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CRIMART PROJECT – ISF POLICE: GOALS, ACHIEVEMENTS AND PERSPECTIVES

In its evolution, the General Police Inspectorate (GPI) of the MIA approves different Development Strategies and Action Plans regarding their implementation for a certain determined or undetermined period, with the basic purpose of continuous development, the protection of human rights and freedoms as well as the protection of all forms of property, etc., by preventing and fighting crime.

Keywords: property, CrimART – ISF POLICE, combating crime against trafficking in cultural goods and CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), ISF countries, aspects of cultural heritage protection, the illicit traffic of cultural goods in the aspect of current conditions.

PROIECTUL CRIMART – ISF POLICE: OBIECTIVE, REALIZĂRI ȘI PERSPECTIVE

În evoluția sa, IGP (Inspectoratul General al Poliției) al MAI aprobă diferite strategii de dezvoltare și planuri de acțiuni privind implementarea acestora pe o anumită perioadă determinată sau nedeterminată, având ca scop de bază dezvoltarea continuă, protecția drepturilor și libertăților omului, precum și ocrotirea tuturor formelor de proprietate, prin prevenirea și combaterea criminalității.

Cuvinte-cheie: proprietate, CrimART – ISF POLICE, combaterea criminalității împotriva traficului de bunuri culturale și CITES (Convenția privind comerțul internațional cu specii de faună și floră sălbatice pe cale de dispariție), țări ISF, aspecte de protejare a patrimoniului cultural, trafic ilicit de bunuri culturale în aspectul condițiilor actuale.

Introduction. In order to protect assets with cultural values, starting from October 2021, the General Police Inspectorate, based on point 13 subpoint 14) of the Regulation on the organization and operation of the General Police Inspectorate, approved by Government Decision no. 547/2019, as well as the Framework Agreement between the Government of the Republic of Moldova and the European

Communities Commission regarding external assistance, signed in Brussels on May 11, 2006 and ratified by Law no. 426/2006, sign the grant agreement of the Project no: 101037954 – CrimART – ISF POLICE [1].

The implementation period of this project is 01 October 2021 - 30 September 2023. Thus, the Project systematically applies a multi-level and multi-stakeholder approach

to strengthen the cooperation of international law enforcement agencies which are authorized to fight organized crime against property and trafficking of cultural goods and CITES, giving these authorities the powers and operational tools necessary to protect cultural heritage.

The purpose of the research is to analyze this complex phenomenon in order to develop effective and sustainable solutions to prevent and combat organized crime against property and to counter the trafficking of cultural goods and CITES. Their study and analysis would only have been possible effectively through the use of research methods, such as: observation, the deduction method, the comparative method, the historical method, the logical and the systemic method.

The objective of the CrimART project is structured around five basic aims, thus focusing on several key activities such as:

- The mutual exchange of best practices and experience between the units involved in this project by defining common techniques and methods to combat patrimonial crime.

- Increasing the effectiveness of cooperation at the national and international level between the GPI of the MIA employees, those of the Customs Service and legal units from other countries specialized in combating crime against the trafficking of cultural goods and CITES.

- Increasing the capacity of law enforcement agencies to better implement and analyse the EU legislation with data to identify major trends, threats and risks of property crime.

- Development of the final report containing the best methods of combating organized crime against the property and illicit trade of cultural goods and CITES.

- Development of an ad hoc training course for the GPI of the MAI employees, the Customs Service, as well as other employees of the rule of law who have tangent in the activity they carry out every day in the field of combating illegal trade in cultural goods and CITES, developing similar modus operandi,

an organizational culture, geopolitical proximity and, above all, a standardized level of training. [2]

At the same time, as a result of these objectives, the skills of officers will increase in terms of combating crime against cultural heritage and the results of the project will be disseminated at the level of member states and EU bodies.

4 partners are involved at the activities of the project as beneficiaries, such as: the Regional Police of Krakow (project leader), the University of Public Administration from Germany, the Police of Cyprus and the General Police Inspectorate of the Republic of Moldova.

Thus, the beneficiaries of the project will be both, Police officers and employees of the Customs and Fiscal Services, who are directly involved in the project. They will contribute to the target professional community in the four countries directly involved and in all ISF and associated countries. The main indirect beneficiaries will be: other implementation and control bodies at regional / national / European level, cultural cities, etc. [2]

Results obtained and discussion. Since the first decade of independence, the authorities of the Republic of Moldova have adopted several norms aimed to protect the cultural heritage. The normative base that underpins the national cultural heritage is regulated by the Constitution of the Republic of Moldova [4]. Also, the legal aspects in which the cultural heritage is legislated are included in the Law of the Republic of Moldova no. 280/2011 regarding the protection of movable national cultural heritage, the Law of the Republic of Moldova no. 58/2012 regarding the protection of intangible cultural heritage, the Law of the Republic of Moldova no. 1530/1993 regarding the protection of monuments, the Law of the Republic of Moldova no. 192/2011 on public forum monuments, the Law of the Republic of Moldova no. 218/2010 regarding the protection of the archaeological heritage, the Register of monuments protected by the state, etc. By adopt-

ing these laws, the state authorities intended to implant, cultivate, the respect of citizens and the recognition of heritage values at the local and national level. In this context, we mention that the national cultural heritage constitutes the nation's spiritual treasure accumulated over the centuries and includes "the totality of cultural values and assets" [4].

At the same time, particular aspects regarding cultural heritage are also mentioned in other laws, such as art. 2 of the Law no. 413/1999 "Culture" which mentions that by cultural value is meant a result of creative activity, which has significant power in a certain socio-cultural space. The provisions of this normative act also operate with the notion of cultural good, which signifies a product of cultural activity, the value of which can have a monetary price. In addition, it is specified that cultural heritage represents the totality of cultural values and assets [6], the Law no. 262/217 on Museums, the Law no. 880/1992 on the Archives Fund of the Republic of Moldova, the Law no. 1350/2000 on architectural activity, the Government Decision of the Republic Moldova regarding the approval of the Culture Development Strategy "Culture 2020" and the Action Plan regarding its implementation, etc.

Among the crimes which attempt on historical-cultural goods, the most frequently recorded are those committed by smuggling, being succeeded by evasion, regardless of the form it takes. In national legislation, covert theft of another person's property means "the intentional and gratuitous illegal taking and/or transfer of foreign property for the benefit of the perpetrator or third parties, which caused real material damage to the owner or other possessor of that property, carried out for the purpose of obtaining profit". According to the statistical data of the law enforcement agencies, it is found that most of the historical-cultural assets are evaded through theft, fraud and robbery.

The Criminal Code of the Republic of Moldova does not contain special articles regarding the theft of these goods, but ch. VI of

the Code regulates crimes against patrimony, establishing only a single paragraph of objects acquired through: evasion, paragraph (2¹) art. 186, theft of cultural heritage assets from archaeological sites or areas with archaeological potential, (*punishable with a fine of 1350 to 2350 conventional units or imprisonment from 2 to 5 years*); robbery, para. (2¹) art. 187, the looting of cultural heritage assets from archaeological sites or areas with archaeological potential, (*punishable by imprisonment from 6 to 8 years with a fine ranging from 1350 to 2350 conventional units*); burglary, para. (2¹) art.188, burglary for the purpose of stealing cultural heritage assets from archaeological sites or areas with archaeological potential, (*punishable by imprisonment from 8 to 10 years with a fine in the amount of 1350 to 2350 conventional units*); fraud, para. (3) art. 190, the fraudulent acquisition of cultural heritage assets from archaeological sites or areas with archaeological potential, (*punishable by a fine in the amount of 1850 to 2350 conventional units or by imprisonment from 5 to 7 years, in both cases with deprivation of the right to occupy certain positions or to exercise a certain activity for a period of up to 5 years*) [5], addressing only a certain area, specific to the perimeter for the protection of archaeological objects.

Also in this chapter, the legislator also refers to embezzlement of foreign assets, art.191 para. (2²), i.e., the embezzlement of cultural heritage assets from archaeological sites or areas with archaeological potential, *is punishable by a fine in the amount of 1850 to 2350 conventional units or by imprisonment from 3 to 7 years, in both cases with deprivation of the right to occupy certain positions or to exercise a certain activity for a term of up to 5 years.*

With direct specification in this compartment, the legislator dedicates the following articles to cultural assets, such as the damage or destruction of cultural heritage assets (art. 199¹); carrying out unauthorized works in archaeological sites or in areas with archaeological potential (art. 199²); concealment or illegal keeping of movable archaeological as-

sets (art. 199³); the unauthorized sale of movable archaeological assets and classified movable cultural assets (art. 199⁴); unauthorized access with metal detectors or other remote sensing devices and their use in archaeological sites or areas with archaeological potential (art. 199⁵)[5]. In some situations, this category of crimes can also be attributed to: art. 288 Vandalism (desecration of buildings or other rooms, which are monuments of history and culture, as well as their destruction).

On the mentioned profile, this field interacts directly with other national codes, such as through: the Customs Code, Chapter V “Control of precious metals, objects and jewellery made of precious metals and stones, currency and cultural values” through the art. 375 regulates the rules regarding the introduction and removal of cultural values from the territory of the Republic of Moldova, in which some rules regarding these goods are provided [6]. The Criminal Code, art. 74 “Violation of the legislation regarding cultural heritage, archaeological heritage or public monuments”

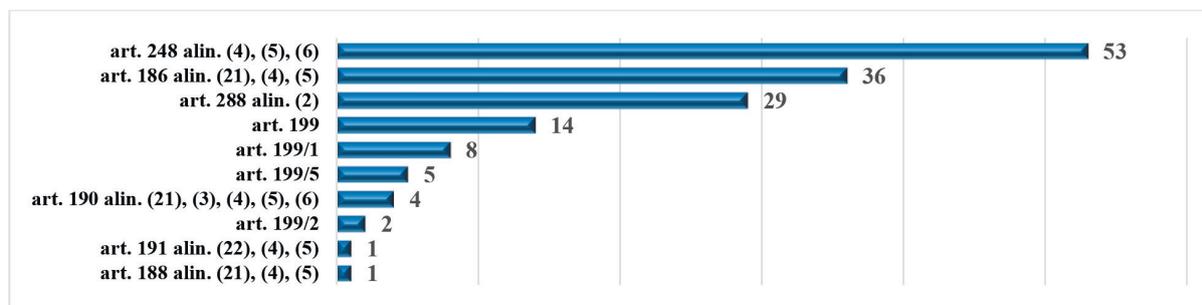
[7] the Civil Code, the Fiscal Code, etc.

Art. 9 of the Law no. 1569/2002, regarding the method of introduction and removal of goods from the territory of the Republic of Moldova by natural persons, provides the right of natural persons to introduce “*cultural values into the territory of the Republic of Moldova, on condition of presentation to the customs body of the authorization issued by the competent authority of the sending state, compliance with economic policy measures, payment of import duties and declaration in the established manner*”. [8]

Within the national legislation there is also “[...] a series of regulations intended to implement legislative acts or to regulate relations in the field of cultural heritage protection”.

According to an extensive analysis carried out over a period of 20 years, 153 criminal cases were examined by law enforcement, where objects of cultural property are concerned. The biggest share goes to the crime of smuggling with 53 criminal cases and 36 evasions, etc. [9]

Table no.1 (statistical data from the Information Technology Service (ITS) of the Ministry of Internal Affairs (MIA) of the Republic of Moldova, the period 2002-2022)



Detailed statistical data by year:

Art. from Criminal Code	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL	
186 al. (2 ¹), (4), (5)										2	1	2	5	10	8		3	2		3		36	
187 al. (2 ¹), (4), (5)																							
188 al. (2 ¹), (4), (5)																	1						1

October 2022 and in Cyprus 31 October - 04 November 2022.

At the same time, the GPI was responsible for organizing and conducting a training edition in the Republic of Moldova, as part of the work package no. 3 of the CrimART project. This took place in Chisinau, during February 07-09, 2023.

The main topics covered at this course were:

- a) Illicit trade in cultural goods and CITES;
- b) Research methods using modern equipment;
- c) Activities related to cultural facilities offered for sale on the Internet.

At the training session, the experience gained in the field of cultural assets was presented, both by representatives of several national entities and by external partners, as follows:

- 1) from the Republic of Moldova:
 - The Ministry of Culture;
 - The "Stefan cel Mare" Academy of the MIA;
 - The Environmental Protection Inspectorate;
 - The Customs Service;
 - The National Center for Judicial Expertise of the Ministry of Justice;
 - The National Investigation Inspectorate of the GPI;
 - The Technical-Forensic and Judicial Expertise Centre;
- 2) external partners:
 - The General Inspectorate of the Romanian Police;
 - The National Police of Ukraine;
 - The Cyprus Institute;
 - BEIA Consult International.

The training was attended by representatives of the GPI, the Police from Krakow, Germany and Cyprus, as well as representatives of the General Prosecutor's Office of the Republic of Moldova, where the following topics were presented and debated by them:

- Aspects of cultural heritage protection in the Republic of Moldova and study case;

- International instruments regarding the protection of cultural heritage;

- Overview of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) and how it is implemented. Trafficking in endangered animals and plants;

- Peculiarities of starting and carrying out the criminal investigation in the case of committing the crime of vandalism against cultural heritage;

- Smuggling of cultural goods (procedural aspects, case study);

- Transnational organized crime regarding cultural goods and values;

- The role of information analysis in the investigation of crimes related to cultural property and values;

- Cross-border cooperation and the fight against Cultural Heritage trafficking;

- Case study named "The paintings";

- Comments on the use of special knowledge in protecting the national cultural heritage in the Republic of Moldova;

- Research methods using modern equipment - in particular spectroscopic and multi-spectral techniques for the detection of forgeries / original works, especially using portable instruments with non-invasive analysis, and data bank integration techniques to facilitate digital collaboration;

- Demonstration of the use of the equipment in carrying out expertise on cultural goods;

- Presentation of RITHMS project. Cryptocurrency fraud detection for cultural goods and NFT;

- Illicit traffic of cultural goods in the aspect of current conditions.

Thus, the training session, organized in Moldova, focused on international and national legislation, the investigation of crimes against cultural goods, the contribution of data analysis in criminal prosecution, the use of modern equipment in carrying out the expertise of cultural goods, the implementation of CITES and the sale of cultural goods on the Internet. To the participants were presented

a general picture of crimes against cultural goods in the Republic of Moldova, international cooperation, current legislative changes proposals and the proposals for combating and preventing these crimes.

Also, the participants had the chance to exchange information about their experience in this field and possible future common cases regarding some missing cultural goods.

At the same time, the project leader, on May 30, 2023, organized the project's Closing Conference, the purpose of which was to summarize the actions taken during the implementation of the project, to analyze the fulfillment of its objectives and to present the results of the project.

The final results of the project involved training and equipment procurement needed to the GPI's subdivisions in combating crimes against cultural goods.

At the same time, as part of the project, technical equipment was purchased, such as:

1. Camera for revealing papillary marks on non-porous surfaces with cyanoacrylate;
2. Two professional cameras with macro and micro lens;
3. System for processing objects and revealing fingerprints with dactyloscopic dusts. [10]

(The equipment presented during the study visit which took place on 09.02.2023, at the Technical - Forensic and Judicial Expertise

Center, uses the most effective methods of detecting, revealing and highlighting papillary marks, invisible or barely visible, on the surface objects)

The purpose of presenting the purchased equipment was not only to be presented during the study visit, but also to strengthen the capacities of the police in investigating and combating the criminal phenomenon of organized criminal groups against the property and trafficking of cultural goods and CITES. Thus, the equipment purchased within the CrimART project is a solution for a better expertise on cultural objects.

In conclusion, the dialogue and cooperation, with external partners of the law enforcement agencies and with the competent bodies of the Republic of Moldova, regarding the observance of laws, within the CrimART Project, will increase the mutual exchange of best practices and experience in combating organized crime against property and illegal trade in cultural goods and CITES, both nationally and internationally.

At the same time, this collaboration will bring improvements in professional skills and will increase the competences of officers in combating crime against cultural heritage, in the field of prevention and investigation of these types of crimes by applying the correct research methods and the necessary research equipment.

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