

Striking Irradiation Weapon as a Mean of Making Crimes

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The article considers normative law problems of criminal law crimes qualification which are connected to illegal weapon turnover. Attention is emphasized on the thorough crimes investigation necessity with using weapon which can damage by radiation. Also attention is emphasized on urgent actions adoption in development sphere of expert methodology for definition changes in a human body which have been caused by electromagnetic, infrasound, ultrasound and the other radiations for proof of deliberate crime.

Law, problems, qualification, investigation, striking irradiation weapon, psychotronic terrorism.

As globalization of world development and international political and economic relations brings about new risks and threats to individuals, societies and states, the Russian government as a protector of national development commits to a new national security policy. [3] However, stealth measures criminal elements and their armed groups take allow them to remain intact and continuously elude the law.

Russia has introduced modern legislation to govern the organization and work of police, public importance of police has waxed, yet without a noticeable improvement in the quality of law enforcement. [6] One of the problem police faces in fighting crime, including its most dangerous variety, armed crime, is inconsistency between various provisions of criminal and other laws in the Russian Federation. Accordingly, we believe that such illegal activity could be opposed in the most effective and least expensive way by improving legislation, in particular revising criminal and other laws on arms trafficking.

Arms trafficking is a serious threat to social and national security. In 2015 alone there were 26,859 registered crimes related to arms trafficking in the country, 2.4% more than in the preceding 2014.

Efforts to reduce and limit illegal distribution of weapons seek double prevention: of illegal activity with regard to arms as such and of crimes that may be committed with them. "Personnel ability is a combination of knowledge, talents and skills." [7] At the same time, there are reasons to question whether punishments for certain offenses are deserved and proportionate. Concepts and terms used in reference to weapon types and legality of their dissemination are also sometimes imprecise and contradictory.

For example, the bulk of legislation governing responsibility for arms trafficking in the Russian Federation is contained in articles 220 –226.1 of the Criminal Code. [1] Crimes of this category usually

merit punishments of various severity. For the purposes of determining responsibility proportionate to the deed, arms can be divided into three groups by criminal intent.

The first group includes firearms, including parts and accessories, ammunition, explosives and explosive devices. The list of felonies includes illegal purchase, transfer, sale, keeping, transportation, carrying of such weapons (parts 1-3 of article 222 and article 222.1 of the Criminal Code), their unlawful manufacture, alteration or repair (parts 1-3 of article 223, article 223.1), negligent keeping (article 224), improper guarding (part 1 of article 225), theft and extortion (parts 1, 3, 4 of article 226).

The second category includes gas and melee and throwing weapons. The only available legislation for this group punishes illegal sale (part 4 of article 222) and manufacture (part 4 of article 223) of such arms.

The third group comprises various weapons of mass destruction: nuclear, chemical, biological and others, along with materials and equipment for their production. The law bans their development, manufacture, stockpiling, purchase or sale (article 355), improper safekeeping (part 2 of article 225), theft and extortion (part 2 of article 226) and separately theft and extortion of nuclear materials or radioactive substances (article 220).

Criminal responsibility for illegally exporting from the Russian Federation or transferring to foreign organizations or their representatives materials, equipment, technologies, research data, providing illegal services that could be used to create weapons of mass destruction, arms and military equipment is set out in article 189. These documents treat arms as a general category. Article 226.1 considerably details and expands the list of arms, banning smuggling of strongly reactive, toxic, explosive, radioactive substances, sources of radiation, nuclear materials, firearms and its components, explosive devices, ammunition, weapons of mass destruction, their vehicles, other arms and military equipment, along with materials and machinery that may be used to create weapons of mass destruction, their vehicles, other arms and military equipment and goods and resources of strategic importance.

According to these documents, smuggled items may include all kinds of lethal weapons, their accessories, materials and equipment from the first and second arms category.

Given the above and in view of the danger of certain crimes to the public and probable gravity of their consequences, we propose to increase terms of imprisonment for illegal handling of nuclear materials and radioactive substances (part 2 of article 220), illegal manufacture of arms (part 2 of article 223) and theft and extortion of weapons, ammunition, explosives and explosive devices (part 3 of article 226). The seriousness of such crimes and their danger to the public also warrants heavier punishments for illegal purchase, transfer, sale, keeping, transportation, carrying of weapons its parts, ammunition, explosives and explosive devices (part 3 of article 222) - grave offenses. Illegal manufacture of weapons (part 1 of article 223 and part 3 of article 223), a medium-grave to grave offense, also merits harsher punishment.

Criminal cases related to arms and ammunition should also be pursued in accordance with the Federal Law On Weapons [2], which establishes the rules of dissemination of weapons, the rights and responsibilities of the parties, based on constitutional, administrative, civil, criminal law, forensic science and adjunct legal areas. The law On Weapons defines a weapon as a device or item engineered to damage living creatures or other targets and for signaling. In particular, firearms are defined as devices for inflicting damage with projectiles impelled by the energy of gunpowder or another charge. A classification of weapon types by target and design is provided. The law divides weapons by their application into civilian, service, military, hand-to-hand, ranged and melee, depending on certain main characteristics. [2, article 2] The second trait, design, is represented with the following categories: firearms, melee, throwing, pneumatic, gas, signal weapons [2, article 1] and ammunition. Yet many

experts are critical of the law On Weapons. That law, just like the Criminal Code, fails to address every variety of weapon criminals use.

Among other things, the list of weapons used in the Russian Federation includes striking irradiation weapon. Equipment from this list includes devices that specially target biological characteristics of humans. Research in this field is usually classified, its output - various devices to influence and harm the human mind and body. [11]

The Minister of Security V. Barannikov at a 12.02.1993 meeting in the Kremlin reported the problem of a "brain leak" into the underworld, sounding alarm about classified information's creep into outside structures. [10] Today experts believe that many systems and devices for harming the mind and body with electromagnetic or acoustic waves may be manufactured almost at will. The emergence of striking irradiation weapons has brought about many problems no law enforcement structure had been prepared for. An acute lack of qualified investigators for crimes committed with striking irradiation weapons, a shortage of experts and methods of scrutiny, a nearly complete absence of equipment for measurement have encouraged high-technology crime with striking irradiation weapons across the country and created demand for assassinations using these methods. The reason is that law enforcement does not clear or even register such crimes, and available methods of investigation make it very difficult and sometimes practically impossible to establish the cause of a death or a strange pathology.

One property of striking irradiation weapons is their ability to affect a person without alerting his senses. Electromagnetic, acoustic (infra- and ultrasound), radioactive emissions cannot be seen, heard or touched. But that does not make them any less deadly. It is for this reason that today practically no protections exist against such attacks. Intentional influence by electromagnetic, acoustic waves can disrupt behavior and thinking, change reactions to events and situations, interfere with bodily functions and leads to cell changes, the end result being death. The absence of legislation to punish offenders with striking irradiation weapons poses an enormous challenge. Although there is a provision to limit trafficking in striking irradiation weapons, [2, clause 1 of article 6], it is nearly ignored. For example, article 6 of the law On Weapons forbids use of the following arms for civilian and service weapons: weapons and other devices whose destructive effect is derived from electromagnetic, thermal, infra- and ultrasonic sound waves, with output parameters that exceed those allowed by technical regulations of the Russian Federation and standards of the government agency tasked with development of state policy on health safety, including such weapons and devices manufactured outside of the Russian Federation. [2]

The law On Weapon contains no definition of an striking irradiation weapon. This circumstance makes it difficult to describe advanced weapons forensically. In response we propose adding the following definition to article 1 of the said law: "Striking irradiation weapons are devices and items engineered to damage living creatures or other targets with electromagnetic, acoustic or radioactive emissions whose output parameters exceed those allowed by Russian Federation standards and federal health care legislation." The same definition, in our opinion, should be added to the Criminal Code, making it possible for inquiry officers, investigators and judges to categorize with legal exactitude striking irradiation weapon crimes.

A categorization of research institutes that work today on creating and perfecting striking irradiation weapons seems appropriate. They work in the following fields:

- remote thought control;
- remote control of the human body and behavior using directed electromagnetic and acoustic waves;

- biorobotics;
- complete or partial memory overwriting;
- remote physical and biological influence on living creatures using electromagnetic and acoustic waves. [4]

Sources of energy used against the human mind and body include:

- infrasonic devices (using vibrations and impulses);
- electronic radio waves in a broad frequency range, including super-high frequencies. Both can be combined with video surveillance to follow the target beyond walls and other obstacles;
- electronic computer-integrated devices for remote hypnosis;
- laser technologies capable of inflicting burns of various degrees. [5]

According to N. Anisimov, striking irradiation weapon production started in late 1970s. It was then that such weapons began to be manufactured at underground factories and actively used for crime. Perestroika and glasnost in late 1980s allowed the first publications exposing the makers and buyers of such weapons to see the light. [4]

Methods of energy impact include:

1) electromagnetic waves:

- ultra-high frequencies with wavelengths of 1-10 cm, corresponding to frequencies of 300 MHz-3 GHz.
- super-high frequency waves with wavelengths 1-10 cm and frequencies of 3-30 GHz.
- extremely-high frequencies with wavelengths of 1 cm to 1 mm and frequencies of 30-300 GHz.

2) acoustic:

- infrasound with wavelength 17 m and frequency below 20 Hz;
- ultrasound with wavelength 0,017 m and frequency above 20 KHz. [8, 12] All of these emissions are harmful to health and capable of causing serious illnesses. [10]

The arguments of G. Gurtovoy and I. Vinokurov about practical applications of such methods seem convincing. For assassinations such methods must be preferable, as various emissions can be delivered surreptitiously in apartments and leave no signs of violence. Emitters can be installed in nearby apartments, on bottom or top floors, in ventilation shafts, beneath floors, inside walls or beam from houses outside the windows. [5] Telephone cables and radio networks, ducts of sewers and heating systems, television sets, fire alarms, buildings' electrical grids can all serve as antennas. The comprehensive nature of this influence on humans deserves the name of "network influence." [9]

Criminals invest their abundant resources into perfecting these technologies, constantly trying new technologies of crime. The most in-demand assassinations are deaths in apartments or offices with no signs of violence. Conventional protections such as body armor, an armored vehicles or bodyguard are useless against the new means of murder. Criminals install their devices of death in places almost never checked by police, even if they search the scene. But investigation of crimes with striking irradiation weapons requires examination of nearby rooms, hidden cavities, ventilation shafts, spaces below the floor and other technological pockets where the harmful emitters may be installed. Striking irradiation weapon crimes must involve measurement with certified devices of electromagnetic, acoustic and radioactive backgrounds.

Unfortunately, expert bodies of the Ministry of the Interior, the Investigative Committee and other branches of law enforcement lack such equipment. These agencies have no investigators specializing in striking irradiation weapon crimes. Thus, statements from citizens about such publicly dangerous crimes are ignored or pushed down to subordinate agencies or health care institute.

Every organ of the human body has its own wave profile, long-known and described by science. Striking irradiation weapon crimes, murders and other offenses may therefore remain undetected, because the causes cannot be proven. Lax expert bodies have not developed standards to compare and detect abnormal changes in the organism from electromagnetic, infra- and ultrasound impacts.

The above considerations make clear an urgent need for weapon control measures at the policy and legislative level.

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