

# ROMANIA

November 2008

[www.coe.int/gmt](http://www.coe.int/gmt)

## NATIONAL POLICY

In December 2001, the Parliament of Romania adopted the **Strategy on National Security**, with a view to comply with the requirements for accession to NATO and the EU, as well as for multi-dimensional cooperation within the international community faced with new security risks, including terrorist threats and attacks.

Due to the special attention paid to this phenomenon, a **National Strategy for Preventing and Combating Terrorism** has been approved by the Supreme Council of National Defense, whereby the **National System for Preventing and Combating Terrorism** has been organized.

The Strategy emphasizes *"the imperative need to put into practice the political commitment of Romania in respect of international terrorism, by taking measures to enhance Romania's contribution to the efforts of preventing and countering terrorism, within bilateral and multilateral cooperation actions."*

Anti-terrorist action is based on the timely identification and prevention of potential terrorist threats, irrespective their origin, form of manifestation or target.

## LEGAL FRAMEWORK

The main legal provisions on terrorism are contained in Law no. 535/2004 on preventing and combating terrorism, which regulates the **National System for Preventing and Combating Terrorism**.

According to the provisions of art.5 of the above mentioned act, "the preventing and combating of terrorism are carried out according to the provisions of international conventions on suppression of terrorism ratified by Romania".

Within the Romanian Intelligence Service (SRI), as national authority in this field, a Centre for Counter-Terrorist Operative Coordination was established (cf. "Institutional Framework").

Chapter III of the Law regulates measures on preventing financing of terrorist acts. Chapter IV covers the crimes in this matter.

It is necessary to mention that Law no. 535/2004 abolishes the Government Emergency Ordinance no. 141/2001 and Government Emergency Ordinance no. 159/2001, which regulated these issues after the 9/11 terrorist attacks.

By Law no. 508/2004 a **Department for Investigation of Organized Crime and Terrorism** has been established within the Prosecutor's Office of the High Court of Cassation and Justice.

During the investigation of serious crimes, including acts of terrorism, some special investigation techniques may be used – with observance of fundamental rights and freedoms, such as under cover investigators, use of informers, electronic surveillance, monitoring and intercepting communications, monitoring IT systems.

Government Emergency Ordinance no. 21/2004 organizes the National System for the Management of the State of Emergency. A National **Committee for the Management of the State of Emergency**, conducted by the Minister of Administration and Interior and coordinated by the Prime Minister has been established.

Persons who have information related to terrorist acts and agree to disclose such information to judicial authorities are included in the **Witness Protection Programme**, according to Law no. 682/2002 on witness protection.

The Law no. 211/2004, entered into force on the 1<sup>st</sup> of January 2005, contains measures for **compensation and assistance of the victims of crimes**, including terrorism. Financial compensation is granted by the state, through the budget of the Ministry of Justice, on the basis of a decision of the special Commission organised at the level of tribunals.

## INSTITUTIONAL FRAMEWORK

**The National System for Preventing and Combating Terrorism (NSPCT)** serves to ensure, organize and carry out, at a unitary level, the inter-institutional cooperation activities, the main purpose of which is to optimize the fulfilment of the tasks, competencies and prerogatives that are instrumental in implementing national antiterrorist policies, while strictly observing citizens' fundamental rights and liberties

The NSPCT consists of the following public bodies:

- Romanian Intelligence Service, as a technical coordinator;
- Foreign Intelligence Service, Protection and Security Service, Special Telecommunication Service;
- Prosecutor's Office attached to the High Court of Cassation and Justice;
- Ministries in charge of: Interior and Administrative Reforms, Defense, Foreign Affairs, Agriculture and Rural Development, Environment and Sustainable Development, Transport, Public Health, Communication and Information Technology, Economy and Finance, Justice, Department for European Affairs;
- National Bank of Romania;
- National Agency for Exports Control;
- National Office for Preventing and Countering Money Laundering;
- National Commission for the Control of Nuclear Activities.

The NSPCT bodies develop specific activities, individually and/or in cooperation, according to their legal competences, with a view to prevent and combat all terrorist acts and all acts that may engender, encourage or facilitate terrorism, regardless of their means. They organise and carry out activities aimed at obtaining data and information in the counter-terrorist field, both inside and outside the national territory, for the purpose of preventing, countering and eliminating terrorist threats to the national security of Romania.

Within the Romanian Intelligence Service, the **Centre for Counter-terrorist Operative Coordination** was set up as an operational structure that ensures permanent coordination and contacts with the members of the NSPCT.

The Centre ensures, if needed, logistic and operational support for setting up a National Counter-Terrorist Action Centre that – in case the terrorist crisis affects other levels, too – shall be

functionally integrated in the General Crisis Management mechanism.

## INTERNATIONAL CO-OPERATION

According to the provisions of the National Strategy for Preventing and Combating Terrorism, one of the objectives is to take part in all the international efforts of preventing and combating terrorism in different geographical areas, by

- Active contribution to bi- and multilateral initiatives meant to identify the most efficient political and diplomatic actions, regulations and other legal instruments, as well as international cooperation mechanisms, meant to prevent the development and the manifestation of terrorist acts, as well as to counter its associated activities;
- Integrating into the national legal framework and the activities supported by Romania the responsibilities assumed through international agreements;
- Exchange of information;
- Involvement of professional armed forces in multinational military operations, in accordance with the UN Resolutions.

### United Nations

Romania ratified the international conventions and agreements on the prevention of and the fight against terrorism. It has ratified **all UN Conventions** related to this matter.<sup>1</sup>

The list of relevant United Nations Treaties ratified or having been the subject of an accession by Romania appears in the Annex.

Law No. 302/2004 on international judicial co-operation in criminal matters complies with the requirements of the Security Council Resolution no. 1373 (2001). Thus, extradition for terrorist offences shall not be denied on the ground of political motivation. The law also allows extradition from Romania of Romanian citizens, under certain conditions.

### Council of Europe

Romania has also ratified the **European Convention on the suppression of terrorism** and its Amending Protocol.

---

<sup>1</sup> Late September 2005, Romania signed the 13<sup>th</sup> UN Convention in this field, for the Suppression of Acts of Nuclear Terrorism. This UN Convention was ratified by Law 369/2006.

On 16 May 2005, Romania was among the first 31 countries which had signed in Warsaw the **Council of Europe Convention on the prevention of terrorism** and among the 20 countries signing the **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**. The Council of Europe Convention on the Prevention of Terrorism was ratified by Law 411/2006. The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism was ratified by Law 420/2006.

### European Union

As a Member State of the European Union, Romania implemented the EU instruments, including the European Arrest Warrant Framework Decision, the 2000 Mutual Legal Assistance Convention and its 2001 Protocol, the Schengen *acquis*. Surrender of own nationals is permitted and hundreds of Romanian nationals have already been surrendered to other member states.

In its capacity as an EU Member State, Romania has participated in the negotiations of the Framework Decision which aims at updating the existing Framework Decision on combating terrorism and aligns it with the Council of Europe Convention on Prevention of Terrorism. This includes new references to: (i) public provocation to commit terrorist offences; (ii) recruitment for terrorism; and (iii) terrorist training. In April 2008, the EU Council reached a general approach on this proposal, subject to further parliamentary scrutiny in some Member States and to the opinion of the European Parliament.<sup>2</sup>

### Other forms of international co-operation

The premises of **Regional Centre for Combatting Trans-Border Crime are located in Romania. This Centre (SECI)**, set up within the South East European Initiative, provides training on law enforcement and exchange of intelligence in order to counter cross-border crime, including terrorism, in 12 countries in Central and Eastern Europe. Romania is also part of the Black Sea Economic Cooperation Agreement on the fight against organized crime.

Romania has concluded bilateral agreements on combating organized crime and terrorism with most European states, as well as with countries in other geographical areas.

### Annex

#### **Treaties ratified or having been the subject of an accession under the aegis of the United Nations**

- ✓ Convention on Offences and Certain Other Acts Committed On board Aircraft ("Tokyo Convention", 1963--safety of aviation);
- ✓ Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970--aircraft hijackings, was ratified by Romania in 1972, Decree no. 143/1972);
- ✓ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation ("Montreal Convention", 1971--applies to acts of aviation sabotage such as bombings aboard aircraft in flight);
- ✓ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973- outlaws attacks on senior government officials and diplomats);
- ✓ International Convention against the Taking of Hostages ("Hostages Convention", 1979), to which Romania acceded in 1990, Decree no. 111/1990;
- ✓ Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", 1980--combats unlawful taking and use of nuclear material);
- ✓ Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety), (1988);
- ✓ Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, (1988--applies to terrorist activities on ships);
- ✓ Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988--applies to terrorist activities on fixed offshore platforms);
- ✓ Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991--provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage);

<sup>2</sup> Delivered on 23 September 2008.

- ✓ International Convention for the Suppression of Terrorist Bombing (1997);
- ✓ International Convention for the Suppression of the Financing of Terrorism (1999);
- ✓ Protocol to prevent, suppress and punish trafficking in person, New York, 2000;
- ✓ Protocol against the Smuggling of Migrants by Land, Sea and Air, New York, 2000;
- ✓ International Convention for the Suppression of Acts of Nuclear Terrorism, New York, 14 September 2005.

<b>Relevant Council of Europe conventions - Romania</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	30/06/1995	02/05/1997
Amending Protocol (ETS 190)	15/05/2003	29/11/2004
European Convention on Extradition (ETS 24)	30/06/1995	10/09/1997
First Additional Protocol (ETS 86)	30/06/1995	10/09/1997
Second Additional Protocol (ETS 98)	30/06/1995	10/09/1997
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	30/06/1995	17/03/1999
First Additional Protocol (ETS 99)	15/02/1996	17/03/1999
Second Additional Protocol (ETS 182)	08/11/2001	29/11/2004
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	20/11/1997	08/06/2000
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	08/04/2005	01/06/2006
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	18/03/1997	06/08/2002
Convention on Cybercrime (ETS 185)	23/11/2001	12/05/2004
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	09/10/2003	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	21/02/2007
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/05/2005	21/02/2007