

CRIMINAL SECURITY POLICIES IN THE REPUBLIC OF MOLDOVA*

The article addresses the main post soviet problems in the sphere of criminal activity, from the political point of view. It runs from the arduous task of the country to build a democratic nation and a market based economy as it faces ethnic conflicts and social hardships accompanied by economic and political transformation to the present situation of a halt in transition to a European future. It also presents a compared analysis on criminal situation during every political power's period of government.

The fall of the USSR was the event of the late twentieth century that changed the whole system of international relations and shook the entire world order. Instead of the former superpower, a "vacuum of power" appeared, which required reconfiguring relations between "the new democracies" formed on this huge space. "USSR died, but its space lives on", forming within specialized literature the name of "post-Soviet space."

Since Moldova's independence in 1991, crime sector expanded significantly due to the destabilization after the fall of the soviet regime. Dozens of organized criminal groups appeared, led by criminal authorities "thieves in law", which partly, since 2001 were arrested and sentenced to long periods of detention. A worrying aspect is the large increase in organized crime collaborating closely with international networks of criminals which has led to increased trafficking in human beings, smuggling, trafficking and illegal removal of human organs.

For example, in 1990 the annual statistic review of the Republic of Moldova, the number of registered crimes was as following: the total number of registered crimes in 1985 was 22544. From them, the state wealth embezzlement represented 1578; the small state or community wealth embezzlement was 129; thefts – 5407; robberies – 646; speculation – 308; costumers deceit – 204; distillation of alcohol with the purpose of selling – 913; first degree murders and murder attempts – 260; severe body injuries – 384; rapes and other sexual assaults – 298; drug related crimes – 18; hooliganism – 1822; road traffic violation with severe consequences – 331. The total number of registered crimes in 1986 was 20856. From them, the state wealth embezzlement represented 1323; the small state or community wealth embezzlement was 72; thefts – 4888; robberies – 608; speculation – 315; costumers deceit – 247; distillation of alcohol with the purpose of selling – 932; first degree murders and murder attempts – 205; severe body injuries – 303; rapes and other sexual assaults – 257; drug related crimes – 40; hooliganism –

* "This research was supported by a Marie Curie International Research Staff Exchange Scheme Fellowship within the 7th European Community Framework Programme: Possibilities and limits, challenges and obstacles of transferring CEE EU pre-accession best practices and experience to Moldova's and Georgia's pre-accession process. EU-PREACC Grant Agreement Number: PIRSES-GA-2012-318911. Project period: 01.03.2013-28.02.2017"

1394; road traffic violation with severe consequences – 300. The total number of registered crimes in 1987 was 20757. From them, the state wealth embezzlement represented 1253; the small state or community wealth embezzlement was 129; thefts – 5810; robberies – 809; speculation – 292; costumers deceit – 247; distillation of alcohol with the purpose of selling – 932; first degree murders and murder attempts – 205; severe body injuries – 332; rapes and other sexual assaults – 247; drug related crimes – 185; hooliganism – 1237; road traffic violation with severe consequences – 291. The total number of registered crimes in 1988 was 32425. From them, the state wealth embezzlement represented 1244; the small state or community wealth embezzlement was 125; thefts – 13542; robberies – 1662; speculation – 308; costumers deceit – 288; distillation of alcohol with the purpose of selling – 42; first degree murders and murder attempts – 222; severe body injuries – 414; rapes and other sexual assaults – 317; drug related crimes – 108; hooliganism – 1809; road traffic violation with severe consequences – 347. The total number of registered crimes in 1989 was 40862. From them, the state wealth embezzlement represented 1091; the small state or community wealth embezzlement was 57; thefts – 17084; robberies – 2200; speculation – 398; costumers deceit – 289; distillation of alcohol with the purpose of selling – 23; first degree murders and murder attempts – 267; severe body injuries – 473; rapes and other sexual assaults – 337; drug related crimes – 89; hooliganism – 2369; road traffic violation with severe consequences – 449. The total number of registered crimes in 1990 was 43017. From them, the state wealth embezzlement represented 1040; the small state or community wealth embezzlement was 53; thefts – 17815; robberies – 2472; speculation – 453; costumers deceit – 284; distillation of alcohol with the purpose of selling – 4; first degree murders and murder attempts – 290; severe body injuries – 558; rapes and other sexual assaults – 354; drug related crimes – 120; hooliganism – 2246; road traffic violation with severe consequences – 463. In 1990, every 7th registered crime was a serious one and almost every second crime remained undiscovered. 3000 crimes were committed by minors, or with their complicity (4% more than the previous year). 2700 crimes were committed by individuals who have committed crimes previously (14% decrease). 3700 crimes were committed by individuals under the influence of alcohol (0,2 decrease) [7, 143].

As we can see from the data above, the criminal activity has doubled in the last years of life of the Soviet empire due to the instability of the regime and the period of declaration of independence of its republics. Republic of Moldova inherited severe issues related to organized crime in this transition period from a soviet republic to a democratic one. The criminal networks remained deeply bounded to their mafia chiefs in Russia. Despite this situation, in 1991, on the 27th of August, Moldova declares its independence and becomes a sovereign state with the first President Mircea Snegur. During his terms of presidency (1990-1996) [2], Moldova encountered a small civil war, which emerged into the well known today transnistrian conflict, with Russia entirely controlling its territory and socio-economic life. While dealing with a war,

the young republic did not experience an increase of arm smuggling, as the authorities from that period did their best to stop the war on the banks of the Dniester River. And indeed the conflict did last only around four months, but the territory called nowadays Transnistria, still remains under Russian occupation. Unfortunately because of the impossibility to collaborate with the Transnistrian territory generated by the conflict, the given statistics do not contain the data from Transnistrian region and any attempt to contact their self-proclaimed authorities remains unanswered.

Along the fall of USSR, also, disappeared a series of incriminations and a lot of inmates were set free, some of them with new criminal knowledge achieved in time of their detention. In 1992, the total number of registered crimes was 39190. 7275 of them were serious crimes and 1867 – economic – financial crimes. In 1993, the total number of registered crimes was 37073. 7173 of them were serious crimes and 2094 – economic – financial crimes. In 1994, the total number of registered crimes was 37317. 9090 of them were serious crimes and 2344 – economic – financial crimes. In 1995, the total number of registered crimes was 38409. 11069 of them were serious crimes and 2598 – economic – financial crimes. In 1996, the total number of registered crimes was 34822. 8083 of them were serious crimes and 2697 – economic – financial crimes. In 1997, the total number of registered crimes was 39914. 10018 of them were serious crimes and 2992 – economic – financial crimes. In 1998, the total number of registered crimes was 36195. 8210 of them were serious crimes and 3253 – economic – financial crimes. In 1999, the total number of registered crimes was 39346. 9252 of them were serious crimes and 3483 – economic – financial crimes. In 2000, the total number of registered crimes was 38267. 8941 of them were serious crimes and 3603 – economic – financial crimes. [10, 26]

In this period, we can observe that criminal activity remained stable from the boost of 1990. Also, by the time Petru Lucinschi became the second President of the Republic of Moldova (1996-2001) [3], serious crimes began to prevail. By the end of his presidency, economic and financial crimes raised due to the stabilization of market economy in the country.

The third President of the Republic of Moldova, Vladimir Voronin, who managed to govern two terms of four years each (2001-2009) [4], began his mandate with the dismantling of the main organized crime groups, by this decreasing the number of committed crimes. Thus, in 2001, the total number of registered crimes was 37830. From them, 411 were murders; severe body injuries – 394; rapes – 189; thefts – 20748; robberies – 2590; drug related crimes – 1897; hooliganism – 1163. In 2002, the total number of registered crimes was 36302. From them, 401 were murders; severe body injuries – 335; rapes – 204; thefts – 18428; robberies – 2341; drug related crimes – 2481; hooliganism – 1356. In 2003, the total number of registered crimes was 32984. From them, 356 were murders; severe body injuries – 417; rapes – 320; thefts – 15065; robberies – 1801; drug related crimes – 2390; hooliganism – 1316. In 2004, the total number of registered crimes was 28846. From them, 303 were murders; severe body injuries – 355; rapes –

336; thefts – 12682; robberies – 1450; drug related crimes – 2148; hooliganism – 1062. In 2005, the total number of registered crimes was 27595. From them, 268 were murders; severe body injuries – 395; rapes – 280; thefts – 11506; robberies – 1449; drug related crimes – 2106; hooliganism – 965. In 2006, the total number of registered crimes was 24767. From them, 255 were murders; severe body injuries – 409; rapes – 268; thefts – 9419; robberies – 1102; drug related crimes – 2101; hooliganism – 848. In 2007, the total number of registered crimes was 24362. From them, 216 were murders; severe body injuries – 408; rapes – 281; thefts – 9724; robberies – 868; drug related crimes – 2182; hooliganism – 780. In 2008, the total number of registered crimes was 24788. From them, 233 were murders; severe body injuries – 385; rapes – 306; thefts – 9642; robberies – 1161; drug related crimes – 2126; hooliganism – 772. In 2009, the total number of registered crimes was 25655. From them, 240 were murders; severe body injuries – 369; rapes – 264; thefts – 9136; robberies – 1208; drug related crimes – 1879; hooliganism – 767. [6]

The presented data shows a dramatic decrease in criminal activity and a relative stable situation, partly due to Vladimir Voronin's previous position as a Minister of Internal Affairs of Moldova.

After the protests from April 7th, 2009, to power came a coalition of three political parties oriented to European Integration, which due to dissonances between them, threw the country into another major problem – the corruption. Thus, in 2010, the total number of registered crimes was 33402. From them, 265 were murders; severe body injuries – 416; rapes – 368; thefts – 13646; robberies – 1389; drug related crimes – 1794; hooliganism – 955. In 2011, the total number of registered crimes was 35124. From them, 216 were murders; severe body injuries – 360; rapes – 291; thefts – 15060; robberies – 1303; drug related crimes – 1658; hooliganism – 1152. In 2012, the total number of registered crimes was 36615. From them, 223 were murders; severe body injuries – 325; rapes – 360; thefts – 14294; robberies – 1342; drug related crimes – 1575; hooliganism – 1284. In 2013, the total number of registered crimes was 38157. From them, 215 were murders; severe body injuries – 324; rapes – 349; thefts – 15378; robberies – 1290; drug related crimes – 1166; hooliganism – 1444. In 2014, the total number of registered crimes was 41786. From them, 172 were murders; severe body injuries – 320; rapes – 352; thefts – 16729; robberies – 1252; drug related crimes – 1288; hooliganism – 1614. [6]

As we can see, the Alliance of the three political parties allowed another boost of criminal activity in the country, although it has registered significant progresses on the way of European Integration.

The period of state formation was characterized by joining a number of international organizations, which guaranteed the recognition of the new formed republic and its sovereignty. After the proclamation of independence, Moldova has signed and ratified a number of

international conventions and treaties both multilateral and bilateral regarding international legal assistance:

International / Regional: [8]

- United Nations Convention against Transnational Organized Crime from 15.11.2000, New York;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- Agreement between the Governments of GUUAM member states in combating terrorism, organized crime and other types of serious crimes from 20.07.2002, Yalta;
- Cooperation Agreement for preventing and combating cross-border crime, adopted in Bucharest 26.05.1999, in force for Moldova from 01.02.2000;
- Criminal Law Convention on Corruption from 27.01.1999;
- Cooperation Agreement between the Governments of participating states of the Black Sea Economic Cooperation on combating crime, especially its organized forms, 02.10.1998, in force for Moldova from 23.10.1999;
- Additional Protocol to the Cooperation Agreement between the Governments of the participating states on Black Sea economic cooperation regarding fighting crime, especially its organized forms from 15.03.2002;
- Convention on Money Laundering, Detection, Seizure and Confiscation of the Proceeds from these activities, 08.11.1990;
- European Convention on legal assistance in criminal matters, adopted in Strasbourg on 20.04.1959, in force for the Republic of Moldova from 05.05.1989;
- Additional Protocol to the European Convention on Legal Assistance in Criminal Matters, from 17.03.1978, in force for the Republic of Moldova from 25.09.2001;
- European Convention on Extradition, adopted in Paris on 13.12.1957, in force for the Republic of Moldova from 31.12.1997;
- The Additional Protocol to the European Convention on Extradition, from 15.10.1975, in force for the Republic of Moldova from 25.09.2001;
- Second Additional Protocol to the European Convention on Extradition, adopted in Strasbourg on 17.03.1978, in force for the Republic of Moldova from 21.06.2001.

The Commonwealth of Independent States: [3]

- Convention on Legal Assistance and Legal Binding in Civil, Family and Criminal Matters, signed in Minsk on 22.01.1993, in force for the Republic of Moldova from 16.03.1995;

- Protocol to the Convention on Legal Assistance and Legal Binding in Civil, Family and Criminal Matters from 22.01.1993, concluded on 28.03.1997, in force for the Republic of Moldova from 04.04.2003;

- Agreement on cooperation in the sphere of special support in operative investigation, concluded in Moscow on 18.12.1998;

- Collaboration Agreement on Fight against Crime between the member states of the Commonwealth of Independent States, concluded in Moscow on 25.11.1998.

Bilateral: [8]

- Treaty between the Republic of Moldova and Romania on Legal Assistance in Civil and Criminal Matters from 06.07.1996, in force for the Republic of Moldova on 22.03.1998;

- Treaty between Moldova and the Russian Federation on Legal Assistance and Legal Binding in Civil, Family and Criminal Matters from 25.02.1993, in force for the Republic of Moldova from 04.11.1994;

- Treaty between Moldova and Ukraine on Legal Assistance and Legal Binding in Civil and Criminal Matters from 13.12.1993, in force for the republic of Moldova from 24.04.1995;

- Treaty between Moldova and Lithuania on Legal Assistance and Legal Binding in Civil, Family and Criminal Matters from 09.02.1993, in force for the Republic of Moldova from 18.02.1995;

- Treaty between Moldova and Latvia on Legal Assistance and Legal Binding in Civil, Family and Criminal Matters from 14.04.1993, in force for the Republic of Moldova from 18.06.1996;

- Treaty between Moldova and Turkey on Legal assistance in Civil, Commercial and Criminal Matters from 22.05.1996, in force for the Republic of Moldova from 23.02.2001;

- Agreement between the Government of the Republic of Moldova and the Government of Czech Republic on Cooperation in Combating Organized Crime, Illegal Trafficking of Drugs and Psychotropic Substances, Terrorism and Other Types of Serious Crimes, signed in Prague on 07.08.2003;

- Agreement between the Government of the Republic of Moldova and the Government of Latvia on Cooperation in Combating Terrorism, Illicit Drug Trafficking, Psychotropic Substances and Precursors, and Organized Crime, signed in Chisinau on 29.05.2003;

- Agreement between the Government of the Republic of Moldova and the Government of the Republic of Belarus on Cooperation in Combating Crime, signed in Chisinau on 06.10.2002;

- Agreement between the Government of the Republic of Moldova and the Government of Israel on Cooperation in Combating Illicit Trafficking and Abuse of Drugs, Psychotropic Substances and Other Serious Crimes, signed in Chisinau on 10.07.2003;

- Agreement between the Government of the Republic of Moldova and the Government of Italy on Fight against Organized Crime, signed in Rome on 03.07.2002;

- Protocol on Cooperation between the Border Guard Department of the Republic of Moldova and the Federal Service Border of the Russian Federation in the Field of Operative Tracking for

the interest of the State Border Services on Inland International Traffic, signed in Moscow on 29.11.2001;

- Memorandum of Understanding between the Ministry of Internal Affairs and the Police Chiefs Association, Crown Prosecution Service of England and Wales, the Serious Fraud Office, Department of Customs and Excise of His Majesty, the National Squad against Crime and the National Intelligence Crime Service of the United Kingdom of Great Britain and Northern Ireland regarding the Cooperation in Combating Serious Crime, Organized Crime, Illicit Drug Trafficking and Other Similar Issues of Mutual Interest, Chisinau, 17.01.2001;
- Agreement between the Government of the Republic of Moldova and the Government of Uzbekistan on Cooperation in Combating Crime, signed in Chisinau on 19.12.2000, in force for the Republic of Moldova since 15.05.2001;
- Agreement between the Government of the Republic of Moldova and the Government of Estonia on Cooperation in Combating Crime, signed in Tallinn on 23.09.1999, in force for the Republic of Moldova from 28.12.2000;
- Agreement between the Government of the Republic of Moldova, the Romanian Government and the Cabinet of Ministers of Ukraine on Cooperation in the Fight against Crime, 16.07.1999;
- Treaty between Moldova and Romania on Legal Assistance in Civil and Criminal Matters, signed in Kiev on 06.07.1996, in force for the Republic of Moldova from 05.04.2001.

Interdepartmental: [8]

- Protocol on cooperation between the Moldovan Prosecutor General's Office and the Romanian Public Ministry from 10.02.2005;
- Agreement on Cooperation in Legal Assistance between the Moldovan Prosecutor General's Office and the Prosecutor General of Uzbekistan from 09.10.1992;
- According to Art. 2 of the Agreement between Moldova and Turkey on legal aid in civil, commercial and criminal matters signed in Ankara on 05.22.1996, the two Contracting Parties have designated the Ministry of Justice and diplomatic channels as central authority for mutual legal assistance.

Also, the Republic of Moldova acceded as a member to the following international organizations in the field of security:

- United Nations (UN) on the 2nd of March, 1992;
- Organization for Security and Cooperation in Europe (OSCE) on the 30th of January, 1992;
- International Tribunal for the Law of the Sea;
- Organization for the Prohibition of Chemical Weapons;
- The *Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty* Organization (CTBTO);
- INTERPOL on the 28th of September, 1994;
- GUAM on 10th of October, 1997;

- *The Stability Pact Anti-Corruption Initiative (RAI);*
- *International Criminal Court on the 9th of September, 2010;*
- *Bureau of Crime Fighting of CIS;*
- *Coordinating Council of Prosecutors General of CIS. [8]*

One of the priorities of the foreign policy of Moldova, is the adoption and implementation at national level of a joint action plan between authorities and bodies in various structures of power (legislative, judicial and executive) of Moldova and the European Union, with the purpose of their accession to the European norms and standards, based on the protection of human social values and general principles of law. A special role in the adoption of the National Programme for implementing the Action Plan Moldova-EU rests with the prosecutorial body of Moldova, by developing studies and strategies on protecting the rule of law, counteracting crime and ensuring the cooperation of law enforcement and judicial agencies of Moldova with other authorities of the state and the European Union, in order to achieve the same common goal - establishing and consolidating democracy based on the principle of rule of law and human values. [8]

Thus, within the National Programme, the Prosecutor General of the Republic of Moldova proposed a number of actions, with the involvement of representatives of various state structures to ensure the establishment of effective mechanisms at national level, similar to those operating in the European Union, of improving methods to combat and prevent crime. [8]

The action plan proposed by the Prosecutor General is mainly focused on: countering cross-border crime (in particular, human trafficking, narcotics, terrorism, smuggling of dangerous weapons and prohibited goods etc.), combating illegal migration in general , removing corruption etc., justice based on the rule of law and cooperation with other state organs and especially the structures of the European Union.

There is a close relationship between corruption and crime. Namely the presence of corruption in the resort agencies enables considerable increase in crime. Crime Victims International report [1] confirms that in countries with a high level of corruption, crime incidence is clearly higher. If, for example, in France and Portugal this figure is slightly higher than 1%, while in Eastern Europe index has fluctuated between 8 and 22%. It is significant that this index was calculated based on the data of sociological surveys, but not those submitted by bodies. There are multiple causes: that the very notions of crime vary from country to country, so the practice of registration of crimes. Also, in many cases bodies are not interested to register all crimes in order to raise the rate of solving of crimes. No wonder that the obtained indexes were much higher. Moldova is no exception to this regularity of countries in transition. [10,17]

Recently the European Union accentuated the necessity to conduct several reforms which partly would improve the prevention and fight with criminal activity in the Republic of Moldova. This way, European partners expressed their discontent on the situation which

occurred on Moldova's territory and elaborated several mandatory steps towards the country's further European path. [5] They expressed their concern about the serious problems of corruption which dominates domestic political powers and the new elected Government is placed in the position either to follow the recommended steps and to gain European trust and to benefit from its support, or to continue the stagnation on every levels of European course and to risk to encounter pressures from political parties with different geostrategic orientation.

References:

1. Alvazzi del Frate A., Mazhew P., J.M. van Dijk, J. van Kesteren, Nieuwbeerta P., International Crime Victims Survey, United Nations Interregional Crime and Justice Research Institute
2. Biography of President of the Republic of Moldova Mircea Snegur, 1990-1996. <http://www.presedinte.md/eng/mircea-snegur> (visited on the 10th of February, 2016)
3. Biography of President of the Republic of Moldova Petru Lucinschi, 1996-2001. <http://presedinte.md/eng/petru-lucinschi> (visited on the 10th of February, 2016)
4. Biography of President of the Republic of Moldova Vladimir Voronin, 2001-2009. <http://presedinte.md/eng/biografia-presedintelui-vladimir-voronin> (visited on the 10th of February, 2016)
5. Council conclusions on the Republic of Moldova. <http://www.consilium.europa.eu/en/press/press-releases/2016/02/15-fac-moldova-conclusions/> (visited on the 19th of February, 2016)
6. Criminal statistics. <http://statbank.statistica.md/pxweb/Dialog/Saveshow.asp> (visited on the 10th of February, 2016)
7. Economia națională a Republicii Moldova, 1990, anuar statistic, Universitas, Chișinău, 1991, (National Economy of the Republic of Moldova, 1990, annual review)
8. International cooperation. <http://www.procuratura.md/md/actint/> (visited on the 10th of February, 2016)
9. International Organizations to which Moldova is a part. <http://www.mfa.gov.md/> (visited on the 10th of February, 2016)
10. Obreja E., Carașciuc L., Corupția în Moldova: fapte, analiză, propuneri., Transparency International, Chișinău, 2002