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**CRIMINAL PROSECUTION IN CASES OF TRAFFICKING IN
HUMAN BEINGS**

Specialty 554.03 – CRIMINAL PROCEDURE LAW

**SUMMARY
of the doctoral thesis in law**

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The doctoral thesis and the abstract can be consulted at the National Library of the Republic of Moldova, at Andrei Lupan Central Scientific Library, at the Library of the State University of Moldova and on the website of the National Agency for Quality Assurance in Education and Research (<http://www.cnaa.md/>, <https://anacec.md/> and of the Doctoral School of Legal Sciences https://usm.md/?page_id=635).

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CONCEPTUAL REFERENCES OF THE THESIS

The topicality and importance of the researched topic. Trafficking in human beings is a substantial component of the international criminal business. However, the economic instability of different regions and the inefficient prophylaxis of crimes stimulate human trafficking. The targeted criminal activity is based on illegal migration and on the occasion of illegal use of labor. These factors make it easier for criminals to manipulate people and earn fabulous income. Revenues from transnational organized crime as a result of trafficking in human beings are highly profitable, compared to the arms and drug trade, and sometimes even exceeding it. The statistical data from the Republic of Moldova, the oldest and most recent, reflect the following picture in relation to this crime: In 2015, the CCTP (Center for Combating Trafficking in Persons) handled a total of 536 criminal cases. From the total number of criminal cases in the procedure, 141 cases were sent with proposals to end the criminal prosecution, according to the provisions of art. 289 CPC. Of these, 127 cases/209 crimes were sent with proposals for submission to court, and 18 cases - with proposal to be terminated or dismissed. In total, during the period in question, 199 persons were put under accusation and the criminal investigation was finished with the submission of criminal cases to the court¹. During 2016, the SUP (Criminal Prosecution Section) of the CCTP handled a total of 481 criminal cases. From the total number of criminal cases in the procedure, 148/202 cases/crimes were sent to the prosecutor with proposals to end the criminal prosecution, according to the provisions of art. 289 CPC. Of these, 116/168 cases/crimes were sent with proposals for submission to court, and 32 cases - with proposal to be terminated or dismissed². In 2017, the SUP of the CCTP initiated 205 criminal cases, and totally SUP handled 537 criminal cases. From the total number of criminal cases in the procedure, 127 cases were sent to PCCOCS (Prosecutor's Office for Combating Organized Crime and for Special Cases), with proposals to end the criminal prosecution, according to the provisions of art. 289 CPC, of which: a) with proposals for sending to court - 103 cases; b) with proposals for termination or dismissal of CP on 24 cases³. As a result of the activities carried out during the year 2018, 154 human trafficking offenses were registered at national level. During

¹ Activity report of the Center for Combating Trafficking in Human Beings for 2015 [online] [cited 12.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9.

² Activity report of the Center for Combating Trafficking in Human Beings for 2016 [online] [cited 14.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9

³ Activity report of the Center for Combating Trafficking in Human Beings for 2017 [online] [cited 16.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9.

the reporting period, 209 victims of THB were identified in the criminal cases filed by the CCTP⁴. During the year 2019, 172 criminal cases were initiated by the SUP of the CCTP, and a total of 565 criminal cases were managed by the SUP of the CCTP. From the total number of criminal cases in the procedure, 142 cases were sent to PCCOCS with proposals to end the criminal prosecution, according to the provisions of art. 289 CPC. Of these, 110 cases were sent with proposals for submission to court, and 32 cases - with proposal to be terminated or dismissed. During the reporting period, 67 cases were completed with the indictment⁵. During the year 2020, 108 notifications regarding crimes were registered by the SUP of the CCTP according to the provisions of art. 274 CPC (25 criminal trials were registered based on the self-notifications of the criminal prosecution officers). During the reporting period, 88 criminal cases were initiated by the SUP of the CCTP, and in total the SUP managed 508 criminal cases. From the total number of criminal cases in the procedure, 139 cases were sent to PCCOCS with proposals to end the criminal prosecution, according to the provisions of art. 289 CPC, and 88 cases - with proposals to be sent to court. During the reporting period, the PCCOCS completed with the indictment 36 cases. During the reporting period, the criminal investigation was terminated and/or dismissed for a total of 39 cases⁶.

Framing the topic in international concerns. The international community has imposed strict bans on all forms of slavery, recognizing human trafficking and forced labor as crimes against humanity. Article 7 of the Rome Statute of the International Criminal Court assigns to the category of crimes against humanity enslavement, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, if committed as part of a widespread or systematic attack directed against any civilian population⁷. If we show that trafficking in human beings is a variety of the slave trade, and forced labor is a form of slavery, then it is natural to repress these phenomena, which are of greater danger to all humanity, which also affects human trafficking. However, precisely because of the brutal nature of the violation of human rights and freedoms, trafficking in human beings is

⁴ Activity report of the Center for Combating Trafficking in Human Beings for 2018 [online] [cited 16.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9

⁵ Activity report of the Center for Combating Trafficking in Human Beings for 2019 [online] [cited 18.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9

⁶ Activity report of the Center for Combating Trafficking in Human Beings for 2020 [online] [cited 19.02.2021]. Available at: https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9

⁷ Rome Statute of the International Criminal Court of 17 July 1998 [online] [cited 10.02.2021]. Available at: <https://www.legal-tools.org/doc/759f54/pdf/>

put on the same scale as crimes against humanity. We also find that in virtually all international acts containing rules on acts classified as crimes against humanity, there are also some varieties of trafficking in human beings. Although only certain forms and varieties of the phenomenon of trafficking in human beings are sometimes attested in international legal acts, this fact does not diminish the increased social danger of these categories of crimes. Still, frequently, the crimes of trafficking in human beings are stipulated and incriminated in other terms, in the texts of various international regulations (such as, for example, the term “*enslavement*” in point “c” of the Rome Statute of the International Criminal Court). At the same time, in our view, trafficking in human beings, in all its forms and varieties, must be classified as an international crime, even for the simple reason that the member states of the United Nations have repeatedly and imperatively established a total prohibition of slavery and trafficking in human beings.

Framing the topic in national and regional concerns. Currently, there is a certain level of experience in prosecuting cases of trafficking in human beings, but at the same time many questions remain unanswered in scientific papers and lack the appropriate recommendations on criminal prosecution actions, special investigative measures, other measures and activities. There is also an obvious deficit in complex research of the interference of criminal procedure law and other legal sciences. However, currently, the scientific research on the experience gained in the investigation of trafficking in human beings is segmental and has a local character, necessitating appropriate development, complex and continuous general approaches in the field. The fact is that, on the one hand, the very criminal activity of trafficking in human beings has become alarmingly widespread in the Republic of Moldova, and on the other hand, it has failed to accumulate and put in place an appropriate scientific basis for positive experience. advanced in the discovery and prosecution of this category of offenses. Moreover, the thematic scientific researches related to the criminal prosecution in the cases of trafficking in human beings are reduced, and the ones reviewed during our research reflect only certain aspects of the criminal prosecution, having a fragmentary character. The criminal activity of such kind being not fully investigated, and the particularities of the criminal investigation on the targeted category of files not fully elaborated and not approved in the appropriate way, determined the topicality of this doctoral thesis. At the present stage, in the Republic of Moldova there are several works dedicated to the subject of the fight against the phenomenon of trafficking in human beings. Scientific research in the specified field is relatively new. We find little research in the field of criminal and forensic procedural doctrine. However, despite this fact, we review the names of some notorious authors concerned with the subject of criminal prosecution in cases of trafficking in human beings, such as: *DOLEA I., VIDAICU M., VIZDOGA I., GHEORGHİȚĂ M., OSOIANU T., ODAGIU Iu., ANDRONACHI A., ANTON D., CEBOTAR V., ZAVATIN V.,*

GLADCHI Gh., GRATII V., OSTAVCIUC D., RUSNAC C., OGANESEAN A., etc. We also draw attention to the fact that certain criminal law and criminological aspects regarding the fight against this scourge are reflected in the works of researchers *BRÎNZĂ S., STATI V., BUJOR V., BEJAN O., CIOBANU I., BARBĂNEAGRĂ Al, CUȘNIR V., BOTNARU Gh., COJOCARU C., COSTACHI J., ȘTEFĂNOAIA M., BOEȘTEANU C., MISAIL-NICHITIN D., REVENCO A., SEUȚĂ V., GORGEAG L., ȚICAL G., GROZA Iu., etc.*

Their specialized character laid the foundation stone for possible research on the subject in the space of the Republic of Moldova. Certainly, the lack of scientific investigations into criminal prosecution in cases of trafficking in human beings and the non-substantial scientific assurance of this area of activity of law enforcement bodies leave their mark, in pale colors, on the work of law enforcement bodies. At the same time, we find that during several years of investigation of various procedural aspects of the criminal prosecution activity in cases of trafficking in human beings, researchers from other states have established themselves: *ZHURAVLEV S., PIGAEV A., VILKS A., DVORKIN A., KOLESOV A., MIZULINA E., MIHAJLOVA E., OLIMPIEV A., POLJAKOVA M., TORBIN G., SINICIN L., SMIRNOV G., FAHRUTDINOV R., CHUPROVA A., MATEUȚ Gh., ȘTEFĂROI N., PETRESCU V., MOISE A., NISTORESCU C., STANCU Em., RUIU M., MIHEȘ C., PINTEA A., TRONECI V., UDROIU M., SLĂVOIU R., PREDESCU O., BRAMMERTZ S., BRAND J., WISEMANN H., FREDERICK L., GAMACHE D., HERZ A., KINGSHOTT B., McKEON C., ORSINI B., PIN X., TERITO L., GLOVER N., VANDERMEERSCH D., WINTERDIRK J., PERRIN B., REICHEL Ph., etc.* The stated circumstances, the insufficient study of the subject of criminal prosecution in cases of trafficking in human beings have determined the need to investigate the practice of criminal prosecution in cases related to trafficking in human beings.

The purpose and tasks of the paper. The purpose of the paper aims to design the theoretical and normative framework, and, based on it, the scientific and practical theses on criminal prosecution in cases of trafficking in human beings.

The targeted purpose determined the following tasks: a) analysis of scientific papers in domestic and foreign doctrine devoted to the issue of criminal prosecution in cases of trafficking in human beings; b) the treatment of evidence and circumstances to be proven in the process of criminal prosecution in cases of trafficking in human beings; c) highlighting the particularities of notifying the criminal prosecution bodies regarding the cases of trafficking in human beings and the actions to be carried out; d) revealing the specific features of starting and conducting criminal prosecution in cases related to trafficking in human beings; e) arguing the interaction of the criminal prosecution bodies with the investigative and operative entities in the process of the criminal prosecution in the cases of trafficking in human beings; f) positioning international

cooperation in criminal matters in the process of criminal prosecution in cases of trafficking in human beings; g) highlighting the specific features of the evidentiary procedures when carrying out the criminal prosecution in the criminal cases of trafficking in human beings; h) elaboration of the proposals *de lege ferenda* regarding the improvement of the procedural framework as well as of the algorithm of the criminal prosecution in the cases of trafficking in human beings.

The subject of the research are the particularities of the criminal prosecution in cases of trafficking in human beings, directed immediately to collect the necessary evidence regarding the existence of the crime, to identify the perpetrator, to determine whether or not to send the criminal case to court under the law.

The research hypothesis was outlined based on the assessments that the practical experience, the doctrine and the regulation of the criminal prosecution on this category of files, accumulated at the moment, present a certain degree of uncertainty and insufficiency, which determined a substantial continuous research of this subject, a proper analysis of the legal norms in this field, but also of the related judicial practice. The criminal procedure norms, by themselves, do not fully highlight the specific features and particularities of criminal prosecution in cases of trafficking in human beings, which can be identified through complex scientific research, focused on the normative and procedural framework, doctrine and of course on jurisprudence in the field. In addition, the lack of an appropriate scientific basis for the advanced positive experience in the discovery of these categories of crimes, is likely to condition a work of scientific creation, argued with doctrinal rules and theses and supported by cases of judicial practice on the systematization and staggering of criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, invested to serve as an algorithm for conducting criminal prosecution “step by step” - so that anyone who has committed a crime is punished according to his guilt and no innocent person shall be held criminally liable and convicted.

The state of the research methodology and the justification of the chosen research methods. The methodological basis of the research composed of the dialectical, and general scientific method of knowing the surrounding reality in its correlation with various facts, events, phenomena, from the general scientific and systemic interpretation. At the same time, within the doctoral thesis, such particular investigation methods were applied, such as systemic, comparative, statistical, logical, sociological, etc. To ensure the objectivity of the research results, these methods have been applied in their complexity. The research methodology involved the critical research of the national legislation, of the scientific works carried out in the Republic of Moldova, the research of the syntheses, methodological recommendations and informative materials related to the criminal prosecution in cases of trafficking in human beings.

An indispensable component of the research methodology is the practical activity of law enforcement bodies (criminal prosecution bodies and special subdivisions of investigation) in the field of preventing, investigating and combating acts of trafficking in human beings. The research methodology aimed at analyzing and evaluating the related criminal procedure norms, as well as in line with the subject of the thesis, from the legislation of different states, including Romania, the Republic of Moldova, the Russian Federation, as well as other states, of related doctrinal sources, contributing to the development and formulation of relevant scientific theses. As the legal basis of the paper served the provisions of the Constitution of the Republic of Moldova, of the international treaties to which our country is a party, of the criminal and criminal procedure legislation and those of the Explanatory Decisions of the Plenum of the Supreme Court of Justice of the Republic of Moldova. The empirical basis of the research carried out in the doctoral thesis is represented by a significant number of criminal cases regarding the crime of trafficking in human beings.

The scientific novelty and originality of the thesis derive from the outlining and treatment of the criminal procedure framework on criminal prosecution in cases of trafficking in human beings, accompanied by doctrinal views on the subject, supported by relevant judicial practice, the identification of theoretical and normative issues existing in the process of investigation of the cases of trafficking in human beings, in summary the research noting a real scientific and practical support materialized in the algorithm designed for the correct and staggered application of the related criminal procedure norms. The scientific novelty of the research is also determined by certain factors: a) the need for continuous investigation of the criminal mechanism of trafficking in human beings in correlation with the appropriate criminal prosecution actions and the particularities of their accomplishment; b) the opportunity to develop recommendations on the proper conduct of criminal prosecution in cases of trafficking in human beings materialized by the criminal prosecution algorithm - criminal prosecution actions, special investigative measures, other measures and activities in these cases.

The important scientific problem solved by the research consists in outlining the procedural framework of criminal prosecution in cases of trafficking in human beings, designing the algorithm of criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, based on legislation, doctrine and jurisprudence, as well as based on forensic tactics and methodology, which may contribute to the efficiency of this process in the general ensemble of prevention and combating of the targeted crimes.

The theoretical significance of the doctoral thesis is justified, in large part, by the identification and treatment of the theoretical and normative framework of the criminal

prosecution in cases of trafficking in human beings, interpretation of relevant procedural rules, exposition of doctrinal views on the subject, supporting theoretical theses with practice cases. as well as the elaboration of solutions regarding the most optimal use of the scientific and methodological product in the process of preventing and combating crimes of trafficking in human beings, in this case by the algorithm of criminal prosecution, special investigative measures, other measures and activities in cases of this kind. The theoretical significance of the doctoral thesis is also manifested by the multidisciplinary nature (criminal procedure and forensics) of the research, as the criminal prosecution in cases of trafficking in human beings is indispensable for the forensic tactics and methodology in this matter.

The applicative value of the research carried out is determined by the purpose and orientation of the thesis towards improving the process of discovering the crimes of trafficking in human beings by integrating scientific research into practical activity. The solutions and theses promoted can be used variously: a) in the criminal prosecution activity, in the trial of cases of trafficking in human beings, in scientific research related to the further elaboration of the methodology for investigating crimes of this kind; b) in the study process, within the training of the specialists from the educational institutions with legal profile and upgrade training courses; c) in the process of developing the scientific, methodical and didactic materials of criminal procedure law, forensics and special investigation activity; d) in the improvement of the legislation destined to regulate the criminal prosecution activity in cases of trafficking in human beings.

In this way, the applicative value of the research carried out is determined, first of all, by the tendency, oriented towards the improvement of the activity of discovery of these crimes by the wide use of knowledge in the field of criminal, criminal procedure law, forensics, expert evidence, special investigation activity. And, secondly, the applicative valences of the thesis are also notable from the perspective of the algorithm of criminal prosecution in cases of trafficking in human beings.

The scientific results submitted for presentation: 1) the results of the research carried out show that the crimes of trafficking in human beings are committed by criminal groups with a relatively high degree of organization; 2) the discovery and recording of the traces of the crime of trafficking in human beings is carried out through verification actions based on registered notifications or as a result of special investigative measures and measures carried out in order to obtain the necessary data, as well as to verify primary information previously received from a source or other; 3) the discovery of trafficking in human beings highlights contractions on the part of perpetrators, more frequently pressures on victims, including through their relatives; the late application of protection measures in respect of witnesses and injured parties may have the

effect of waiving the previous statements, which may prejudice the conduct of criminal proceedings in cases of trafficking in human beings; 4) the circumstances to be proved in the criminal prosecution process in cases of trafficking in human beings represent a specific complex of facts and data related to the signs of the crime, based on them ensuring the proper conduct of criminal prosecution activities; 5) the process of committing crimes of trafficking in human beings must be clarified in the light of the perpetrator's activity, the victim's behavior and actions by third parties indirectly related to trafficking in human beings, as well as the circumstances used by perpetrators to commit trafficking in human beings; 6) the particularities of the criminal investigation are determined by the specific features of this type of deeds, by the circumstances of their commission and by the criminal investigation situations created, arising the capitalization of the *algorithm* of criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, invested to serve for the deployment of a “step by step” criminal investigation; 7) resisting in relation to criminal prosecution in cases of trafficking in human beings which includes two components: influencing sources of information and preventing, in any form, the conduct of a comprehensive and objective research, in all respects; 8) special knowledge in the field of investigation of crimes of trafficking in human beings is the system of theoretical knowledge and experience in the field, based on the results of scientific research and accumulated judicial practice; 9) the particularities of committing the crimes of trafficking in human beings determine the character and location of the traces of these deeds. The probative importance of the discovered traces is determined by the possibilities of the specialists to establish the circumstances of the case through the prism of the special knowledge used in carrying out different criminal prosecution actions.

Implementation of scientific results. The proposals and recommendations contained in the materials of the doctoral thesis were applied in the criminal prosecution activity of the Center for Combating Trafficking in Human Beings and were also reflected in the didactic and scientific process at the Faculty of Law and Social Sciences of Alecu Russo Balti State University.

Approval of results. The theoretical provisions, conclusions and recommendations, developed and formulated in the work process on this topic were reflected in the content of 14 scientific articles. The basic provisions of the doctoral thesis were also presented during the participation in conferences, scientific seminars, were published in the materials of national and international conferences and in scientific journals, namely: 1) *JITARIUC V*. Peculiarities of performing the physical examination in cases of trafficking in human beings. In: Materials of the International Conference “Promoting social values in the context of European integration”. Chisinau, May 4, 2018; 2) *JITARIUC V*. Planning the investigations in the case of the research of crimes of trafficking in human beings. In: Materials of the International Scientific and Practical

Conference “The concept of development of the rule of law in Moldova and Ukraine in the context of European integration processes”. Chisinau, November 2-3, 2018; 3) *JITARIUC V.* Planning of subsequent investigations at the research of crimes of trafficking in human beings. In: Materials of the National Scientific Conference “Achievements and perspectives of national legal education”. USM. Chisinau, October 01-02, 2019; 4) *JITARIUC V.* Some particularities of carrying out criminal prosecution actions in relation to and with the participation of victims of human trafficking offenses. In: National Legal Journal: Theory and Practice, no. 2/2019; 5) *JITARIUC V.* The role of international police structures in preventing and combating trafficking in human beings. In: National Legal Journal: Theory and Practice, no. 5/2019; 6) *JITARIUC V.* Peculiarities of the application of special knowledge to the investigation of crimes of trafficking in human beings. In: Law and Life, no. 12/2019; 7) *JITARIUC V.* On-site investigation in the case of crimes of trafficking in human beings: theoretical and practical reflections. In: Materials of the International Scientific and Practical Conference “Peculiarities of adapting the legislation of the Republic of Moldova and Ukraine to the legislation of the European Union”. Chisinau, March 23-24, 2019; 8) *JITARIUC V.* The interaction of the criminal prosecution officer with the subdivisions that carry out the special investigation activity in the process of investigating the crimes of trafficking in human beings. In: Materials of the International Scientific and Practical Conference “The concept of development of the rule of law in the Republic of Moldova and Ukraine in the context of European integration processes”. Chisinau, November 1-2, 2019, etc.

Publications on the topic of the thesis: The topic of the doctoral thesis was reflected in the content of 14 scientific publications.

The volume and structure of the paper. The doctoral thesis includes the annotations, the list of abbreviations used in the paper, the introduction, four chapters, the general conclusions and recommendations, the bibliography, the appendices, the statement of responsibility, the author's CV. The paper contains 217 pages of basic text, references to 360 bibliographic sources.

Keywords: trafficking in human beings, victim, criminal prosecution action, notification, criminal trial, evidentiary proceeding, suspected, accused, special investigative measures, special knowledge, evidence.

CONTENT OF THE THESIS

The **introduction** reflects the topicality and importance of the problem proposed for research according to the purpose and tasks of the doctoral thesis. The introduction is also focused on the object of research, on the research hypothesis, we reviewed the synthesis of research methodology, we described the situation in the field of the research, the novelty and scientific originality of the doctoral thesis and the most important main theses, which were presented for defense. Among the important components reflected in its content are also listed:

the scientific issue of major importance solved by the researched topic, the theoretical importance and the applicative value of the paper, the approval and implementation of the scientific results obtained.

The first chapter entitled **“ANALYSIS OF THE SITUATION IN THE FIELD OF THE RESEARCH”** reviews the list of scientific materials published on the topic of the doctoral thesis both in the Republic of Moldova and abroad. Within it, the works of the authors were researched, who were concerned with the phenomenon of trafficking in human beings, the fight against this scourge and the investigation (research) of these crimes. Here, following the analysis of relevant scientific materials, were briefly presented and analyzed the works, research, concepts with direct implications on the subject of criminal prosecution in cases of trafficking in human beings, was highlighted the way this topic is treated in the vision of various researchers from the Republic of Moldova and abroad (Romania, the Russian Federation, the USA, France, the United Kingdom, Canada, Spain, etc.) and appropriate conclusions have been drawn in this regard.

A thorough research on trafficking in human beings was carried out by the authors *I. DOLEA and M. VIDAICU* in the paper *“Combating trafficking in human beings (material law and procedural law)”*. *INJ. Chisinau, 2011*. They rightly claim that the identification of the method of investigating cases of trafficking in human beings is directly dependent on the risks to which victims of crime are subjected. However, first of all, victims of trafficking in human beings are usually not willing to file complaints or testimonies. Second, the authors argue that trafficking in human beings, like any other form of organized crime, is complex and committed through a chain of crimes⁸. Researchers are pushing for the idea that effective prosecution in cases of trafficking in human beings is a positive obligation of the state⁹.

In unison with the researched issue is the work of the author *V. CUȘNIR* *“Current issues of preventing and combating trafficking in human beings and illegal migration in the context of the State Program of fight against crime and corruption for 2003-2004”*, published in: materials of the *International Scientific and Practical Conference “Issues of preventing and combating juvenile delinquency, trafficking in human beings and illegal migration”*, April 23-24, 2004. *Chisinau, 2004*. The author points out that trafficking in human beings as well as clandestine emigration are internationally organized criminal phenomena of an extremely complex nature,

⁸ VIDAICU, M., DOLEA, I. *Combating trafficking in human beings (material law and procedural law)*. Chisinau, 2011. 187 p. ISBN 978-9975-106-58-0, p. 96.

⁹ *Ibidem*, p. 97.

involving a wide range of criminals (organizers, perpetrators, instigators and others) and are related to other criminal acts¹⁰.

In the article by A. ANDRONACHI “*Some criminal prosecution actions taken in the case of the investigation of crimes related to trafficking in human beings*”, found in: *materials of the International Scientific and Practical Conference “Issues of preventing and combating juvenile delinquency, trafficking in human beings and illegal migration”*, April 23-24, 2004. Chisinau, 2004, is identified the initial information that serves as grounds for initiating criminal prosecution in cases of trafficking in human beings¹¹.

The scientific article “*Methodological recommendations on the investigation of crimes related to trafficking in human beings. Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*”. *Materials of the International Scientific and Practical Conference. Chisinau, October 6-7, 2005. Chisinau, 2005*, is also attributed to the research topic, and it was signed by the authors CEBOTAR V. and ZAVATIN V. The scientific approach focuses on the following idea: the quality of the search and collection of incriminating material is decisive for the prospect of a successful criminal investigation¹².

Concerns in the field of our topic are attested at the author Gh. GLADCHI in the article “*Information assurance of the prevention of trafficking in human beings. Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*”. *Materials of the International Scientific and Practical Conference. Chisinau, October 6-7, 2005. Chisinau, 2005*. It assigns an important role in the investigation of trafficking in human beings to the operative information, accumulated in the daily activity of the law enforcement bodies empowered to exercise the activity of operative investigation¹³. Gh. GLADCHI gives sufficient space to the methods of gathering information in the process of investigating acts of trafficking in human beings,

¹⁰ CUȘNIR, V. Current issues of preventing and combating trafficking in human beings and illegal migration in the context of the State Program of fight against crime and corruption for 2003-2004. In: *Materials of the International Scientific and Practical Conference*, Apr. 23-24, 2004. Chisinau, 2004, ISBN 9975-935-55-9, p. 273.

¹¹ ANDRONACHI, A. Some criminal prosecution actions taken in the case of the investigation of crimes related to trafficking in human beings. In: *Issues of preventing and combating juvenile delinquency, trafficking in human beings and illegal migration: Materials of the International Scientific and Practical Conference*, Apr. 23-24, 2004. Chisinau, 2004. ISBN 9975-935-55-9, p. 452.

¹² CEBOTAR, V., ZAVATIN, V. Methodological recommendations on the investigation of crimes related to trafficking in human beings. In: *Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*. *Materials of the International Scientific and Practical Conference in Chisinau, Oct. 6-7, 2005. Chisinau, 2005. ISBN 9975-935-89-3, p. 323-324.*

¹³ GLADCHI, Gh. Information assurance of the prevention of trafficking in human beings. In: *Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*. *Materials of the International Scientific and Practical Conference. Chisinau, Oct. 6-7, 2005. Chisinau, 2005. ISBN 9975-935-89-3, p. 23.*

indicating the principles underlying it¹⁴, noting that the police must realize the potential of confidants to collect and pass on operational information obtained during their activity. However, argues Gh. GLADCHI, through their daily activities, these confidants can have a crucial contribution in combating human trafficking¹⁵.

The next publication, also notable in the field of criminal prosecution in cases of trafficking in human beings (*Peculiarities of detection, investigation and classification of crimes of trafficking in human beings. Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*). *Materials of the International Scientific and Practical Conference. Chisinau, October 6-7, 2005. Chisinau, 2005*) is focused on verifying data and information on trafficking in persons from competent bodies, or acquired by the workers of the operative services or of the criminal prosecution bodies¹⁶.

A novelty element for our study was also found in the article “*Methodology of investigating trafficking in human beings by the police bodies. Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*”. *Materials of the International Scientific and Practical Conference. Chisinau, October 6-7, 2005. Chisinau, 2005*”, whose authors are GRATII V. and ŢVIGUNOV M. They set out the specific features of using reactive, proactive and undermining methods in the process of investigating crimes of trafficking in human beings¹⁷.

The peculiarities of the research in cases of trafficking in human beings were duly revealed by MOISE A. C. and STANCU Em. in the work “*Forensics. Methodological elements for investigating crimes*”. *Ed. Universul Juridic. Bucharest, 2017*. These authors believe that one of the most important challenges for law enforcement bodies in the investigation process is the hidden nature of human trafficking, which contributes to the difficult identification of victims of human trafficking. The investigators of trafficking in human beings need to continuously adapt to new challenges related to combating trafficking in human beings by developing new methods, techniques and procedures for investigation¹⁸.

¹⁴ Ibidem, p. 24.

¹⁵ Ibidem, p. 24.

¹⁶ AVRAM, M. Peculiarities of detection, investigation and classification of crimes of trafficking in human beings. In: *Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*: Materials of the International Scientific and Practical Conference. Chisinau, Oct. 6-7, 2005. Chisinau, 2005. ISBN 9975-935-89-3, p. 64-65.

¹⁷ GRATII, V., ŢVIGUNOV, M. Methodology of investigating trafficking in human beings by the police bodies. In: *Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*: Materials of the International Scientific and Practical Conference. Chisinau, October 6-7, 2005. Chisinau, 2005, pp. 307-309. ISBN 9975-935-89-3, p. 307.

¹⁸ MOISE, A. C., STANCU, Em. *Forensics. Methodological elements for investigating crimes*. Bucharest: Universul Juridic Publishing House, 2017. ISBN 978-606-39-0044-0, p. 323.

An issue regarding the specific features of carrying out criminal prosecution in the case of human trafficking offenses relates to the ordering of judicial expertise and the application of special knowledge, certain particularities of carrying out criminal prosecution actions on the category concerned by files. In this respect, the authors of *STANCU Em. and MANEA T. in the work "Forensic Tactics (I)". Ed. Universul Juridic. Bucharest, 2017*, argues that the opportunity of expertise is related to the time of its ordering, especially in the idea that a premature ordering, as well as its delay, can have negative consequences on solving the case. In the first hypothesis, the objects or materials sent to the expert may suffer changes, degradation, etc. And in the second hypothesis, the data or traces are insufficient for conducting the research¹⁹.

Within the perimeter of the analyzed doctrine, we also research the scientific material "*Trafficking in human beings. Offender, victim, crime*". *The Magistrates Association Iasi, 2005*, signed by the authors *MATEUȚ Gh., PETRESCU V. E., ȘTEFĂROI N.* and others. Initially, the authors concerned outline that in the investigation of cases involving human trafficking offenses, all the basic rules of criminal proceedings apply, with some limitations strictly provided by law, but which are essentially derogations that do not affect the fundamental right or the basic rules of the criminal trial²⁰. Researchers point out that the reason for imposing certain special provisions is based on the nature of the offenses in question, which have become cross-border in nature²¹.

Equally important are other scientific materials published abroad which, although indirectly, still address some aspects and particularities in the field of criminal prosecution in cases of trafficking in human beings. We find that the following scientific materials presented an indisputable significance for the elaborated paper: 1) The paper "*Human Trafficking and Police Investigation*". In: *WINTERDYC J, PERRIN B, REICHEL Ph. Human Trafficking. Exploring the International Nature. Concerns and Complexities. Ed. CRC Press. Taylor&Francis Group. Boca Raton. Florida, 2012*, coordinated by the author *A. HERZ*. This supports the idea that trafficking in human beings is cross-border in nature, which requires that evidence be obtained from the territorial jurisdiction of several states, using special criminal investigation techniques, international cooperation and mutual legal assistance²²; 2) The authors of *TERRITO L. and GLOVER N.* also fall within the scope of our scientific research with the work "*Criminal Investigation of Sex Trafficking in America*". *Ed. CRC Press. Taylor&Francis Group. Boca Raton, Florida, 2014*. Referring to the tactical peculiarities of hearing human traffickers, it is

¹⁹ STANCU, Em., MANEA, T. *Forensic Tactics (I)*. Bucharest: Universul Juridic, 2017. ISBN 978-606-39-0115-7, p. 114.

²⁰ MATEUȚ, Gh., PETRESCU, V. E., ȘTEFĂROI, N. and others. *Trafficking in human beings. Offender, victim, crime*. Iasi: The Magistrates Association, 2005. ISBN 973-0-03890-2, p. 119.

²¹ Ibidem, p. 119.

²² HERZ, A. *Human Trafficking and Police Investigation*. In: *Human Trafficking: Exploring the International Nature. Concerns and Complexities*. Boca Raton. Florida: CRC Press, 2012. ISBN 978-1-4398-2036-0, p. 134.

important to say that at their hearing, investigators seek to achieve the following objectives: obtaining useful evidence for the process of investigating human trafficking; removing innocent people from the circle of suspects; identification and arrest of other human traffickers involved in the case under investigation²³; 3) *ORSINI B. W.*'s paper entitled “*Law enforcement considerations for human trafficking. In: BURKE M. C. Human Trafficking Interdisciplinary Perspectives. Ed. Routledge, Taylor&Francis group, New York; 2013*” is, in fact, dedicated to the peculiarities of reactive investigation of human trafficking²⁴.

In order to clarify various controversial issues related to criminal prosecution in cases of trafficking in human beings, we also researched works from the doctrinal heritage in this area in the Russian Federation. This research segment was successfully revealed in the doctoral thesis “*Methods for investigating trafficking in human beings. Dissertation for the degree of PhD in Jurisprudence*”. *Chelyabinsk, 2011*, whose author is *FAHRUTDINOV R. Z.* Analyzing the methodology of the investigation of human trafficking offenses, the author claims that one of its components is necessarily related to establishing the circumstances to be proven, as well as the signs that characterize the crime component²⁵.

Another important scientific contribution to the topic is the work “*Methods for investigating trafficking in human beings. Dissertation for the degree of PhD in Jurisprudence*”. *M., 2008* by the researcher *SMIRNOV G. K.* In his view, the manner of committing the crime is a system of actions (inactions) of the perpetrator aimed at achieving the criminal outcome. The author considers the actions, although *interconnected*, but different in essence, carried out both in the phase of preparation and commission of the crime, and in the post-criminal stages²⁶. We agree with the author's opinion in the sense that, in cases of trafficking in human beings, one of the circumstances that determines the qualification of the deed, also included in the object of evidence, is the influence of the perpetrator on the victim²⁷.

A special interest for the aspects of the research topic is also presented by the doctoral thesis “*Use of special knowledge in the investigation of crimes related to human trafficking and the use of slave labor*”. *Nizhny Novgorod, 2011*, by *POLJAKOVA M. A.* Emphasizing the need to use special knowledge in order to establish new facts, important for the investigation and judicial examination of cases of trafficking in human beings, *POLJAKOVA M. A.* argues that the

²³ TERRITO, L., GLOVER, N. *Criminal Investigation of Sex Trafficking in America*. Boca Raton, Florida: CRC Press, 2014. ISBN 9781466554221, p. 251.

²⁴ ORSINI, B. W. Law enforcement considerations for human trafficking. In: BURKE, M. C. *Human Trafficking Interdisciplinary Perspectives*. New-York: Routledge Publisher, 2013. ISBN 9781315679990, p. 198.

²⁵ FAHRUTDINOV, R. Z. *Methods for investigating trafficking in human beings: Dissertation for the degree of PhD in Jurisprudence*. Chelyabinsk, 2011, p. 14.

²⁶ SMIRNOV, G. K. *Methods for investigating trafficking in human beings: Dissertation for the degree of PhD in Jurisprudence*. M., 2008, p. 58.

²⁷ Ibidem, p. 68-69.

purpose of forensic examinations in the investigation of criminal cases in the relevant category is to establish the circumstances proving the connection of the draft documents raised with the accused, the connection of photo or video recordings with the exploited victim, and biological traces of human origin in the shelter or the exploitation of the victim with its person, etc.²⁸

We do not go beyond the doctoral thesis “*Issues of the initial stage of investigation of human trafficking, the use of slave labor and related crimes. Dissertation for the degree of PhD in Jurisprudence*”. Nizhny Novgorod, 2010, by researcher KOLESOV A. I. From this paper we retain the following opinion: “in the practice of investigating the targeted crimes, the notifications regarding human trafficking can be addressed by non-governmental organizations, by the public ones to which the recruited or abducted victim addressed. The assistance of the collaborators of the specified organizations, in the respective situation, can be used in order to establish trusting relations between the victim and the representatives of the law enforcement bodies”²⁹.

In the conclusions of this chapter, it was shown, among other things, that in the investigation of crimes of trafficking in human beings a certain tactical and methodological experience was accumulated, but it has an episodic character, as several aspects related to the notification of criminal prosecution bodies, the initiation of prosecution, the specific nature of the evidence and the evidentiary procedures on this category of criminal cases remain unexplained, thus necessitating a generalization, an analysis and a complex evaluation of the criminal investigation framework in this field, which is relevant for the elaboration of scientific theses, methodological and practical recommendations, including an algorithm of criminal prosecution, but also proposals *de lege ferenda* meant to strengthen the procedural framework regarding the activity of law enforcement bodies involved in the fight against trafficking in human beings.

In the second chapter (“**CHARACTERISTICS OF THE OBJECT OF THE EVIDENCE IN CASES OF TRAFFICKING IN HUMAN BEINGS**”) in the first paragraph - *Evidence and evidentiary items in cases of trafficking in human beings*, - we highlight the concept of “*evidentiary item*” and “*evidence*”, their specific features in relation to trafficking in human beings are discussed, and certain features of the evidence specific to criminal prosecution in cases of trafficking in human beings are reviewed.

In expounding on the investigation of crimes of trafficking in human beings, we argue that one of its components is necessarily related to establishing the circumstances to be proven, as

²⁸ POLJAKOVA, M. A. *Use of special knowledge in the investigation of crimes related to human trafficking and the use of slave labor*: Dissertation for the degree of PhD in Jurisprudence. Nizhny Novgorod, 2011, p. 145-146.

²⁹ KOLESOV, A. I. *Issues of the initial stage of investigation of human trafficking, the use of slave labor and related crimes*: Dissertation for the degree of PhD in Jurisprudence. Nizhny Novgorod, 2010, p. 85.

well as the signs that characterize the crime component³⁰. The criminal side of the case must prove, first of all, the deeds and factual circumstances that confirm the guilt of the suspects. In order for the accusation to be confirmed, it is necessary to establish the form of guilt. If the subjective side of the crime has as its element a certain purpose or motive, and these circumstances must also be proven³¹. Thus, the facts or circumstances may concern the constitutive elements of the crime, particularities with which a suspect can be identified, accused, but also collateral aspects regarding his personality or which can strengthen the conviction that a certain person committed the deed provided by criminal law³².

Referring to the crimes of trafficking in human beings, we mention that the process of “knowing” the criminal deeds includes: 1) the deed of the past, which cannot be perceived directly by the criminal investigation body and the court; 2) the traces of the crime, directly investigated by the subjects referred to above³³.

In the text of the second paragraph - *Circumstances referring to the merits of the case* - we focused our attention on the object of evidence in criminal proceedings as required by art. 96 of the CPC of RM. Analyzing the literature and judicial practice in the field, we have identified and described the most important circumstances to be demonstrated in the case of the investigation of crimes of trafficking in human beings. Thus, the deeds or circumstances contained in the object of the evidence are particularly varied, they being of informative relevance only in direct relation to the issues raised by the resolution of a certain criminal case³⁴. Researcher *I. B. MIHAILOVSCAIA* claims that the object of the evidence is formulated, in general, in the law, and will be applied to all crimes. At the same time, the author claims that in order to materialize these circumstances, which are to be established in certain criminal cases, it is necessary to refer to the norm of criminal law. Namely, the author formulates the obligatory legal signs of the deed, exercising functions of orientation, of guide in order to determine the evidentiary object within a specific criminal case³⁵. Respectively, the cumulation of circumstances to be established in the

³⁰ FAHRUTDINOV, R. Z., *cited paper*, p. 14.

³¹ THEODORU, Gr. *Treatise of Criminal Procedure Law*. Bucharest: Hamangiu, 2013. 879 p. ISBN 978-606-522-441-4, p. 286-287.

³² *Criminal Procedure Code. Comment on articles*. Coord.: M. UDROIU. Bucharest: C. H. BECK Publishing House, 2015. ISBN 978-606-18-0409-2, p. 290.

³³ FAHRUTDINOV, R. Z., *cited paper*, p. 18.

³⁴ NEAGU, I., DAMASCHIN, M. *Treatise of criminal procedure. The general part. In the light of the New Code of Criminal Procedure*. Bucharest: Universul Juridic Publishing House, 2014. Vol. I. 743 p. ISBN 978-606-673-376-2, p. 418.

³⁵ *Criminal Procedure Law of the Russian Federation: Textbook*. Resp. ed. I. L. PETRUKHIN, I. B. MIKHAILOVSKAYA. Moscow: Prospect, 2011. ISBN 978-5-392-01607-5, p. 150.

criminal case is the object of the evidence. By circumstances are meant the phenomena of the material world, that is, the deeds and the factual circumstances³⁶.

The third paragraph is dedicated to the *Discovery of the causes and conditions that contributed to committing the crimes of trafficking in human beings*. Addressing the issue of causes and conditions of human trafficking emergence, some scientists classify them according to their nature, “delimiting them into objective and subjective. Analyzing the problem of causes and conditions of trafficking in human beings, they, in the opinion of some researchers, can be divided into two types, according to their characteristics: a) internal causes and conditions, the generator of which the processes and phenomena that take place in the victim's country of residence serve; b) external causes and conditions, the generator of which favorable factors from outside the victim's country of residence serve”³⁷.

In the opinion of the authors *I. CIOBANU and IU. GROZA*, “the causes and conditions that generated and/or favored trafficking in human beings are multiple: high unemployment rate among women, poverty, misrepresentations about the nature of work abroad and about the sex industry, relatively short distance to the destination country, etc. Family, family model and educational factors are also defined as the cause of trafficking³⁸. In these circumstances, para. 2 of art. 96 of the Criminal Procedure Code of the Republic of Moldova establishes the need to discover in the criminal case the causes and conditions that contributed to the commission of the crime³⁹.

In paragraph 2.4. (*Conclusions to Chapter 2*) we make of that the evidence in criminal cases of trafficking in human beings is the law regulated activity of criminal prosecution bodies, with the participation of other subjects of the criminal trial (investigating officers, specialists, etc.), in order to accumulate, verify and assess the evidence regarding the crime committed and the guilt of the persons involved, as well to clarify other circumstances necessary for the correct settlement of the case, so that any person who committed a crime is punished according to his guilt and no innocent person is held criminally liable and convicted.

³⁶ DOLEA, I., ROMAN, D., SEDLEȚCHI, Iu., and others. *Criminal Procedure Law*. Chisinau: Cartier Juridic, 2005. ISBN 9975-79-343-6, p 267.

³⁷ ODAGIU, Iu., BULAI, Iu., LUCHIN, L. Causes and conditions of human trafficking emergence in the Republic of Moldova. In: *Prevention and combating of transnational crimes: theoretical and practical issues (trafficking in human beings, terrorism, money laundering, illicit drug and arms trafficking)*: Materials of the International Scientific and Practical Conference. Chisinau, Oct. 6-7, 2005. Chisinau, 2005, pp. 260-268. ISBN 9975-935-89-3, p. 260-261.

³⁸ CIOBANU, I., GROZA, Iu. Some criminological aspects of human trafficking. In: *Scientific Annals of the State University of Moldova. Jubilee Edition. Series “Social and Human Sciences”*. Chisinau, 2006, Vol. 1, pp. 391-395. ISSN 1811-2668, p. 393-394.

³⁹ DOLEA, I., and others. *Criminal Procedure Code. Comment*. Chisinau: Cartier Juridic Publishing House, 2005. ISBN 9975-79-373-8, p. 182-183.

For cases of trafficking in human beings, it is specific to direct the criminal prosecution in order to establish and prove the manner of committing the crime, corroborating the factual ways of operating the perpetrators with the normative ways, prescribed in criminal law, identifying the means used by participants in trafficking. The full discovery of crimes of trafficking in human beings requires a detailed and thorough clarification of the circumstances that characterize the objective and subjective signs of the component elements of the crime.

The third chapter (**“NOTIFICATION OF CRIMINAL PROSECUTION BODIES AND INITIATION OF CRIMINAL PROSECUTION IN CASES OF TRAFFICKING IN HUMAN BEINGS”**) highlights five paragraphs: 1) *Notification of criminal investigation bodies regarding cases of trafficking in human beings*; 2) *Initiation of criminal prosecution in cases of trafficking in human beings*; 3) *The interaction of the criminal investigation body with the operative and investigative structures (subdivisions) in the process of criminal investigation in cases of trafficking in human beings*; 4) *International cooperation in the process of criminal prosecution in cases of trafficking in human beings*; 5) *Conclusions to Chapter 3*. Depending on the content of the paragraphs stated above, we focused our attention on the following moments, which we will present below.

The complaint, the denunciation, the notification of the ascertaining body and the ex officio notification do not constitute means of proof. This feature concerns exclusively the notification, understood as a way of investing the law enforcement body with respect to a deed under criminal law, not the personal findings of the criminal prosecution body, contained in a complex act that also fulfills the function of notification and the finding⁴⁰. Thus, regarding the initiation of the criminal prosecution, it is necessary to notify the criminal investigation bodies through one of the notification methods provided by law⁴¹. “The modalities of the notification have a limiting character, but they can be presented in different forms, and the legal nature of a notification is determined according to substantial, not formal criteria”⁴². As a basis for initiating criminal proceedings in cases of trafficking in human beings will serve the presence of sufficient data that there are signs of crime which, in each specific case, must be analyzed considering the entire information accumulated in the process of verification of such materials⁴³. The discovery and recording of the signs of trafficking in human beings is carried out by undertaking verification actions not only on the basis of the complaints received, but also within the

⁴⁰ *Criminal Procedure Code. Comment on articles, cited paper*, p. 833.

⁴¹ BERCHEȘAN, V. *Criminal investigation: Forensic science - theory and practice: a complete guide to criminal investigation*. Bucharest: Icar, 2002. ISBN 978-973-606-012-0, p. 50; PINTEA, A. and others. *Criminal investigation: Theoretical and practical aspects. Models of process and procedural acts*. Bucharest: Universul Juridic Publishing House. ISBN 978-606-39-0038-9, p. 114.

⁴² *Criminal Procedure Code. Comment on articles, cited paper*, p. 832.

⁴³ FAHRUTDINOV, R. Z., *cited paper*, p. 30.

framework of the special measures of investigations initiated. They are carried out in order to obtain the necessary information, as well as to verify information previously obtained from certain confidential sources⁴⁴.

In the practice of investigating the targeted crimes, the notifications regarding the human trafficking can be addressed also by the non-governmental organizations, by the public ones to which the recruited or abducted victim addressed⁴⁵. Researcher A. I. COLESOV argues that, “in this case, the most difficult circumstance is the possibility of identifying persons who are ready to file formal complaints against certain subjects of criminal activity”⁴⁶. However, in order to start the criminal investigation, “no data are required regarding the knowledge of all the elements of the crime, being sufficient the information that characterizes two elements of the crime (the object of the crime and the objective side of the crime). Thus, the criminal investigation begins *in rem* (regarding the committed deed), not being necessary to know the person of the perpetrator. Only when the perpetrator and his identity are known with precision, together with the deed, the criminal investigation begins *in personam*, that is, regarding a specific person”⁴⁷.

According to researchers I. DOLEA and M. VIDAICU, “the identification of the method of investigating cases of trafficking in human beings is directly dependent on the risks to which victims of crime are subjected. In this respect, a strict obligation of the criminal prosecution bodies is to assess those risks that may endanger the security and physical well-being of the victims, of the persons close to them, of other persons who provide assistance to the victims”⁴⁸. As a basis for initiating criminal proceedings in cases of trafficking in human beings, the presence of sufficient data will immediately appear, indicating the signs of the crime”⁴⁹. The transnational nature of trafficking in human beings means that “countries of transit and destination must work together to counteract and prevent trafficking, protect victims, prosecute traffickers and eradicate subsidiaries that maintain this phenomenon”⁵⁰.

An important role in the proper, qualitative and high level of professionalism of the criminal investigation of human traffickers also has the special investigation activity, carried out by certain state structures, specially empowered in this regard. The activity concerned is focused on all acts performed by authorized subjects, with the participation or in collaboration with other

⁴⁴ *Ibidem*, p. 82.

⁴⁵ KOLESOV, A. I., *cited paper*, p. 85.

⁴⁶ *Ibidem*, p. 87-88.

⁴⁷ DOLEA, I., ROMAN, D., SEDLEȚCHI, Iu., and others. *Criminal Procedure Law*, *cited paper*, p. 538.

⁴⁸ VIDAICU, M., DOLEA, I., *cited paper*, p. 96.

⁴⁹ *Criminal proceedings*: Textbook. Ed. by V. P. BOZHEV. Moscow: Vysshee obrazovanie, 2008. ISBN 978-5-9692-0318-1, p. 152; *Criminal Procedure Law of the Russian Federation*: Textbook. Resp. ed. I. L. PETRUKHIN, I. B. MIKHAILOVSKAYA, *cited paper*, p. 685.

⁵⁰ McKEON, C. Interpol in the fight against trafficking in human beings. In: *Issues of preventing and combating juvenile delinquency, trafficking in human beings and illegal migration*: Materials of the International Scientific and Practical Conference, April 23-24, 2004. Chisinau, 2004. ISBN 9975-935-55-9, p. 33.

authorities and/or persons, in the forms and according to the procedure established by law, in order to gather information necessary to prevent and combat crime, ensure state security, public order, protection of the rights and legitimate interests of persons, discovery and investigation of crimes⁵¹. The well-organized interaction between the criminal investigation bodies and the special structures (subdivisions) of investigations in the criminal prosecution process in cases of trafficking in human beings creates premises for the rapid and efficient identification of victims of these crimes and perpetrators.

The danger of the crime of trafficking in human beings “also consists in the close links of this type of crime with transnational organized crime. It is certain that criminal networks do not act in isolation. They have established links to other forms of organized crime. At the structural level, these links can be constant or one-time-only, depending on the interest and profitability of the participants”⁵². In the contemporary era, the community normative construction in the field of human trafficking began. It was a timid start, without urgency, but today this normative construction is proving more and more its practical importance for maintaining a climate of security, safety and public order⁵³. At present, the most important legal instrument in the field of combating trafficking in human beings at European Union level is Directive 2011/36/EU of the European Parliament and of the Council of the European Union of 5 April 2011 on preventing and combating trafficking in human beings⁵⁴. Currently, in the Republic of Moldova, in order to obtain operative information in the process of conducting criminal prosecutions, special investigative actions or other measures to locate and arrest wanted persons, CCTP officers make extensive use of authorized international tools and channels: Interpol, SELEC/GUAM, etc.⁵⁵.

The conclusions formulated (*paragraph 3.5.*) at this chapter attest to the fact that, for the most part, the criminal investigation in cases of trafficking in human beings is initiated on the basis of notifications addressed to the criminal investigation body by the victims of the crime or the injured party. At the same time, we consider that the most effective scheme for detecting crimes of trafficking in human beings is, however, the prosecution of perpetrators based on

⁵¹ COVALCIUC, I. *Special investigative measures authorized by the prosecutor in the criminal process*: First person narrative summary of the doctoral thesis in law. Chisinau, 2018, p. 11.

⁵² CIOBANU, I., GROZA, Iu. Some criminological aspects of human trafficking, *cited paper*, p. 392.

⁵³ ANTON, D. Criminalization and sanctioning of trafficking in human beings at EU level. In: *Forensics in the service of justice: findings, trends and achievements*: Materials of the International Symposium of Forensics, Sept. 19-20, 2008. Chisinau: ULIM. ISBN 978-9975-934-62-6, p. 123.

⁵⁴ Directive 2011/36/EU of the European Parliament and of the Council of 05.04.2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. In: *Official Journal of the European Union* [online]. 2011, nr L 101/1 [accessed 12.12.2019]. Available at: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32011L0036&from=EN>.

⁵⁵ *Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. Third evaluation round. Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings*. GRETA(2018)26 [online] [accessed 12.02.2020]. Available at: <https://rm.coe.int/greta-2018-26-en/16808f0990>.

information provided by investigative officers and collaborators of criminal prosecution bodies. The criminal prosecution and discovery of the crime of trafficking in human beings is carried out both by documenting the criminal activity of the perpetrators and their accomplices through special investigative measures, and by criminal prosecution actions, in order to ensure criminal evidence, imposing an effective interaction with investigative and operative subdivisions, border police, customs service, public services, other state bodies and specialized non-governmental organizations and, of course, an appropriate international cooperation in criminal matters.

The fourth Chapter (“**THE SPECIFICITY OF PROBATIVE PROCEDURES IN CRIMINAL CASES OF TRAFFICKING IN HUMAN BEINGS**”) is structured in seven paragraphs, which reflect the specific features of carrying out various criminal prosecution actions in criminal cases of trafficking in human beings, such as: on-site investigation, search and seizure, hearing of the victim (injured party), hearing of witnesses, hearing of suspects, accused in committing these deeds, physical examination, lineup, confrontation, verification of statements at the scene, experiment, etc.

In the opinion of *GH. NISTORESCU*, “the investigation of the crime scene in the case of human trafficking offenses may take place on the occasion of the flagrant crime, an activity usually placed at the beginning of the investigation or at a time of the criminal investigation. The main activity performed by the criminal prosecution bodies, during such a crime, consists in investigating the crime scene”⁵⁶. In some cases, on-the-spot investigation, in order to clarify certain circumstances concerning the commission of the offense, may involve the *seizure of objects or documents* from institutions or natural persons or the conduct of searches⁵⁷.

The statements of the injured party are also a means of defending their legitimate interests, more precisely of indicating the evidence that proves the related circumstances and that serve their interests in the criminal process⁵⁸. At the hearing of the injured parties, the primary attention is paid to the accumulation of information on the circumstances and participants of the criminal act (place, time, mode, etc.)⁵⁹. However, the subject-matter of the statements made by the victim of trafficking in human beings includes data relating to that criminal act and to other circumstances relevant to that case. We also note that the evidence with witnesses is one of the most effective means and levers for establishing the circumstances of the case and identifying the perpetrators, especially in cases of trafficking in human beings, of which any deviations,

⁵⁶ NISTORESCU, C. Forensic investigation of the crime scene in cases of human trafficking offenses. In: *Law and Life*. 2010, no. 4, ISSN 1810-309X, p. 43.

⁵⁷ NEAGU I., DAMASCHIN M., *cited paper*, p. 541.

⁵⁸ MATEUȚ, Gh. *Treatise of criminal procedure. The general part*. Vol. II. Bucharest: C. H. BECK Publishing House, 2012. ISBN 978-973-115-252-3, p. 134.

⁵⁹ *Investigative actions. Forensic guidelines. Typical samples of documents*. Ed. by V. OBRAZTSOV. Moscow: Yurist, 2001. ISBN 5-7975-0115-5, p. 66.

however small, are inadmissible in the matter of criminal procedural regulations in relation to this evidentiary procedure.

By hearing the human traffickers, the criminal investigation officers “pursue the achievement of the following objectives: obtaining useful evidence for the process of investigating human trafficking; removing innocent people from the circle of suspects; identification and arrest of other human traffickers involved in the case under investigation; prosecuting human traffickers”⁶⁰. We have also found that victims of trafficking in human beings are to be subjected to compulsory physical examination. This can take place after they have filed the complaint, or after they have been discovered as a result of raids, special operations to detain traders with “live goods”, of the people who shelter them or exploit victims through slave labor.

In cases of trafficking in human beings, the lineup requires not only a detailed, thorough preliminary hearing of the person to be recognized, but also performing an experiment to check the ability of the concerned person to perceive by hearing and delimit the voices of different people within direct auditory contact by the phone or based on audio recording materials⁶¹.

Particular attention is paid to paragraph 4.6. (*Application of special knowledge in the process of prosecuting cases of trafficking in human beings*) specific features of the use of special knowledge in relation to the investigation of crimes of trafficking in human beings. It describes the opportunity and the need to train specialists, experts in carrying out criminal prosecution actions on this category of cases. Also highlighted are those priorities and possibilities that special knowledge offers us in the process of researching and discovering the deeds of trafficking in human beings, there are described the situations when certain things lacking clarity can be solved by reports and on the contrary, when clarifying certain situations and moments it is mandatory to order and perform forensic examinations.

The analysis of the judicial practice on human trafficking cases indicates that the lack of special knowledge or their inadequate application in the investigation process may result in the loss of evidence, the impossibility of identifying the persons involved in the crimes committed⁶². However, “in the system of measures to combat this phenomenon, an important role belongs to the technical and forensic methods and means. They effectively contribute to detecting and collecting the traces of the crime and the perpetrator, allow to obtain useful information to search for criminals and prove their guilt, while ensuring a high level of documentation of facts and evidence”⁶³. It is beyond any doubt that the objective and full establishment of specific and

⁶⁰ TERRITO L., GLOVER N., *cited paper*, p. 251.

⁶¹ FAHRUTDINOV, R. 3., *cited paper*, p. 163-164; KOLESOV, A. I., *cited paper*, p. 202-203.

⁶² POLJAKOVA, M. A., *cited paper*, p. 138.

⁶³ GOLUBENCO, Gh., COLODROVSKI, V. *Technical and forensic assistance of crime detection: Scientific and practical study*. Chisinau, 2010. ISBN 978-9975-78-856-4, p. 5.

complex circumstances of criminal cases requires from those engaged in criminal prosecution, among other qualities, deep specialized knowledge⁶⁴. Finally, in the conclusions in this chapter we find that the observance of these requirements is likely to influence the results of the expert examinations and to contribute to the consolidation of the evidence and the establishment of the truth in the process of criminal prosecution in cases of trafficking in human beings.

In the conclusions formulated in this chapter (*paragraph 4.7.*) we highlighted the specific features of the evidentiary proceedings in criminal cases of trafficking in human beings, namely - on-site investigation, searches and seizures, hearing of the victim (injured party), hearing of witnesses, hearing of the suspect, the accused, the physical examination, the lineup, the confrontation, the reconstitution, the verification of the statements at the crime scene, the experiment, the forensic finding and the expert examination - is decisive the mode of operation of the perpetrators, ie committing the crime of trafficking. The evidentiary procedures in question must be applied in accordance with the forensic tactics and methodology and the algorithm developed, in order to identify the traces in question and record them as evidence. These evidentiary procedures aim at: 1) clarifying the issues, both at the initial and at the subsequent phase of the criminal investigation; 2) clarifying the role of each participant (author, organizer, instigator, accomplice) in committing trafficking in human beings; 3) removing the contradictions in order to ensure a systemic evidence on proving the guilt of the accused in committing the crime of trafficking and sending the case to court.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The scientific research of the particularities of criminal prosecution in cases of trafficking in human beings has led to the formulation of the following *general conclusions*:

1. The topicality and timeliness of this investigation is determined by the lack of an approved methodology for prosecuting and investigating crimes of trafficking in human beings, as well as by the insufficient scientific support on this segment of the activity of law enforcement bodies. The need to improve the detection and investigation of this type of crime fully justifies the research of the criminal procedure framework and the practice of criminal prosecution in cases of trafficking in human beings, the argument being the opportunity to develop and implement appropriate scientific support in this area, as well as and theses, visions and recommendations on the correct and uniform application of procedural rules and, last but not least, the design of an algorithm of criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, intended to serve to carry

⁶⁴ DORAȘ, S. *Forensics*. Chisinau: Cartea Juridică, 2011. ISBN 978-9975-53-015-6, p. 466.

out the criminal prosecution “step by step” in order to collect evidence and send those guilty to trial (*See: Chapter I, Subchapters 1.1 -1.3*).

2. The analysis and evaluation of doctrinal sources on trafficking in human beings highlights several issues that could affect the process of detecting the crimes in question, which relate to the following: • trafficking in human beings is extremely complex, involving a wide circle of criminals - organizers, perpetrators, instigators and others - and is related to other criminal acts; • the actions of the law enforcement bodies usually occur post-factum, after a certain time, when some of the traces of the crime are destroyed, and the victims, in such situations, often avoid cooperating with the criminal investigation bodies, sometimes withdraw their complaint and the proof of the perpetrators' guilt becomes difficult; • often the actions of the law enforcement bodies target a certain perpetrator or episode of the crime, avoiding the special investigative measures and international cooperation in criminal matters on the discovery of all participants in the crime, as trafficking in human beings is a form of organized crime of a transnational nature; • interferences, obstacles and opposition to criminal prosecution, which impedes criminal prosecution and requires efforts to counteract these actions; • criminal prosecution in criminal cases of trafficking in human beings arouses the combined effort of several competent entities with competences in the field, as the practice of detecting crimes indicates an insufficient interaction of them (*See: Chapter I, Subchapters 1.1 -1.3*).

3. Evidence, in cases of trafficking in human beings, is the activity of criminal prosecution bodies, with the participation of other subjects of the criminal trial (investigating officers, specialists, etc.), in order to accumulate, verify and assess the evidence of the crime committed and the guilt of persons involved, as well as the clarification of the circumstances necessary for the correct settlement of the case, so that any person who has committed a crime is punished according to his guilt and no innocent person is held criminally liable and convicted (*See: Chapter II, Subchapters 2.1 -2.2*).

4. The specificity of the criminal investigation in the case of trafficking in human beings is determined by the material element of the crime in question, externalized by the wrongful conduct of the perpetrators - recruiting, transporting, transferring, housing or receiving victims of trafficking for criminal purposes - printed in the spectrum, the tactics and methodology of criminal prosecution actions, special investigative measures to provide evidence. In cases of trafficking in human beings, it is specific to direct the criminal investigation in order to establish and prove the manner of committing the crime, to corroborate the factual ways of operating the perpetrators with the normative ways, prescribed in criminal law, to identify the means used by participants in trafficking (*See: Chapter II, Subchapters 2.1 -2.4*).

5. The criminal prosecution in cases of trafficking in human beings is initiated, in large part, based on the notifications addressed to the criminal investigation body by the victims of the crime or by the injured party (art. 262, para. (1), point 1), art. 263 CPC of RM). At the same time, the practice of criminal prosecution in trafficking cases indicates that the scheme for detecting this type of crime is more efficient based on the information notified by the investigating officers and the collaborators of the criminal prosecution bodies (art. 262, para. (1), point 4) and para. (3) CPC of RM). In other cases, notifications regarding trafficking in human beings are addressed to the criminal investigation body by other entities - by non-governmental organizations to which the victim addressed, by persons to whom such deeds have become known (denunciation - art. 262, para. (1), point 2), art. 263, para. (2) CPC of RM), less often can happen the self-denunciation of any of the participants in the crime of trafficking in human beings (self-denunciation - art. 262, para. (1), point 3), art. 264 CPC of RM), as well as by the body of finding (report on the finding of the crime - art. 262, para. (1), point 3¹) CPC of RM). Preliminary actions, including verification, clarification and completion of initial information, as well as documentation of criminal acts and criminal prosecution to ensure criminal evidence, their succession, depending on the act of notification, is carried out in stages according to an algorithm developed and promoted in our research (*See: Chapter III, Subchapter 3.1, Annex 8*).

6. The beginning of the criminal prosecution in the cases regarding the trafficking in human beings presupposes the possession by the criminal investigation body of sufficient information attesting a reasonable suspicion, within the meaning of the provisions of art. 4³ CPC RM; the criminal prosecution may begin *in rem*, subsequently, after the identification of the perpetrator, it takes place *in personam*. The criminal investigation itself and the discovery of the crime of trafficking in human beings, in our view, are to be carried out, both by special investigative measures and by criminal prosecution actions in order to ensure criminal evidence, these being carried out in stages according to the algorithm developed in research (*See: Chapter III, Subchapter 3.2, Annex 8*).

7. The criminal prosecution and the discovery of the crime of trafficking in human beings requires an effective interaction with the investigative and operative subdivisions, with the border police, with the customs service, with the public services, with other state bodies and non-governmental organizations specialized in the field. The transnational nature of the crime of trafficking in human beings gives rise, where appropriate, to measures of international police cooperation (including through Interpol, Europol) - exchange of information, mutual information, cross-border surveillance, special investigative techniques or international cooperation in criminal matters (Law no. 371 of 01.12.2006 on international legal assistance in criminal matters) - joint investigation teams, letters rogatory, communication of evidence, files

and documents, hearing witnesses including by videoconference, transfer of criminal proceedings, prosecution and seizure of the proceeds of crime, extradition and other actions incidental to international conventions, in accordance with international acts to which the Republic of Moldova is a party (*See: Chapter III, Subchapters 3.3-3.4, Annex 8*).

8. For the specifics of the evidentiary proceedings in criminal cases of trafficking in human beings, namely - on-site investigation, searches and seizures, hearing of the victim (injured party), hearing of witnesses, hearing of the suspect, accused, physical examination, lineup, confrontation, reconstitution, verification of statements at the crime scene, experiment, forensic finding and expert examination - is decisive the mode of operation of the perpetrators, ie committing the crime of trafficking - recruitment, transportation, transfer, shelter or reception of victims of trafficking for the purposes provided by criminal law, but also the means stipulated in the traffic criminalization norm - the application of violence or the threat of application of violence; kidnapping; theft, concealment, degradation or destruction of documents; keeping in servitude, for the purpose of returning a debt; threatening to disclose confidential information to the victim's family or other natural or legal persons; deception; abuse of position of vulnerability or abuse of power, giving or receiving payments or benefits in order to obtain the consent of a person who has control over another person. However, the mode of operation of the perpetrators, the means used, produce criminal traces specific to trafficking in human beings, and the evidentiary procedures in question must be applied, in our view, in accordance with the forensic tactics and methodology and the algorithm developed in our research to identify the traces in question and record them as evidence. These evidentiary procedures aim at: 1) clarifying the issues, both at the initial and at the subsequent phase of the criminal investigation; 2) clarifying the role of each participant (author, organizer, instigator, accomplice) in committing trafficking in human beings; 3) the removal of contradictions in order to ensure a systemic evidence on proving the guilt of those accused of committing the crime of trafficking and sending the case to court (*See: Chapter IV, Subchapters 4.1-4.7, Annex 8*).

9. The effectiveness of forensic findings and expertise in cases of trafficking in human beings depends on the timeliness of their ordering, the way in which the criminal investigation bodies use the help of experts and specialists, the content and the range of questions asked for resolution. Compliance with these requirements is likely to influence the results of the expert reports and to help strengthen the evidence and establish the truth in the criminal prosecution process in cases of trafficking in human beings (*See: Chapter IV, Subchapter 4.6*).

At the same time, based on the research carried out, we consider opportune, from the perspective of improving the procedural framework, the following *recommendations de lege ferenda*:

1. Completion of the provisions of para. 1, art. 215 of the Criminal Procedure Code of the Republic of Moldova with the phrase: “*and members of NGOs that provide assistance to victims of trafficking in human beings*”;

2. Completion of the provisions of para. 4, art. 58 of the Criminal Procedure Code of the Republic of Moldova with point 2¹ with the following content: “*to be assisted, in accordance with the law, by a member of NGOs providing social assistance services*”;

3. Introduction of a new article in the Criminal Procedure Code of the Republic of Moldova, 130¹ **Search of a means of transport** in the following wording:

“(1) *The search of a means of transport consists in examining it and/or its components.*

(2) *The search of a means of transport without the authorization of the investigating judge is possible: a) at the detention of the perpetrator (suspected, accused, defendant); b) if there are grounds to assume that in the means of transport can be found documents or objects that might be important for the criminal case. Subsequently, the investigating judge will verify the legality of the search of the means of transport.*

(3) *In case of necessity, a specialist may be involved in the search of the means of transport*”.

4. Completion of art. 263 of the Criminal Procedure Code of the Republic of Moldova with a new paragraph - 6¹ in the following wording: “*If the complaint is filed by a foreign person or a stateless person living on the territory of the Republic of Moldova, thus notifying criminal acts on the territory of a state, which has concluded treaties, international legal assistance agreements in criminal matters with the Republic of Moldova, the criminal prosecution body is obliged to receive the complaint, to register it properly and to submit it within reasonable time to the competent body of the country in whose territory the offense was committed*”.

5. At the same time, it is necessary to complete art. 2, para. 1 of the Law on the protection of witnesses and other participants in criminal proceedings, no. 105-XVI of 16.05.2008, with a new point, - g) - with the following content: “*members of NGOs that provide assistance services to victims of crime*”.

We also consider welcome the completion of art. 266 of the Criminal Procedure Code of the Republic of Moldova with para. (2), with the following content: “*In the cases regarding the offenses provided in art. 165, 167, 168, 206, 207, 220 and 362¹ of the Criminal Code, the criminal prosecution is carried out by the criminal prosecution body of the Center for Combating Trafficking in Human Beings*”.

In order to consolidate and improve the methodological framework of criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, we recommend *the algorithm of criminal prosecution in cases of trafficking in human beings*. (See *Annex 8* of the doctoral thesis).

The advantages of the formulated recommendations are expressed by: a) outlining the theoretical and normative issues existing in the process of investigating the cases of trafficking in human beings, likely to affect the activity of discovering the crimes of trafficking in human beings and the elaboration and implementation of an appropriate scientific support in the field, accompanied by relevant theses, visions and recommendations, which will undoubtedly have a positive impact on the overall set of crime prevention and counteract, and in particular with regard to the procedural and methodological framework of criminal prosecution in this field; b) identifying the specific features of criminal prosecution in cases of trafficking in human beings in unison with the specifics of evidentiary procedures provides a clearer picture of the whole mechanism of the crime of trafficking in human beings, including the mode of operation of perpetrators, organization and roles, means used, criminal traces produced, which will of course facilitate the selection and application of the most optimal methods of documentation, as well as the choice of appropriate forensic tactics and methodology to investigate these cases, thus, proving the guilt of the suspects, accused and sending them to court; c) the usefulness of the *de lege ferenda* texts elaborated from the perspective of amending and supplementing some norms of the Criminal Procedure Code of the Republic of Moldova and from Law no. 105-XVI of 16.05.2008 on the protection of witnesses and other participants in criminal proceedings, in the event of their use by the legislator, thus contributing to the improvement of the procedural framework, including in the matter of criminal prosecution in cases of trafficking in human beings; d) the design of the algorithm of criminal prosecution actions, special investigative measures, other measures and activities and the consequence of their “step by step” development in order to document the criminal activity of suspects, accused and evidence, will contribute to the development of the scientific and methodological framework of instrumentation of cases of trafficking in human beings.

In the context of the above, the *scientific issue of major importance* has been resolved, which consists in outlining the procedural framework of criminal prosecution in cases of trafficking in human beings, design of the algorithm of criminal prosecution actions, special investigative measures, other measures and activities in cases trafficking in human beings, based on legislation, doctrine and jurisprudence, as well as on the basis of forensic tactics and methodology, which may contribute to the efficiency of this process in the general process of prevention and combating of the crimes concerned.

Perspective research plan on the topic of the paper. Given the widespread causality of the phenomenon of trafficking in human beings, the diversity of conditions that favor the phenomenon, the complex and organized nature of the crime in question and the connection with other criminal acts, but also their spread internationally, involving a wide range of offenders - organizers, perpetrators, instigators, other accomplices - the vector of scientific research is natural to be equally extensive, context in which we propose in perspective the following topics: 1) Particularities of the special investigative activities on preventing and combating trafficking in human beings; 2) The phenomenon of trafficking in human beings: causality and determinants, prevention and control measures; 3) The personality of the offender and the victim of trafficking in human beings: criminological approach from the perspective of preventing the phenomenon, recovering the victim and re-socializing the offender; 4) The tactical and methodological framework for investigating the crime of trafficking in human beings.

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ADNOTARE

Structura tezei: introducere, patru capitole, 217 pagini text de bază, concluzii generale și recomandări, bibliografie din 360 titluri, anexe.

Cuvinte-cheie: trafic de ființe umane, victimă, acțiune de urmărire penală, sesizare, proces penal, procedeu probatoriu, bănuț, învinut, măsuri speciale de investigații, cunoștințe speciale, probatoriu.

Domeniul de studiu. Teza de doctorat ține de domeniul dreptului procesual penal.

Scopul lucrării vizează proiectarea cadrului teoretico-normativ, iar, în temeiul acestuia, și a tezelor științifico-practice privind urmărirea penală în cauzele penale de trafic de ființe umane.

Obiectivele lucrării prezumă: analiza lucrărilor științifice privind traficul de ființe umane; tratamentul probelor și probatoriului, circumstanțelor care urmează a fi dovedite în cauzele de trafic de ființe umane; evidențierea particularităților de sesizare a organelor de urmărire penală referitor la cazurile de trafic de ființe umane; relevarea specificului pornirii și desfășurării urmăririi penale în cauzele privind traficul de ființe umane; argumentarea interacțiunii organelor de urmărire penală cu entitățile investigativ-operative în cauzele de trafic de ființe umane; poziționarea cooperării internaționale în materie penală în cauzele de trafic de ființe umane; reliefaarea specificului procedurilor probatorii la efectuarea urmăririi penale în cauzele penale de trafic de ființe umane; elaborarea propunerilor de lege-ferenda privind perfecționarea cadrului procesual, precum și a algoritmului urmăririi penale, în cauzele de trafic de ființe umane.

Noutatea și originalitatea științifică a cercetării derivă din conturarea și tratamentul cadrului procesual penal privind urmărirea penală în cauzele de trafic de ființe umane, însoțite de viziuni doctrinare în materie, susținute cu spețe din practica judiciară pertinentă, de identificarea problemelor teoretico-normative existente în procesul de instrumentare a cauzelor de trafic de ființe umane, în sumar cercetarea sesizând un veritabil suport științifico-practic materializat în algoritmul proiectat pentru aplicarea corectă și eșalonată a normelor de procedură penală aferente.

Rezultatele obținute se concretizează în tezele științifice principale promovate spre susținere și în **problema științifică importantă soluționată** care constă în conturarea cadrului procesual al urmăririi penale în cauzele privind traficul de ființe umane, proiectarea algoritmului acțiunilor de urmărire penală, măsurilor speciale de investigații, altor măsuri și activități în cauzele de trafic de ființe umane, fundamentat pe legislație, doctrină și jurisprudență, precum și în baza tacticii și metodologiei criminalistice, fapt de natură să contribuie la eficientizarea acestui proces în ansamblul general de prevenire și combatere a infracțiunilor vizate.

Semnificația teoretică a cercetării se manifestă prin identificarea și tratamentul cadrului teoretico-normativ privind urmărirea penală în cauzele de trafic de ființe umane, interpretarea normelor procesuale aferente, expunerea viziunilor doctrinare în materie, susținerea tezelor teoretice cu spețe din practica judiciară, precum și elaborarea unor soluții privind valorificarea cât mai optimă a produsului științific și metodologic în procesul prevenirii și combaterii infracțiunilor de trafic de ființe umane, în speță prin algoritmul acțiunilor de urmărire penală, măsurilor speciale de investigații, altor măsuri și activități în cauzele de acest gen. Valoarea teoretică a tezei de doctorat se manifestă și prin caracterul pluridisciplinar-procesual-penal și criminalistic al cercetării.

Valoarea aplicativă a cercetării efectuate este determinată de menirea și orientarea tezei spre perfecționarea procesului de descoperire a infracțiunilor de trafic de ființe umane prin integrarea cercetărilor științifice în activitatea practică. Valențele aplicative ale tezei sunt apreciabile din ipoteza algoritmului urmăririi penale în cauzele de trafic de ființe umane.

Implementarea rezultatelor științifice. Concluziile formulate în cadrul tezei de doctorat pot fi de un real folos în procesul de elaborare și perfecționare a reglementărilor cu privire la subiectul urmăririi penale în cazurile privind traficul de ființe umane și ca instrumentar pentru lucrătorii practicieni în domeniul dreptului în latura cercetării și descoperirii infracțiunilor de acest gen.

ANNOTATION

Structure of the thesis: introduction, four chapters, 217 pages of basic text, general conclusions and recommendations, bibliography of 360 titles, annexes

Keywords: trafficking in human beings, victim, criminal prosecution action, notification, criminal trial, evidentiary procedure, suspected, accused, special investigative measures, special knowledge, cumulative evidence.

Field of study. The doctoral thesis is related to the field of criminal procedure law.

The purpose of the paper is to design the theoretical and normative framework, and, based on it, the scientific and practical theses on criminal prosecution in criminal cases of trafficking in human beings.

The objectives of the paper presuppose: the analysis of the scientific papers related to the trafficking in human beings; the treatment of the circumstances to be proved in cases of trafficking in human beings; highlighting the specific features of notifying the authorities regarding cases of trafficking in human beings; revealing the particularities of initiating criminal prosecution in cases of trafficking in human beings; arguing the interaction of criminal prosecution bodies with investigative and operative entities in the process of criminal prosecution in cases of trafficking in human beings; positioning of international police structures involved in the criminal investigation process in cases of trafficking in human beings; description of the particularities of the evidentiary procedures in cases of trafficking in human beings; elaboration of the proposals *de lege ferenda* regarding the improvement of the procedural framework as well as of the algorithm of the criminal investigation in cases of trafficking in human beings.

The scientific novelty and originality of the research derives from the outlining and treatment of the criminal procedure framework related to the criminal prosecution in cases of trafficking in human beings, accompanied by doctrinal views on the subject, supported by relevant examples from judicial practice, and the identification of the existent theoretical and regulatory issues in the process of the instrumentation of the cases of trafficking in human beings, in summary the research is bringing a real scientific and practical support materialized in the algorithm designed for the correct and sequential application of the related criminal procedure norms.

The results obtained are detailed in the main scientific theses promoted for support and in the **important scientific issue solved** which consists in outlining the procedural framework of criminal prosecution in cases of trafficking in human beings, design of the algorithm of the criminal prosecution actions, special investigative measures, other measures and activities in cases of trafficking in human beings, based on legislation, doctrine and jurisprudence, as well as on the basis of forensic tactics and methodology, likely to contribute to its efficiency in the overall process of preventing and combating the crimes concerned.

The theoretical significance of the research is manifested by the identification and treatment of the theoretical and regulatory framework of the criminal prosecution in cases of trafficking in human beings, interpretation of related procedural rules, exposition of doctrinal views on the subject, supporting theoretical theses with specific examples of judicial practice, as well as by the elaboration of solutions regarding the optimal possible valorization of the scientific and methodological product in the process of preventing and combating the crimes of trafficking in human beings, namely by the algorithm of criminal prosecution actions, special investigative measures, other measures and activities in cases of this kind. The theoretical value of the doctoral thesis is also manifested by the multidisciplinary criminal procedure and forensic nature of the research.

The applicative value of the research is determined by the purpose and orientation of the thesis to improve the process of discovery and investigation of cases of trafficking in human beings by integrating scientific research in practical activity. The applicative valences of the thesis are appreciable from the hypothesis of the criminal prosecution algorithm in cases of trafficking in human beings.

Implementation of scientific results. The conclusions formulated in the doctoral thesis can be of real use both in the process of elaborating and improving the regulations on the subject of criminal prosecution in cases of trafficking in human beings and can serve as a tool for legal practitioners in the field of investigation and discovery of this type of crimes.

АННОТАЦИЯ

Структура диссертации: введение, четыре главы, 217 страниц основного текста, общие выводы и рекомендации, библиография, состоящая из 360 наименований, приложения.

Ключевые слова: торговля людьми, жертва, уголовное преследование, уведомление, уголовный процесс, процесс доказывания, подозреваемый, обвиняемый, оперативно-розыскные действия, специальные познания, доказывание.

Область исследования. Докторская диссертация относится к области уголовно-процессуального права.

Целью диссертации является разработка теоретико-нормативной базы и научно-практических положений по уголовному преследованию по делам о торговле людьми.

Задачи диссертации предполагают: анализ научных работ по делам о торговле людьми; анализ обстоятельств, которые должны быть доказаны в рамках дел о торговле людьми; выявление особенностей уведомления органов о случаях торговли людьми; выявление особенностей возбуждения уголовного преследования по делам о торговле людьми; обоснование взаимодействия органов уголовного преследования со следственно-оперативными органами в процессе уголовного преследования по делам о торговле людьми; позиционирование международных полицейских структур, вовлеченных в процесс уголовного преследования по делам о торговле людьми; описание особенностей процесса доказывания в делах о торговле людьми; разработка предложений по совершенствованию процессуальной базы, а также алгоритма уголовного преследования по делам о торговле людьми.

Научная новизна и оригинальность исследования вытекает из формирования и рассмотрения уголовно-процессуальной базы уголовного преследования по делам о торговле людьми, сопровождаемых доктринальными взглядами, поддержанные юридической практикой, выявления теоретических и нормативных вопросов в рамках обеспечения расследования случаев торговли людьми. Исследование предлагает реальную научно-практическую поддержку и выражена в алгоритме, предназначенном для правильного и поэтапного применения соответствующих норм уголовного судопроизводства.

Полученные результаты отражены в основных научных тезисах, предъявленных для защиты, и в **решенном важном научном вопросе**, заключающемся в изложении процессуальных рамок уголовного преследования по делам о торговле людьми, в разработке алгоритма действий по уголовному преследованию, оперативно-розыскных мероприятий и других мер, применяемых в делах о торговле людьми, на основании законодательства, доктрины и юриспруденции, а также на основании криминалистической тактики и методологии, которые могут способствовать повышению эффективности процесса по предупреждению рассматриваемых преступлений и по борьбе с ними.

Теоретическая значимость диссертации выражается в выявлении и анализе теоретико-нормативной базы уголовного преследования по делам о торговле людьми, толковании соответствующих процессуальных норм, в изложении доктринальных взглядов, в обосновании теоретических тезисов, подкрепленных, а также в выработке решений относительно оптимальной возможности использования научно-методического результата в процессе предотвращения торговли людьми и борьбы с ней, в данном случае, на основании алгоритма действий по уголовному преследованию. Теоретическая ценность докторской диссертации проявляется также в мультидисциплинарном характере исследования.

Прикладная ценность исследования определяется целью и направленностью диссертации на совершенствование процесса раскрытия преступлений, связанных с торговлей людьми, путем интеграции научных исследований в практическую деятельность. Прикладная ценность диссертации очевидна из гипотезы алгоритма уголовного преследования по делам о торговле людьми.

Внедрение научных результатов. Выводы, сформулированные в докторской диссертации, могут быть использованы в процессе разработки и совершенствования положений об уголовном преследовании по делам о торговле людьми, а также в качестве материала для практикующих юристов в области расследования и раскрытия подобных преступлений.

JITARIUC VITALIE

**CRIMINAL PROSECUTION IN CASES OF TRAFFICKING IN
HUMAN BEINGS**

Specialty 554.03 - CRIMINAL PROCEDURE LAW

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