COUNTRY FACTSHEET* – Smuggling of migrants



*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

REPUBLIC OF MOLDOVA

Last update 31/10/2023

GENERAL INFORMATION ON MIGRATION

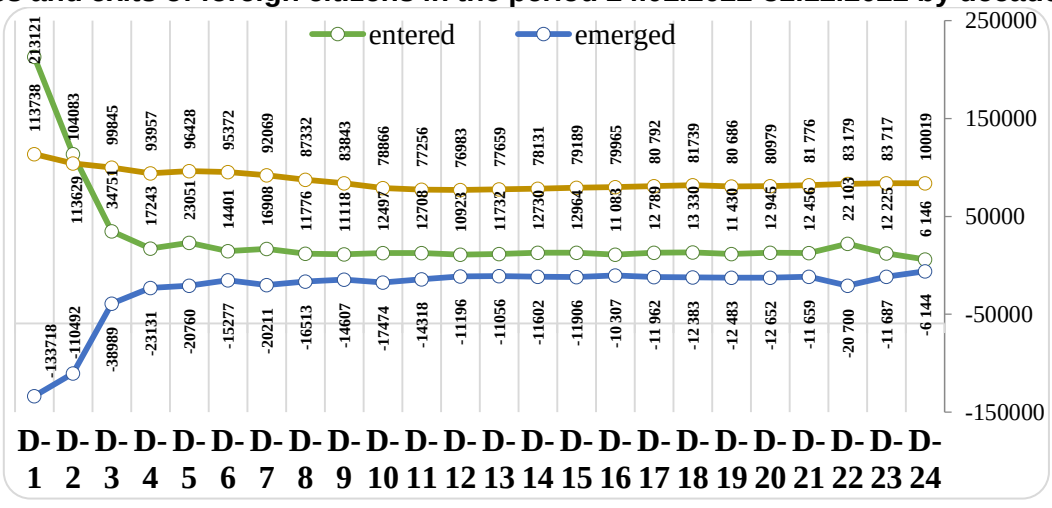
MAIN FIGURES AND TRENDS

Illegal (clandestine/irregular) migration is the alternative used by people who cannot use the legal way to go abroad. Currently, illegal migration is a major problem, because illegal migrants are subjected to various abuses and are willing to commit illegalities due to difficult life reasons. The refugee crisis as a whole and largely a political-social phenomenon triggered against the background of conflicts in the countries of origin. Refuge movements and migration are at the center of the world's attention. In recent years, Europe has to respond to the most severe challenges related to migration.

Situation on migrants smuggling fild in Republic of Moldova – Impact of the war in Ukraine

The period of 2022, marked by the escalation of the military conflict in Ukraine and the advent of the refugee crisis on a national and international level, denotes negative dynamics in the phenomenon of illegal migration. The figures show the dramatic increase, for our country, in the number of citizens from Ukraine who illegally enter the Republic of Moldova or apply for asylum at the crossing points on the Moldovan-Ukrainian border segment. The phenomenon of illegal migration on the territory of the Republic of Moldova began at the end of February and is still influenced by the conflict situation in Ukraine. Since then, the Republic of Moldova is facing a crisis of refugees from Ukraine. Ukrainian refugees arrive in the Republic of Moldova by two methods: legal and illegal.

Entries and exits of foreign citizens in the period 24.02.2022-31.12.2022 by decades (D).





*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Analysing according to the mode of manifestation of migration

- The air border segment has the highest share of illegal migration attempts, 67% of all detected cases.
- The characteristic of the phenomenon of migration in the Republic of Moldova is manifested by the illegal crossing of the border in small groups.
- Foreign migrants who use the Republic of Moldova as a transit country to the EU, arrive on the territory of the Republic of Moldova using the MDA-UKR (Moldovan-Ukrainian) border segment or by air and leave on the MDA-ROU border segment or by air

The flow of illegal migration, people				
Indicator	**2021**	**2022**	**Dynamics compared to2021**	
TOTAL	**167**	**2495**	1394%	↗
on the "green" sector				
MDA-ROU	27	3	-89%	↘
MDA-UKR	9	2315	25622%	↗
Total	**28**	**2315**	8179%	↗
Border crossing point				
MDA-ROU	117	83	-29%	↘
MDA-UKR	5	10	100%	↗
AERO	9	84	833%	↗
Total	**131**	**177**	35%	↗

During 2022, 2,495[1] people were documented at the border of the Republic of Moldova for violating the law when crossing the state border with the purpose of illegal migration.

Methods. When crossing the border, illegal transit migrants frequently use forms and **methods known in world practice** to enter the territory of another state. At the border of the Republic of Moldova, the phenomenon of illegal migration manifests itself through :

- illegal crossings of the state border on the "green" sector ;
- identification with falsified/false, foreign documents ;
- the use of two identity documents, a valid passport upon entry and another hidden false document upon exit ;
- concealment in international means of transport - car, rail and sea (in the cargo compartment) ;

[1]The total figure does not include the number of UKR citizens (4030) documented at the Border Crossing Point for illegal entry into the Republic of Moldova (they do not have a legal entry into the Republic of Moldova according to Border Police Information System).



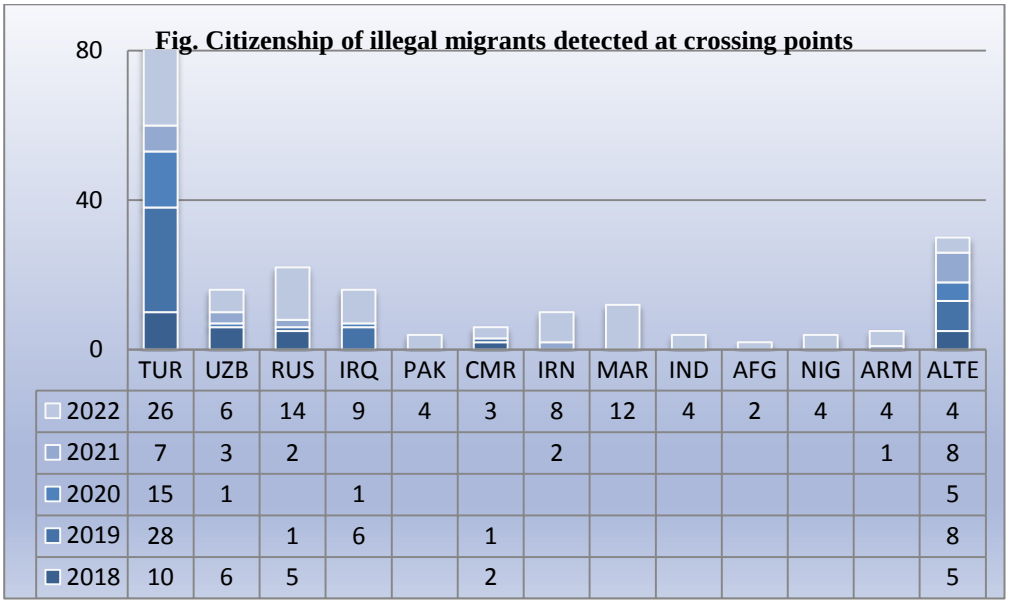
*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

- obtaining an entry visa, for tourist purposes, followed by staying illegally in the country to identify options and methods for illegally crossing the border to the EU.

Organisation.
- It is worth noting that illegal transit migration is most often carried out in an organised form, with migrants organising themselves in groups. Practice shows that these groups can be homogeneous by nationality, as well as heterogeneous, being composed of citizens of different states.
- Any case of illegal crossing of the state border cannot be carried out without intermediaries who ensure the operation of the transit channel in the areas adjacent to the state border in different countries. The activity of intermediaries is sufficiently diversified. This also includes the provision with documents, if the movement involves crossing the state border through the established legal crossing points. If the itinerary includes a border crossing, then a necessary element is the identification of guides who know well the local conditions, the geographical position and the situation at the border, the deployment and the functioning regime of the border patrols.

Profile. Until now, the dominant profile of the immigrant is - refugee, asylum seeker, the preponderance being - men between the ages of 18-43. In recent years, the flow of illegal migrants on the territory of the Republic of Moldova was represented by citizens from states affected by conflicts (Türkiye, Syria, Iran, Afghanistan, Iraq, Morocco).

Fig. Citizenship of illegal migrants detected at crossing points



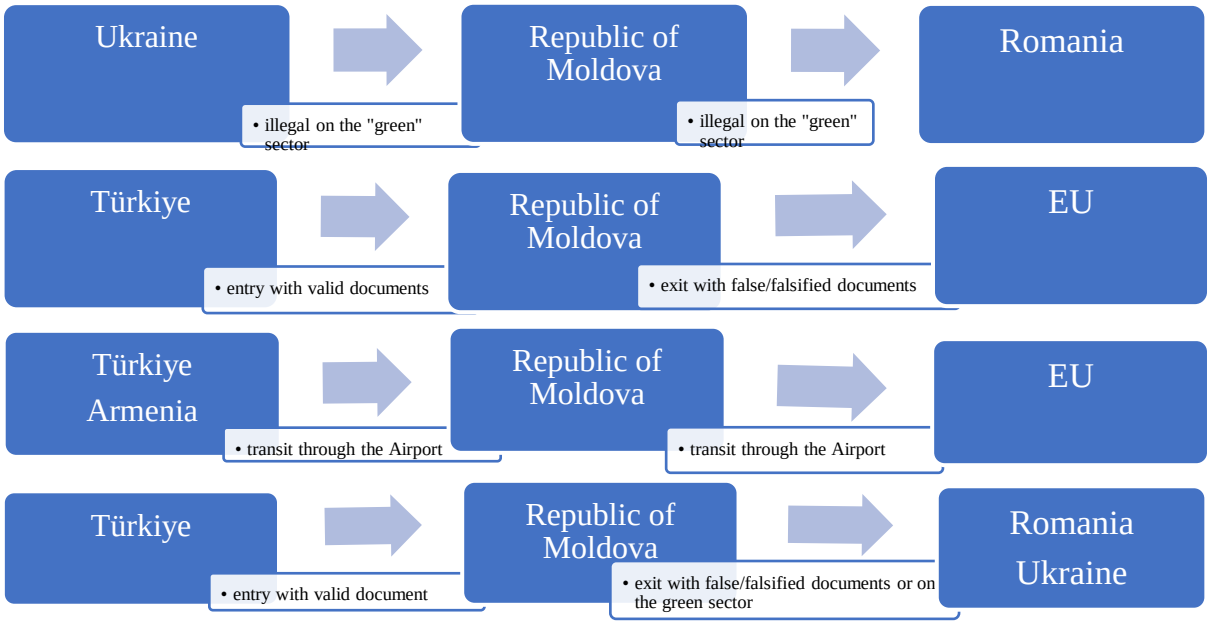
	TUR	UZB	RUS	IRQ	PAK	CMR	IRN	MAR	IND	AFG	NIG	ARM	ALTE
2022	26	6	14	9	4	3	8	12	4	2	4	4	4
2021	7	3	2				2					1	8
2020	15	1		1									5
2019	28		1	6		1							8
2018	10	6	5			2							5

MIGRATORY ROUTES

The operating mode for illegal crossing over the "green" border remains:
- on the Moldovan-Ukrainian sector - illegal crossing of the state border in the direction of entry into the Republic of Moldova, bypassing the crossing point on foot or by means of transport.

- on the Moldovan-Romanian sector – illegal crossing of the border across the Prut river, by swimming, using boats, inflatable floating means or crossing the Prut river through shallow places.

When the Republic of Moldova is used as a transit country, several routes of illegal foreign migrants are identified depending on their country of origin:



Illegal migration through border crossing points is carried out on the basis of false/falsified or foreign identity documents and through clandestine crossing. Through the border crossing points, it should be noted that, in recent years, the number of foreign citizens who try to use the Republic of Moldova as a transit zone to the EU, by attempting to enter or transit in/through the Republic of Moldova, by legitimising themselves with valid documents upon entry, having hidden false/falsified documents for legitimisation with them upon exiting the Republic of Moldova has increased.

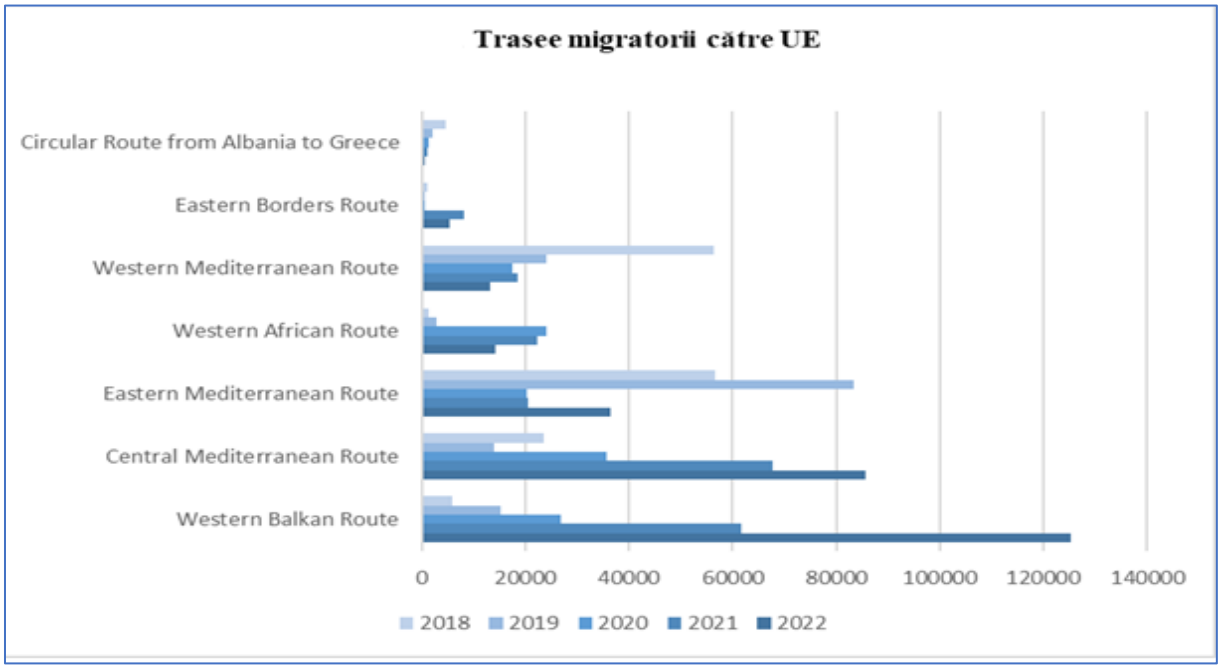
At the state border crossing points during the year 2022, 100 foreign citizens were detected who at the border control or ID with false/falsified documents with the purpose of migrating to the EU, the indicator being increased by about 4 times compared to the year 2021. This growth was directly influenced by the conflict situation in Ukraine. About 50% of the citizens documented in the PTF had Ukrainian passports or residence permits with the subsequent aim of moving to the member states of the European Union by abusing the refugee status.

In recent years, Turkish citizens are at the top of the list of foreign citizens who try to enter/exit the Republic of Moldova illegally through the border crossing points on the basis of false/falsified documents, constituting 1/4 of the total number of foreign citizens detected in 2022.



*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE





*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

INSTITUTIONAL ORGANISATION

General Inspectorate of Border Police

- combating trafficking in THB (Trafficking in Human Beign) and illegal migration at the transnational level, in particular those related to the illegal movement of people,
- identification of victims and potential victims of THB at the state border in migrant flows;
- control of migrant flows across the state border,
-conducting parallel financial investigations into THB cases, including at the international level.

Center for Combating Human Trafficking of the Ministry of Internal Affairs

Office of International Police Cooperation

- identifying, suppressing and solving crimes of trafficking in persons and related crimes, as well as redirecting victims of trafficking in persons to assistance and social protection services, including in cooperation with NGOs;
- conducting parallel financial investigations into THB cases, including at the international level;
- cooperation with other law enforcement agencies at home and abroad by exchanging information, organising and participating in national and international operations to combat human trafficking and related crimes;
- conducting risk analysis and operational analysis to support decision-making on the organisation and implementation of activities to identify, investigate and prosecute crimes related to trafficking in persons and related crimes in the Center and in other police units with local authority;
- international cooperation through the operational channels of EUROPOL, INTERPOL, SELEC, etc. on information exchange, coordination of actions to identify crimes and search for persons in THB cases.

General Prosecutor's Office - Division for Combating Trafficking in Persons

- implementation of a consolidated state policy in the field of combating trafficking in people, children, organ trafficking, organisation of illegal migration, as well as other similar or related crimes;
- unification of practice in the field of criminal prosecution, analysis and coordination of judicial and criminal activities of prosecutors when presenting public prosecution in courts of all levels in cases of trafficking in people, children, organ trafficking, organising illegal migration and other similar or related crimes;
- implementation, within the competence of the prosecutor's office, of the provisions of the Council of Europe Convention against Trafficking in Human Beings, signed in Warsaw on 16 May 2005 and the provisions of the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007, Lanzarote,
- development of guidelines and effective implementation of legislation related to the conduct of parallel financial investigations in cases of trafficking in persons and related crimes.

Prosecutor's Office for Combating Organised Crime and Special Cases – Division for Combating Human Trafficking

- criminal prosecution and presentation of state charges in cases of human trafficking and organisation of illegal migration, as well as other similar or related crimes committed by criminal groups;
- control over the activities of criminal prosecution bodies in criminal proceedings in cases of trafficking in persons and related crimes;
- cooperation with government agencies and NGOs to protect and assist victims of human trafficking;
- conducting parallel financial investigations into THB cases, including at the international level.

It is worth noting that, in this sense, special services such as the Information and Security Service of the Republic of Moldova also have an active role in the exchange and analysis of information.

Moreover, on the platform of the General Inspectorate of the Border Police, a joint risk analysis group is established, in which representatives of the border police, the Customs Service, the Information and Security Service, the National Investigation Inspectorate, the General Prosecutor's Office, etc. participate. where cross-border crime issues are comprehensively addressed, especially those related to the organisation of illegal migration and human trafficking.

LEGISLATIVE FRAMEWORK

In the Criminal Code of the Republic of Moldova, there are 2 components of the crime regarding the illegal crossing of state borders.

The first crime relates to the actions of the person who illegally crosses the state border, and the second component of the crime provided for in art. 362/1 of the Criminal Code is related to the criminal act of organising illegal migration as provided by the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime:

Criminal Code of the Republic of Moldova

Article 362. Illegal crossing of the state border

(1) *Crossing the state border of the Republic of Moldova, by evading or evading the control carried out upon crossing it is punished with a fine of up to 750 conventional units or with unpaid work for the benefit of the community from 150 to 200 hours, or with imprisonment for up to 2 years.*

(3) *The actions provided for in para. (1):*

a) accompanied by violence;

b) committed with the use of a weapon,

are punishable by imprisonment from 5 to 8 years.

(4) *The action of this article does not extend to foreign citizens who came to the Republic of Moldova, without the established passport or without authorization, in order to use the right of*

asylum granted by the Constitution of the Republic of Moldova, as well as to persons who are victims of human trafficking.

Article 362/1. Organization of illegal migration

(1) *Organizing, for the purpose of obtaining, directly or indirectly, a financial or material benefit, the entry, stay, illegal transit of the state territory or the exit from this territory of the person who is neither a citizen nor a resident of this state is punishable by a fine in the amount of 650 to 850 conventional units or by imprisonment from 1 to 3 years, with the deprivation of the right to hold certain positions or to exercise a certain activity for a period of 1 to 3 years, and the legal person is punished with a fine in the amount of 2000 to 3000 conventional units, with the deprivation of the right to carry out a certain activity, or with the liquidation of the legal person.*

(2) *The same actions performed:*

b) on two or more people;

c) of two or more persons

d) by a public person, a person with a position of responsibility, a person with a position of public dignity, a foreign public person or an international official are punished with a fine in the amount of 850 to 1350 conventional units or with imprisonment from 3 to 5 years, with the deprivation of the right to hold certain positions or to exercise a certain activity for a period of 1 to 3 years, and the legal person is punished with a fine in the amount of 3000 to 4000 conventional units, with the deprivation of the right to carry out a certain activity, or with the liquidation of the legal person.

(3) *The actions provided for in para. (1 or 2):*

a) committed by an organized criminal group or a criminal organization;

b) resulting in particularly large damages to public interests or the rights and interests protected by law of natural and legal persons, are punished with a fine in the amount of 1150 to 1350 conventional units or with imprisonment from 5 to 7 years, with the deprivation of the right to hold certain positions or to exercise a certain activity for a period of 3 to 5 years, and the legal person is punished with a fine in the amount of 4000 to 6000 conventional units, with the deprivation of the right to carry out a certain activity, or with the liquidation of the legal person.

(4) *The victim of illegal migration is absolved of criminal liability for the fact of entering, staying, illegally transiting the territory of the state or leaving this territory, as well as for the facts of possession and use of false official documents for the purpose of organizing his illegal migration*.

Pecuniary sanction.

- The current wording of art. 362/1 of the Criminal Code, which in paragraph (3) also includes the aggravating circumstance - committed by an organised criminal group or a criminal organisation, provides for this offense a maximum penalty in the form of a fine of up to 1350 of conventional units (around 3,500 euro).
- In the context, the pecuniary sanction does not effectively achieve the purpose of the criminal law in the situation where, according to the discussed rule, the criminal act is committed for the purpose of obtaining, directly or indirectly, a financial or material benefit, being pursued by the perpetrators to collect profits much higher than the maximum penalty mentioned and consequently the number of such crimes recorded is in a threatening ascendancy. It should be noted that, for the same acts, an alternative punishment to the one with a fine is the prison sentence from 3 to 7 years, which, however, according to the prosecutor's and judicial practice, reflected infra, is not applied by the courts.



*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

The specialised section of the General Prosecutor's Office drafted a bill to amend the Criminal Code by which the punishments for the crime in question were significantly tightened and the possibility of applying a fine as the main punishment for the crime of organizing migration was excluded. In the elaboration of the project to amend the criminal code, an important role was also played by the corresponding legislation of the European Union countries and the countries of the Council of Europe, which was studied by the representative of the CoE network of prosecutors regarding the illegal trafficking of migrants, including the IT resources available to the representatives of the network CoE.

JUDICIAL FRAMEWORK

In this context, according to the statistical data collected by the General Prosecutor's Office, for the period of 2022, the courts handed down 15 sentences regarding 21 people in criminal cases regarding the organisation of illegal migration, among which:
- 9 convictions against 12 people (60% of the total number of sentences);
- 1 sentence of termination in connection with the expiration of the limitation period ;
- 4 termination sentences in connection with the intervention of the amnesty;
- 1 sentence of termination pursuant to art. 391 paragraph (1) point 6) of the Code of Criminal Procedure.

Out of the total number of sentences handed down :
- 1 sentence was pronounced for the offense provided for in paragraph (1) of art. 3621 of the Criminal Code ;
- 9 sentences were given for 14 persons for the offenses provided for in paragraph (2) of art. 3621 of The Criminal Code ;
- 5 sentences against 6 people for the crimes provided for in paragraph (3) letter a) of art. 3621 of the Criminal Code - i.e. committed by an organised criminal group.

From the total number of convictions (9 sentences regarding 12 persons), in all cases the penalty was applied in the form of a fine, including for the crimes provided for in paragraph (3) letter a) of the crime of organising illegal migration committed by an organised criminal group - 4 sentences regarding 5 people.

In this context, taking into account subjective as well as objective circumstances, including the lack of dissuasive punishments, the number of cases in that category exploded.

According to the statistical data provided by the MAI (Ministry of the Interior), criminal cases started on the basis of the offense provided for by art. 3621 of the Criminal Code:
- in 2021 - 20 criminal cases started;
- in 2022 - 346 criminal cases started;
- the first 6 months of 2023 - 278 criminal cases started;

Statistical data show an increasing dynamic of criminal cases initiated and if the current trend will continue, in 2023 an increase of more than 85% is expected compared to 2022 – that is, more than 600 registered crimes of organising illegal migration.

Factors. In addition to objective factors (the war in Ukraine and the granting of our country the status of a candidate country for EU accession and our country becoming a country of destination for victims of migration) there are also subjective factors that have generated an



*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

increase in the number of criminal cases in the discussed category of crimes. In concrete, according to the data provided by the territorial and specialised prosecutor's offices, in the exercise/management of the prosecutors there were 18 criminal cases regarding the organisation of illegal migration, in which 29 officials were involved, who participated in the organisation of the migration of 87 migrants.

On the subject, the tightening of penalties is not only a response to the rising phenomenon of the organisation of illegal migration, which is on an alarming increase, but also a demotivation for public persons/persons of public dignity, etc., to participate in the commission of these crimes.

The acts of organising illegal migration can be committed in several ways, but there are examples when traffickers, in order to achieve financial benefits, transport the victims of this crime in truck refrigerators or in trailers without ventilation, where the migrants die of suffocation or in boats not adapted for these purposes they often shipwreck and the number of dead people, including children, is constantly increasing. In other situations, migrants are transported in refrigerated cabins where they suffer frostbite and/or closed spaces of the means of transport where they are subjected to hypothermia and insufficient oxygen, circumstances that endanger people's lives and health. From national practice, situations can be noted when the organisers of the discussed crime cause migrants to swim across the Prut or Dniester rivers, which often have fast currents, or during winter, autumn, spring when the water is cold, putting the life and health of the victims at risk. Another example from national practice, when minibuses with specially adapted seats at the back of the seats and partly under them were detected, where migrants were seated in specially adapted seats that were camouflaged to not be detected, where the perpetrators put the migrants in very tight spaces being put at risk of suffocation.

INTERNATIONAL COOPERATION

Law enforcement and law enforcement agencies, on various dimensions, from the exchange of information to the cooperation of Joint Investigation Teams, cooperate in order to combat the organisation of illegal migration. In this context, on an international level, all national actors involved in the fight against the organisation of illegal migration cooperate with the international institutions responsible in the field, including Europol, Eurojust, Interpol, SELEC, Frontex, etc.

1. Legal framework.

CoE Multilateral treaties and conventions:

- European Convention on Extradition, Paris, 13.12.1957, in force for Moldova from 31.12.1997;
- First Additional Protocol to the European Convention on Extradition, 15.10.1975, in force for Moldova from 25.09.2001;
- Second Additional Protocol to the European Convention on Extradition, 17.03.1978, in force for Moldova from 25.09.2001;
- European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 20.04.1959, in force for Moldova from 05.05.1998;
-First Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 17.03.1978, in force for Moldova from 25.09.2001;



*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 08.11.2001, ratified by Moldova by the Law no.312 of 26.12.2012, published in Official Gazette nr.27-30/108 of 08.02.2013;
- European Convention on the Transfer of Proceedings in Criminal Matters, Strasbourg15.05.1972, into force from 24.04.2007;
- European Convention on the Suppression of Terrorism, 27.01.1977, in force for Moldova from 24.12.1999;
- Criminal Law Convention on Corruption, 27.01.1999, in force for Moldova from 01.05.2004;
- Convention on Cybercrime, 23.11.2001, in force for Moldova from 01.09.2009;
- Council of Europe Convention on the Prevention of Terrorism, 16.05.2005, in force for Moldova from 01.09.2008;
- Council of Europe Convention on Action against Trafficking in Human Beings, 16.05.2005, in force for Moldova from 01.02.2008;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 16.05.2005, in force for Moldova from 01.05.2008.

National legislation
- Article 8/2 of the Constitution of the Republic of Moldova provides that any international agreement where Moldova is a party prevails over domestic law;
- Chapter IX of the Criminal Procedure Code;
- Law on international mutual legal assistance, into force from 02.03.2007.

2. Competent authorities. Requests concerning international legal assistance shall be sent directly to the Ministry of Justice (in the trial and conviction stage) or the General Prosecutor's Office (at the criminal proceeding stage) and/or through the Ministry of Foreign Affairs, unless otherwise provided on reciprocity basis.

3. Mutual legal assistance.
According to art. 536 of the Criminal Procedure Code of the Republic of Moldova, "*A criminal investigative body or a court, if it considers it necessary to perform a procedural action on the territory of a foreign state, shall approach with a rogatory commission the criminal investigation body or the court of the respective state or an international criminal court in line with an international treaty to which the Republic of Moldova is a party or by diplomatic channels under conditions of reciprocity*."

Judicial cooperation in criminal matters consists in:
- extradition requests (outgoing and incoming) at the stage of criminal proceedings and trial,
- rogatory letters (outgoing and incoming),
- other kind of special actions (outgoing and incoming) – summons, JITs etc.,
- taking over and transfer of criminal proceedings at the criminal proceedings stage,
- acknowledging and executing foreign sentences
- any other kind of assistance not barred by domestic law.

Article 540 of the Criminal Procedure Code provides that the rogatory letter is sent to the General Prosecutor's Office. The General Prosecutor's Office sends the request in order to allow its execution by the relevant services in the General Prosecutor's Office (territorial/ specialised) depending on the competence.

It is important to mention that special investigative measures may be ordered for execution only when it comes to the serious form of the migrant smuggling, committed by an organized criminal group, which creates impediments to the investigation of this crime.

4. Joint Investigation Team.
Law enforcement of the Republic of Moldova have the legal base to apply and to set a JIT's, based on:
- Article 19 of the United Nations Convention against Transnational Organized Crime /New York, 15.11.2000, ratified by the Moldova bythe Law nr.15-XV from 17 February, 2005, in force for Moldova from 16.09.05/ "Joint investigations"
- Article 20 of Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 08.11.2001, ratified by Moldova by the Law on ratification no.312 of 26.12.2012, published in Official Gazette nr.27-30/108 of 08.02.2013. Under Article 20, at ratification of the Second Additional Protocol the Republic of Moldova declares that the competent authority to decide the formation of a joint investigation team is General Prosecutor's Office.
- Article 540^2, Section 1^2, chapter IX of the Criminal Procedure Code, introduced in the Code by the Law nr.66 from 05.03.12, in force from 27.10.12, *Joint investigation teams.*
- Instructions on establishing and activity of Joint Investigation Teams (*See Annex 3.1.1_1*) approved by Interdepartmental Order nr. 40/215/324-o/92 from 23 July 2014 (General Prosecutor's Office / Ministry of Internal Affairs / Customs Service / National Anticorruption Center)

RELEVANT CASES

The examples below will present the situation in the cooperation department with EU and non-EU states as well as the international assistance institutions that ensure and consolidate cooperation between agencies from various jurisdictions.

- **Case nr.1**

  Joint investigation team formed in December 2022, from representatives of the Prosecutor's Office for Combating Organised Crime and Special Cases from the Republic of Moldova and the General Prosecutor's Office from Ukraine with members from the special services, namely from the Republic of Moldova, the Information and Security Service and from Ukrainian side - Security Service of Ukraine.

  The operation was carried out at the beginning of December 2022, with the arrest of 3 people, all citizens of the Republic of Moldova, who were transporting 5 migrants who paid 3000 US dollars for each migrant.

  In Ukraine, the investigative department of the Main Directorate of the National Police in the city of Kyiv is carrying out a pre-trial investigation in criminal proceedings No. ***dated 07/12/2022 on the grounds of a crime under Part 3 of Art. 332 of the Criminal Code of Ukraine.

  During the pre-trial investigation, it was established that citizen of the Republic of Moldova N.M. Born in 1985, introducing himself as "George" and using the mobile

phone number +***, in prior agreement with other unidentified persons (citizens of Ukraine and the Republic of Moldova), organized a mechanism for the illegal transfer of Ukrainian citizens across the state border of Ukraine to the territory of the Republic of Moldova for venal reasons.

In particular, it was established that upon reaching agreements, N.M. indicates the place for the arrival of a person interested in crossing the border (probably in the area of the settlement of Mogilev-Podolsky, Vinnytsia region) and provides contacts of a currently unidentified person acting as a guide across the state border. In addition, the data obtained indicate that Nenitsa Mikhail guarantees interested parties the appropriate marks on crossing the state border from the Border Police of Moldova, dated 02/24/2022.

According to available information, the cost of these services to N.M. estimates 4000-4500 US dollars from each person, which must be transported to the territory of the Republic of Moldova. Payment is made upon the person crossing the state border.

In particular, during the pre-trial investigation it was established that N.M., while in the Republic of Moldova, using mobile applications (messengers), approached Ukrainian citizen S.G., born in 1973, with a proposal to organise his illegal crossing of the state border of Ukraine and the Republic Moldova is outside established checkpoints across the state border.

Thus, N.M. and other unidentified persons commit deliberate actions aimed at organising the illegal transfer of persons across the state border of Ukraine for venal reasons.

In addition, it was established that the Prosecutor's Office for Combating Organised Crime and Special Cases of the Republic of Moldova is carrying out a pre-trial investigation in criminal case No. *** under Art. 362-1 part (3) paragraph a) of the Criminal Code of the Republic of Moldova on a similar fact in relation to these defendants.

In the Republic of Moldova, the Prosecutor's Office for Combating Organised Crime and Special Cases is conducting criminal prosecution in criminal case No. ***, which was launched on March 15, 2022, on the basis of reasonable suspicion of committing a crime under Art. 362[1] part (3) paragraph a) of the Criminal Code

From the case materials it follows that the Information and Security Service of the Republic of Moldova received information that from February 2022 to the present, after the outbreak of the military conflict in Ukraine, as well as the introduction of martial law with a ban on leaving the territory of Ukraine for males aged 18-60 years old, a number of persons whose identities are being established, one of whom is a person named “Andrey”, being part of an organised criminal group and pursuing the goal of obtaining directly or indirectly financial gain and other material income, created and implemented a criminal scheme to organise illegal entry, stay, transit and exit from the territory of the state of a number of persons who are neither citizens nor residents of this state, organising illegal crossing of the Moldovan-Ukrainian border, mainly through the “green corridor”, as well as through other points and places of crossing the state border of the Republic Moldova and Ukraine, especially at night, transported by various modes of

transport, one of which is a Volkswagen T5 model vehicle, to various temporary shelters, evading mandatory control at customs posts of the Republic of Moldova and Ukraine.

At the same time, when illegally crossing the state border from Ukraine to the Republic of Moldova, public persons whose identities are being established from the Border Police of the Republic of Moldova, pursuing the goal of obtaining unlawful remuneration for themselves, ensured and are currently ensuring the legalisation of the stay of these persons by affixing passports with stamps on entry into the territory of the Republic of Moldova.

❖ **Case nr.2**

Joint investigation team made up of representatives of law enforcement bodies from the Republic of Moldova and representatives of law enforcement bodies from Romania.

The policemen of the Directorate for Combating Organised Crime and the Brigade for Combating Organised Crime Galati, together with the D.I.I.C.O.T. prosecutors. - The Galati Territorial Service and the Prosecutor's Office for Combating Organised Crime and Special Cases from the Republic of Moldova implemented 66 search warrants of homes and cars used by members of a criminal group, in Chisinau and the southern area of the Republic of Moldova.

16 arrest warrants were executed, on the territory of the Republic of Moldova, the suspected persons were brought to the headquarters of the Prosecutor's Office for Combating Organised Crime and Special Cases in the Republic of Moldova, for hearing.

From the research, it emerged that, from the summer of 2021 until now, on the territory of the Republic of Moldova, a cross-border criminal group, formed by Moldovan citizens, would have carried out transfer and transport activities of migrants of Asian origin, for the purpose of their fraudulent crossing over the state border of Romania.
The criminal group would have acted on the territory of Romania, by facilitating the fraudulent crossing of the Romanian border with Hungary and Bulgaria, of illegal groups of migrants, by transporting them in modified vans, with specially designed compartments for their concealment, the destination being Austria and Germany.

The migrants were allegedly trafficked in small groups of 6-10 people, the price for the trafficking activity being 5,000-8,000 euros per person (depending on the distance traveled and the travel segment offered).

The resulting material benefits would have been invested by the members of the criminal group, in the territory of the Republic of Moldova, in luxury cars and real estate.

The illegal transport of migrants would have been carried out with the support of some people, present in the van, who would have had the role of misleading the control bodies, by simulating normal transport of people and goods.

At the same time, these transports would have benefited from the support of small passenger cars, used as an antecedent, in order to protect the transports by checking

the presence of law enforcement authorities in traffic or to avoid thorough controls at the crossing points of the state border of Romania .

The investigations were carried out in constant judicial cooperation with law enforcement authorities in Hungary, Austria and Germany, with a view to documenting as a whole the criminal activity developed by the organised group, with the support of EUROPOL, which facilitated the exchange of information, supporting the law enforcement authorities laws with analytical materials.

Also, a joint investigation team (Joint Investigation Team) was concluded with the authorities of the Republic of Moldova, with the support and coordination of EUROJUST.

Regarding the suspicious persons brought to the headquarters of the Prosecutor's Office for Combating Organised Crime and Special Cases, the measure of detention was instituted, for 72 hours, according to the legislation of the Republic of Moldova, to be proposed for preventive arrest.

Specialist support was provided by the Special Operations Department of the Romanian Police.

The activities were carried out with the support of the General Inspectorate of the Border Police (Direction for the Prevention and Combating of Illegal Migration and Cross-Border Crime) and the National Investigation Inspectorate of the Republic of Moldova (Directorate for Combating Organised Crime).