

# KOMPARATIVNI POGLED

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## TRENDS IN CRIME AND ORGANIZED CRIME IN THE CZECH REPUBLIC

**Abstract:** According to the criminal statistics, the crime rate in Czech Republic increased during 1990s. This state was caused by different reasons including the transformation of economic system, low informal social control, new values in the society etc. Among some new forms of crime that emerged after or during transformation organised crime was very remarkable. Even though there were some domestic forms of organized crime, it was developed completely after the changes. Organized crime in the CR is consisted of small rather than huge and numerous organizations. The proportion of foreigners in aggregate organised crime in the CR is approximately one half. Measures against organized crime are mostly consisted of adoptions of necessary provisions in the penal and police law but also some criminological research have been conducted.

**Key words:** crime rate, Czech Republic, organized crime, response to organized crime.

### A. TRENDS IN CRIME IN THE CR

In the period between 1990 and 1993 the steep increase of the number of registered crimes launched a new era of the development of delinquency. Only after 1993 the increase of delinquency started to slow down but, nevertheless, it continued until 1999 when the number of registered crimes reached 426 thousands; it means that this number was more then threefold compared to 1989. Despite the following moderate decline the number of registered crime has never decreased to the original level. The development could be seen on the following table and graph:

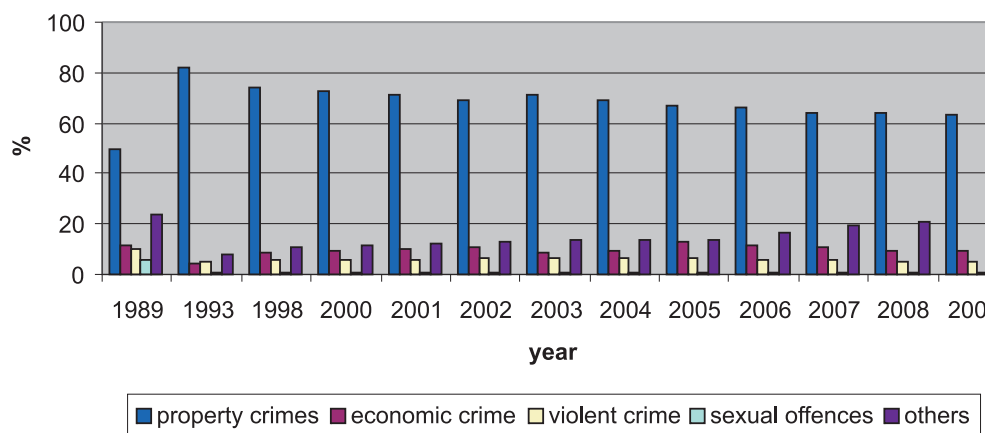
Year	Registered crimes	Cleared-up crimes	Prosecuted offenders
1988	119675	97064	72887
1989	120768	93542	71089
1990	216852	83237	69069
1991	282998	94115	81790
1992	345140	108380	92589

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Year	Registered crimes	Cleared-up crimes	Prosecuted offenders
1993	398505	126442	106874
1994	372427	136935	103094
1995	375630	151842	114791
1996	394267	162929	118456
1997	403654	169177	118395
1998	425930	185093	129271
1999	426626	193354	127837
2000	391469	172245	130234
2001	358577	166827	127856
2002	372341	151492	123964
2003	357740	135581	121393
2004	351629	134444	121531
2005	344060	135281	121511
2006	336446	133695	122753
2007	357391	138852	127718
2008	343799	127906	122053
2009	332829	127604	123234

### Structure of crime

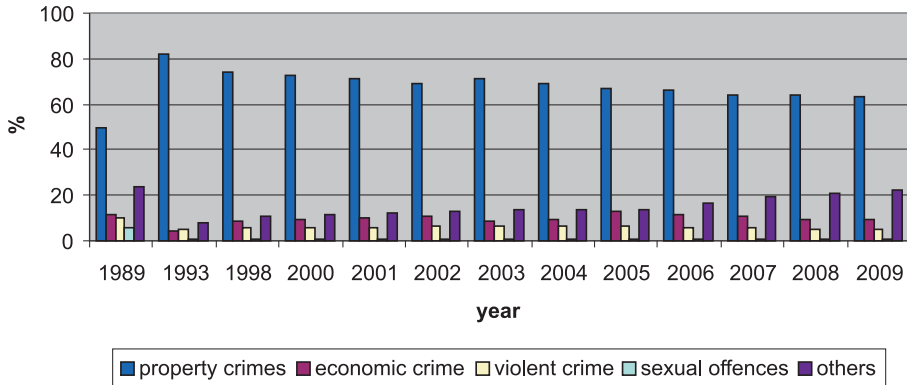


Also the structure of crime changed – the percentage of property crimes increased from approximately 50% in 1989 up to 82% in 1993. In 2000 it was still 73%. The growth of property crimes was absolutely of crucial importance. We may say that the property crimes were a driving engine of the growth of crime rate in general. As far as the economic crime is concerned, it cannot be compared with the state before 1989 because of the fundamental change of economic relations and legislation. Nevertheless from the beginning of 1990s' its proportion did not exceed 5% until 1995 but in 1997 it reached 7,5% and in 1998 8,5%. The amount of damage caused by the economic crime is even more remarkable. Since 1995 the economic crime has represented 60% of the total damage caused by crime and even more (in 1998 it was 62,7%). The relative number of violent crimes decreased but its absolute number increased twice in comparison of years 1989 and 1998.

	1989	1993	1998	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Property crimes	49,4	82,1	73,8	72,5	71,4	69	71	69,4	66,6	65,9	63,8	63,8	63
Economic crime	11,2	4,6	8,5	9,6	9,8	11	8,8	9,5	12,7	11,7	10,6	9,4	9
Violent crime	9,9	5	5,5	5,6	6	6,3	6,2	6,7	6,3	5,7	5,5	5,2	5
Sexual offences	5,8	0,5	0,6	0,5	0,5	0,5	0,5	0,5	0,5	0,5	0,5	0,5	1
Others	23,7	7,8	10,7	11,7	12,3	13,2	13,5	13,9	13,9	16,2	19,5	21	22

Source: Statistics of the Czech Police

### Structure of crime



Sure, we are still dealing with data on registered crime. If we want to evaluate – at least approximately – the factual state of crime we need to use further source of information as well. To do so we may make use from findings of victimological researches.

The last victimological research was carried out as a Czech part of International Crime Victim Survey managed by UN in 2006 on the sample of 3086 respondents over 15 year of age. It was enquired how many people were victimised by twelve crimes in question during the five-years period (2002–2006), and during last twelve months before being questioned.

Following table shows absolute and relative numbers of victimisation in the five-years period 2002–2006. For information it brings also numbers from the antecedent survey on the five-years period before 2000 (this survey was carried out only in Prague; it means that we must be careful comparing these data due to the concentrated criminality in Prague).

Delict	Number of respondents	%	% 2000
Theft of personal property	1104	35,8	31,5
Theft from car	728	30,8*	56,1*
Burglary into weekend house	279	40,4*	N
Theft of bicycle	644	26,4*	23,3*
Theft of car	221	9,4*	15,7*
Burglary into home	403	13,1	23,9
Physical attack/threat	423	13,7	11,1
Theft of motorcycle	55	12,0*	12,2*
Robbery	132	4,3	4,5
Sexual assault	142	4,6	8,3

\* % from the number of owners

N – not included

In 2006 was discovered that nearly two thirds of respondents were in the period 2002 – 2006 victimised at least by one of crimes in question (63,5%, i.e. 1958 men). With regard to the rate of victimisation, the Czech society reached very quickly the level of industrialised western European countries and in some aspects (or forms of crime) the rate of victimisation became higher than the European average.<sup>4/</sup> It could be concluded that the victimisation has become a part of personal experience of a substantial part of population. It could result either in the a growing fear of crime and subsequently radicalisation of public opinion in the sense of calling for harder punishment or on the contrary the acceptance of crime as a „normal“ component of public life. Both tendencies could be observed in the Czech society.<sup>1</sup>

Another remarkable and serious phenomenon is the proportion of habitual offenders (recidivists) in the total of all known and prosecuted offenders. This proportion had a decreasing tendency during the first half of 1990´s (41% in 1991, 33% in 1993, 29% in 1995 and at this level it stabilised for some time). Only during some last years this proportion has been increasing again and now the ratio of recidivists and first-time offenders is about 1:1. It means that in the period 1989 – 1998 mostly people without previous criminal record provoked the growth of number of prosecuted offenders. An increasing number of at that time blameless people began to engage in crime. They originated from all age groups, yet there was a predominance of younger people. People of high qualification and organisational ability were among them as well. They probably created a core of the development of qualified „domestic“ organized and economic crime.

## B. THE REASONS OF THESE TRENDS

The question emerges about reasons of this development. Jan van Dijk and Patricia Mayhew concluded in the study „Criminal victimisation in the industrialised world“ that high crime rate is simply the price that should be paid for the life in the rich, urbanised and democratic society.<sup>2</sup>

We must admit that the level of crime rate reached in the CR at the beginning of 1990´s was not an extraordinary one in comparison with the level of crime in Western European countries, i.e. developed, urbanised and democratic states. But there is still a question why we in the Czech Republic reached this level so quickly within 3 years under the situation when other indicators of economic and social development were not thus far comparable.

It means that we must take into account further substantive factors that without any doubt played their role. Most generally said we have to look for factors brought by the profound transformation of the society.

The basic transformation of economic system was connected with enormous property shifting due to wide and quick privatisation of state property and due to restitution of part of this property to the original owners or their descendants.

1 M. Martinkova /2007/: *Zkušenost obyvatel ČR s některými druhy trestných činů/Experience of Czech citizens with some delicts – results of victimological survey*, ICSP, Prague.

2 J. van Dijk, P. Mayhew /1993/: *Criminal victimisation in the industrialised world*.

Market economy was formed very quickly, almost by a helter-skelter way. The capital was redistributed and newly accumulated under the legislation being behind this development and being transformed rather *ex post* than *ex ante*. Institutional as well as personal transformation of law enforcement authorities and their overburdening caused the temporary weakening of their efficiency. Very strong population wave of youngsters born in 1974–1975 reached in the beginning of 1990's the age limit of penal liability that is 15 in the CR. Thus, many criminogenic factors met together in this time and each of them may be put under the criminological analysis.

All these factors were important. Moreover we may add another one. That is the influence of social consciousness affected by changes in the system of social values and patterns of behaviour.

We have to take into account the state of moral and legal consciousness of the society before the year 1989. In principal, power was superior to the law, which resulted in the biased application of law and thus in legal relativism and nihilism.

The informal social control nearly disappeared or it was confined to the own family circle. Moreover, the communist regime in the former CSSR nationalised nearly all the property exceeding the personal needs of people. This property thus lost concrete owners; it was designated as „all-people-property“ and became in fact anonymous. Through the time the relationship of people to this property became very loose.

A fundamental change of the political and socio-economic basis of social structure entered into this situation. What has collapsed was a system of daily life standards. The deep-rooted truths, personal everyday experience and routine rules of the practical behaviour were no more valid.

After 1989 the model of social success based on principle of competition and high performance, on the ability to be successful on market, on achievement of high material standard was emphasized. These goals were presented as desirable and positive ones for the new, democratic and market-oriented society. New social harmony should be created on the basis of assertion of individual interests<sup>3</sup>. It was the total contrast in comparison with the official model from the previous period.

This model itself can act as positive motivation for a significant part of population, but on the contrary it can operate as criminogenic factor if the effort to accomplish its demands is not regulated through moral and legal consciousness and turns into tendency to fulfil it for whatever price. The incapability to follow its demands may also marginalize certain social groups and cause their subsequent frustration especially if they compare their true situation to the highly positive and optimistic expectations of bright future and to the growing and more visible social differentiation. High level of expectations and aspirations based on the desirable model of social success in combination with relative impatience, eagerness, weakened moral norms and unfulfilled consumer aspirations from the previous period of socialist regime acted as a certain catalyser of antisocial behaviour. Not all people were capa-

3 J. Vláčil/1992/: Paradoxy české privatizace /Paradoxes of the Czech privatisation/, *Sociologické aktuality* 8–9.

ble to reach their goals and aspirations or to fulfil the new social model of success by the socially conform way<sup>4</sup>

Universality of new patterns doesn't need to be a significant advantage in case when new disposable means to follow them were not accessible to all social actors. The conformity cannot survive long without reward. If the high level of positive expectation meets problems in fulfilling them, the risk of socio-pathological form of solution is naturally growing.

### C. CONCEPT OF ANOMIE

When we analyse the reasons of the crime rise we can remind the concept of anomie. The classical concept of E. Durkheim's theory is more or less recollected every time when the processes of transformation in the post-socialist countries including the Czech Republic are studied. It is obvious that standards and patterns of social behaviour suffered from disintegration as a result of these processes. Systems of social regulation and control were weakened.

From the point of view of this concept we may partly interpret the development of crime in the CR and probably in some other post-socialist countries as a result of following processes:

1. Crime as a product of the process of social disintegration that stems from the transformation of society. This disintegration manifests itself both in the form of disorganisation of social institutions and social relations and in the form of disorientation, i.e. as change of social values and patterns when the old ones became to be doubtful and faithless. This may explicate the part of criminality of youngsters and first time offenders.
2. Crime as a rational choice of adaptation strategy, i.e. as deliberate and intentional breaking of law. This behaviour stems from a rational evaluation of potential risk and benefit connected with opportunity offered by the new social situation (see Merton's concept of deviant behaviour as an innovative reaction in the frame of adaptation strategy and see the rational choice theory). This explanation may be adequate for criminality of new professional offenders – entrepreneurs in crime.
3. Crime as a routine activity being a common part of lifestyle. This behaviour is related to the subculture connected with classical social background of crime. Criminogenic potential of this background could be enhanced by the growth of social problems caused by transformation. This explanation may hold for the criminality of some marginal groups as of Romanies, part of migrants, homeless people, traditional criminals etc.<sup>5</sup>

4 M. Rezková /1992/: Možnosti uplatnění schopností před listopadem 1989, dnes a zítra /The opportunity to exert the personal abilities in 1989, today and tomorrow/, *Sociologické aktuality* 9.

5 G. Lubelcová/1998/: Kriminalita v kontexte sociálnej transformácie na Slovensku /Crime in the context of social transformation in Slovakia/- in: I. Radicova, *Vieme čo odmietame a vieme čo chceme? (Do we know what we depreciate and what we want?!*, SPACE, Bratislava, pp. 131–134.

## D. THE ROOTS OF ORGANISED CRIME

Among some new forms of crime that emerged after or during transformation organised crime was very remarkable. Under the previous regime before the year 1989 the problem of organised crime was not in the Czech Republic (or in the Czechoslovak Socialist Republic) so prominent. The former economic, politic and power model and the relative isolation from the free world were not favourable for existence of classical forms of organised crime on a broader scale. Traditional organised crime activities (racketeering, drug trafficking, trafficking in human beings and arms, thefts of expensive cars, pornography business, illegal bets etc.) were too risky due to the police regime and especially not so lucrative because of a very limited market for the illegal goods and services. Therefore we cannot speak with regard to the Czech Republic about the classical organised crime and about criminal organisations of Mafia-type before 1989, neither domestic nor international ones.

Nevertheless, there were some domestic forms of crime, especially of the economic one (illegal exchange of foreign currency, import of some lacking kinds of commodities etc.) which demonstrated some features of organised crime and in spite of this were in certain sense tolerated by the regime officials. They were committed by the groups of perpetrators (e.g. the illegal exchangers of foreign currency operating mainly on the city streets in a very overt way and aside of the police interest) which were not very large in size but characterised by some structure of tasks, huge profits and sometimes by contacts with official power authorities (by the means of corruption or by providing some scarce goods or services including the „special“ ones. For example, prostitution itself was not mentioned in the Penal Code, but it was prosecuted as the so-called „parasitism“. In spite of that, however, the activities of nets composed of prostitutes, taxi drivers, receptionists in hotels etc. were tolerated and prostitutes working in hotels were used by the secret police as informers).

It means that even in the one-time CSSR there were manifestations of organised criminal activities and offenders that to some extent maintained contacts with law enforcement authorities, state and communist party officials, but they arose in a relative isolation without the international element. They were established upon a basis not comparable with the countries of the different social economic system and they did not develop into the extensive criminal organisations.

Also the so-called shadow economy in the former CSSR did not reach the extent comparable with the former USSR as concerns the level of organisation and the importance of economic and political influence. The shadow economy got mostly a form of mutual exchange of lacking goods and services (“nets of mutual favours“) in connection with the misuse of state property for personal purposes. These phenomena were very common and widespread, but it got rather a form of many minor deeds than the organised enterprising in a large scale.

## E. AFTER THE CHANGE

As it was said the fundamental economic transformation was connected with the broad privatisation process of the state property and with a rapid establishing of liberal market. The motto of this process was that it is rather necessary to ensure its

speed than to slow it down by excessive control and application of strict legal provisions. It meant that the space for enterprising was opened but it opened also for illegal economic activities due to the insufficient control and the underestimation of strict legal framework of this process.<sup>6</sup>

The open economy and free and open society needs the opened borders. Therefore the restrictions of the movement of people, goods and money had to be abolished. Opening of economy and borders was of course the condition sine qua non for democratic changes of the society but in the same time it enabled the penetration of criminal activities and criminals from abroad. It is obvious that the CSFR or later CR has been conveniently situated between the states of European Union on the one side and the states of former socialist block on the other side. Czech territory is well accessible from the countries of former Soviet Union and from Balkan, there is a good possibility for transit, for the mobility of goods, capital and people. Consequently there is a good chance to misuse the territory of our state as a starting point for penetration from East to the countries of EU or to expand criminal activities to the other direction (for example the sale of stolen cars). In the same time the Czech Republic – as well as the whole European continent – has been afflicted by a strong stream of migration including the illegal one. Numbers of migrants crossing our territory have reached tens of thousands per year and the amount of foreigners staying in our territory also has been growing.

Our penal legislation was many times adjusted and the means for the effective combat against new forms of crime were only developed.

It may be concluded that after 1989 there were some risky factors that contributed to the penetration of cross-border crime and foreign organised groups and to the possibility of the rise of domestic forms of organised crime on the background of increasing crime rate in general.

## F. THE DEVELOPMENT OF ORGANISED CRIME GROUPS

As it was stressed, under the previous regime there were some criminals committing crime by at least partly organised way. There were also people familiar with the forms of shadow economy, there were people who profited from such criminal activities and all of them suddenly got a chance to use or misuse new favourable situation to develop their activities.

Using the results of the expert inquiry and the case analysis we may now conclude that there are groups composed of the Czech citizens, which manifest some substantive features of organised crime. These groups are structured and hierarchical, they develop the systematic and planned criminal activity in order to gain the maximum profit. They are not very large in size and their criminal activities are rather specialised than the versatile ones.

6 See: V. Baloun, M. Scheinost /2002/: *Economy and Crime in the Society in Transition – the Czech Republic Case-* in: P.C. van Duyne, K. von Lampe, N. Passas (eds.), *Upperworld and Underworld in Cross-Border Crime*, Wolf Legal Publishers, Nijmegen, pp. 43–60.



They develop their activities mostly in drug trafficking, thefts and smuggling of stolen cars and organising the illegal migration. Our research confirms – based on concrete cases – also trafficking in women and organising prostitution.

Because the expert inquiry has been regularly repeated each year we may now compare the findings since 1993. For a long time the theft of cars, organising prostitution and since 1994 also illegal production, smuggling and distribution of drugs have been most widespread. The extent of other activities has been variable in course of time. For example in years 1993–1998 theft of objects of art was at the top, we also noticed the step-by-step increase of different forms of financial and economic crime, corruption, computer crime, illegal production and smuggling of alcohol and tobacco products.<sup>7</sup>

Economic crime manifests itself in many different forms (tax frauds, embezzlement etc.). As an example we may notice cases of light fuel oils in 1990s'. They reached great extent, caused huge damage to the state and brought enormous profit for offenders. The modus operandi consisted in replacement of light fuel oil by declared naphtha. Profit was generated from the difference of prices and taxation of these products. These cases showed substantial features of organization, as division of tasks, planned and well organized activity, nets of suppliers, customers and distributors, international connection, use of corruption, but also competition conflicts and use of violence.

We cannot pass over the special phenomenon called „tunnelling“ that means in the broader sense the illegal activity against companies and plants of industrial, financial and commercial nature. By the matter of the fact it is the fraudulent operation which aim is to siphon off the property from the prosperous company by the concealed way. These operations are managed by persons that control this company (or bank, plant or other institution or property). Due to the fact that these persons may be the owners or joint owners, this operation might seem paradoxically to be an attack against own property, but its basic principle consists in the fact that at financial institutions as banks or investment funds the own property share which enables the control over all the institution is quite trivial in comparison with the total amount of administered property. It was widespread criminal activity.

There still remains the question whether the forms of economic crime should be classified as organised crime or as the sophisticated form of the so-called white-collar crime. It is question whether this phenomenon should be submitted under organised crime or simply the economic one – but in fact it is rather academic question.

We may conclude that organized crime in the CR does not consist in huge and numerous organizations arranged as monolithic pyramidal structures. Organizations are rather smaller, more flexible, operating or independently or on the basis of collaboration. The relation to abroad is apparent especially with regard to groups trafficking in drugs or organizing illegal migration. These groups are involved into international nets even if they are composed only from Czech people. It does not

7 M. Cejp et al. /2008/: *Obrana proti ohrožení společnosti závažnými formami trestné činnosti/ Defence against threats to society by the serious crime*, Prague, ICSP.

mean that Czech groups are directly managed from abroad but their linkage to international nets runs on economic base (supply and subsequent sale of goods, covering of concrete segment or sector on the route etc.).

It was documented that foreign groups with the international connection also occur in the Czech Republic. Criminal organisations operating in several states with multiple territorial links and with the leading link outside the Czech Republic were identified and analysed.

Some activities of foreign groups were facilitated because of the existing background of their compatriots living in our country. Except of smaller groups, big criminal organisations from abroad try to use the CR as a basis for a further expansion of their activities. Therefore they do not carry on overt criminal activities here but try to establish there their background using the legal way (investment, establishing companies and firms, purchase of the real estate etc.).

By experts, the proportion of foreigners in aggregate organised crime in the CR is approximately one half. The most represented nationalities are Ukrainians, Russians, Vietnamese, Albanians (especially from the Kosovo region) and Chinese. Behind these dominant groups we may find Bulgarians in decreasing quotient and Romanians in rising quotient.

To a lesser extent, the activities of Italian, Nigerian and Arabian offenders were registered. Criminal activities of people of some other nationalities are only marginal.

The activities of the groups from the former USSR can be observed at two levels. Higher level is represented by the activities of members of the medium links of large criminal organisations. They are not involved in any „visible“ criminal activity, but they are interested in establishing contacts, legal companies, in investment and financial operations. At a lower level, we can observe the activities of smaller criminal groups specialised in particular criminal activities (violent crimes, racketeering, organising prostitution and women trafficking, trafficking in arms, thefts and smuggling of cars, organising of illegal work etc.).

The Chinese activities are focused mainly on the organisation of illegal migration of their compatriots, on money laundering (network of restaurants, shops, trade companies) and trade contacts. The „visible“ criminal activities (racketeering, loan sharking, prostitution and relatively frequent violent conflicts) take place mostly inside the Chinese community with a clear effort to avoid conflicts with the outside environment.

The activities of Vietnamese take place on the whole Czech Republic and consist mainly in smuggling commodities and breaking trade marks and tax regulations. The effort to achieve an economic expansion is evident. Vietnamese groups have been also involved in organising illegal migration, illegal producing tobacco products and drugs (cannabis) and sometimes in trafficking in drugs.

Groups of Albanians from the Kosovo region are involved mainly in drug trafficking (heroin), in organising illegal migration, and in blackmailing and racketeering. The Italian activities whose linkage to the Italian organised crime (Camorra) is supposed have been targeted on building up contacts, investment and trade network consisting of legal companies.

Arabs have been active in the Czech Republic mainly in drug trafficking. However, people from the Kosovo took over the leading role and the Arabs mostly serve as dealers.

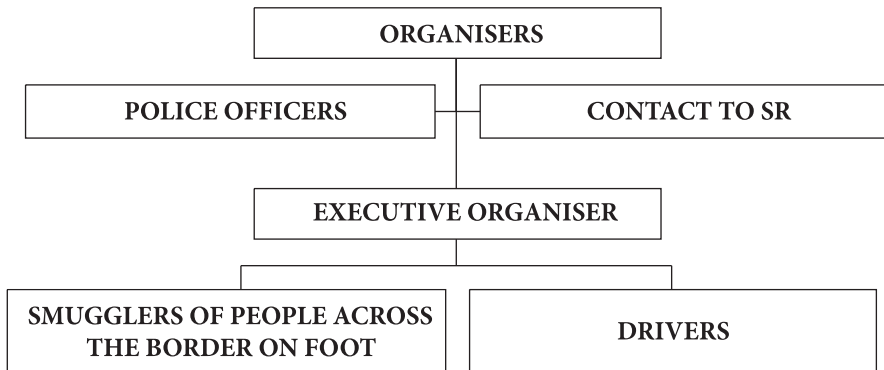
Nigerians appeared as a relatively new phenomenon on the drug market and their activities give evidence of a perfect organisation. But Nigerian activities could also be observed in the economic crime (financial frauds). Bulgarian citizens are involved in drug trafficking and organising prostitution. Before, their groups in the Czech Republic had specialised in car thefts and smuggling.<sup>8</sup>

There are diagrams illustrating the structure of some organised groups composed of Czech citizens but also of foreigners:

Figure 1

**Section 163a - Participation in criminal conspiracy**

**Section 171a - Organising and facilitation of the illegal crossing of the state border**



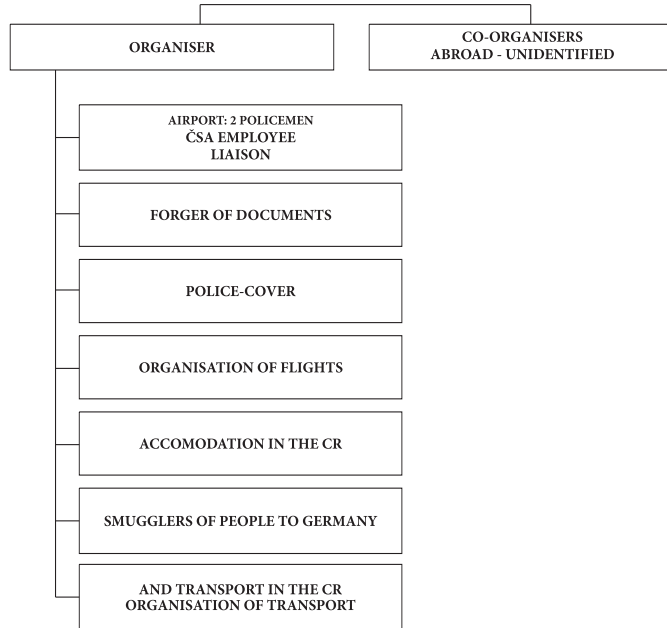
This group (16 persons were charged, of which four were foreigners) organised the illegal crossing of the state border between the Czech Republic and Slovak Republic and the subsequent transport of migrants through the Czech Republic, where they were then handed over to other groups or their transport was arranged to Germany and Austria. The refugees came from the Balkans and Asian countries. They were taken over from the agent who arranged contact with another, similar group operating in Slovakia. An indication of higher level organisation, apart from a clear division of tasks, covering activities, precautionary measures and also competition with other groups, was the link to two police officers, who passed information on the situation on the border and the state of patrolling. Criminal activity was lasted one-and-a-half years (as documented) and brought to the group profits in the rank of millions.

A relatively developed structure and penetration into official bodies is evident from the following case, which involved the illegal entry of migrants to the Czech

8 M. Cejp et al. /2008/: *Obrana proti ohrožení společnosti závažnými formami trestné činnosti/ Defence against threats to society by the serious crime*, Prague, ICSP.

Republic, their provision with forged and fraudulently altered documents and the

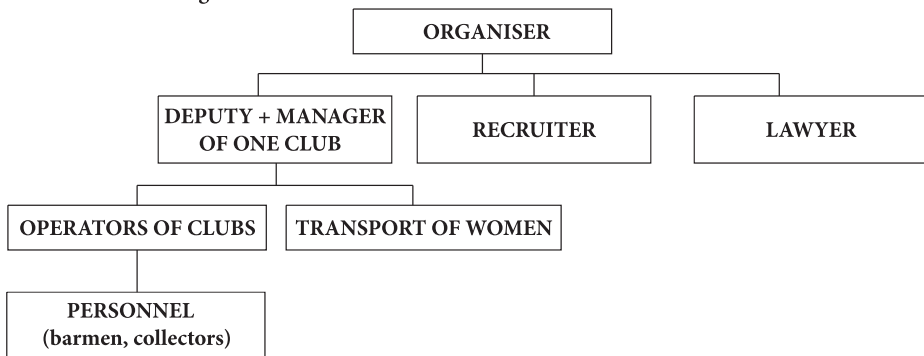
Section 163a - Participation in criminal conspiracy  
 Section 158 - Abuse of a public official's authority  
 Section 185 - Illegal possession of firearms



subsequent illegal transit across the state border to Germany.

Figure 2

Section 163a - Participation in criminal conspiracy  
 Section 204 - Procuring and soliciting prostitution  
 Section 246 - Trafficking in women



For comparison, we can offer the structure and characteristics of a group that organised the trafficking in women and prostitution.

Figure 3

This group was predominantly comprised of Bulgarian citizens. It was involved in trafficking women from Bulgaria and the Ukraine for prostitution in cross-border nightclubs in the Czech Republic, but also in their transfer to Germany. Czechs performed in the group only a supporting role (operators of nightclubs, barmen, drivers or carriers). A specific feature of this organization was the activity of a „recruiter“, who was responsible for recruiting women. He performed it through his wife and other assistants while serving a prison sentence of ten years in the Czech Republic for procuring and soliciting prostitution and for illegal possession of firearms. Member of the group was also a lawyer, who provided legal aid and communication within the group, including among its members in prison.<sup>9</sup>

According to the available information from the Czech milieu, the cores of all groups keep their ethnic integrity. The ethnic mixing takes usually place only at the lowest level of the organisation (group), i.e. at the level of executive functions.

Some ethnic groups are more open to co-operate with other ethnic groups (as e.g. people from the former Yugoslavia). Others, in dependence on their cultural, historical and language differences, strictly maintain the ethnic exclusiveness (Chinese and partly Vietnamese groups that typically seek to reach a maximal isolation from the Czech environment).

In the groups of foreign origin, Czechs ensure the services for persons who lead the groups (as advisers, lawyers, persons mediating contacts, dummy persons in companies) and, most often, they work at the executive level as ordinary members of the crew (couriers, smugglers, etc.). Czechs, however, are also sometimes in the position of customers who buy commodities and services supplied illegally by foreign groups.

## G. THE RESPONSE OF THE CZECH REPUBLIC

The first governmental concept of the fight against organised crime was adopted in 1996 and updated in 1997 and 2000. It included a broad list of legislative and administrative measures. The updated concept took into account the evaluation of the Czech situation carried out within the project OCTOPUS II and the obligations included in the Pre-accession Pact. The conception was harmonised with the respective chapter of the National Programme of the Preparation of the CR for the EU Membership. It was emphasised that it is necessary to draft the appropriate legislative and organisational provisions for more effective confiscation of the proceeds of crime as one of key measures against organised crime. New concept was adopted in 2008.

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9 M. Scheinost, S. Diblíková /2008/: Criminal conspiracy from the perspective of the Czech Republic – the legal framework, definition, prosecution, offenders. In: P.C. van Duyne, J.Harvey, A.Maljevic, K.von Lampe, M.Scheinost“, *European Crime Markets at Cross-Roads. Extended and Extending Criminal Europe*“.Wolf Legal Publishers, Nijmegen.

Generally speaking, the organised crime policy focused initially (in the mid-1990s) primarily on the adoption of necessary provisions in the penal and police law and on the better control of penetration of organised crime groups from abroad. Some special task units were established within the police forces.

Basic changes in the Criminal Code, Criminal Procedure Code and in the Police Law in relation to organised crime were adopted in 1995 by the law No.152/1995. The Criminal Code was amended by some new provisions, i.e. the crime of participation in a criminal conspiracy, the provisions on effectual repentance, the impunity of an undercover agent, the possibility of imposing a prison sentence on perpetrators of crimes committed for the benefit of a criminal conspiracy and, especially, the definition of so-called criminal conspiracy. Criminal conspiracy (since 1.1.2010 organised criminal group) has been defined as an association of several persons with an internal organisational structure, with a division of functions and distribution of activities, which is aimed at the systematic commission of intentional criminal activity.

Criminal Procedure Code was also amended in order to improve the protection of persons taking part in penal proceedings against organised crime (the possibility to conceal the identity of witnesses, i.e. anonymous witness, subsequently also the special Act on witness protection) and to facilitate the criminal prosecution of organised crime. This included, in particular, the possibility of the temporary postponement of criminal prosecution with the consent of the state attorney if it is needed for the effective investigation of criminal activity committed for the benefit of criminal conspiracy or of particularly serious crime; the substitution of consignment (as consignment containing narcotic substances, poisons, radioactive materials, counterfeited money, firearms, explosives etc.) that can be made by the police with consent of judge; the possibility of law enforcement authorities (state attorneys and judges) to ask for data within the given criminal procedure that are normally subject to the banking secrecy or tax proceeding; the preliminary seizure of property or its forfeiture or confiscation in dealing with request of foreign courts and authorities for legal assistance. The institute of interception of telecommunication was introduced into the Criminal Procedure Code in 1990; in 1995, it was only partly amended and it is applicable within the criminal procedure providing that very serious crime is prosecuted.

The amendment of the Police Act extended the scope of police special investigative tools. Besides the interception of communication it was the possibility to use an undercover agent (for detection of corruption, serious economic criminal activity and crimes committed for benefit of criminal conspiracy; such an agent must be a police officer and may be used with a consent of the respective judge) and a feigned transfer of objects (it means the feigning of a purchase, sale or other manner of transfer of an object whose possession generally requires a special permit or its possession is inadmissible).

Criminological research in the Czech Republic has focused on organized crime problems since the beginning of ninetieths. From the criminological point of view organized crime can be understood as systematic committing of organised criminal and associated activities. Criminal activities are involved in the structure of demand and offer in the society and they are primarily targeted on gaining maximum profit. Furthermore are accompanied by covering and security activities. Subject of these activities are

structured and hierarchical criminal groups or organizations based on the division of function and tasks and established for purpose of profitable criminal activity.<sup>10</sup>

As it concerns the possibility to fight against organised crime, to impair the criminal markets, to seize of proceeds of crime and to limit the chances for their reinvestment are considered to be most effective. It is of course a difficult way and application of these principles in praxis refers to many complications. Thereby the broad international concordance on the tools to fight against organised crime and effective international collaboration are more and more needed.

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## TRENDOVI KRIMINALITETA I ORGANIZOVANOG KRIMINALITETA U REPUBLICI ČEŠKOJ

### REZIME

U Republici Češkoj je u periodu od 1990–1999. godine zabeležen kontinuirani porast stope kriminaliteta. Što se strukture dela tiče, najveći procenat, oko 82%, su činila dela imovinskog kriminaliteta što je znatno više u poređenju sa ranijim godinama kada je taj procenat bio skoro duplo manji. Povećan je i broj nasilničkih krivičnih dela a najveće štete su prouzrokovala dela ekonomskog kriminaliteta. Studije o žrtvama su pokazale da je u periodu 2002–2006. godine skoro 2/3 respondenata bilo viktimizovano nekim od krivičnih dela u pogledu kojih su bile prikupljane informacije. Razlozi za ovakve promene u pogledu stanja kriminaliteta u Republici Češkoj su brojni. Među njima treba pomenuti transformaciju ekonomskog i političkog sistema, proces tranzicije, veliki broj mladih ljudi koji je početkom 90-ih godina dostigao starosnu granicu krivične odgovornosti, slabljenje neformalne socijalne kontrole, usvajanje drugih vrednosnih orijentacija poput individualizma i finansijskog uspeha. Kao teorijsko objašnjenje može se koristiti teorija anomije E. Dirkhaim-a. Po njoj kriminalitet je rezultat socijalne dezintegracije i racionalnih odluka pojedinaca. Jedan od tipova kriminaliteta koji je došao do izražaja u ovakvim okolnostima je i organizovani kriminalitet. U socijalističkom sistemu mogućnosti za njegov razvoj su bile ograničene mada se mogu navesti neki oblici kriminalnih ponašanja koji su imali elemente organizovanog kriminaliteta (ilegalna zamena valuta ili ilegalan uvoz nekih vrsta roba itd.). Sa nastankom otvorenog tržišta i slobodnog kretanja ljudi, robe i kapitala stvorene su povoljnije mogućnosti za razvoj ovog tipa kriminaliteta a naročito imajući u vidu dobar geografski položaj Republike Češke. Kriminalne organizacije u ovoj zemlji nemaju karakter velikih piramidalnih struktura već su u pitanju manje fleksibilne grupe koje saraduju sa velikim kriminalnim organizacijama iz inostranstva. Pored Čeha, pripadnici kriminalnih organizacija su i stranci, uglavnom iz Ukrajine, Rusije, Vijetnama, Albanije itd. Na višim nivoima unutar kriminalnih organizacija je izuzetno važna etnička pripadnost (osim kod nekih stranaca, npr. sa prostora bivše Jugoslavije) dok suprotno važi za niže nivoe u organiziji. Upravo u tom segmentu ima najviše državljana Republike Češke. Prve mere u borbi protiv organizovanog kriminaliteta preduzete su 1997. godine. One su se uglavnom odnosile na donošenje i promenu pravnih normi u krivičnom zakonodavstvu. Definisan je pojam organizovane kriminalne grupe, omogućeno lakše gonjenje pripadnika kriminalnih organizacija, doneta su pravila o zaštiti svedoka, o privremenom i trajnom oduzimanju imovine, o prikrivenom isledniku itd. U Republici Češkoj su takođe od pojave organizovanog kriminaliteta sprovedena kriminološka istraživanja sa ciljem njegovog što efikasnijeg suzbijanja.