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



### **Regardless of status**

**The Chairman of the Investigative Committee of Russia told Rossiyskaya Gazeta about the most high-impact corruption offenses, about solving of tax offenses, protection of rights of shared construction participants and combating illegal forest logging.**

**Alexander Ivanovich, the day before our meeting the former City Manager of Nizhny Novgorod Oleg Kondrashov was detained in USA. Do you have any news about him?**

**Alexander Bastrykin:** Kondrashov is a perpetrator of a probe into bribery. Upon our motion the Russian court subjected him to preventive detention in absentia and he was put on the international

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wanted list.

We have information that Kondrashov is indeed in the United States and his visa has expired. By the way, we already had such precedents, the defendants in other criminal cases, who were also hiding in this country, but violated the visa regime, were deported to Russia. If, in the situation with Kondrashov, the competent US authorities do the same, then upon his return to our country, the accused will be placed in custody and the investigators will begin to conduct investigative actions with him.

**Over the years of the Investigative Committee's existence, your agency has investigated tens of thousands of crimes, as investigators put it, of corruption nature. Which ones do you especially remember and why?**

**Alexander Bastrykin:** Among the most complex, I can note the criminal case against the former Deputy Prime Minister of the Moscow Region A. Kuznetsov on charges of fraud, embezzlement and legalization of the stolen (the damage from theft exceeded 14 billion rubles), which was extradited by the competent authorities of the French Republic.

The extradition process lasted for several years and can be called unprecedented. Back in 2013, I discussed with French law enforcement officers the criminal prosecution of Kuznetsov, after which the French criminal police promptly established the whereabouts of the accused and detained him.

Subsequently, the Supreme Court of Paris made decisions to seize Kuznetsov's assets. Moreover, as a result of cooperation with foreign relevant authorities, the investigation managed to gather enough evidence including this to establish what the money obtained by illegal activities had been spent on.

After being extradited to the Russian Federation he was sentenced to imprisonment. All this is a natural result of effective cooperation with the competent authorities of the French Republic and a typical example of the inevitability of the onset of criminal legal consequences for persons who committed crimes many years ago.

There were also other probes into senior officials. Among the convicts are former governors of the Sakhalin and Kirov Regions, former heads of the republics of Karelia, Komi, deputy governors of the Altai Territory, Vladimir, Vologda and Chelyabinsk Regions and many other officials.

**The chair doesn't soften the guilt**

**You have said more than once that in the Investigative Committee carries out the work on corrupt officials regardless of their official position. What does it look like in statistics?**

**Alexander Bastrykin:** First of all, I would like to emphasize the fact that our anti-corruption activities are carried out consistently, systematically and offensively. This is clearly evidenced by the

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fact that since 2011, that is, since the establishment of the Committee, more than 90 thousand criminal cases of corruption have been sent to the court, almost 34 billion rubles have been reimbursed to the state and victims of crimes.

5925 probes into corruption have been sent to courts during the 9 months of 2020. In the course of the investigation, more than 2.3 billion rubles have been reimbursed to pay off damage, in addition, property worth more than 8 billion rubles was seized. Thus, compensation for damage is provided at the level of 77 percent.

Acceptance of bribes for illegal actions or inaction in favor of the bribe-giver or persons represented by him, the purchase of goods and services from enterprises controlled by officials at inflated prices - this is the scenario that is realized in most corruption crimes.

As for your question, taking into account that corruption crimes inflict undeniable harm to the development of the domestic economy, activities to suppress them are carried out regardless of the level of official position of the perpetrators.

I will give specific numbers. Since 2011 (since the establishment of the Investigative Committee of Russia) to the present, the number of accused with a special legal status in criminal cases sent to the court on corruption-related crimes has amounted to over 5,700 persons. To effectively investigate such crimes, the Investigative Committee actively cooperates with the Accounts Chamber, Rosfinmonitoring, the Federal Tax Service, and the Bank of Russia.

Among those investigated was the case against the former Minister of Economic Development A. Ulyukhaev, who was detained after receiving a bribe in the amount of US \$ 2 million for approval of the privatization of Bashneft. The trial against him was widely covered by the media and, of course, had a great impact on the anti-corruption attitude of society.

Large budgetary funds of the country are currently aimed at modernizing the economy, strengthening the country's defense capability, ensuring a reliable and effective system of social support for the population. And our task is to intercept all attempts to steal the allocated funds.

## **Tax on investigator's invoice**

**It is no secret that the development of the domestic economy is impeded not only by corruption, but also by tax offenses. How are things going with the investigation of such cases?**

**Alexander Bastrykin:** Realizing the particular importance of the stable functioning of the country's budgetary system during the period of economic transformation, the Investigative Committee, in close cooperation with the Federal Tax Service, is taking measures to suppress various tax evasion schemes.

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Let me emphasize that we are not aiming at applying criminal penalties to the "evaders"; our task is to ensure compensation for the damage caused to the state in full.

Here is some statistics. Thus, since 2011, when tax crimes were attributed to the Investigative Committee of Russia, the proportion of initiated criminal cases in this category has grown 3 times. And this is due to the well-coordinated joint work with the Federal Tax Service.

The amount of damage reimbursed in the course of procedural activities increased from 5.3 billion rubles in 2011 to 33.5 billion rubles in 2019. In the first half of this year it amounted to almost 15 billion rubles. The value of the property, which was seized in the course of the investigation, reached almost 18 billion rubles in 2019, 5.7 billion rubles in 6 months of this year, while in the first years of the investigation of tax crimes it did not even reach a billion. As you can see, the effectiveness of our work in this area is obvious.

**In recent criminal cases, we see that the Investigative Committee is seriously concerned about the protection of the rights of equity holders. How many other defrauded people there are and is it possible to help them?**

**Alexander Bastrykin:** We see the scale of the problem and we can't stay aside. In the Moscow Region alone, 822 problem houses are registered, over 50 thousand citizens are included in the register of "defrauded equity holders". In the Leningrad Region, developers have violated their obligations under 17 thousand contracts in relation to 180 houses.

For example, a criminal case against a group of persons who stole money from 405 citizens totaling more than 483 million rubles under the pretext of investing in the construction of 12 apartment buildings in Moscow and the Moscow Region is at the final stage. Another developer in the Moscow Region, who deceived citizens, was sentenced to 3 years in prison.

There are problems in other regions as well, including the Krasnodar Territory, the Chuvash Republic, the Republic of Bashkortostan, the Tomsk and Vologda Regions and other regions. But we are gradually solving them, and the Investigative Committee of Russia has developed a number of specific measures aimed at increasing the efficiency of work in this direction. People that abuse people's trust must be brought to responsibility.

The main thing for our department is to protect the housing rights of those who have suffered from criminal acts.

## **Turn in the axes**

**At the September meeting on the development of the country's forestry complex, the head of state drew attention to the high level of criminalization in this industry. What measures, in your opinion, are necessary to combat illegal logging and the corrupt officials who profit**

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**from it?**

**Alexander Bastrykin:** I believe that for the prompt suppression of such crimes, joint concerted actions of the investigative and tax authorities, operational units of the internal affairs bodies, customs and environmental authorities are necessary.

I have already cited an example of how in the Irkutsk region the investigators of the Committee promptly suppressed tax evasion and illegal VAT refunds causing damage to the country's budget in the amount of over 220 million rubles of a large logger and timber exporter, BaikalLes LLC. These crimes were identified during the work of an interdepartmental working group specially created in the Irkutsk region on the initiative of the regional department of the Investigative Committee of Russia to identify tax crimes in the forestry complex.

In addition, I believe that it is necessary to carefully study the issue of the possibility of confiscation of logging equipment, which is used by so-called black loggers for illegal felling of forest plantations, but at the same time officially owned by third parties that do not formally participate in illegal logging and theft of forests.

In general, as I have repeatedly noted, we propose to return the confiscation of property to the list of punishments in Article 44 of the Criminal Code of the Russian Federation as an additional type of punishment, indicating the possibility of its application in the sanctions of specific articles of the Special Part of the Criminal Code of the Russian Federation on corruption crimes, since in connection with the classification of confiscation as other measures of a criminal-legal nature and the fact that it is not obligatory for the court to apply it, judges often do not exercise this kind of powers.

At the same time, in general, the legal framework for combating corruption is sufficiently developed. And many legislative novelties of the last decade were adopted on initiative of the Investigative Committee of Russia. Among them are the proposals of the department for the prevention of raider seizures of enterprises, which made it possible to criminalize the actions that constitute the so-called gray raiding schemes.

In addition, on the initiative of the Investigative Committee, the scope of the confiscation of property has been expanded, and at present it is possible to confiscate other personal property of the convicted person for an appropriate amount in case of insufficient cash funds of the guilty person.

We also initiated the adoption of the Federal Law "On Amendments to Certain Legislative Acts of the Russian Federation in order to improve the rights of victims in criminal proceedings", which significantly strengthened the legal guarantees for the implementation of the constitutional rights of the victim to state protection against crimes, access to justice and compensation for damage caused

In my opinion, it is necessary to amend Article 115 of the Criminal Procedure Code of the Russian

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Federation for more effective protection of the victim's right to compensation for damage caused by the crime. It should be possible to retain by this norm the seizure of property when the victim's claims are found to be justified, but the issue of the amount of compensation has been referred for consideration in civil proceedings.

## **We are alike**

**Alexander Ivanovich, can I ask a non-standard question? How important for you, as the head of the Investigative Committee, is the cooperation of the investigation with us, journalists, and in general, with the media?**

**Alexander Bastrykin:** A real journalist, like an investigator, tries to get to the bottom of the truth, studies all versions, takes into account different points of view, recreates a complete and objective picture of what is happening. Therefore, the importance of joint work on information support in the fight against crimes will only increase and expand from year to year.

As you know, one of the important principles enshrined in the Criminal Procedure Code is the principle of the inevitability of punishment. If this principle is implemented, when a person who has committed a crime is punished even after years, the work of the media helps to significantly increase the preventive effect, regularly broadcasting the results of our activities to society.

I am grateful to your undoubtedly talented team of Rossiyskaya Gazeta employees for their high professionalism and dedication, and I look forward to further fruitful work.

By Natalya Kozlova

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