
Interview of the Chairman of the Investigative Committee of Russia to the News Agency "RIA Novosti"



Mr. Bastrykin: Every corrupt official will answer before the Law sooner or later

Every year on December 9 the world celebrates the International Anti-Corruption Day. On this day, UN member states inform the public about the measures taken. In the interview to RIA Novosti Mr. Alexander Bastrykin, Chairman of the Investigative Committee of Russia, spoke about the ways Russian Investigators are fighting corruption, about the Russian Federation cities, where corruption crimes are mostly often committed, and why the lack of control over the circulation of cryptocurrency jeopardizes public safety. Interviewed by Mrs. Darina Khanuna.

– Corruption is an extremely dangerous phenomenon that causes significant harm to society, its economic, social and other spheres. Please tell us how the fight against this problem is being conducted in our country? What results have been achieved? How many officials stood

their trial for the crimes they have committed over the last 10 years? How much money was reimbursed?

– The Investigative Committee, together with other Law Enforcement Agencies, is systematically working to identify and investigate corruption crimes. This work is built in accordance with the requirements of Federal Legislation and the National Anti-Corruption Plan for 2021-2024, approved by the Decree of the President of the Russian Federation. Measures are constantly taken to improve this area, such as increasing the effectiveness of interaction with Law Enforcement, Supervisory and Regulatory Authorities, participation in the development of Anti-Corruption Legislation. The capabilities of the operational-search organizations are being fully used, while the joint planning of measures eliminates the inconsistency of the actions between the investigator and the operational services, making it possible to respond to emerging difficulties promptly and effectively.

As for our results, 8,796 criminal cases on this category of crimes were sent to the courts within the 10 months of this year, which is 10% more than the previous one (8,011). Among these cases, 23,000 corruption-related crimes were investigated, which is 17% more than in the same period last year.

According to the files collected by the Investigators, 60 Officials were prosecuted for committing corruption crimes in the military-industrial units and 250 in the field of Government Contracts and Public Procurement, including 27 in the implementation of the State Defense Order.

In total, from the start of 2011, about 72 thousand various officials have appeared before the Court on cases that were investigated by the Investigative Committee of the Russian Federation. The damage caused by these cases amounted to 220 billion rubles, and thanks to the measures taken, 48 billion have been compensated. In addition, the 148 billion rubles worth property of the accused has been confiscated.

– And what damage did corruption cause this year?

– Our investigators established that the damage worth 24.6 billion rubles was caused by corruption crimes this year. Compared to the last year, the damages compensated during the investigation increased by 65% (from 2.7 billion rubles to 4.5 billion rubles). In addition, the property of the corrupt officials was seized in the amount over 57 billion rubles, twice the results of 2021.

We see that corruption causes enormous damage to the development of the State, but our investigators are taking vigorous measures to confiscate the property of the accused in order to compensate.

As an example, I would like to recall the case of the former Deputy Governor of Belgorod Oblast, Mr. Evgeny Glagolev, which is now being examined by the Court. He was charged with exceeding official powers and receiving a bribe on an especially high scale.

As Investigation established, he illegally demanded from the Head of one of the Contracting Companies to repair the Belgorod gymnasium, that he used to attend in the past by the way, so he asked for repairs to be carried out at the expense of the mentioned Contractor. As a result, the company suffered material damage. Mr. Glagolev demanded from the Head of the Contracted Company to transfer another 10 million rubles to him through an intermediary as a bribe. In his turn, the mentioned official promised the alleged patronage. Now the former official is being held in custody, his property, that exceeds 65 million rubles in value, has been arrested.

In Tomsk Oblast, a criminal case is being investigated that also involves another former Deputy Governor of the region, Mr. Yuri Gurdin. He is charged with organizing embezzlement of at least 70 million rubles. In 2020-2021, under his direct supervision, the Director of one of the funds of Tomsk Oblast squandered the funds allocated from the regional budget towards the national project "Education". As a result of the measures taken by the preliminary investigation, the property of the accused worth more than 273 million rubles was confiscated.

– And what are the final figures in investigation of Corruption of Officials and other persons over this year?

– This year, the Investigators of the Investigative Committee of the Russian Federation sent to courts more than 9.1 thousand persons on criminal cases. I would like to note that in the 9 months of this year, almost the same number of cases were sent to the courts as was done in the 12 months of the previous year. Such results are a reflection of the effective and coordinated work of the departments that fight against corruption-related crimes.

Among those prosecuted for corruption, there are 1,400 Law Enforcement Officers, 679 Military Officers, 420 Local Government Officials, 356 education workers and 259 health workers.

In addition, I would like to highlight the proceedings against special legal status individuals that make the total number of criminal cases sent to the courts during this period. Among them are 66 Deputies of Local Governments, 49 Law Enforcement Officers, including 29 Officers of the Ministry of Internal Affairs, 10 Investigators and Heads of Investigative Bodies of the Investigative Committee and 10 Prosecutors and Prosecutor Assistants. At the same time, 781 crimes were investigated against special legal status individuals.

Therefore, every servant of the law must understand that sooner or later, they will answer before the law for the committed crimes.

In particular, we recently finalized the criminal investigation against the Former Deputy Prosecutor of Novosibirsk Oblast, Mr. Andrey Turbin. The investigation established that one of the entrepreneurs gave a bribe to Mr. Turbin through an intermediary in the amount of more than three million rubles. The illegal monetary reward was intended for ensuring the re-qualification of the actions of the person represented by the briber, the criminal case against whom was investigated by

the Internal Affairs Bodies, to a less serious article of the Criminal Code of the Russian Federation, as well as for making the necessary procedural decision on this criminal case and for informing about its progress and results.

– What types of crimes are committed more often and predominantly in what areas?

– In most cases, Law Enforcement officers and officials become defendants in criminal cases on taking bribes. So, this year more than five thousand criminal cases were on bribery, 1169 cases of fraud were sent to the courts, which is a little more than last year. Also, 458 cases of misappropriation or embezzlement were sent to court, but this figure is slightly less than last year.

Based on the type of activity of those who were prosecuted for corruption, we see that 38.7% of the acts are related to the area of Law Enforcement, 12% - to the performance of Military duty and Military service, 8.5% - to the field of education and science, 8.1% - with financial activities, 7.6% - health care and social security, 5.9% - transport operation, 3% - construction, 2.8% - housing and communal services, 2.4% - organization of trade, catering, maintenance and provision of services to the population, 1.6% - operations with real estate and 1.5% - with the protection of natural resources and the environment.

For example, we recently finalized the criminal investigation of a case against the heads of the Russian Pension Fund departments who are in charge of the information technology block - Mr. Dmitry Kuznetsov, Mr. Evgeny Turchak, Mr. Evgeny Nikitin, Mr. Ruben Enfiadzhyan, Mr. Konstantin Yankin and Mr. Alexander Rudnev. According to investigation, these Pension Fund officials acting as part of an organized group, received bribes from the representatives of the Technoserv Group of Companies in the amount of minimum 197 million rubles for ensuring the guaranteed victories by the Technoserv Group members in the State contractual competitions organized by the Pension Fund of Russia in the IT-technologies area.

– Speaking about the individuals of a special legal status, not only deputies are coming to my mind, but also the so called Servants of Themis, the judges. There is an opinion in the society that a judge is an inviolable person, even if they commit a crime. How difficult is it to bring such Servants of Themis to justice?

– Of course, the status of a judge is determined by the Constitution and Federal Laws of the Russian Federation, so there is a certain procedure for launching criminal cases against them. This requires the consent of the High Qualification Board of Judges of Russia. If there is information about the commission of a crime by a judge, our task is to provide the High Qualification Board of Judges with irrefutable information about this. Therefore, the very obtaining of consent and the collection of evidence against a representative of the judiciary is a very difficult, painstaking and time-consuming job, but this does not mean that their crimes go unpunished. For example, this year a criminal case was launched against the judge of the Kolomna City District of Moscow Oblast, Mrs. Irina Agafonova. She was accused of attempting to receive a bribe in the amount worth 600,000

rubles for imposing a non-custodial sentence on the defendant. Mr. Rodion Antipin, a judge of the Leninsky District Court of Vladikavkaz, is also suspected of committing a similar crime. In this case, the amount of the bribe for making an illegal decision amounted to 150,000 rubles. The judge of the Maykop City Court, Mr. Pavel Agafonov, as established by the investigators, received a bribe for making a decision to satisfy the claims in a civil case. He has already been sentenced. A criminal case has been investigated against the judge of the Molchanovsky District Court of Tomsk Oblast, Mr. Vitaly Bazhilin, on receiving bribes in the amount of more than 800 thousand rubles for the general patronage of an entrepreneur.

– Recently, information appeared in the media about new criminal investigations against the Former Head of the Traffic Police Department for Stavropol Krai. Could you please elaborate on this?

– Yes, indeed, during the criminal investigation, the Officers of the Investigative Committee of the Russian Federation established 119 new episodes of the criminal activity of accomplices related to the receipt of bribes. In addition, the investigation believes that the accomplices acted within a criminal community, in connection with this, new criminal cases were launched against them in accordance with the articles of the Criminal Code of the Russian Federation on the organization of a criminal community and participation in it, as well as on receiving bribes.

– And were the actions of former Traffic Police officers from Kabardino-Balkaria qualified as bribes as part of a criminal community? How is this investigation going?

– Now, in this case, 12 officers of the Ministry of Internal Affairs for the Kabardino-Balkarian Republic are being brought to criminal responsibility, including the organizers and leaders of the criminal community - Mr. Sergey Rybnikov and Mr. Yuri Nagoev. Together with their accomplices, in 2017-2018 they received at least 43 million rubles for illegal actions in favor of those who illegally transported alcohol on the territory of the Republic. I would like to note that some of the defendants have already entered into pre-trial cooperation agreements, their cases have been sent to court, one of defendants has already been sentenced. And as for the main case, the defendants are getting acquainted with the files.

In addition, we also finalized investigative actions in another similar case - in relation to officers of the Main Directorate of the Ministry of Internal Affairs of Russia for Krasnodar Krai, most of whom held positions in the Traffic Police of the Ministry of Internal Affairs of Russia for Uspensky Raion. They also received bribes for not being held accountable, including for illegal transportation of goods and alcohol to the Krasnodar Krai. Currently, 11 defendants are getting acquainted with the case files. Earlier, three defendants appeared before the court, with whom pre-trial cooperation agreements were concluded.

– In which regions of the country were criminal cases of corruption investigated mostly?

– The largest number of investigated corruption crimes was committed in Moscow and Moscow Oblast. This is due to the scale of the territories, as well as the number of population. In addition, a significant number of criminal cases on corruption were investigated in Stavropol, Krasnodar, Primorsky Krai, the Republic of Tatarstan and a number of other regions.

– Earlier it became known that the court arrested the Deputy Chairman of the Committee of the Chamber of Commerce and Industry of Russia on the nature management and ecology, Mr. Sergei Chernin. Could you please tell us more about this?

– Along with Mr. Chernin, Mr. Dmitry Suchkov, General Director of Gazenergoeroekt Institute LLC, and Mr. Valery Merkulov, General Director of GES-Ecotechnologies, are also involved in the case. They are accused of stealing more than 385 million rubles from the budget within the implementation of the Federal Target Program "Elimination of accumulated environmental damage." During the work at three sites in Nizhny Novgorod Oblast, Mr. Chernin, Mr. Merkulov and Mr. Suchkov ensured the preparation of design and estimate documentation by the Gazenergoeroekt Institute LLC under their control, including inflated prices for materials, and submitting for approval to the State Budgetary Institution of Nizhny Novgorod Oblast "Regional Ecology", acting as the Customer of the work. Subsequently, the work was carried out at a greatly reduced price.

– You have emphasized repeatedly the need to control cryptocurrency. Are there any results in this direction? What other measures are needed to combat corruption effectively, including the legislative changes?

– The number of crimes involving the use of digital currency is steadily growing. However, to date, no amendments have been made to criminal and criminal procedure legislation, I mean amendments that fix the belonging of digital financial assets and digital currency to property. The absence of a definition of procedural status makes it difficult to seize them, as well as confiscate them.

— Could you give an example, please?

– In one of the regions, a criminal case is being investigated on the embezzlement of funds by a juvenile. The attacker gained access to the victim's cloud service and stole money. The holders of bank cards, to which the stolen funds were transferred, explained that they made transactions for the sale of cryptocurrency to an unknown person on one of the sites, in response they were transferred rubles from the bank card of a juvenile. In this regard, clear state regulation policies are needed to monitor the circulation of digital currencies, to establish the platforms for such circulation, which will strengthen the operational and investigative positions with the possibility, if necessary, of identifying the persons carrying out such transactions. The absence of the state control over the circulation of cryptocurrencies allows criminals to endanger public safety, as well as enter the legal economy area to obtain additional illegal profits. At the same time, it is impossible to monitor all crypto-wallets existing in the country and accordingly reporting information about their ownership will be voluntary. This means that it is impossible to find out whether a government official or

another person has a cryptocurrency until the moment the exchange for fiat money on the territory of the Russian Federation.

The facts of receiving bribes in cryptocurrencies often become known only during anti-corruption screening activities. The current criminal law practice indicates the need to develop additional legal regulation to prevent the commission of crimes using digital assets both at the national and international levels.

– Mr. Alexander Ivanovich, concluding our conversation, do you think that the officers of the Investigative Committee of the Russian Federation have enough authority in the fight against corruption? Or are some changes to the legislation yet to be done for more effective work in this direction, considering all the difficulties involved?

– We act in strict accordance with the powers that are stipulated by law. They allow us to qualitatively investigate the main array of crimes committed by the officials of various levels: official staff, law enforcement officers and judges.

As for proposals related to improving legislation in the field of combating corruption, one can consider the issue of amending Article 165 of the Code of Criminal Procedure of the Russian Federation in terms of empowering the investigator to apply urgent arrest for all the reasons specified in Part 1, Article 115 of the Code of Criminal Procedure of the Russian Federation, and not only against the property listed in Part 1, Article 104.1 of the Criminal Code of the Russian Federation (property subjected to confiscation).

In order to implement measures for the confiscation of assets in the event of criminal case termination at the pre-trial stage due to non-rehabilitating circumstances, it is advisable to supplement Chapter 29 of the Criminal Procedure Code of the Russian Federation with provisions that allow the Investigator, if there is property subject to confiscation in the criminal case, simultaneously with the decision to terminate it, to file a petition with the court for application of confiscation measures to the property of a person against whom criminal prosecution has been terminated, as well as to the property of third parties who are nominal owners.

Another proposal concerns special legal status persons. In our practice, there were cases when such persons did not report their status to Investigation, and then, for example, in court, they declared this. This entailed the need to cancel procedural decisions and recognize the evidence collected in a criminal case as inadmissible. In this regard, it seems to us relevant to supplement Article 447 of the Code of Criminal Procedure of the Russian Federation, according to which, if during the verification of a report of a crime or the criminal investigation no information was established that a person has a special status, and such a person did not report this information (with the consequences explained), the procedural actions are considered in compliance with the requirements of the law. That is, if such a person did not inform the Investigating Authority about its belonging to the category of persons specified in Part 1, Article 447 of the Code of Criminal Procedure of the Russian

Federation, criminal prosecution against such a person should be carried out in accordance with the general procedure.

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