Розділ V. ПРОБЛЕМИ БОРОТЬБИ ЗІ ЗЛОЧИННІСТЮ ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ

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ABOUT THE RISKS OF SUPPLYING ILLEGAL WEAPONS FROM UKRAINE TO EUROPE

The article provides an analysis of the peculiarities of the illegal weapons and ammunition market in Ukraine in the conditions of cessation of the hot stage of the conflict caused by the armed aggression of the Russian Federation in the east of country. The article is prepared based on a study of information on the weapon seizures collected from open sources (law enforcement websites and media news resources). Grounded on this analysis, author makes an attempt to assess the likelihood of leakage of illegal military weapons to European countries. The economic and logistical preconditions of the interest of organized crime in the supply of weapons from Ukraine are considered. In general, the materials presented in the article are an additional source of criminalistics information and can serve as a basis for further analysis and research.

Keywords: illicit trafficking in weapons, ammunition and explosives; illegal sale of weapons, illegal possession of weapons, ammunition and explosives; illegal use of weapons, illegal arms market, price of illegal weapons.

Formulation of the problem. For the seven years the undeclared aggression of the Russian Federation against Ukraine continues in certain areas of the Donetsk and Luhansk regions, with the use of proxy forces, consisting of mercenaries from the local population and Russian volunteers, who are reinforced by the officers and regular units of the Russian army. Despite the fact that certain period of time has passed since the hot stage of clashes, which took place in 2014-2015, Ukrainian law enforcements seize a large number of weapons and ammunition both directly from the population and impersonal weapons caches that remain in places where the fighting took place. Some of these hiding places were settled occasionally during the retreat of one or another party. The other ones were deliberately set up for further use of weapons and ammunition by sabotage groups, or by criminals for the possible smuggling, hiding and sale, or other illegal use. Certain number of weapons are collected, hidden and illegally possessed by the local population.

Some journalistic materials point at the great potential of the illegal arms market in Ukraine and even the term "supermarket for guns" is used [1]. Nevertheless, all these materials are about the circulation of weapons inside the Ukraine and there is no evidences about the leakage of weapons abroad.

The question arises under what conditions the potential of the illegal weapons market in Ukraine can be in demand in the countries of Europe and the European Union in particular?

Analysis of recent publications. Very few authors have studied the situation regarding the leakage of weapons from the war zone to European countries. First of all, it should be noted the works of F. Buscemi, N. Duquet, E. Golovko and E. Woods, prepared for the compendium "Triggering Terror"[2] and A. Martyniuk for Small Arms Surveys [3]. These papers provide a comprehensive assessment of the situation in Ukraine and resulting risks. The emphasis is more on the total number of illegal weapons, and the leakage of military weapons from the combat zone is considered as one of the sources. The latest work by M. Schroeder and O. Shumska [4] explores the situation regarding the leakage of ammunition. It notes the dangerous potential of small arms and ammunition held by population and analyzes the probability of the ammunition leakage to European countries. The conclusions made by the authors regarding probable channels of ammunition transportation partially coincide with the conclusions of this article. Reports and newsletters from the EU and relevant UN agencies provide very limited information on the conflict in eastern Ukraine, and outline the threat of arms leakage only in general terms [5] [6]. This article is an attempt to analyse the potential of the illegal arms market in Ukraine and possible risks of weapons smuggling into European countries based on the characteristics of the local market for illegal weapons and ammunition.

Formulation of goals. The purpose of the article is to determine the features of the illegal weapons market in Ukraine and the preconditions under which certain samples of illegal weapons from Ukraine may arouse the interest of criminal structures in European countries.

Presenting the main material. At the beginning, we will consider the data of official statistics. The analysis of law enforcement statistics on the seizures of small arms and ammunition for the period 2013-2019 presented in Table 1 shows that the seizure of rifled weapons, compared to pre-war 2013, increased almost 2 times, and even with some reduction in seizures in 2016 and 2019, they significantly exceeds pre-war figures. In addition, there is a significant increase in seizures of hand grenades, on average 17 times. With the start of hostilities, law enforcement agencies are beginning to seize grenade launchers of various systems. During 2014-2019, a total number of 355 grenade launches were seized. At the same period, 320 mines of various modifications were rendered harmless. Besides that, since 2016, there has been 1.5 increase in the revealing of explosives. Of course, these seizures of law enforcement are just the tip of the iceberg. According to the Chief Military Prosecutor, in the period 2014-2018, more than 15,000 weapons lost by the Armed Forces of Ukraine. Among them are 7645 automatic rifles, 3,000 pistols, 2,200 machine guns, 2,258 grenade launchers. It can be assumed that the

losses of weapons from Russian mercenaries are approximately equal, while during this period the Armed Forces registered only 258 units of trophy weapons [7]. In addition, a significant number of small arms were stolen during the capture of police and the Security Service of Ukraine buildings. For example, during the assault by Girkin's [8] sabotage group on the police station in the city of Slovyansk, 20 Kalashnikov assault rifles and 400 pistols were stolen from the armory-room [9].

Table 2.

Seizures of weapons and ammunition 2013-2019 [10].

	2013	2014	2015	2016	2017	2018	2019
Smoothbore	91	118	98	61	85	84	60
Rifled	620	1 159	1 066	764	1 130	1 100	854
Other firearms	982	1 051	805	467	995	978	920
Rocket launchers	0	38	112	20	62	59	64
Rounds	67 854	128 580	202 142	174 954	278 238	271 141	204 899
Grenades	116	1 615	2 099	2 698	1 935	1 918	1 889
Mines	17	44	26	61	57	48	84
IEDs	216	958	59	44	46	60	46
Steel arms	2036	1 711	982	578	1 020	764	732
Gas & pneumatic arms	573	64	24	35	36	22	34
Explosives (kg)	3 544,0	1 677,09	1 292,12	5 803,61	4 603,13	5 730	7 341,6

In total, at the initial stage of the Russian aggression (April-May 2014), more than 20 district police departments were seized, as well as regional departments of the Security Service of Ukraine in Donetsk and Luhansk regions. The Small Arms Survey newsletter reports that officials estimated that at least 300,000 small arms and light weapons were stolen or lost between 2013 and 2015, of which 200,000 were lost, mostly in the zone of anti-terrorist operation (Donetsk and Luhansk regions), and another 100,000 in the Crimea. Of this number of weapons, only 4,000 were found [3].

According to various estimates of Small Arms Survey experts, as of 2017, the total number of small arms, registered and illegal, in the hands of the population of Ukraine is from 4.4 to 5 million units [3] [11]. Of course, such a potential cannot but be of interest to representatives of international organized crime involved in arms trafficking, especially in Europe.

Newsletters and surveys of leading organizations in the European Union only state the existence of an armed conflict in eastern Ukraine and the possibility of weapons supplying from Ukraine to the European Union[12][5][6]. No high-profile cases of crimes committed with weapons coming from Ukraine or seizures of such weapons have been recorded in Europe. The most resonant was the information of the Security Service of

Ukraine about the detention of a French citizen who was trying to take out of Ukraine 5 Kalashnikov assault rifles, 2 RPG-7 grenade launchers and 18 charges to them, 125 kg of TNT, 5400 rounds of ammunition [13]. However, despite the fact that the actions of the said French citizen had signs of a crime (possession and smuggling), no further links to organized crime or terrorist groups were subsequently established. Judging by his way of life in France, most likely, he took this initiative on his own, out of ordinary curiosity, to see whether it will work out. But in case of success, he had the opportunity to use the weapon himself or sell it to others [14].

To realize how much illegal weapons from Ukraine can be of interest to criminal circles in Europe, it is necessary to understand what the illegal arms market in Ukraine can offer. What types of weapons can be of interest to criminals? The issues of price, methods and ways of delivery play an important role as well.

As already mentioned, official statistics provide overly generalized data on seized weapons, it is difficult with it to conduct a detailed analysis and draw definite conclusions. For example, the statistics section "rifled weapons" includes both rifled automatic weapons, such as automatic assault rifles, submachine guns, machine guns, and pistols, hunting semi-automatic rifles and various types of non-automatic weapons. Therefore, in general, it is impossible to say which of these weapons predominate in the seizures. In addition, such statistics do not provide data on the circumstances of the seizure of weapons. Weapons could be confiscated from criminals, lawful owners of weapons, for violating the regime of use, they could simply be handed over to the police, or found in hiding places prepared by unknown persons. Besides that, unlike statistics on drug trafficking, there are no data on the number of cases of sale or attempted sale of weapons, characteristics of persons involved in supply. This situation narrows the scope of any study on the illicit arms market.

Information about crimes committed with the use of weapons or about their seizure, almost always appears in informational press releases of law enforcement agencies and news sites. Concerning to quantitative data, this information may not compete with official statistics, but at the same time, it provides data that allow us to assess the circumstances of the crime. In order to obtain additional qualitative and quantitative data on offenses related to the illicit handling and use of weapons, and on their analysis to form a more complete and objective picture of the situation with regard to the illegal arms market, a study of illicit arms trafficking was conducted in 2019. More detailed information about this study can be read in the article "*Open Sources Review on SALW Illegal Use and Seizures in Ukraine (2019)*" published in Bulletin of Luhansk University of Internal Affairs [15].

The study examined 372 facts related to the use of firearms and ammunition collected in the period from January 1 to December 31, 2019, of which 246 facts (66.31%) were attributed to the illicit trafficking of weapons (storage, sale, smuggling, facts of detection of weapons caches), 97 facts (26.15%) of illegal use of weapons and ammunition and 27 facts (7.28%) about accidents and suicides committed with firearms, ammunition and explosive devices.

From the whole array of data analyzed in the study, we are interested in the facts about the sale, storage, detection of nobody's weapons. A total number of 61 cases of arms sales have been documented. In many cases, criminals sold different types of weapons

and ammunition at the same time. According to the media, in 34 cases the subject of sale are hand grenades, in 29 - pistols, in 23 - explosives, 18 - automatic and semi-automatic rifles, submachine guns, 14 - grenade launchers and (anti-tank rocket propelled grenade), 6 - grenade charges for grenade launchers, 3 - mines and improvised explosive devices, 2 - machine guns, 1 - artillery shells. In 41 cases, the subject of sale were ammunition for various weapons. In total, according to information published by law enforcement agencies in the media, the criminals tried to sell 285 hand grenades, 56 rockets for grenade launchers, 40 loaded grenade launchers, 140 pistols, 40 automatic and semi-automatic rifles and submachine guns, 4 machine guns, 40.4 kg of explosives, 3 mines, 3 artillery shells and 28,535 rounds of ammunition.

The cases of revealing facts of sale, illegal possession of weapons and caches of small arms and light weapons assembled by unidentified persons show the significant potential of illegal weapons market. A characteristic feature of the seizures is the presence of a large number of hand grenades and means of striking at a distance, such as grenade launchers, anti-tank rocket systems. To what extent the samples of weapons available in the illegal circulation and the prevailing prices on the illegal market of Ukraine can be attractive for the criminal underworld in the countries of the European Union?

For understanding the economic feasibility of the potential export of illegal weapons and ammunition from Ukraine to the EU, let us consider the above-mentioned case of attempted arms smuggling, which was carried out in May 2016 by French citizen Gregoire Moutaux [16].

A consignment of weapons and ammunition, consisting of 5 AK 74 automatic assault rifles and 5,400 rounds of ammunition, 2 RPG-7B, and 18 charges for them, 125 kg of TNT, was paid 16,000 Euro. Another 2,000 Euro were paid to the intermediary for escort across the border. In the amount of 18,000 Euro. We will try, with the help of MS Excel program, to break the whole party into separate types of weapons and ammunition and set a hypothetical price for certain "goods" of the deal, which will exceed the prices on the local illegal arms market. For example, the Kalashnikov rifle is estimated at 1000 Euro. We do not know what the most valuable item was for Moutaux in this party, but even if you change the price in one position or another, the prices for other items remain quite high by Ukrainian standards.

Table 2.

Assumptions about weapon prices in the Gregoire Moutaux deal				
Name of item	Number	Hypothetical price (Euro)	Cost (Euro)	Cost of the deal (Euro)
AK 47	5	1 000	5 000	18 000
Rounds for AK 47	5 400	1	5 400	
RPG 7B	2	1 400	2 800	
Charges to RPG	18	100	1 800	
TNT (kg)	125	24	3 000	

If Moutaux needed a weapon for personal use, why did he bought the quantity enough to arm 5 to 7 people? At the same time, some types of weapons or ammunition could be purchased at a parity price on the illegal arms market in the EU without exposing themselves to a number of risks associated with the acquisition of weapons from Ukraine and their subsequent transportation across the state border while passing twice customs and border control, in points well equipped with technical means and canine divisions.

If the weapon was purchased for resale, then again the above risks significantly reduce its commercial attractiveness. Moutaux may have been interested in a particular type of weapon, such as an RPG, and the rest was purchased to hide this interest and maintain business relationships with new partners.

In our assumption, we set prices that were too high for the illegal Ukrainian market for these types of weapons. But despite all this, the prices for such weapons in Western Europe are higher. The study "Triggering terror: Illicit gun markets and firearms acquisition of terrorist networks in Europe"[17], conducted by the Belgian Flemish Peace Institute[18] with the participation of other institutions, shows the following prices for weapons in some European countries. The cost of automatic Kalashnikov-type firearms in Belgium is 2,000 – 2,500 Euros, in France from 300 to 3,000 Euros, depending on the region, the Netherlands from 1,500 to 4,500 Euros, Italy - up to 2,000 Euros. In the UK, according to police data, the cost can reach 11,000 Euros. The cost of RPG-7 in France is 4,500 Euros.

Therefore, the case of Moutaux shows that, from an economic point of view, certain types of illegal weapons may be of interest to the illegal arms market in the European Union, even with the risks associated with transportation.

Consider the illegal arms market in Ukraine in terms of supply. What can illegal business offer to partners abroad? With the exception of weapons coming from the war zone, the illegal arms market is not much different from European markets. In general, it focuses on the conversion of traumatic pistols to lethal ones, as well as the conversion of semi-automatic weapons into automatic and reactivation of deactivated collectible firearms.

With the beginning of hostilities in 2014, the situation changed and military grade weapons began to enter the illegal market, which were stolen from police stations, military units or picked up on the battlefield. It should be noted that in contrast to the Yugoslav conflict, which countries still remains one of the main sources of weapons in Europe; the conflict in eastern Ukraine took place with the use of large numbers of armored vehicles and tanks, both by the Ukrainian Armed Forces at the initial stage¹, and after the August 2014 invasion, by Russian armed forces, as well as Russian proxy forces. As a result, both sides widely used portable anti-tank grenade launchers and anti-tank rocket-propelled grenades². Therefore, the leakage of this type of weapon into illegal circulation is very prevalent. Thus, according to our study of information from open sources only in

¹ According to Defense Express, in 2014-2016, 391 units of armored vehicles were destroyed and 2,576 were damaged in Donbas [19].

² In official law enforcement reports, anti-tank grenades RPG 22 and RPG 26 are classified as grenades, although these devices are designed to throw grenades over long distances and are essentially grenade launchers. Statistic data do not allow distinguishing this type of weapon from hand grenades or grenade charges for different types of grenade launchers. In the study open sources data, jet anti-tank grenades are classified as grenade launchers.

2019 [15], 209 grenade launchers were seized, 40 of them during a sales attempt. The largest number of attempted to sell grenade launchers in a single batch was 22 units [20]. In Rivne oblast, 35 anti-tank grenades (RPG 22 and RPG 26) [21] were found in a hiding place left by unknown persons. During the same period, according to media reports 1,680 hand grenades were seized, 285 of them at attempt to sell, as well as 1,713 rockets for grenade launcher. It should be mentioned, these data are taken from open sources and may not cover all 100 percent of the realized seizures. From the limited information that comes from law enforcement agencies to the media, we may say that the cost of a grenade launcher (jet anti-tank grenade) on the illegal market ranges from 3333 hryvnias (≈ 111 Euro) to 15000 hryvnias (≈ 500 Euro), the cost of a hand grenade from 300 hryvnias (≈ 10 Euro) to 2500 (≈ 82 Euro) [15]. Of course, it is much more difficult to buy such weapons in the European Union. These prices are definitely competitive. The question is if there is a demand for these weapons?

If small arms can be of interest to any member of the underworld, grenades and anti-tank systems, with their mass indiscriminate effect, can be of great interest to extremist and terrorist groups. In Ukraine in 2019, there were several cases when criminals used or attempted to use hand grenades in order to avoid persecution by police officers[22][23]. In general, these cases do not change the overall picture of the use of grenades and anti-tank jet systems.

Between 2009 and 2018, there were 23 cases of mass shootings in public places in the European Union, in which 341 people died [24]. In 6 cases, criminals used automatic military-grade weapons (AK 47, Zastava 70 AB, Uzi). In two cases, in Liege (2011) and in Paris (2015), criminals used hand grenades in addition to small arms. In addition, a significant number of hand grenades were found later during searches of criminals' homes [25]. During the attack on Charlie Hebdo magazine, terrorists had a grenade launcher at their disposal. According to researchers at the Flemish Peace Institute, in most cases automatic weapons originated in the countries of the former Yugoslavia. In 2000, the building of the British Secret Service was fired upon from a grenade launcher [26].

Therefore, depending on the plans, military-grade weapons and explosives may arouse the interest of terrorist and extremist groups.

Ukraine is a bit far from Western Europe and is not part of the single European space, and this complicates logistics. However, Moutaux's failed attempt to transport weapons can in no way stop those interested. In the case of mutual interest, international organized criminal groups can establish illegal supply channels, as it has done in the case with cigarette smuggling. Moreover, it is the cigarette channels that can be used for this in the first place. At the same time, the proximity of the countries of the Carpathian region with the countries that were part of the former Yugoslavia increases the likelihood that in the future weapons flows from Ukraine may be taken under care by OCGs from the Balkan region. Another possible channel could be container deliveries from the ports of the Odessa region to the European container hubs like Antwerp and Amsterdam of other European ports. Thus, the weapons may be disguised under other goods.

Conclusion:

1. Intensive hostilities in eastern Ukraine in the period 2014-2015 have led to the accumulation in the hands of the population of a large number of military weapons, including means that can provide massive destruction at a considerable distance. In the domestic

illegal weapons market besides attempts to sell converted weapons there are attempts to sell military weapons, including grenade launchers and hand grenades.

2. At present, in the countries of the European Union there are no facts of seizure of military weapons originating from Ukraine. However, based on the assessment of terrorist acts and mass shootings that have taken place in European countries over the past 10 years, it can be assumed that military weapons are of interest to terrorist and extremist groups.

3. Based on competitive prices on the illegal weapons market in Ukraine, the wide range of means of destruction, possibility of establishing supply channels, there is a high probability that criminal circles in Europe may try to make contacts with criminal groups in Ukraine to establish illegal arms trafficking from Ukraine.

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ПРО РИЗИКИ ПОСТАЧАННЯ НЕЛЕГАЛЬНОЇ ЗБРОЇ З УКРАЇНИ ДО КРАЇН ЄВРОПИ

Стаття присвячена проблемам обігу й постачання зброї, добутої незаконним шляхом, у тому числі вилученої. Інтенсивні бойові дії у Східній Україні за період 2014-2015 рр. призвели до накопичення в руках населення великої кількості військової зброї, включаючи засоби, які можуть забезпечити масове знищення на значній відстані. На внутрішньому ринку незаконного зброї, крім спроб продати конвертовану зброю, існують, на жаль, можливості продати військову, у тому числі гранато-пускові установки та ручні гранати. Тож можна припустити, що військова зброя має інтерес для терористичних та екстремістських груп. Нині існує висока ймовірність того, що кримінальні кола в Європі можуть налагодити контакти з кримінальними групами в Україні для встановлення незаконної торгівлі зброєю.

Тож у даній публікації надається аналіз особливостей нелегального ринку зброї та боєприпасів в Україні в умовах припинення гарячої стадії конфлікту, викликаного збройною агресією Російської Федерації на сході країни. Стаття підготовлена за результатами дослідження інформації, зібраної з відкритих джерел (сайтів правоохоронних органів та ресурсів новин засобів масової інформації), про вилучення зброї. На підставі цього аналізу робиться спроба оцінки вірогідності витоку нелегальної зброї військового призначення до країн Європи. Розглянуті економічні та логістичні передумови для зацікавленості представників організованої злочинності в постачанні зброї з України. У цілому матеріали, викладені в статті, є додатковим джерелом криміналістичної інформації і можуть служити основою для подальшого аналізу та досліджень.

Ключові слова: незаконний обіг зброї, боєприпасів та вибухівки, незаконний збут зброї, незаконне зберігання зброї, боєприпасів та вибухівки; протиправне використання зброї, нелегальний ринок зброї, ціна на нелегальну зброю.

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О РИСКАХ ПОСТАВКИ НЕЛЕГАЛЬНОГО ОРУЖИЯ ИЗ УКРАИНЫ В СТРАНЫ ЕВРОПЫ

В статье представлен анализ особенностей нелегального рынка оружия и боеприпасов в Украине в условиях останковки горячей стадии конфликта, вызванного вооруженной агрессией Российской Федерации на востоке страны. Статья подготовлена по результатам исследования информации, собранной из открытых источников (сайты правоохранительных органов и ресурсы новостей средств массовой информации), об изъятиях оружия. На основании этого анализа делается попытка оценки вероятности утечки нелегального оружия военного назначения в страны Европы. Рассмотрены основные экономические и логистические предпосылки для заинтересованности представителей организованной преступности в поставках оружия из Украины. В целом материалы, изложенные в статье, являются дополнительным источником криминалистической информации и могут служить основой для дальнейшего анализа и исследований.

Ключевые слова: незаконный оборот оружия, боеприпасов и взрывчатки; незаконный сбыт оружия, незаконное хранение оружия, боеприпасов и взрывчатки; противоправное использование оружия, нелегальный рынок оружия, цена на нелегальное оружие.

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PSYCHOLOGICAL FEATURES OF THE POLICE EMPLOYEES

Psychological characteristics of police officers are now thoroughly investigated in legal psychology. At the same time development of the problem was, both in terms of psychological analysis of the structure of professional law enforcement officers, and in terms of the psychological characteristics its inherent set of psychological characteristics. Even the cursory reviews of the basic psychological characteristics and structural elements of the employee's professional activity shows how complex and multifaceted its activities. It makes them a variety of requirements, among which one of the most important - having developed important professional qualities of the individual.

Keywords: police system, personnel, peculiarities, research, international practice, qualities, powers of authority, legal psychology.

Formulation of the problem. Today, such a question as the successful fulfillment by a police officer of his official tasks remains relevant. This is due, first of all, to the fact that any professional activity makes certain demands on a person and leaves a kind of imprint