

Titov Seeks Changes to Pretrial Detention Rules

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Business ombudsman Boris Titov

The case of an entrepreneur who spent five years behind bars before even being sentenced will be used by the business ombudsman to reduce the maximum time that suspected criminals can remain in pretrial detention.

Business ombudsman Boris Titov has joined forces with human rights ombudsman Vladimir Lukin to lobby President Vladimir Putin to change existing rules.

The proposals to clarify the provisions of the Criminal Code will be submitted to Putin, whose administration will in turn send them to the State Duma.

Under the current law, a person under investigation can spend up to 18 months in pretrial detention. But in the event that court proceedings have already started, the term is unlimited.

Experts and lawyers familiar with the reportedly harsh conditions of the Russian penal

system say pretrial detention is often applied by investigators to force suspects to confess faster. During the past few years, there have been several deaths in the country's pretrial facilities.

The most infamous was the death of Hermitage Capital lawyer Sergei Magnitsky in jail in 2009.

“If investigators cannot prove someone's guilt in 18 months, then there is a problem with the investigators,” Titov told a news conference hosted by RIA–Novosti on Tuesday.

“In this case, it is the investigator who should be put behind bars,” human rights ombudsman Lukin added, half-jokingly.

Titov described the example of law enforcement officials' pressure on Rostov-on-Don businessman Iosif Katsyv, 53, who has already spent five years in detention since his arrest in 2008.

Katsyv, who was involved in an investment business in the region, was accused of failing to repay a bank loan of more than \$62 million to the local branch of Impeksbank.

The bank was taken over by the Russian branch of the Austria-based Raiffeisen bank in 2007. Investigators said Katsyv used the loan for personal use. He has denied the charges.

Katsyv, who holds dual Russian and Israel citizenship, was arrested along with three of other co-defendants. They also remain behind bars. One of them has been hospitalized.

According to Titov, the local court has prolonged Katsyv's detention 14 times, while the maximum sentence for the crime he is accused of is punishable by five years, according to the Criminal Code. The last ruling was made after Titov visited Katsyv in December.

“He could be out on bail, but he should not be in prison until his guilt has been proven in court,” Titov said.

Despite the liberalization of some articles of the Criminal Code during Dmitry Medvedev's presidency, including directives that allow courts not to put businessmen into pretrial detention, the court in Katsyv's case has ruled that the bank loan he took was not connected to his business activity.

But Titov said that while the Katsyv case looks astonishing, the Criminal Code has been liberalized. “There is a move in a right direction,” Titov said. He added that out of 150,000 economic-related cases opened by investigators in 2011, only 30,000 were sent to trial.

Titov said that after a law regulating the activity of the business ombudsman will be passed in the State Duma, he will have more leverage to assist the business community.

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