ways to disguise their influence on the conclusion of contracts that are beneficial to

them personally. Naturally, both parties - representatives of government agencies and executors under such contracts - are interested in hiding what happened. Nevertheless, such crimes are actively detected by our investigators together with the Ministry of Internal Affairs and the Federal Security Service. For example, in the Republic of Crimea, the fact of bribery by the former Deputy Chairman of the Council of Ministers of the Republic Vitaly Nakhlapin, as well as his accomplices Yaroslav Slivka and Valentin Dukorsky, was revealed. For a bribe of 16 million rubles the accused provided the entrepreneur with official information on holding auctions during the implementation of the Federal Target Program "Social and Economic Development of the Republic of Crimea and the City of Sevastopol until 2020", and also contributed to the victory in state auctions. In the course of the investigation, the property of Nakhlapin and his wife totally worth over 174 million rubles, including three apartments, seven land plots, eight cars, a yacht, construction equipment, shares in various commercial organizations, was arrested. Investigative actions in the criminal case have been completed, and the process of familiarizing the accused and their defenders with the materials of the criminal case is underway.

- Earlier, the Investigative Committee announced the initiation of a criminal case against high-ranking employees of the Federal Reserve. How many people were eventually prosecuted and what amounts of theft are they charged with?

- 8 persons have been brought to criminal responsibility. Investigative actions in the criminal case against a number of persons have been completed. Among them are the deputy head of Rosrezerv Alexander Kiryukhin, the former head of the Rosrezerv department Vadim Gavrilov, his former deputy Oleg Lazarev, the director of the Research Institute of Storage Problems of the Rosrezerv Sergey Ulanin, as well as the general director of subcontractors NaftaPremium LLC and NPO Tekhnologiya LLC Alexander Bezrukov, commercial director of these organizations Alexander Pavlov and their beneficiary Alexei Pavlov. The investigation into the now former general director of LUKOIL-Rezervnefteprodukt LLC Alexander Khomyakov continues. He was put on the international wanted list, in respect of him, at the request of the investigation, a preventive measure was chosen in the form of detention in absentia.

In 2011-2017, according to the investigation, the accomplices under the leadership of Kiryukhin organized the conclusion of a state contract with the LLC SO Tvernefteprodukt controlled by him in the amount of over 3 billion rubles. The subject of this contract was the provision of services to restore the quality of diesel fuel after long-term storage at Rosrezerv plants. It turned out that the work was carried out using fictitious technology and did not allow improving the quality of the fuel, and the employees of the Federal Reserve Agency were well aware of this. Nevertheless, they paid more than 3 billion rubles for the fictitious work from the federal budget. More than 300 million rubles were stolen under the same scheme. when concluding a contract for the provision of similar services with controlled LLC LUKOIL-Rezervnefteprodukt. Currently, the accused and their defenders are getting acquainted with the materials of the criminal case.

- Entrepreneurs appear in almost all examples ...

- Unfortunately, yes, and the main goal of such officials and merchants is to gain mutual benefit by circumventing the law. Another similar example concerns the illegal actions of the first deputy head of the city of Sochi, Sergei Yurin, the former first deputy head of the city, Anatoly Rykov, lawyers Alexei Litvinov, Nikolai Grebenyuk and Andrey Leventyuk. According to the investigation, in 2015-2017, the accomplices received a bribe in the amount of 40 million rubles for the issuance of a permit for the reconstruction of the apartments of the Marina Park complex with the superstructure of the upper floors. In 2017, Rykov, Yurin, Litvinov and Leventyuk received another 40 million rubles as a bribe for the conclusion by the Sochi administration of a land plot lease agreement in favor of a person affiliated with the bribe giver. The investigation imposed seizure on various property of the accused - numerous cars, houses, apartments, land plots, non-residential premises, money, bank accounts totaling over 1 billion rubles.

- What is the danger of such crimes?

- The potential negative consequences of corruption can be much more severe than the direct damage from theft. For example, poor quality fire safety products can cost lives. Now the court is considering a large case investigated by the Investigative Committee, under which charges were pressed against 10 persons, including the former director of the development department of the Russian Emergencies Ministry Beslan Gogokhia, his colleagues, as well as a number of heads of commercial organizations. As part of the execution of contracts for 181 million rubles entrepreneurs supplied cheap fire hoses and presented forged documents, and EMERCOM employees accepted them. Such persons do not think about the possible tragic consequences when carrying out such deliveries of low-quality goods for the purpose of personal enrichment. We also know other notorious facts. The fire in the Zimnyaya Vishnya shopping center in Kemerovo is one of them. According to the investigation, the entrepreneur Vishnevsky, who rebuilt the building, in 2013–2014 bribed an organized criminal group headed by Tanziley Komkova, head of the State Construction Supervision Inspectorate of the Kemerovo Region. This made it possible to carry out the reconstruction of the shopping center without a building permit, as well as in violation of the approved project, which provided for the installation of automatic fire extinguishing systems on all floors of the building, which were never installed. Komkova ignored the presence of gross violations of fire safety. All this actually predetermined the tragedy that happened in 2018 and claimed the lives of 60 people. Vishnevsky fled abroad, but thanks to the actions of the investigation and the General Prosecutor's Office, he was extradited to the Russian Federation. Currently, Vishnevsky is in custody, he has been charged with the final version. In past years, there were also many criminal cases, when ordinary people became victims between the two links - corrupt officials and unscrupulous businessmen. Our task is to strive to protect the rights of victims and work to prevent abuses when placing orders for the supply of goods, performance of work, provision of services for state and municipal needs.

- Probably, few people compensate the damage voluntarily?

- There were different situations in our practice. In cases of mass casualties, business owners often

hid from the investigation. Of course, we found them, sought compensation, but it took time. Recently, I had a personal reception with a victim in a criminal case on the detonation of domestic gas in the Belgorod Region in 2015. The applicant's health was severely damaged. It is obvious that the reason for the incident was the poor-quality work on gasification of the house. Do you know what the director of the local gas company said in this situation when asked about possible compensation for the damage caused to the victim? If you prove the corpus delicti, we will compensate, and if not, we will refuse. This is such a cynical approach, despite the obviousness of the situation. However, quite recently, when, after a personal reception, this story became public, apparently thinking about the reputation and realizing the correctness of the investigation, the director of the gas company nevertheless changed his position and already expressed his readiness to compensate for the damage after providing the victims with information about its size. But it took 5 years! At the same time, I instructed the investigators to once again carefully analyze the circumstances of the incident, and now a new criminal case initiated for negligence is being investigated.

- How often did special subjects commit corruption crimes? How many employees of your agency have become involved in criminal cases?

- Our daily activities to combat corruption clearly indicate that there are no untouchables. In 2019, the Investigative Committee pressed charges against 479 persons with a special legal status. Among them are 13 deputies of legislative bodies of power of the constituent entities of the Russian Federation, 97 deputies of local self-government, 140 elected heads of municipalities, 75 lawyers, 41 heads and investigators of investigative bodies in the Ministry of Internal Affairs, 8 prosecutors, 9 judges, 19 employees of the Investigative Committee. We speak openly about the suppression of corruption within the Committee. It is a matter of honor for us to eradicate it in our ranks, because those who fight crime must have clean hands.

- Why are you so persistently seeking the return of the confiscation?

- Confiscation is necessary to improve the effectiveness of criminal law measures to combat corruption. My colleagues and I in the Investigative Committee are convinced that the confiscation of property as an additional form of punishment should be returned to the Criminal Code.

At the same time, it is necessary to indicate the possibility of its application in the sanctions of specific articles of the Criminal Code on corruption crimes.

Now confiscation is referred to other measures of a criminal-legal nature, its application is not obligatory for judges, who often do not exercise such powers. It is also advisable to establish such an additional basis for the confiscation of property acquired by criminal means, such as transferring it to third parties free of charge or for a fee, clearly incommensurate with the value of this property.

At the same time, there is a good rule in Russia, according to which the prosecutor can file a lawsuit

for turning the illegal enrichment of an official into state revenue. We provide prosecutors with all the necessary materials to substantiate such claims.

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