DRUG TRAFFICKING THROUGH THE INTERNET: PROBLEMS OF THE COUNTERACTION AND METHODS OF THEIR SOLUTION

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Abstract: The issues of countering drug trafficking are at the center of attention of scientists and practitioners. Increasing number of registered drug addicts, including minors, is a real threat to the safety of Russia. The number of crimes under investigation, which is characterized by an increased degree of organization and conspiracy, is also increasing. Problems that exist in practice of disclosure and investigation of crimes related to drug trafficking evidenced the relevance of the article. There are certain difficulties associated with the disclosure of drug crimes, since criminals use the Internet instead of personal contact. The generalization of theoretical studies and law enforcement allowed us to give an overall forensic and partly criminological characteristics of crimes related to illegal drug trafficking using Internet. The main problems of identifying and counteraction of this type of crime are considered. It is also studied main contradictions in the international legal regulation toward law enforcement agencies of various states and their interaction aimed at effective counteraction to drug traffic. The conclusion about necessity of "non-standard" approaches of counteraction to drug traffic, including using advanced foreign experience, was made. Taking into account some common approaches in counteracting of this type of crime, one of the ways of solving of the distinguished problems state as strengthening of bilateral international scientific cooperation between Russia and China. According to the authors, cooperative criminological research in the field of comparative criminology and criminal victimization, especially among youth, may be of interest. The study and generalization of positive international and Russian experience toward counteraction of illegal drug trafficking will increase the effectiveness of scientific research and their implementation in practical activities in this area. Improving the effectiveness of law enforcement is impossible without a set of preventive measures, especially among youth.

Keywords: Internet; drug trafficking; contactless distribution schemes; investigation of drug crimes; countering drug business; the international cooperation.

The spread of drug addiction not only in Russia but throughout the world is a real threat to the individual's health, as well as to the society, to the legal order and to the national security of the states in general.

As noted by the President of the Russian Federation Vladimir Putin at the meeting of the Security Council on the 28th of April, 2017, “the total number of registered drug-addicted persons in Russia is about 600 thousand people. At the same time, the number of drug-addicted minors has increased by 60%. However, it is only the official statistics. According to the sociological surveys, about 7.5 million people consume drugs; 2 million of them do it on a regular basis. The scale of the illegal spread of
synthetic drug and new psychoactive substances is becoming greater. The spread of the drugs and psychoactive substances more often involves modern means of communication and e-payments …”¹.

The increased threat of crimes associated with drugs provokes even greater concern among the scientists and experts in some other countries²³.

According to the General Prosecutor Office of the RF, in 2016, the number of registered crimes connected with drug trafficking in the Russian Federation was equal to 199228. The number of people committed this kind of crimes was equal to 106881. For the period from January to August 2017, these indicators amounted to 104756 crimes and 71893 people respectively⁴⁵.

A significant share in the sphere of drug trafficking is currently presented by the schemes of non-contact distribution of banned substances including those through the opportunities of the Internet, both in Russia, and abroad⁶.

Objects and methods

In the course of study, the authors analyzed the state of the regulatory environment of the issues connected with the counteraction to the crimes associated with the drug trafficking through the electronic and data telecommunications networks including the Internet in the Russian Federation. The authors also assessed the international cooperation in this sphere. They considered the positive experience of the monitoring and scientific analysis of the future areas for the research of the crimes in

⁵ N.V. Bulanova, A.A. Abramenko, “Features of the Prosecutor's participation in countering corruption and the problem of optimizing its criminal procedure: The experience of the post-Soviet states”, in Astra Salvensis, 2018, vol. 6, no. 12, p. 129-139.
China. They also considered the practice of investigation and judicial consideration of the criminal cases associated with drug trafficking. The paper contains both general scientific and special methods (modeling of decision-making, analysis of crimes, synthesis of operating procedures and some others).

**Results**

**Brief description of the internet capacities for drug trafficking**

As the practice shows, the main goal of the drug trafficking criminal groups’ leaders and members in the use of the Internet is the creation and development of the so-called ‘regional marketing’, and search for the new drug pushers, drug mules and drug buyers in the conditions of the increased conspiracy of their illegal activities.

According to some data, on the Internet, there are currently over 700 websites not just directly or indirectly promoting drugs, but containing the recommendations for hiding them to escape responsibility, to behave when contacting with the law enforcement authorities, and finally to buy drugs. The e-shops selling drugs make various promotions for the attraction of the new customers and retention of the regular ones (free delivery of various ‘testers’, discounts etc.).

The specialists also pay attention to the serious threat of the specialized forums in the social networks devoted to drug consumption. There is the most intensive exchange of experience among the drug-addicted people regarding the means of production, cultivation, intake, sales points, as well as the rules of behavior in case of arrest by the law enforcement officials. At the forums, they actively discuss various medications having the properties similar to the drug, especially if they are freely sold. The biggest forum where e-shops selling this kind of drugs are being registered is Legal.RC, the access to which in the Russian Federation is prohibited by the decision of the Federal Supervision Agency for

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For example, there is a description of the activities of the drug trafficking criminal gangs’ leaders in the sphere of internet-business:

“By the end of 2014, in the Russian TOR segment, there was ‘The Big Four’ most popular websites among the users of the anonymous network: three competitive marketplaces and a forum for free communication. Soon the registration there became obligatory, and then they introduced rather strict rules, for the violation of which the user of the website might be banned forever.

One of them in 2016 became the most popular illegal market of the Russian ‘dark’ Internet with tens of thousands of users per month.

The resource is managed by several moderators at once, however, the founder and main administrator is one person hidden under the nickname ‘Darkside’. Collecting the monthly charge from the drug pushers for the opportunity of implementing the prohibited goods, he earns for it about $250 thousand per year. The prices vary depending on the kind of the drugs sold and the demand for them.

The website looks like a forum, where every drug pusher has its own thread-‘e-shop’ with the description of the available goods, list of contacts and the customers’ feedback. Large ‘e-shops’ buy the banner ads at the top line of the website. The ‘goods’ are paid in bitcoins, while in case of doubts in the honesty of the seller, the deal backer is hired for the additional charge, who returns the money to the buyer in case of failure of the deal.

After chatting and paying, the host of the ‘e-shop’ leaves a ‘stash’ at the agreed location. Some drug pushers work only with large drug batches and prefer communicating with their clients through mail services using PGP-encryption or Jabber-client with integrated OTR-protection. Such measures are more often applied by the transborder drug pushers sending to Russia bulk quantities of substances from Europe, Thailand, China or Central Asia.

The administration supervises the deals and prevents the steals of the money. The worst offenders are deprived of the drug pusher status by

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the moderator, which automatically leads to the closing of the ‘e-shop’ and loss of the client base\textsuperscript{11,12}.

The most interesting research is made by the Chinese scientists, who suggest “using the algorithms of the shortest way for revealing of the associations in the criminal networks” for combating the drug trafficking organized crimes\textsuperscript{13}.

Usually, the criminal gangs using the Internet for drug trafficking are characterized by strict roles, among which there are:

1) organizer (coordinator) – implements the general control over the group members, production, acquisition, drug packing, cash distribution, administration of the Internet and payment resources;

2) dispatcher – gets the orders from the buyers, controls the payment process, transfer the information to the stasers and gets informed by them about the stash locations, then informing the buyers about the stashes;

3) stasher – puts the drugs to the stashes and informs the dispatcher about the location;

4) cash keeper – receives the money through the payment terminals, bank accounts, from the mobile telephony payment cards, obtains the cash and shares between the rest of the criminal group’s participants;

5) expeditor (mule) – transfers the drugs he received earlier to the stasher, usually by small batches rated for 1-5 days\textsuperscript{14}.

So, in 2017, in the Tyumen Oblast, they determined a criminal cause to a 24 y.o. citizen of Novosibirsk. He found to be guilty of committing the crimes stipulated by Part 5, Article 228.1 ‘Drug Trafficking Committed through Data Telecommunications Networks (including the Internet) by an Organized Group in Especially Big Amount’ and Part 1, Article 174.1 of the Criminal Code of the Russian Federation ‘Legalization (Bleaching)
of the Monetary Funds acquired by the Person as a Result of a Crime committed by Him/Her’. 

The court found that the convicted using the Internet colluded with a drug dealer, after which he started putting the drug stashes in his city. After a while, they authorized him to deal with the interregional drug supplies with the purpose of drug trafficking.

Later on, he also involved his acquaintances to the drug business, and together with them using the automobile transport he delivered more than 5 kilos of drugs to Tyumen, Yekaterinburg, and Chelyabinsk, where they were put into stashes.

Besides, by the order of the customer, in the territory of the Sverdlovsk Oblast, they took out of a stash over 37 kilos synthetic drugs, which they were to distribute along the cities of the Urals, Siberia, and the Far East.

During the investigations conducted by the law enforcement authorities, the criminals were arrested in a forest area of the Tyumen District not far from a highway when they were putting another stash. During the further investigations, in Novosibirsk, the police also found and recovered over 12.6 kilos of drugs. In total, in this case, the investigators recovered about 55 kilos of drugs.\textsuperscript{15}

It is known that the drug trafficking criminal groups are rather stable. Many group members sentenced to imprisonment return to their ‘craft’ again after their release. Besides, new people become involved instead of them.\textsuperscript{16}

Adult criminals often involve minor children to their crimes as the direct executors, reckoning on the fact they are either not subject to the prosecution or bear light responsibility compared with the adults.

The children’s knowledge of computer devices and the Internet contributes to the fact that the children involved in the criminal activities act as the drug ‘operators’ and ‘stashers’.

So, for example, in Novosibirsk, they determined a criminal cause to a minor child (born in 1998), who agreed with an unknown person through the Internet to deliver the parcels with drugs from Krasnoyarsk to Novosibirsk. Having arrived in Krasnoyarsk, she took out 196.7 gr of 


the synthetic drug out of an agreed stash and delivered it to her native city. However, she was not able to transfer it to the customer, being arrested\textsuperscript{17}.

The real scale of the crimes associated with the drug trafficking through the Internet, considering their latent nature, is unknown, while the above-described peculiarities of the organization and functioning of criminal groups significantly complicate the work on their detection and conviction.

We suppose that it requires new ‘nonstandard’ approaches to the combating drug trafficking, including those considering the cutting-edge foreign experience\textsuperscript{18}.

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\textit{Some problems of combating the use of high technologies in drug business}
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The main problem in combating drug trafficking on the Internet is connected with the fact that the majority of the websites, the work of which is aimed at the drug trafficking profit, are registered at the foreign domains and hosting services, which does not fully allow restraining their work and bringing the drug trafficking organizers to responsibility. As a rule, the biggest websites, connected with drug trafficking, operate in the segment of the so-called DarkNet (being a segment of the Deep Web, not indexed by the search engines and unavailable through the standard browsers. Among the Internet users it is often perceived as an instrument for communication in various kinds of ‘underground’ and unlawful activities)\textsuperscript{19}.

Despite the fact that such websites in the Russian Federation are prohibited by the Federal Supervision Agency for Information Technologies, Communications and Mass Media, there is an opportunity of its visit through various free access programs, for example, TOR (the system of proxy-servers that allows establishing anonymous network connection protected from interception)\textsuperscript{20}.

\textsuperscript{17} A Novosibirsk school student delivered almost a kilo of drugs from Krasnoyarsk is convicted to 4 years of imprisonment. West Siberian Transportation Prosecution. Official website. Available: http://www.zsproc.ru/news/4353.html.


According to the metric data of The Tor Project by such a parameter as average daily website traffic of the ‘dark’ Internet, Russia currently takes the 3rd position in the world after the USA and the United Arab Emirates. In average, every day the DarkNet is visited by more than 216 thousand users from Russia, which is equal to about 9.40% from the global number of users of this anonymous network.21

It is not accidental that among the problems the law enforcement authorities are to combat, the Security Council of the Russian Federation names as follows:

- The scientific and technical problems of using the information technologies in the intelligence operations.
- The problems of detection and constraint of the crimes committed with the use of information technologies.
- The problems of development of the methods and means for implementation of the active search measures in the information systems and communication networks.22

Generally speaking, “the specialists are currently encouraged to find civilized ways of control over the computer environment, which is uncontrollable by default”23.

However, according to the specialists themselves, “even if all the employees of the MIA and other enforcement authorities will be occupied by solving this problem, the Internet will nevertheless remain uncontrollable”24.

However, the international experience shows that the work in this area is humming.

So, for example, the Canadian law enforcement authorities in August 2015 ordered the development of the search robot, which studied the depths of the Deep Web for the purpose of searching the illicit goods and services. At the same time, a representative of the Royal Canadian

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Mounted Police declared, “We are going to investigate the deepest and darkest nooks of the Internet in order to detect everything that may be dangerous of the national security”\textsuperscript{25}.

The Boston Police Department in the USA, in January 2017, started the implementation of the program that compares the data of the DeepWeb with the data of social networks. In an interview for the Boston radio, the Superintendent Evans noted that it is a “necessary instrument of legitimacy, which will help to protect our regions from violence and terrorism, prevent the cases of trafficking in human and protect our children from pedophiles”\textsuperscript{26}.

The Chinese scientists conducted the analysis of the crimes transfer using the imitation approach based on the theory of modeling the mechanism of crime and police activities\textsuperscript{27}.

These and other events together with the other police methods for detection and constraint of crimes allowed conducting a series of successful operations against the representatives of criminal structures using the opportunities of the Internet for their own purposes.

As a result, in December 2015, the German policemen from Leipzig confiscated from the Deep Web dealers currently the greatest drug batch with the total weight of over 210 kilos amounting to $4.25 million\textsuperscript{28}.

In October 2016, the law enforcement authorities of the USA, Great Britain, EU, Canada, Australia, and New Zealand conducted a massive police operation called Operation Hyperion. As a result, in Sweden, they arrested 3000 drug buyers and convicted 6 drug dealers\textsuperscript{29}.

In February 2017, the Finnish police bypassing the TOR encryption arrested 16 people involved in drug trafficking using the Internet in the process of the “intensive investigation as part of a secret operation”.

Lately, the active work in this area is performed in the Russian Federation. In this regard, the following situation is remarkable, when the drug trafficking was investigated not by the law enforcement authorities, but by the enthusiasts from amongst young scientists. On the 8th of August 2017, the following announcement was published on the website of the National Research Institute of the Higher School of Economics: “The official statistics connected with the drug consumption in Russia is meager and often closed. The master’s students of the HSE ‘Data Journalism’ as part of an educational project analyzed the market of drugs in the ‘dark’ Internet in order to define the real state of things.

As part of the project, the master’s students wrote the program for the data processing of the RAMP – Russian Anonymous Marketplace – and visualized it. The researchers compared the indicators of the price and incidence of the most popular drugs, as well as the share of the crimes associated with drugs in the RF regions.”

The announcement contains the link to the website with the complete results of this research. However, it is currently impossible to get access to this project via the link ‘http://project92296.tilda.ws/’. It is unclear why the results are not available. There is no information about it on the original website. And as the students ‘entered’ the anonymous network using the special program code gathering the data about the e-shops of the website dealing with drugs, it is possible that the technical peculiarities of the project implementation attracted the attention of the law enforcement authorities.

It may be indirectly evidenced by the fact that as early as on the 19th September 2017, the TASS Russian Information Agency on its website reported that “as a result of the conducted measures in July 2017, the activities of the largest marketing site in the Russian segment of TOR RAMP (Russian Anonymous Marketplace) were terminated”.

Except for the ban for the access to the websites connected with the illicit activities and the development of the technical opportunities of
the control and access for the intelligence operations on the Internet, the considered problem has another ‘side of the same coin’. It is the contradictions in the government control of the Internet through the national laws of different states.

As noted by E.P. Ischenko, “the system of the Internet currently presents about 30 billion pictures and two billion websites, which cannot be controlled by the most cutting-edge intelligence of the world. One cannot do anything about it without uniting the efforts”\(^{33}\). Moreover, this work is also performed by other states\(^{34}\).

Alongside with this, uniting the efforts of the law enforcement authorities of the Russian Federation and the other states regarding the counteraction to the crimes associated with drugs is complicated due to the lack of the relevant international legal base, and thus, the lack of the proper interaction between the law enforcement authorities of different countries with the drug trafficking in their territories through the information communication technologies.

An attempt to create an applicable multilateral instrument in this sphere is the Council of Europe Convention on Cybercrime 2001 (The Budapest Convention)\(^{35}\). However, Russia is not among the participants. The specialists see the reason in the fact that this Convention contains an unacceptable provision on the transborder access to the data at the investigations contravening with the principle of the national sovereignty\(^{36}\).

According to some research scientists, as organized criminal groups may act in the cyberspace alongside with individuals, there is an opportunity of applying the international agreements to them aimed at the fight against the organized crime, particularly, the UN Convention against Transnational Organized Crime dated the 15th November 2000\(^{37}\).

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However, by ratifying this Convention, the Russian Federation declared that “according to Paragraph 2, Article 27 of the Convention, it will consider the Convention as the base for mutual cooperation between the law enforcement authorities regarding the crimes covered by the Convention, provided that this cooperation will not include the conduction of the investigative measures and other procedural actions in the territory of the Russian Federation.”

The results of such contradictions in combating drug trafficking were once described by the journalists, “…According to the founder and administrator of an Internet-resource created for drug trafficking nicknamed Darkside, the site still operates only because it is exclusively oriented to the Russian-speaking users. Otherwise, as noted by the respondent, it would have been closed by the American intelligence services long before.”

Another direction of the interaction may be the bilateral international scientific cooperation between Russia and China, especially considering some general approaches to the issues of combating drug trafficking. According to the authors, the interest may be provoked by the joint criminological research, including those in the sphere of

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comparative criminology\textsuperscript{41}, criminal victimization\textsuperscript{42}, especially of youth\textsuperscript{43}. Moreover, the Russian scientists have been studying these problems for a long time\textsuperscript{44}.

Otherwise, the most dreadful forecasts of the international experts may come true:\textsuperscript{45}

The growth of the criminality associated with drug trafficking will continue to grow;

Criminal organizations will use the achievements of the technological progress for their purposes on a wider scale in order to more actively produce synthetic drugs, including the new ones (currently unknown) for illicit trading;

As a result of a wider application by the drug trafficking criminal organizations of new methods of cryptography and other means of concealing the information, the potential of law enforcement authorities and intelligence services working in the sphere of detection and constraint of the considered crimes will start decreasing;

Territorial jurisdictions without the corresponding laws on the counteraction to the crimes using the information technologies will turn to safe havens for the criminals.

Drug trafficking through the Internet is currently a highly organized modern crime distinguished by the use of cutting-edge technologies by the drug business organizers and participants and is not limited to the theory of one region. The majority of the websites ensuring drug trafficking in the territory of the Russian Federation are registered at the domains and hosting services under the jurisdiction of the foreign countries. This

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circumstance significantly hinders from constraining the criminal activities and convicting the drug trafficking organizers to the full extent.

The success of the work in this area depends not only the professionalism and purposefulness of the law enforcement officials, and the availability of the technical capacities among them necessary for the detection and constraint of the considered kind of crimes, and well-adjusted interaction with the highly qualified investigators, but also on the state of the statutory regulation of the issues connected with the counteraction to the drug trafficking both at the national and international levels.