

The Forgery in Identity and Traveling Documents

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ABSTRACT: This work we propose an analysis of some aspects regarding forged identity and travel document, because, the forgery of identity cards, passports, driver licences, weapon licences has become a very frequent felony in the legal practice in Romania. The most frequent documents that are forged in Romania are passports, driver licence and the documents regarding certain merchandise. The counterfeit of administrative documentation, of pay instruments, identity theft are more frequent along with other type of criminal offences. Regarding the identity theft, the most common way to do the forgery is by replacing the photo or by replacing certain pages of the document with personal information. Usually this fake information is easily to discover because of the security details that every official document has, there by, any mechanical or chemical intervention will alter the protection fund and the forgery can be exposed under ultraviolet radiation.

KEYWORDS: documents, forensic investigation, forge, probation

Introduction

The word document comes from Latin, derived from the word *documentum* which means certificate, clue, proof. The explanatory dictionary of the Romanian language defines the document as a writ through which it is to certify, to conclude or to determine a fact it is to confer a right or to admit an obligation. Another explanation would be that this is a written text, or a printed one, an inscription or another testimony which serves to the understanding of real fact which is current or from the past.

The Romanian Criminal Code uses the term of document, against the previous regulation that used the term of the writ. Aside from these two terms, there is the term of document, which can nominate both a document, and any other object meant to certify facts of a legal and historical nature. Hence, the same concept can be given both through the term of document or the term of the writ, especially if to these is added the word written: written writ, written document.

The term of document is more wide-ranging, covering the entire problematic of forensic research. In the literature, the document was defined as: any printed written document, typed, manuscript, sketch, draft or drawing through which it is certified the marital status, the identity of a person, the educational and professional training, the conclusion of different contracts, declarations, bank notes, postmarks etc. (Mircea 1999, 181).

In the legal process, the written documents can serve not only as means of proof but also for the reenactment of the circumstances of drawing up. In this kind of circumstances, there are seen as material means of proof, being this type of means of proof in the forensic expertise as well. The written document is considered as mean of proof as long as its authenticity is not called into question. From the moment of questioning, this becomes a material mean of proof. The document will not have the role of certifying of certain legal relationships anymore, but will serve to prove the forgery and will serve to determine the author, as well as to elucidate other revealing circumstances under the legal framework. As a mean of proof, the document own the coordination between what it delivers and the actual fact, whereas, the writ – the material proof is out of this coordination.

By identity document, it is understood the identity card, the electronic identity card, the provisional identity card and the social security card all of them being in the period of validity. The identity document is the proof of identity, of Romanian citizenship and the home address, and, where applicable, the residence address.

Under the regulation of Law no. 248 from 20th of July 2005 regarding the freedom of movement of the Romanian citizens abroad, published in the Official Gazette of Romania no. 682 from 29th of July 2005, with the subsequent amendments and changes, the identity card and the electronic identity card are travel documents among the member states of the European Union.

Aside from the identity card and the electronic identity card, the travel documents of a person are the following: the simple electronic passport, the simple temporary passport, the simple electronic passport for the Romanian citizens residing abroad (CRDS) and the travel title.

The simple temporary passport – is the travel document that is issued to the Romanian citizens that meet the criteria imposed by the law and they are not under any of the situations of suspending the right of traveling abroad, and, in the following period they have a proved urgently need of a valid passport.

The traveling title is used when a person's passport is expired and this person does not have a passport or any other travel document anymore. Therefore, the person can request the embassies or the consulates of Romania the issuing of a travel title that can be used exclusively for returning in Romania.

Aside from the facts from the representative specter of the organized crime are the illegal migration, the migrant smuggling, the drug trafficking, the trafficking of dangerous material, the contraband, the traffic in stolen cars, currency trafficking, fake currency, terrorism etc. In recent times have been registered other criminality manifestations. From the caseload and the practice of the authorities that are supervising the exercise of the right to freedom of movement for the people, the most frequent crimes complementaries for cross-border criminality are:

- Forgery in travel documents and/or identity forgery (Cristiean 2017, 252);
- Document traffic, stolen visas or illegally obtained;
- The circulation of Foreigners regime – exceeding the purpose of coming to Romania
- Scamming the people interested in working abroad
- The abuse of the institution of repatriation – the traveling gangs of criminals.

The various types used in document forgery determined the necessity of elaborating the same various methods for discovering the forgeries and to set specific measures for preventing the possible methods of falsification.

The forensic expertise of false identity and travel documents

From the forensic point of view, starting from the range of the criminal's action, the forgery can be classified as partial false, full false (Bercheșan and Ruiu 2004, 559-560).

The partial false (the forgery) consists in that, in its activity, the criminal does not take into account the alteration of the entire content of the document, but only a part of it. But, the action of alteration has the purpose of conferring some effects totally different compared to those that the initial document had. The forgery can be accomplished through deletion, retouching, adding and replacing the owners photograph.

The full false is also known as counterfeiting. Compared to the partial false, this consists in the fact that the document is entirely affected. The forensic expertise practice shows cases when the material that was written on and the writing tool, as well, are not identical.

For forging such a document, there would be used three procedures:

- The copying (reproducing an authentic form with the help of a black and white copier or color);
- The press (using the flat press, high and sometimes deep – intaglio);
- The computerized editing (involving the use of a computer, scanner or printer).

The forged documents will not contain protection elements specific to the authentic ones, these being usually the most imitated and wrong rendered. The forges, from the protection elements point of view, will have the following characteristics (Popa, Buzatu, Hanga and Conicescu 2005, 20-21):

- The paper will have its own fluorescence, as an outcome of the use of the factory process of the bleach, one of the authentic documents does not have a fluorescence due to the special composition, rich in textile fibers.
- The filigree can be copied by applying a light-toned ink with a cliché or by pressing or corrosion of the paper. Anyway, the ink will be visible in the incidental light and in UV radiations, and in other cases, the paper will show traces of pressing or scraping. These aspects are not met in an authentic filigree that is visible only at the transparency examination.

- The protection drawings are very fine but will not be reproduced, and those in pastel tones will be emphasized, making a contrast with the background. They will be reproduced in the faded areas, the transition is more abrupt compared to the original document.
- The fluorescent elements often are missing. There have been trials of reproducing them, but the fluorescence and the density were different than those from the authentic document.
- The colored fibers are not inserted in the paper mass. They are taken for copying and scanning as graphic elements or are drawn with scriptural tools with a sharp point, if for the copying is used a lower colour density, the fibers will not be reproduced, and if it is used a higher density, these will not be emphasizing reproduced to make contrast with the background.

Therefore it will proceed to the forgery of certain authentic, lost or stolen documents, by replacing the photographs, changing the surnames or the forenames, the number of the document. In addition, other modifications can be done for some visas.

The forgery by removing the documents can be accomplished in two ways, more exactly: mechanical and chemical.

The chemical method is itself composed by two other ways: by erasure or by scraping. Through deletion, it is understood the mechanical way of removing the writing by using the rubber or breadcrumb and so on. By scraping – removing the writing with the blade the knife or any other objects like this.

The chemical method can be accomplished by corrosion or washing. The corrosion methods consist in the discoloration of the writing by attacking it with chemical substances. During the washing, the writing is discolored and at the same time is dissolved entirely or partially. Any applied method will remove the writing entirely or partially and, therefore, in some cases it can be revealed and in other cases, not.

Usually, these forgeries are easy to be discovered, due to some protection measures provided to the documents any chemical or mechanical intervention leading, for example, to the alteration of the background of the protection background, easily noticed under the UV radiation.

The forensic examination of these documents will start from the examination of the security elements, along with from verifications regarding the compliance with the requirements imposed by the regulations for filling the licenses, the identity cards or passports.

Establishing the authenticity of a documents consists in a current activity of the legal authorities. These authorities proceed to check and pick up the documents prone to suspicion regarding the form, the content, the ink color etc. Usually, the most frequent cases make reference to determining the authenticity of the identity documents, the passports or any other civil status documents, study documents, attestations, certificates etc. (Bercheşan and Ruiu 2004).

Among the elements that need to be taken into consideration for determining the authenticity of a document are included the following ones (Drăghici and Iacob 2007, 382):

- The compliance of the legal requirements regarding the form and the content of the document, including the date, the signature, the sealing or the application of the embossing press stamp, the registration and, possibly, the registration number of it.
- The period of validity, being known the fact that a lot of the documents with visas have a limited validity period.
- The existence of a correspondence between the physiognomy of a person and the photography applied to that document, including the person's civil status data and the data written in the identity document by which the person gets carded.
- The existence of certain protection or security elements of the document, meant to certify its authenticity and to prevent its forgery or counterfeiting, for example, the filigree, the security string, the holographic intaglio imprinting, the micro text, the inert image, fluorescent elements.

Essentially, the forensic examination of a document, regarding its authenticity, aims to determine the aspects meant to question its truthfulness, materialized in (Ionescu 2007, 123-126):

- the existence of visible traces of deletion or scraping;
- overlapping or covering the writing;
- changes made by erasing, adding, text covering or retouching;

- the compression of the graphics or of the spaces between the lines;
- the normal position of the signature related to the existent writing on the document;
- the absence of clear contours and the regular form of the stamp pressures;
- the absence or substitution of a file in the document.

Determining the authenticity (Drăghici and Lupu 2004, 332) by the legal authority must be limited only to the mentioned elements, the determination of the forgeries and the counterfeiting can be accomplished only under laboratory conditions, with optical magnifying devices, in natural light, infrared or UV radiations in incidental light or transparency.

In the forensic practice frequent cases have been flagged for counterfeiting document in such a well-done manner and with the authenticity appearance at such a high level that is practically impossible to discover the forgery without using the specialty expertise knowledge and the laboratory technical facilities so the safety elements are meant to provide protection to the documents.

For the technical examination of the documents, it is used the device equipment used for advanced technologies, like the video-spectral comparator VSC 5000 and the spectral comparator FORAM 685 2. The video-spectral comparator VSC 5000 is a working station dedicated to the document examination laboratories. Benefiting from the high-resolution image caption, the system offers multiple examination facilities of the documents and the safety elements, meeting all the requirements of a performant examination. The device is featured with an optic system with filters and a micro-spectrometer that ensures the comparison of the two inks through various methods: absorption, reflection, and fluorescence. The spectral comparator FORAM 685-2 uses the scattering effect RAMAN, named this way, after its inventor, the Indian scientist CV Raman (Drăghici and Iacob 2007, 38).

The technical possibilities of discovering the passport forgery, more and more frequent in the present, same as for the similar documents, enlarged through the use of radioactive techniques. This way, through X-Ray, is examined the passport cover and the “window” practiced inside of it, where the owner’s name and the passport number is written inside. Through X-Ray as well, are discovered the photographs and the substituted paged. The electrographication serves for researching the filigree and the other protection measures incorporated in the passport paper mass (Stancu 2015, 337).

The total falsification or the counterfeiting of these documents is harder to accomplish in practice, because it will impose an entire succession of counterfeiting, starting with the ink and paper towards the printing and the imitation of other auxiliary protection elements (embossing press, stamp etc.), which makes nearly impossible the forgery, even though, in practice, mostly in passports and visa cases, this is practiced, as well as, our specialists dealing with this type of cases (Stancu 2015, 337).

For examining and research a document, means to analyze from all the points of view, to examine, to study and to investigate a document through which it is certified, it is determined or is projected a fact, is conferring a right and admitting an obligation.

Conclusions

The forgery of border crossing documents became frequent in the legal practice as well, mostly starting with 1990, after the revolution, as an outcome of the profound transformation that took place in Romania and in the majority of the European states as well.

The freedom of movement of the people established by The Universal Declaration of Human Rights, The Romanian Constitution and the Law no. 248/2005 regarding the freedom of movement of the Romanian citizens abroad, with the subsequent amendments and changes, involves certain limitations and conditions aside from rights.

In this way, a basic condition for crossing the border for a Romanian citizen is to own an authentic and valid traveling document, and not to have, according to the law, the limitation of the freedom of movement.

As proposals to better operation of the activity of intensification of forgery in travelling documents, would be the endowment of the competent authorities with testers (video images) of the false foreign passport and visas, the achievement of documentary movies regarding the activity of fighting the illegal border crossing with forged travelling documents – to be used in the specialized training process, the improvement of the equipment with performant devices (video-spectral comparator, optical readers etc.),

the specialists will take into consideration for the accomplishing the new travelling documents for crossing the border, new security elements with the purpose of stopping forging and counterfeiting of the documents.

These security elements will allow the authorities with control attributions to easily refer the forging that causes the effect of altering the form and the content of the documents, under the condition that the border police officers to be prepared accordingly and to have the adequate means of detection.

Nowadays, the risks and the threats a state is confronting gain more and more trans-boundary character and can be controlled only by the active cooperation of the states. The forging and counterfeiting of the identity documents, of the traveling documents, of the auto documents, the cargo paperwork etc. are serious crimes that belong, in most of the cases to certain cross-border organized crime networks.

Despite the technology development, the forgery of the identity documents, of traveling documents and not only, remains an actual problem, this crime gaining, more and more an international character, that would facilitate the committing of serious crimes, such as the trafficking in human beings, drug trafficking etc. Under the increasing threat of the terrorism, other crimes that are endangering the international community is necessary the implementation of safety measures, for the border-crossing points and the compliance and perfecting the security elements as well, regarding the process of issuing the documents.

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