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Supreme Court Clarifies Difference Between Bribes and Payment

By The Moscow Times

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The receipt of payments for professional services cannot be considered a bribe, the Supreme Court has ruled, a news report said Wednesday.

A bribe is the receipt of money or services in return for actions performed by a public official using the authority delegated to him, the court said.

The ruling may affect the way authorities carry out their stated aim of fighting corruption. Law enforcement agencies will no longer be able to boost their performance results in the fight against corruption with trumped-up cases against teachers giving private lessons or doctors recommending paid treatment to their patients, BFM.ru reported.

"The court understandably wants to stop this perverse practice among law enforcement agencies by clearly stating that administrative functions provided by an official for money will be considered a bribe," said Vyacheslav Leontyev, managing partner of law firm Leontyev and

Partners.

Criminal cases involving so-called "everyday corruption" involving teachers and doctors may become a thing of the past after the ruling, he added.

The court also ruled that evidence of bribe-taking obtained by law enforcement agencies using provocation or set-ups is inadmissible as long as there is no prior indication that the official is looking to receive a bribe.

However, proving provocation might be quite difficult in reality, since it often requires specific audio and video evidence, which can only be obtained by those very same law enforcement agencies, legal experts said.

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