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## **Violence used by organised groups and organised crime<sup>1</sup>** 2002 – 2004

### **Extended summary**

Since 1993 research has been carried out in IKSP on violence used by organised crime and has focused mainly on the following areas of acts of violent crime:

- a) **on murders which the bodies responsible for criminal proceedings relate to organised crime or the business activities of those concerned (murderers and victims) or which are designated as „contract (ordered) assassinations“**, which is a certain overlap from the issue of organised crime into the issue of serious violence committed in an organised manner – i.e. a much wider scope.

The basic criteria for assignment to the group of murders surveyed are met by those murders where

- *an entrepreneur has been convicted as the perpetrator of the murder*
- the murder victim was an entrepreneur, i.e. murders where it has been discovered that their commission could in some way relate to the business of the perpetrator or the victim
- murders which have been designated as murders committed to order

- b) **on serious forms of extortion and intimidation carried out in an organised manner when debts are collected, witnesses are coerced etc.**

In a further phase of the research, begun in 2000 and relating to findings from the first phase<sup>2</sup>, an analysis was made of certain violent acts of organised crime tried by courts and detected in the period 1991-2000. (These were different cases from those in the first survey.)

The problem which the research aimed to solve was the need to demonstrate (from the point of view of criminal law) what marks out violent group criminal activity, designated in criminal law (for certain criminal offences) as a condition for more severe sentences, from violent criminal activity committed by a criminal conspiracy (the term „organised crime“ is now frequently used again). In the example of the cases studied characteristics should be specified which can be designated as an act of organised crime in the Czech Republic and characteristics according to which those who commit the criminal acts surveyed can be designated as members of a criminal conspiracy defined in the previous results of our research into organised crime. We also focused on those committing these criminal offences and any difference from those committing similar criminal offences before 1990. One of the results that came out of the research was their personality traits, from which it was possible to predict their behaviour while serving a prison sentence or also after they have served their sentences and have been released from prison. It is this part of the findings that is the content of the article.

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<sup>1</sup> Marešová, A. Násilí uplatňované organizovanými skupinami a organizovaným zločinem. Praha: IKSP, 2004. 104 stran.

<sup>2</sup> Cf.: Marešová, A. Etiologie násilných projevů organizované kriminality (Aetiology of violent acts of organised crime). Praha: IKSP, 1995. 97 stran. ISBN 80-86008-06-1

A total of 32 files were analysed concerning criminal offences of murder and extortion where it was suspected that there was a connection with organised crime or the offenders were members of an organised group or the criminal offences were committed to order. These were files of offenders finally convicted of criminal offences committed between 1991 and 2000. Basic data on the offenders, the victims and the facts of the offences committed were ascertained. The analysis was supplemented by an specialist examination of the specific features of violent criminal acts committed as part of organised crime, using a questionnaire and interviews ascertaining the opinions of a total of 7 experts from the ranks of investigators, criminologists and public prosecutors concerned with organised crime or serious violent crime in practice. Their opinions reflected their experience acquired up to the time the specialist survey was carried out – i.e. to the summer of 2002, and so is based on cases which were only to a minor degree similar to the cases in the criminal files we analysed.

#### a) Description of the cases studied

From a breakdown of cases by the areas where the criminal offences studied took place it can be seen that the vast majority of murders were committed in Prague or in the vicinity of Prague. There were a total of 10 murders. This finding also fits findings presented elsewhere. This fact was affected inter alia by the fact that it was usually in the Prague region that there were contract killings and the settling of scores between foreigners. Five of the cases of murder were committed abroad - the offenders and those who ordered the murders in this country were Czechs.

The cases studied were committed, as has been stated above, during the decade from 1991 to 2000. The convictions, however, (including appeals) were mostly in the years 1996-2002. Some cases concerned a period of several years (e.g. the Orlické cases). Some of the murderous assaults were tried as one criminal offence although there were several attacks. A total of 50 murder and extortion attacks were studied.

*Table 1*

#### More detailed breakdown of the criminal offences of murder and extortion studied

<b>Murders – total number of cases / number of murderous attacks</b>	<b>27 / 45</b>
Of which: murders effected (victim died)	26
Attempts / attempts planned (victims of the attack survived)	11 / 1
Murderous attacks planned in advance	27
<b>-,,- to order</b>	<b>17</b>
Murders connected with extortion	2
Others (not planned and not ordered, where the offender or the victim was an entrepreneur)	4
<b>Extortion – total number of cases</b>	<b>5</b>

**Table 2****Reasons ascertained for committing the criminal offences studied (motivation)**

Seizing of money and immovable and movable assets (cars, jewellery, flats etc)	10
Debt collection	5
Killing of a partner for business disagreements	4
Attempt to avoid paying a debt	4
Liquidation of a front man (as a witness)	3
Murder of a mother for the purpose of inheriting or stealing from her – see notes	3
Murder of a husband for the purpose of inheriting from him	3
Extortion for the purpose of property gain	2
Liquidation of personal enemies	2
Conflict between hostile groups (mafia)	1
Accidental conflict	1

*Notes: In some cases this occurred for a number of reasons*

*In one case this was the person's own mother and in the other two a step-mother*

*In one case the motivation was an attempt to acquire the victim's trading licence*

As anticipated, greed was the basic motivation of all offenders (the perpetrators, the organisers and the contracting parties), even in those cases where when the case was tried there was talk of disagreements between entrepreneurs, front men were liquidated and close relatives of the person contracting the crime were murdered etc.

**Table 3****Rewards promised or paid for carrying out the contract killing (where ascertained)**

Promised	Number of cases	Paid	Notes
CZK 30,000	1	0	Reward not paid
CZK 90,000	1	CZK 50,000	Only an advance of 50,000 paid
CZK 100,000	5		In 1 case nothing was paid, in 2 cases CZK 20,000 was paid, in 1 case CZK 35,000 and in only 1 case was the promised reward paid in full.
CZK 200,000	2	CZK 200,000	In the second case nothing was paid.
CZK 300,000	1	0	Not paid.
CZK 400,000	1	CZK 200,000	
CZK 1 million	1	CZK 500,000	
DM 2,000	1		It was not proved that the reward was paid.

The promised financial rewards in the cases studied were paid only rarely, even when liquidation of the person concerned proceeded as agreed. The closer to the year 2000 a contract killing was committed, the higher the promised reward was and the more often an advance was demanded. The amount most frequently offered or demanded in our cases was CZK 100,000. If there was more than one offender - perpetrator - the financial rewards promised were shared.

**Table 4**

**Proved gain from a murder for the contracting party:**

CZK 800,000 and a car
CZK 30,000 and jewellery
CZK 1,250,000
5 million loan
flat
CZK 100,000 – 400,000 – 5 cases

**Or debts written off due to the murder**

CZK 34,000
CZK 300,000
CZK 2,700,000

In this information, as for rewards for a contract killing, it was also difficult to detect what the specific amount was, including the amount of the debt, and whether this gain or liquidation of the amount of the debt was the only basic motive for carrying out the murder. The question of indirect gain – for example, company profit previously divided between partners or covering up an entrepreneur’s own lack of success or debts and so on – was often not dealt with at all in court proceedings.

The results of ascertaining the relationship of murderers to victims were clear: it was readily evident that they were persons known to them. Even in the case of a contract killing the attacker usually knew the victim personally, and very often it was a person very close to the murderer. There were only four what are termed random victims, i.e. where it was not proved that the murderer knew the victim.

As regards the methods of committing a murder, criminal offences committed with a firearm predominated, which differentiates the murders studied from the general findings, where murders committed with stabbing and cutting weapons predominate. Two victims were drowned, 6 victims were strangled, 3 battered to death, 2 killed by explosives going off under a car, and 7 victims killed in another way (combined method).

Firearms were of different types: pistols, revolvers, sub-machine guns and, in one case, a crossbow.

In 11 cases a car was used – to transport the victim alive or dead, and 2 murderous attacks were perpetrated in the car.

In 4 cases a murderous attack was accompanied by extortion, threats and physical assault before the murder.

In 9 cases the victim suffered serious maltreatment.

In 4 cases the method of disposing of the body was planned beforehand.

**Table 5**

**Perpetrators of the criminal offences of murder and extortion studied  
(including the contracting parties)**

<b>Offenders – males indicted – total</b>	<b>Of which: entrepreneurs (where stated) / unemployed</b>	<b>Offenders - females indicted – total</b>	<b>Hired offenders (only male)</b>
78	13 / 16	4	18

*Note: 21 of these persons were foreigners: 6 Ukrainians, 2 Poles, 6 Slovaks, 2 Bulgarians, 3 Russians, and 2 Georgians. They were mostly men aged up to 30. The age of the women at the time of the murder: 70, 46, 27, 25.*

Some hired murderers committed more than one murder. In a number of cases more than one man was indicted for murder, even repeatedly. Where a murder was committed by a group of offenders, this group was composed of between 3 and 5 members.

The women indicted were in 2 cases those who ordered the murder. Where they participated in the murder, this was always with at least one male.

**Table 6**

**Victims of the criminal offences of murder and extortion studied**

<b>Victims – total number of males / of which foreigners</b>	<b>Of which: victims of contract killings</b>	<b>Victims – total number of females</b>	<b>Of which: victims of contract killings</b>
37 / 7	10	8	7

*Note: Victims include those who survived a murderous attack. A total of 26 persons were killed.*

*Foreigners: 1 Italian, 1 Vietnamese, 2 Chechens, 1 Yugoslav, 1 Bulgarian, 1 German*

Of the sentences imposed on offenders, most were sentences of up to 15 years; sentences of more than 15 years were imposed on 17 offenders in the cases studied and 2 men were sentenced to life. Sentences were ordered to be served in security prisons or high security prisons.

**b) From the results of the analysis**

The results of the analysis<sup>3</sup>, particularly in the part describing offenders, were compared with the specialist literature available. One of the findings which did not corroborate the previously published opinions concerned contract killers. Czech contract killers were assessed around 1995-1996 by several court expert witnesses<sup>4</sup> in a slightly exalted manner as a relatively homogeneous group and were also compared by Hubálek, who is cited later, to successful businessmen of that period. According to Hubálek, these offenders „conceive [murder] as a logical outcome of the process of doing business, which begins by borrowing money or not paying invoices, and by not honouring promises and agreements, continues by

<sup>3</sup> For further details refer to Marešová, A.: *Násilí uplatňované organizovanými skupinami a organizovaným zločinem* (Violence committed by organised groups and organised crime). Praha: IKSP, 2004. 98 stran. ISBN 80-7338-022-6,

<sup>4</sup> cf. Hubálek, S.: *Mladí úspěšní podnikatelé a námezni vrazi* (Successful young businessmen and contract killers). PROPSY, 1/1997. pp.4-5. ISSN 1211-5886.

collecting debts, by extortion and terrorising debtors or business partners, and ends with their liquidation. These people talk about murder as a deal, an order, and they speak of market laws, supply, demand, business risk. They regard their arrest as business misfortune, they fear only their accomplices and those who hired them, and often do not disclose them for fear of their lives. As explanation they calmly state that if they had not done it, some Russian would have done it more cheaply. ... They live in well above average material conditions. So this is not a crime resulting from poverty ... They regard themselves as professionals ... Their highest value is money, they are contemptuous of the values of work ... in custody they are desperate about being abandoned.“

In comparison with the group of successful businessmen of the same age group at that time Hubálek did not find any great differences in the general test and questionnaire psychodiagnostic characteristics. However, he found absolutely fundamental differences in favour of businessmen when ascertaining intellectual performance, emotionality and value orientation.

From our analysis it can be seen that the group of known contract killers is very heterogeneous and the traits mentioned above fit only a minority of them. Our respondents were young offenders – male, mainly Czech, who committed contract killings mostly between 1991 and 1995 and were hired „by successful entrepreneurs“ to settle their scores (what is termed „score-settling“) with other entrepreneurs or other, for various reasons, troublesome persons. The others who committed contract killings were re-offenders of violent crimes, blackmailers, robbers or also property crime re-offenders. They included foreigners who were living illegally or semi-legally in our country. Some of the murderers – Czechs – had, in turn, committed murder in another country: in Slovakia, but also in Germany, Thailand and elsewhere.

Czech offenders mainly committed murders with stabbing weapons and firearms, and often caused a sensation, for instance, by using explosives. A remarkable finding was that they often talked about their experiences to those around them and in pubs.

The only common factor that was found in all groups of murderers was that they were often psychopaths.

### **c) Other findings on the persons and personalities of offenders in the cases studied**

I will also state certain insights and findings on the persons and personalities of offenders ascertained in the analysis of the cases studied. These are not only my insights, but also generalised results of studying the individual persons of offenders by court expert witnesses during court proceedings and findings from which the judgement imposed by the court was reached. It is possible that at least some of these could be used as arguments for preparing measures to reduce the scope for violent attacks against our fellow citizens.

1. The personality of the current murderer can be characterised mainly by the traits of being asocial, coldness of feeling, amorality, inadequacy or total lack of a sense of guilt, the absence of any demonstration of regret both while committing a murderous attack (even in the case of a first attack), and also during trial.

2. The following traits among those indicted for murder by courts were evaluated as positive in the cases studied: integrity and no criminal record previously – mainly young people, unostentatious behaviour, immature personality. Whether these traits can exactly be regarded as positive is disputable, but I exclude completely that in our cases, where those indicted most often murdered their victims face to face with a shot in the back of the head, by a knife at close quarters, by strangling them with their own hands and so on, and for the reasons given in other points, these „positive“ features have any significance, let alone any positive influence on the future of the offenders. The lack of social awareness shown by the act of murder and dangerous extortion severely restricts or completely excludes any later socialisation of the offender. Resocialisation is usually out of the question because socialisation was not completed at all in many of the surveyed offenders up to the perpetration of the criminal offence. For this reason no particularly significant change in their personality make-up and their ways of thinking and acting can be expected, even in the future. It also cannot be expected that any re-education attempts applied to convicted offenders while they are serving their prison sentences should have any major effect on these persons that would enable them to reject their former way of life and change radically after release from prison without further measures.
3. Offenders during their trial – often changed their statements to the point of denying any culpability for the murder or responsibility for it. Even during trial they threatened witnesses with physical liquidation. Together with their lawyers they often quibbled about the results of expert witnesses' opinions, tried to misrepresent them and exploit them deliberately for their own advantage, insisted on direct proof and together with their lawyers looked for procedural errors and reasons for disrupting court proceedings or repeated prolongation of them. A typical trick was to drag in non-existent foreigners as potential perpetrators of the murderous attack in the case being heard. Some of them tried in the court to alter the planned murder to mere intimidation or extortion. It can be said in general that what was stated in one verdict applies: the credibility of their statements was lessened in view of „the pragmatic relationship of these individuals to the truth, characterised by an attempt to state as true what they thought was advantageous, beneficial or desirable for them at the particular time“.
4. From opinions of expert witnesses it can be seen that in most cases the conclusion that resocialisation of the offenders being tried would be difficult, that they are discordant personalities with significant asocial features, though not with inferior intelligence. So committing murder is not connected for them with the fact that the aggression was part of their own nature, but rather with their feeling of not being part of society and their motivation for gain completed by an attempt to acquire benefits without adequate efforts (let alone longer periods of work performed for a normal wage). So the majority of them fitted the classic diagnosis of a psychopathic personality with features of lack of restraint and hysterical manifestations, in whom no mental illness or serious mental disturbance was ascertained and the situation in which they found themselves (debt and so on) could be managed in a socially acceptable manner. All the convicts we examined recognised the danger to society of their criminal offence and were able to control their actions while the criminal offence was being committed.
5. Among the entrepreneurs on trial – those who ordered contract killings – falsified documents, problems in previous employment, when they had been employed, and suspicion of fraud (at the beginning of the 1990s) were often discovered. Some of them were even distinguished by superior intelligence, but also by egocentricity,

emotional instability, reduced capability of empathy and compassion for other people and impaired self-evaluation. It was the exception for them to accept at least part of their guilt. Some of them tried to feign mental illness to escape punishment. There were clear attempts to influence or coerce witnesses.

6. Those who carried out contract killings were often assessed in their earlier life as aggressive, with a fixation on acquiring money by all possible and impossible means, but always in ways that did not involve work and with an emphasis on their own freedom, not limited and not controlled by others.
7. One citation from a verdict covers all of them: „The offender showed absolutely no respect for human life and callous promotion of his material requirements at the expense of the life of the victim“. Unfortunately this sentence can be shown to be the life credo of most of the murderers and extortioners we surveyed. I repeat that not even in one case did they show any real regret about their action, admit to the murder and the extortion and cooperate with investigators, judges and other persons in court proceedings.

In view of the fact that all these offenders are currently serving sentences, i.e. are in prison, their generalised characteristics as a relatively separate group of prisoners have become of interest to the prison system too, not only because there has been a significant qualitative shift in the characteristics of perpetrators of serious criminal offences but also because in recent years there have been visible quantitative changes in the composition of these convicts. When we compare 1992 and 2003, the number of murderers imprisoned, for example, tripled (from 540 to 1,654), those who committed deliberate bodily assault quadrupled, 3.5 times more persons who committed robbery were imprisoned (in 1992 – 1,438, in 2003 – 5,225), and finally 8 times more persons who committed extortion were imprisoned and twice as many rapists were imprisoned in 2003 than in 1992. Inter alia there is the fact that it is on these prisoners that long-term prison sentences (more than 5 years) are imposed and their number in prison is gradually but constantly rising. With the adoption of the new criminal code we anticipate that the sentences for these categories of offenders convicted will be even longer and their proportion in prisons will rise more rapidly.

When we take the results of our research into account, i.e. the finding that, in addition to murderers, persons who have committed serious economic crime predominate among those given long-term prison sentences, we can anticipate that in certain prisons designated for the serving of long-term sentences an explosive mix will appear, composed of intelligent fraudsters with extensive contacts outside the prison environment and with strong financial backing and unscrupulous murderers, sometimes of more than average intelligence, which may lead on the one hand to endangering the safety of prison staff, including increased danger of their being corrupted, and on the other hand to an increase in sophisticated planned attempts to escape and a further rise in illegal contacts of inmates with the outside world and so on. A rise can also be expected in abuse of less intelligent prisoners from among the other convicts by both these groups for various purposes, i.e. intensification and lack of transparency of what is termed the other life of prisoners.

For this reason, even if the prison service devotes itself to the problem of the increased danger from offenders imprisoned, it would be more in the interest of society, rather than for the prison service to be involved in conceiving legislative measures in the area of alternatives to imprisonment and other legislative matters, which after all is not part of the job of the executive authority, for it to devote all its powers and resources to ensuring the security of its

own staff and above all to protecting society against particularly dangerous prisoners, whose isolation in prisons is for the time being the surest protection against threats to the safety of citizens and the state from further criminal acts by them.