

Investigators, Prosecutors in Conflict

By [Alexander Bratersky](#)

February 20, 2011



Former Justice Minister Yury Chaika meeting with President Dmitry Medvedev in 2008. Chaika has ties to incumbent president Dmitry Medvedev and supports his re-election, while Bastrykin is in favor of

A turf war between law enforcement agencies, the likes of which has not been seen for many years, flared up last week after the newly independent Investigative Committee launched an attack on its former patron, the Prosecutor General's Office.

A case against an illegal gambling network in the Moscow region served as the pretext, with investigators accusing the owners of ties to local officials and prosecutors attempting to close all their cases.

The latest round of the spat saw a top prosecutor hinting at fabrications and speaking about "abuse of the Constitution and lack of professionalism" on part of the investigators.

The gambling case had been in the works since 2009, but the Investigative Committee publicly disclosed the suspects only this month, saying businessman Ivan Nazarov was running an illegal gambling ring under the protection of the region's top police

and prosecutor's office officials.

Nazarov allegedly paid for overseas trips of Moscow region Prosecutor General Alexander Mokhov, his family members and subordinates, the committee said Wednesday.

Nazarov is also suspected of financing the posh birthday celebrations of Mokhov and his deputy Alexander Ignatenko, complete with performances by high-profile Russian pop artists, media reported.

A case against Nazarov was closed last Monday on the order of Deputy Prosecutor General Vladimir Malinovsky, who cited insufficient evidence of wrongdoing, Interfax said.

But the Investigative Committee immediately opened a new case on related charges and arrested Nazarov again before he even managed to step out of the pretrial detention center.

Six people, including Nazarov, his aide and his business partner, as well as three police officers, were placed in pretrial detention for two months by a court in the Moscow region town of Pushkino on Thursday.

"Everyone's arrested," read the pithy statement of the court's press service on the matter.

Senior Prosecutor General's Office official Andrei Nekrasov minced no words when he denounced the Investigative Committee's handling of the matter Friday.

Failure to release Nazarov after a prosecutor ordered him set free was "unprecedented" for modern Russia, and opening a new case against him is "abuse of Constitution," Nekrasov said, Interfax reported.

Nazarov's arrest was also illegal because it was done on charges of illegal business practice, which do not allow for pretrial detention, the prosecutor said, adding that his agency will appeal the move.

"The Criminal Code is not a cookbook," Nekrasov added in a colorful hint that the case was fabricated.

The Prosecutor General's Office also ordered a check into the Moscow region prosecutors, but no results were reported over the weekend.

A second front was opened in the Moscow region after the Investigative Committee attempted to launch a case against a local district head for allegedly underpricing plots of land he rented out to prosecutors and police officials.

Local prosecutors ordered the case closed, but the Investigative Committee appealed the decision, a committee spokesman said Friday.

The spokesman also said 11 corruption cases against high-ranking Moscow region officials were closed by the prosecutors in 2009 alone.

The clash between the committee and the prosecutors came not long after President Dmitry

Medvedev separated the two agencies in December.

The committee, which was previously part of the Prosecutor General's Office, now handles investigation of grave crimes, including murders, while prosecutors only oversee the investigations and handle inquiries into violations by investigators.

The committee attempted to get still more power when it asked last week for the introduction of criminal charges for legal entities, which would effectively allow the agency to open cases against organizations, not just individuals.

The two state bodies have a history of bad blood between them, as committee head Alexander Bastrykin had disputed Prosecutor General Yury Chaika's authority until the Supreme Court confirmed it in a 2009 ruling. Chaika's deputy fired Bastrykin's deputy Anatoly Bagmet over a fake diploma the same year, a move later overturned by Chaika, who allowed Bastrykin to keep and promote Bagmet.

Analysts interviewed by The Moscow Times agreed that the clash was not so much a crackdown on corruption as a power struggle.

The attack may be an attempt to undermine the power of the prosecutor general, who faces reappointment in June 2012, said independent political analyst Stanislav Belkovsky.

He said Nazarov has business ties to one of Chaika's sons. "He is not just some regular gambling businessman," Belkovsky added.

The story may reflect the growing conflict in the ruling elite ahead of the presidential vote of 2012, with various groups supporting different candidates, said Vladimir Pribylovsky, head of the Moscow-based Panorama think tank.

Former Justice Minister Chaika has ties to incumbent president Dmitry Medvedev and supports his re-election, while Bastrykin is in favor of Prime Minister Vladimir Putin's return to the Kremlin, after his two terms in office from 2000 to 2008.

"They don't intend to fight corruption, they are more preoccupied with fighting each other," Pribylovsky said by telephone, adding that Medvedev's position was weakened recently after his own administration — still heavily staffed by Putin's people — threw out most of the liberal amendments to the Criminal Code that the president proposed.

The battle will probably continue, said Viktor Ilyukhin, a State Duma member and former prosecutor, adding that the agencies should never have been separated.

"They are not the ones to blame. The responsibility lies with both parliament and the president, who have created a mockery of a law enforcement agency" by establishing the independent Investigative Committee, Ilyukhin said.

"The more law enforcement agencies there are in the country, the more controversy is created," Ilyukhin said.

The last time a conflict between siloviki spilled out into the public eye was ahead of the 2008 presidential elections, when the FSB detained several officials of the Federal Drug Control

Service.

Viktor Cherkosov, a longtime associate of Vladimir Putin who headed the anti-drug watchdog, published an article in Kommersant in 2007, denouncing "infighting among the special services," but he was criticized by Putin for bringing the conflict into the open. In an indication that he lost the game, Cherkosov was moved to the Federal Arms Procurement Agency in 2008 and dismissed in 2010, without being given a new state job.

Original url: <https://www.themoscowtimes.com/2011/02/20/investigators-prosecutors-in-conflict-a5114>