

## **THE PROFILE OF ORGANISED CRIMINAL GROUPS IN THE REPUBLIC OF MOLDOVA**

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### **Abstract**

The activity of organised crime groups has been and remains one of the most dangerous forms of crime. Its latent form of manifestation in the social, economic and even political spheres, with its permanent orientation towards profit through the sharing of areas of influence, also determines the increased interest in their research by both researchers and, above all, practitioners, who ensure the prevention and detection of crimes committed by organised criminal groups. Being part of the community of Soviet states also left its mark on organised crime, which until the start of EU accession activities took the form of "thief-in-law" ("vor v zakone") criminal groups/organisations with a strict hierarchical pyramid-type subordination and unwritten rules and practices.

Subsequently, emerging from the prospects and opportunities offered by trade relations, the development of transport, along with bona fide citizens, members of organised criminal groups migrated to other countries and consolidated into new criminal groups, which are continuously shaping their composition, methods, areas of interest, tools and other characteristics. However, their basic characteristic remains profit-making, irrespective of the field of crime "professed".

Keywords: organized crime group, profile, "thief in the law", strategy, field

### **INTRODUCTION**

Researching the profile of organized criminal groups in the Republic of Moldova is a topical subject in view of the express threat to state security, safety and public security, and the importance and purpose of the research involves understanding how they operate, how they adapt and diversify in their illegal activities to increase their profits. It helps to identify the vulnerabilities and weaknesses of criminal groups, as well as the methods they use to avoid

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detection by the authorities. The research also helps to identify and understand how they integrate into and affect the country's economy, allowing the development of policies and programmes to mitigate the negative impact of criminal groups on society and the economy.

**The objectives of research into the profile of organised criminal groups include:**

- a. identification and analysis of the organisational structure, modus operandi and methods used by organised criminal groups.
- b. analyse the impact of organised criminal groups on the economy and society and identify solutions to reduce this negative impact.
- c. analysing trends and developments in organised criminal groups in order to adapt to changes in their illegal environment.
- d. identify opportunities for collaboration with other institutions and law enforcement agencies to effectively combat organised criminal groups.

## **METHODOLOGY**

Research into organised crime groups requires an interdisciplinary approach and collaboration between different fields such as criminology, sociology, political science, economics and others to get a complete and up-to-date picture.

International and national legislation and regulations, doctrine and other relevant materials were used as sources of data and information. In order to assimilate the information, historical, scientific and systemic methods were used, and for the exposition of reflections - the methods: logical, comparative, synthesis and classification.

## **RESULTS**

The scientific results pursued correspond to the objectives listed above, taking into account judicial practice, research opinions and publications on the subject. Being part of the Soviet community had a significant impact on organised crime in Moldova. After the collapse of the Soviet Union in 1991, the Republic of Moldova had to cope with a changing economy and a reforming justice system. This has created opportunities for organised criminal groups to develop and expand in various areas such as drug trafficking, human trafficking, smuggling and others. In addition, during the Soviet period, the police system and security services were systematically used to control and include crackdowns on the population. This has led to a lack of trust in state

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institutions and made people rely more on personal relationships and informal networks to solve their problems. This has created opportunities for organised criminal groups to infiltrate these informal networks and expand.

The transnationalisation of organised crime and the crossing of state jurisdictions, as well as the increased social danger, have been fostered over the last 20 years by several factors, including the collapse of communist totalitarian regimes in Eastern Europe and the Soviet Union, the development of capitalism in China and free movement in the European Union. These, together with the rapid movement of data due to the unprecedented development of cyberspace and the process of economic globalisation, have created new opportunities for enrichment, but also new forms of crime, leading to an increase in the scale and activity of criminal organisations.<sup>1</sup>

Several researchers from the Republic of Moldova, Mihail Gheorghiiță, Nicolai Alexei, Valeriu Bujor, Octavian Bejan, Igor Ciobanu, Dinu Ostavciuc, Iurie Odagiu, Gabriela Cristea and others present in the works elaborated on the aspect of organized crime in the Republic of Moldova various reflections on the subject under investigation, pointing out their social danger, the manifestation of organized criminal groups in the period since the independence of the Republic of Moldova, the emergence of "thief-in-law" type leaders, the sharing of areas of influence according to the territorial principle, the areas of crime "preferred" by organized criminal groups, the presence of protectionism connections of criminal groups with representatives of state institutions by using aspects of corruption. , "as well as the socio-political realities of a new state created following the break-up of the USSR, and of the indigenous criminal groups made up of so-called thieves in law".<sup>2</sup>

V. Bujor explains that "Awareness of the essence and social danger of organized crime and corruption, knowledge of the causes that determine the existence of organized crime in the Republic of Moldova, of the social base that feeds it, knowledge of the manifestations of this dangerous phenomenon allow, in turn, forecasting changes in crime and the future social reality in

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<sup>1</sup> Codruț Olaru Combat Organized Crime and Corruption, Course Support, 2015 Hamangiu Publishing House, page 18;

<sup>2</sup> Ciobanu I., Cross-border organized crime at transnational level and its forms of manifestation in the Republic of Moldova, PhD thesis in law, author Igor Ciobanu, published in 2000;

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correlation with economic, political, social-cultural processes, etc., occurring in the country. It is impossible to hope for a possible fight against organised crime without knowing the trends of this phenomenon and without predicting the emergence of new manifestations of organised crime."<sup>3</sup>

In another vein, the White Paper on Transnational Organised Crime reports that "Available data are scarce for most of these crimes and are characterised by large grey areas of undetected or undetected offences. Despite the absence of precise figures on the number, impact and costs of organised crime in the pan-European area, it is generally accepted, especially for offences relating to illicit trade and other consensual or victimisation offences that are difficult to establish, that the percentage of offences or prosecutions reported provides an indication of police activity rather than a measure of the extent and objective scale of a type of crime."<sup>4</sup> The authors Dinu Ostavciuc and Iurie Odagiu point to "a worrying trend in cybercrime, which most often represents complicated schemes involving several participants from different countries".<sup>5</sup>

We support the above views with the brief remark that the process of investigating crimes committed by organised criminal groups, like any other, must be systematic and continuous, because technological, scientific, economic and other progress leaves its mark and creates some premises for the criminal activity of organised criminal groups, and some payment instruments developed and implemented in good faith can be used for the interests of an organised criminal group.

As a relatively young state, the Republic of Moldova is still facing economic and infrastructure problems, and this makes organized criminal groups active in the country, especially in the areas of asset theft, drug trafficking, human

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<sup>3</sup> Valeriu Bujor. Materials of the scientific-practical conference: Strategy for combating organized crime in the Republic of Moldova (23-24 May 1996). ARC Publishing House, Chisinau, 1997, 164 p. (pp. 19-23);

<sup>4</sup> White Paper on Transnational Organised Crime, prepared by the Council of Europe in December 2014, p. 14.

<sup>5</sup> Ostavciuc D., Investigation of organized crime offences. Methodical guide for prosecution officers, p. 20;

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trafficking, smuggling, extortion, tax evasion, money laundering, art trafficking and others:

- Theft of goods, such as theft, robbery and trafficking. They operate in various areas such as banking (theft of funds from cards), real estate, business and others.
  - Theft: Organised criminal groups are involved in the theft of goods, such as movable or immovable property, electronics or jewellery, by methods such as burglary or breaking and entering.
  - Robbery: Organised criminal groups are involved in robberies, such as bank or shop robberies, using methods such as violence or threats.
  - Trafficking in goods: Organised criminal groups are involved in trafficking in goods, such as stolen or counterfeit goods, through methods such as illegal trade or black markets.
  - Theft of goods from transport: Organised criminal groups are involved in the theft of goods from transport, such as through theft from trucks or truck hijackings.
  - Scams: Organised criminal groups devise various schemes to embezzle the financial assets of legal entities and individuals, including through the use of new technologies - skimming, compromised business email, etc.
- **Drug trafficking:** Organised criminal groups are involved in the cultivation, production, distribution and sale of illegal drugs such as cocaine, heroin, marijuana, etc. They can operate on a large scale, both nationally and internationally. Moldova's criminal policy in the area of criminalisation of drug trafficking offences is geared towards assimilating international standards, so that the regulatory-criminal framework corresponds to the rigours of the global system for preventing this anti-social phenomenon. According to Article 36 paragraph (1) of the Single Convention on Narcotic Drugs of 30.03. 1961: "Subject to its constitutional provisions, each Party shall take the necessary measures to ensure that the cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, procurement, sale, delivery in any form whatsoever, brokering, sending, shipment by transit, transport, import and export of narcotic drugs not in conformity with the provisions of this Convention, or any other act which, in the opinion of the said

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Party, would be contrary to the provisions of this Convention, shall constitute an offence punishable if committed intentionally . . ." <sup>6</sup>

• **Trafficking in human beings:** Organised criminal groups are involved in the recruitment, transportation and exploitation of people for the purposes of forced labour or sex trafficking. They may operate on a large scale, both nationally and internationally. Trafficking in human beings can be seen as a multidimensional crime and an illegal business, which can undermine the rule of law and create instability. As a global phenomenon, it is considered a modern or contemporary form of slavery, which has profound social and economic implications, affecting on the one hand, the security of the state, and on the other, fundamental human rights and the dignity of the victim. For this reason it is called a form of inhumane trade, which in turn can be present in any country. Trafficking in human beings is a crime that destroys lives, violates the dignity, freedom and fundamental rights of the victims. Trafficking in human beings is closely linked to organised crime and is an offshoot of it. <sup>7</sup>

- Smuggling: Organised criminal groups are involved in the illegal transportation of goods such as weapons, tobacco, alcohol or illegal drugs. They may operate on a large scale, both nationally and internationally.

- Extortion: Organised criminal groups are involved in extorting money or goods from individuals or businesses through threats or violence.

- Tax evasion: Organised criminal groups are involved in tax evasion by falsifying documents or using other illegal methods to avoid paying taxes.

- Money laundering: Organised criminal groups are involved in money laundering through various methods such as the use of front companies or international money transfers.

- Corruption: Organised criminal groups use corruption aspects to avoid being held accountable, but also to obtain information of interest for the realisation of illegal intentions.

These are just a few examples of illegal activities in which organised criminal groups are involved. It is important to note that they tend to adapt and diversify in their activities, which makes combating them even more difficult.

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<sup>6</sup> Single Convention on Narcotic Drugs and the Protocol amending that Convention of 30.03.1961. In: International Treaties, Vol. 8, Chisinau, 1999 p. 128.

<sup>7</sup> Nastas A., Delimitation of trafficking in human beings from some related offences (practice and legislation of the Republic of Moldova) In: Revista Universul Juridic Nr. 5 May 2022 Romania ISSN 2393-3445

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Precisely in view of the forms of manifestation of organized criminal groups, the Government of the Republic of Moldova has recently approved the Programme for the Prevention and Fight against Crime for the years 2022 - 2025, which reiterates the priority until 2030 "to significantly reduce the flow of illicit financial and weapons, strengthen the recovery and restitution of stolen property and combat all forms of organized crime", including through:

- by developing a new and comprehensive policy paper on preventing and combating organised crime;
- the creation and effective strengthening of a parallel financial investigation system focused on the identification, freezing and confiscation of assets generated by organised crime;
- developing an effective system of cooperation with Europol, Eurojust and other international partners in investigating organised crime groups, identifying, freezing and confiscating assets generated by organised crime and located abroad;
- streamlining to ensure the most efficient allocation of powers in relation to tax and economic crime between the different authorities;
- strengthening the participation of Moldovan authorities in the Eastern European Organised Crime Analysis Project (EEOC);
- developing the capacities and skills of the Centre of Forensic and Criminal Expertise in line with European standards and best practices at local and national level, including special aspects covering the areas of drug crime, trafficking in human beings, cybercrime and information security.<sup>8</sup>

**The organisational structure** of organised criminal groups in the Republic of Moldova is an important aspect for understanding them and for developing effective policies and programmes to combat them. According to the study carried out by the Ministry of Internal Affairs during the elaboration of the Crime Prevention and Control Programme for 2022 - 2025, it is found that more than half of the criminal groups, about 56%, are formed by a loose and fluid network, often based on individuals with certain skills that are built around a continuous series of criminal activities. 33% of criminal groups are made up of a relatively well-organised but unstructured network surrounded by a network of individuals involved in criminal activities, and about 11% are well-organized, hierarchically structured, with internal systems of control and

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<sup>8</sup> Crime prevention and control programme for the years 2022 - 2025, pp. 3 and 5 a, [https://gov.md/sites/default/files/document/attachments/subiect-16-nu-721-mai-2022\\_0.pdf](https://gov.md/sites/default/files/document/attachments/subiect-16-nu-721-mai-2022_0.pdf);

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discipline.<sup>9</sup> In this respect, researchers and practitioners reveal the following basic elements:

- **Leader:** Organised criminal groups in the Republic of Moldova have a leader or a group of leaders who control illegal activities and make important decisions for the group. This leader can be an individual or a group of individuals who are in charge of different aspects of the group. The leader is responsible for recruiting new members, planning and coordinating illegal activities, setting targets and objectives for the group, and managing relations with other criminal groups or the authorities. This leader may have absolute control over the group or may have a 'leadership council' that makes important decisions together.

- **Members:** are often divided into different teams, each specialising in certain illegal activities. For example, there may be a team dealing with drug trafficking, a team dealing with money laundering, a team dealing with human trafficking, etc. This organisation allows them to be better organised and to avoid detection or capture. For example, there may be a drug trafficking team, a money laundering team, a human trafficking team and others. Each team may have a leader or supervisor who is responsible for coordinating activities and reporting to the main leaders of the group. In the period 2016-2020 on the territory of the Republic of Moldova, according to the data held - 95 criminal groups with 594 members were documented/annihilated.<sup>10</sup>

Members of these teams may also have different roles and responsibilities. For example, some may be responsible for recruiting new members, others for planning illegal activities, others for managing finances or for contacting other criminal groups or clients.

It is important to note that this is a general trend, but it does not apply to all organised criminal groups in the Republic of Moldova. Some of them may have different or less complex organisational structures.

• **Command and control:** Organised criminal groups in the Republic of Moldova have a command and control system to direct their operations and achieve their objectives. This system can include several levels of management, from key leaders to specialised teams or departments dealing with specific illegal activities. This system includes communication mechanisms to ensure that all members of the group are informed of current activities and decisions taken, reporting mechanisms to ensure that leaders

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<sup>9</sup> Crime prevention and control programme for 2022 - 2025, p. 18;

<sup>10</sup> Ibidem p. 19



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have access to up-to-date information on operations, and control mechanisms to ensure that activities are carried out as planned. The command and control system helps the killer group to manage their resources, plan their activities and adapt their actions to changes in their environment.

The way organised criminal groups operate in the Republic of Moldova may vary depending on the group, but there are some common features, namely:

- Hierarchy: have a hierarchical structure, with key leaders controlling illegal activities and making important decisions, and members executing the activities.
- Conspiracy: tend to be secretive and protect themselves from detection by authorities.
- Communication: uses secure communication systems via web or mobile apps to ensure that all members are informed of current activities and decisions.
- Funding: they have mechanisms to manage and protect their funding sources, including using money laundering.
- Recruitment: they tend to recruit new members through personal contacts or by offering financial or protection benefits.
- Adaptability: they are adaptable to changes in their environment, including changes in legislation or intervention by authorities.

Organised criminal groups in the Republic of Moldova tend to use a variety of methods to achieve their objectives and protect their illegal activities:

- Corruption: involves aspects of the scourge of corruption to influence decisions of the authorities or to obtain confidential information.
- Threats: use threats to protect themselves from detection by authorities or to obtain financial or protection benefits from others.
- Document forgery: uses document forgery to protect itself from detection by authorities or to obtain financial or protection benefits from others.
- Use of advanced technologies: uses advanced technologies such as encryption or the use of virtual private networks to protect themselves from detection by authorities.
- Use of personal relationships: uses personal relationships to protect themselves from detection by authorities *or to obtain financial or protection benefits from others.*

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**A specific aspect** of organised criminal groups in the Republic of Moldova is the commission/organisation of crimes by persons serving a custodial sentence in penitentiary institutions in terms of the "legacy" concept based on the activity of organised criminal groups led by the so-called "thief in law", but also in terms of the large-scale use of communication devices (mobile phones, internet communication devices, computers, etc.) by them. Simple searches in the global internet network using the Google search browser with the keywords "organized criminal group, managed from prison", show dozens of releases of the Police and other law enforcement institutions with the dismantling of such organized criminal groups, an eloquent example being the case published by the Moldovan Police on 08.10.2019:

*Sixteen members of an organized criminal group, aged 17-56, most of them with criminal records, have been detained on suspicion of committing a series of robbery attacks in the northern part of the country, three of which resulted in the death of the victims. The criminal group was led by people in detention and the victims were aged between 75 and 85 years old..... At the same time, it was established that the leaders of the group who were serving their sentences in the prison were gathering information on the financial status of potential victims from other prisoners and from persons at large... The information was then passed on to members of the group, who were responsible for identifying the victims' homes and living arrangements, after which the robbery attacks were committed. The suspects operated at night, disconnecting meter lights, cutting wires to landlines and locking doors. The victims were then brutalised with particular cruelty and mobilised by tying their hands and feet. Much of the money and stolen goods ended up in the criminal's treasury." <sup>11</sup>*

**The impact of organised criminal groups** in the Republic of Moldova on the economy and society is essential and allows us to understand how they affect the country and to develop appropriate strategies to combat these groups. In this sense, the activity of organised criminal groups affects the state's economy by distorting the market and reducing foreign investment, which has a direct impact on citizens' safety and well-being. Last but not least, the negative impact is manifested by the recruitment of young people into illegal activities.

In order to reduce the negative impact of organised criminal groups to protect the economy and society it is necessary to ensure:

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<sup>11</sup> Communiqué entitled: An organised criminal group run from prisons, broken up by INI officers and the General Prosecutor's Office, <https://politia.md/ro/content/un-grup-criminal-organizat-condus-din-penitenciare-destructurat-de-ofiterii-ini-si>;

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- international cooperation: exchange of information and cooperation in investigations and prosecutions with other states.
- Strengthening institutional capacity: investment in technology, training and resources.
- education and prevention: education programmes for young people to prevent them from being recruited into illegal activities and programmes to encourage positive alternatives for young people.

Organised criminal groups in the Republic of Moldova have evolved in recent years, adapting to changes in society and the economic environment. Some of the trends and developments observed in this regard are:

- *Globalisation: expansion into other countries consolidating into new criminal groups.*

- *Diversification of illegal activities: they have diversified in terms of the illegal activities they are involved in, such as drug trafficking, human trafficking, smuggling, extortion and tax evasion.*

- *Use of modern technology: they use modern technology to conduct their illegal activities, such as using the internet to communicate and plan illegal activities.*

- *Increasing complexity: they have become more complex in their organisational structure, including in their coalition with nationals of other states and in their methods of operation.*

Given the evolution and trends of organized criminal groups in the Republic of Moldova, law enforcement institutions have taken measures to prevent and combat the activity of organized criminal groups - developing and amending the legal and regulatory framework, including the Programme, but they continue to be active both in the country and abroad. In this connection, international cooperation is essential to combat these groups, as they have links with other countries around the world.

Through cooperation with other countries, Moldovan law enforcement agencies and institutions can gain access to valuable information and resources that can help them identify and combat the activities of organised criminal groups. Cooperation with other countries can also help prevent the flow of funds and assets that finance these groups, as well as identify and capture their leaders.

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The cooperation of law enforcement institutions in the Republic of Moldova is carried out through the Directorate for International Police Cooperation, an institution that plays a key role in cooperation with other countries and international organizations in the fight against organized criminal groups and works closely with agencies such as EUROPOL, INTERPOL and SELEC.

**EUROPOL** is the European police agency that provides technical and operational support in the fight against organised crime at European level. Cooperation with EUROPOL helps Moldovan law enforcement institutions and agencies to gain access to valuable information and resources as well as to the expertise and experience of other European police agencies.

**INTERPOL** is an international police organization providing support in the fight against crime at a global level. Cooperation with INTERPOL can help Moldovan law enforcement agencies and institutions exchange information with police agencies in other countries and co-ordinate operations to track down and capture the leaders of organised criminal groups.

**SELEC** is a regional police organisation that aims to combat organised crime in South East Europe. Cooperation with SELEC helps law enforcement agencies and institutions in the Republic of Moldova to work with agencies in other countries in the region to effectively combat organised criminal groups.

All nominated organisations ensure the exchange of data and information between States on basic levels: exchange of data on entities (persons, vehicles, telephone numbers, e-mail, IP) and information on crime phenomena and trends contained in the regular analytical reports produced.<sup>12</sup>

## CONCLUSIONS

In view of the above, we reiterate that the form of criminal manifestation of organized criminal groups is one of the most dangerous according to the degree of damage, regardless of the crime committed, and their research must be systematic and continuous both at the scientific level, but especially in the environment of practitioners through the applicability of the legal framework for preventing and combating organized crime.

The institutions responsible for preventing and combating this criminal scourge, as well as academic researchers, must take into account technical and

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<sup>12</sup> Nastas A., Cernomoret Ș. Criminalization of Wicked Statements with Legal Consequences in the Criminal Law of the Republic of Moldova. In: International Research Conference Proceedings, May 23-24, 2022, Berlin, Germany, p226, ISSN 1307-6892.

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scientific progress, the forensic characteristics of organised criminal groups, geographical location, ethnic and linguistic connections and other specific issues, such as visa liberalisation, in order to elucidate the causes and conditions that generate the emergence and consolidation of organised criminal groups.

Based on the "accessibility" of information about organized criminal groups in the Republic of Moldova, it would be good if the authorities (not only the Ministry of Internal Affairs) would make public statistical data on the number of criminal groups documented for a certain period of time, taking into account the type of crimes committed, number of members, area of activity, including what the persons involved risk, in order to serve as an element of prevention.

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