
Interview of the Chairman of the Investigative Committee of Russia to the Argumenty i Fakty newspaper



Pulp fiction. Alexander Bastrykin - on the work of investigative authorities

Alexander Zvyaginsev, AiF: Alexander Ivanovich, there is an interesting episode in your biography: after working on sites, as a criminal intelligence inspector, an investigator, you suddenly left for the law department of the Leningrad State University to teach. What did attract you?

Alexander Bastrykin: I left to the university in 1979. The sphere of my scientific interests included criminal procedure and criminalistics (at that time it was one scientific specialty). My scientific views and formation as a scientist were greatly influenced by the outstanding Soviet and Russian legal scholar Nikolai Sergeyeovich Alekseev, who for almost 40 years headed the department of criminal procedure and criminalistics at LSU. He was a scientist with a wide scientific outlook, and I

tried to adopt this approach, always trying to analyze various problems, and not just any one narrow question.

- I remember well how back in the mid-1980s you began teaching forensics, and today you are considered one of the most experienced specialists in this field in the country.

- Even then I was convinced that this science had enormous potential and important practical value in solving various crimes. Therefore, later I devoted many scientific works to various areas of criminology, in particular the fingerprinting and investigation techniques of certain types of crimes. All this led to an understanding of how forensics should work in practice. And, having come to serve in the Investigative Committee, I began to strive to implement the accumulated experience and create an effective forensic unit within the agency.

- You chair the Investigative Committee of Russia since its establishment in 2011. What were the tasks and what are the main results of your work?

- The main task of the Investigative Committee of Russia was and remains the prompt and high-quality investigation of crimes that relate to its jurisdiction. This includes: grave and especially grave crimes against the person, life and health of citizens, in the economic sphere, officials, corrupt structures, terrorism, extremism, crimes against the peace and security of mankind, against children.

Also, the competence of the Investigative Committee includes the investigation of crimes committed by members of the Federation Council, deputies of all levels, judges, law enforcement officers, military personnel, lawyers, members of election commissions and some other officials vested with power.

Since 2011 the Investigative Committee of Russia has investigated (and sent to court) 1 million probes including 100,000 probes into corruption. 10,000 persons with a special legal status were brought to criminal responsibility. The state and victims of crimes were reimbursed 300 billion rubles.

At the same time, the law defines a number of other important tasks for our agency. These include working with statements and appeals of citizens, ensuring the legality of receiving and registering - reports of crimes, procedural control over the investigation process, and international cooperation. Last year, another task was assigned to us - the proceedings in the forensic institution of the Investigative Committee of forensic examinations, appointed in accordance with the criminal procedure legislation. That is why the Forensic Expert Center of the Investigative Committee of Russia has been recently opened.

- Why was it necessary to create it?

- The fact is that over the years, the experts of the Investigative Committee of Russia have

accumulated a tremendous amount of experience in conducting various expert examinations. Their results helped to establish circumstances of a number of offenses. However, they didn't have a status of state forensic experts. The changes in the law were required to address this issue. At the same time, the Forensic Expert Center of the Investigative Committee of the Russian Federation was also given regulatory support.

- When did experts come into your department in the first place and what were their tasks?

- I made the decision to create the department of organization of expert and forensic activities within the Department of Criminalistics of the then Investigative Committee under the RF Prosecutor's Office in 2009. It consisted only of 25 persons. After that the process was launched. Regional investigative departments have established polygraph examiners and forensic economic expertise. Later they began to develop genetic expertise and other types of research, including linguistics, phonoscopy, computer forensics, construction and other expertise. And in fact, in 11 years it all formed a powerful, well-established system.

What many people are currently employed by the unit and who do you hire?

- Now there are about 700 experts on staff. They already include experts from the Investigative Committee, but we also plan to bring in specialists with extensive experience from other agencies. At the same time, we will consider both the current heads of expert subdivisions of the system of the Investigative Committee of Russia and new candidates from among persons with high professional training and organizational abilities for managerial positions.

- I have just recalled one episode. It was not that long ago. With my associates, I was looking for ways to restore the author's manuscript of the First Symphony by the outstanding Russian classical composer with whom I was acquainted, Georgy Sviridov. And when even law enforcement agencies found the task impossible, Sergei Sirro, head of the Technological Research Department of the Russian Museum, took up the task. He worked with damaged pages of text for an entire year using various technical means. And his persistence yielded - results - the score of the unknown symphony was restored. It seems to me that such experts in their craft are in short supply today.

- I can assure you: if specialists with unique knowledge come to our attention, we are always happy to hire them. The experts of the Investigative Committee of Russia conduct over 30,000 forensic examinations each year. And I am sure their number will keep growing.

- But it's no secret that forensic experts often depend directly on the investigators in their work. Is it possible to change this situation?

- Prior to the creation of the center, our experts were employees of the forensic units and forensic departments of the investigative authorities. Of course, they, like any other experts from the Federal

Security Service, the Interior Ministry, or the Federal Customs Service, were protected by the norms of procedural law when conducting examinations. But the issue of their subordination was constantly raised by the court and the parties to the process, which created the need to travel to the courts to explain their procedural independence from investigators and investigative bodies and, accordingly, to defend the objectivity and impartiality of their conclusions. With the adoption in 2019 of amendments to the legislation initiated by the Investigative Committee, the expert of the Forensic Expert Center of the Investigative Committee of Russia is an independent figure in the procedural sense. Today, all experts are removed from the subordination of the heads of investigative bodies and re-subordinated to the director of the center, who, incidentally, has no procedural powers.

- What, then, is the role of expertise in criminal investigations today?

- Practice shows: an expert who is fluent in a particular method is often the key link in the chain of extraction of forensically significant information. The concept of an expert and expert examination is enshrined in the CPC of the RF on a par with investigators, attorneys, and other participants in the process. This alone demonstrates the importance of the expert and the results of his work in solving crimes. Because of its objectivity, an expert opinion is one of the main pieces of evidence underlying criminal investigations and court verdicts.

- What expert examinations does the Centre carry out?

- Investigation of criminal cases requires different expert examinations depending on the situation. Some time ago, from your practice, you yourself gave the example of a painting by the famous artist Georges de Latour, when domestic criminologists, after doing the most difficult work, were able to establish the authenticity of his painting "At the moneylender," despite previous unsuccessful attempts by foreign colleagues. And so now it's important for us to make sure that we can undoubtedly answer any controversial questions of identification in criminal cases. That is why the priority is the development of production of the most science-intensive and high-tech types of expertise, such as genetic, computer-technical, phonoscopic, forensic and a number of others. They are the most frequent today, and their results allow us to draw conclusions that are significant for the investigation.

For example, the phonoscopic examination, appointed on materials of the criminal case about illegal organization and holding of gambling in the Oryl region, allowed to establish information about the distribution of roles among the accomplices, to confirm the repeated commission of crimes, to establish links within the criminal community and to prove the involvement of criminal defendants in the commission of a crime. All in all, the new center conducts more than 20 types of expert examinations.

- And which of them, from your point of view, are the most in demand?

- Practically everything, but much depends on the category of the crime under investigation and the

circumstances of its commission. For example, the development of IT-technology and the widespread use of electronic devices has led to the commission of crimes using the Internet, so there is an increasing need for expertise related to the examination of data on such media. During the investigation of the criminal case against those who posted photos of Nazis during the action "The Immortal Regiment online" the evidence that formed the basis of the charges included the data of a computer forensic examination.

There are also methods and technical possibilities for the recovery of deleted data from various media - computers, phones - as well as from computerized units of vehicles, which is also important in the investigation of certain crimes. For example, during the investigation of the criminal case against Mikhail Abyzov, our experts found that the defendants in the criminal case had deleted certain information from electronic media. However, we managed to restore this data using specialised hardware systems. Experts, together with investigators, examined the recovered data and found black accounting of Abyzov-controlled companies and other correspondence.

Similar methods were used in the criminal case of theft of funds in LLC CB "Credit Express", we managed to recover information significant for the investigation from electronic media and attach it to the materials of the criminal case.

The experience of our experts in the investigation and systematization of "digital traces," i.e. data from Internet resources and social networks, is widely used in investigative and forensic practice.

Linguistics is also an important area of research. Such studies conducted by expert linguists are of decisive importance when investigators decide to initiate criminal cases related to countering - extremism. This type of expertise also plays a serious role in the investigation of criminal cases of corruption, in which experts solve questions about the presence in conversations of incentives to transfer money and their purpose, as well as establish the semantic content of conversations with hidden text elements.

Expert analysis of video recordings is of great importance. For example, thanks to the processing of video camera footage taken near the scene of the murder of Interior Ministry investigator Yevgenia Shishkina in the Moscow region, we were able to identify the cab in which the offender arrived. As a result, investigators and operatives were able to find the cab driver, and then establish exactly whom he drove. The major crime was solved. This method also helped uncover a series of crimes against sexual integrity committed in Sevastopol from 2005 to 2016 against 16 children.

Apart from that, the experts are regularly engaged in carrying out investigative activities as specialists. In the case of particularly serious crimes against the person or sexual integrity, they help to identify and seize relevant traces, which can be sent for genetic tests. In cases involving violations in the field of information technology, we engage experts with knowledge of computer technologies.

- Do you already see any concrete prospects for the Center's development?

- Today, a strategy for its development is being elaborated, which is aimed at increasing the capacity of existing laboratories and the formation of new expert areas. We have started to work out an issue of creation of a subsidiary of the Centre in the Southern Federal District. We are determining a spectre of kinds of examinations of interest for investigation. For example, the most promising today is the creation of a laboratory for forensic physical and chemical examinations, which will conduct research on fibers and fibrous materials, precious metals and stones, paint and coatings, explosives, fuel and lubricants, etc.

All this will allow to move to a higher quality level of research, will increase the effectiveness of expert support for the investigation of murder, rape, robbery and other crimes against persons and property. It will help to investigate forgery and falsification of documents, including during election campaigns, crimes in the economic sphere - illicit trafficking in precious metals and stones, counterfeiting of currency and securities, corruption crimes, production of low-quality alcoholic beverages, terrorist attacks, crimes in the construction sphere, etc.

- The expert component is inextricably linked with the forensic work to investigate the unsolved crimes of the past. How does it go?

- I would like to emphasize that the work on solving crimes of past years in the Investigative Committee of Russia has a systemic character. In fact, since the establishment of the department, analytical groups have been operating throughout the country, and in some regions there are separate specialized units that analyze materials from suspended criminal cases. By now we have managed to solve over 86.000 crimes of past years.

We use different approaches. To obtain an evidence base, it is, of course, also important to conduct expert examinations. This year, our employees have appointed 2386 forensic examinations for criminal cases on crimes of past years, including 934 molecular genetic, 198 fingerprinting, 16 olfactory (study of odor traces), 1238 of other kinds. Only with the help of expert examinations, 328 crimes of past years were solved, including 72 murders, 16 facts of deliberate infliction of grievous bodily harm resulting in death, 84 cases of rape and violent acts of a sexual nature.

For example, rape and murder of a student in Kaluga Region remained unsolved for 4 years. As a result of the correctly chosen investigation tactics and complex forensic examinations, including olfactory ones, irrefutable evidence of the involvement of two persons in this crime was obtained, and they are already serving their sentences.

In 2002 a pensioner from Vologda Region was murdered. One of the pieces of evidence was a blood-soaked rope that tied the victim's hands. Fortunately, the rope has survived over the years. Recalling the property of the victim's blood, described in the scientific literature, to "preserve" the odor traces of the offender, the employees of the Investigative Committee of Russia decided to appoint an expert examination. Many years later, according to the results of an identification olfactory study, the odor traces of one of the attackers "preserved" by the victim's blood were revealed. The crime

was solved.

In total, this year we managed to solve about 4 thousand crimes of previous years, including 399 murders and 263 crimes against sexual inviolability. At the same time, the forms and methods of organization of the past years crimes solving work are constantly being improved, and that is done in cooperation with other law enforcement agencies.

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