



REPUBLIC OF MOLDOVA

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NATIONAL POLICY

The Republic of Moldova condemns terrorism in all its forms and manifestations and supports the international community's position regarding the determination of terrorism as one of the main threats to the states' security. The Republic of Moldova supports international cooperation and actively participates in activities directed towards combating terrorism elaborated by international organizations through regulation and practical measures. At the same time, the Republic of Moldova considers that keeping "frozen" conflicts in different regions of the world, which are under limited or entire control of separatist-extremist forces, facilitate money laundering, illegal migration, human trafficking, weapons and drugs trafficking. That overall creates a favourable environment for international terrorism. Such threats affecting the security of our country and other states from the Black Sea region, including countries neighbouring the European Union, in the light of expanding international terrorist networks, represent an important factor in the process of establishing internal and external policies and strategies of the Republic of Moldova. Actively participating in the process of consolidation of its capacities regarding the prevention and combating of terrorism, Republic of Moldova unconditionally respects international agreements in the field of human rights and fundamental freedoms as being the basis for its internal regulations.

LEGAL FRAMEWORK

Criminal law

Terrorism represents a growing danger to human rights, democracy and supreme law. One of the most problematic aspects of this phenomenon is that terrorism is not limited to small geographic areas and does not affect only separate states. Despite efforts of the international community, this scourge has reached even the states situated far away from the conflict areas, causing the extension of terrorist threats.

At the moment, the foreign terrorist fighters (FTF) phenomenon represents the main negative tendency

recorded in most states of the world. The foreign terrorist fighters are defined as "individuals who travel to a State other than their State of residence or nationality for terrorist purposes". Foreign terrorist fighters may pose a serious danger, because they increase the intensity and duration of conflicts, and represent a threat to the security of origin and transit countries.

The regulations concerning this category of people can be found in the UN Security Council Resolution 2178 (2014) which defines the term of Foreign Terrorist Fighter. Furthermore, the Resolution 2178 stipulates that "all States shall insure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize in a manner fully reflecting the seriousness of the offense their nationals who travel or attempt to travel to a State other than their States of residence or nationality for terrorist purposes". Similar regulations regarding the foreign fighters phenomenon can be found in the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, opened for signature in Riga, 22.10.2015 and approved by the Republic of Moldova by Law nr. 274 as from 16.12.2016.

In this regard, the most recent amendments and additions to the Criminal Code of the Republic of Moldova consist in criminalizing such phenomena of travelling abroad for terrorist purposes, as well as receiving training for such purposes:

Self-training or receiving training for terrorism mean obtaining knowledge or practical skills in the making or use of explosives, weapons of mass destruction, radioactive materials or devices, firearms or other weapons, noxious or hazardous substances, or other specific techniques or methods, which may generate the commission of one or more terrorist offences.

Travelling abroad for the purpose of terrorism means travelling to a State, which is not that of the traveler's nationality or residence, for the purpose of planning, commission or participation in a terrorist offence, or providing or receiving training for terrorism.

For the purpose of implementing the 12 universal tools in counter terrorism field, including:

the Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on May 16, 2005 (approved by Law 51-XVI as of 07.03.2008);

the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on April 13, 2005 (ratified by Law nr. 20-XVI as of 21.02.2008);

the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome on March 10, 1988 (approved by Law nr. 192-XVI as of 28.07.2005);

the Protocol on the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, adopted in Rome on March 10, 1988 (approved by Law nr. 193-XVI as of 28.07.2005);

the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (ratified by Law nr. 274 as from 16.12.2016),

there have been made essential legislative modifications, in order to harmonize the national legal framework and implement good practices in this field, the most important being the following:

1. Supplementing Article 134¹¹ of the Criminal Code of the Republic of Moldova, where offences of a terrorist character are stipulated.

2. Due to the modification of Article 278 of the Criminal Code, terrorism is defined as the setting off of an explosion, causing conflagration or committing other acts which pose the danger of death or bodily or mental harm, causing fundamental damage to the property or the environment or other serious consequences, if this act is committed with the aim of intimidating the population or a part thereof, attracting society's attention to political, religious ideas or ideas of another nature of the offender or to force the state, an international organization or a judicial person to commit or abstain from committing any act, as well as threatening to commit such acts with the same aims.

At the same time, the Criminal Code stipulates that persons who commit a terrorist act and other accomplices can be penalized with the minimum penal punishment if they have warned the authorities about the respective actions and as such contributed to the avoidance of death, bodily and mental harm, other serious consequences, as well as the identification of other accomplices. Moreover, the Criminal Code of the Republic of Moldova, in the same Article, provides for non-penal liability of any person who participated in the preparation of the terrorist act if he/she timely informed the authorities or took other measures, contributing to the prevention of a terrorist act and if his/her actions do not constitute *corpus delicti* of other offences.

3. The amendment of the Article 279 of the Criminal Code defines the offence of financing terrorism as "provision or deliberate collection by any person, by any method, directly or indirectly, of goods of any nature, obtained by any method, or provision of any financial services with the aim of using these goods or services, or knowing that they will be used, entirely or partially, for organizing, preparing or committing an offence of a terrorist character, or by an organized criminal group, a criminal organization, or by a particular person who commits or attempts to commit offences of a terrorist character or who organizes, guides, associates, preventively agrees, incites, or participates as an accomplice in committing these offences".

The offence of financing terrorism is considered committed, irrespective of whether the offence of a terrorist character is committed or not, whether the goods were, in fact, used to commit this offence or whether the actions were perpetrated within or outside the territory of the Republic of Moldova.

Goods refer to financial means, any type of corporeal or incorporeal values, mobile or immobile, tangible or intangible, as well as acts or other judicial tools of any form, including electronic or digital form, which certifies a title or a right, including any share (interest) regarding these values.

4. In the added Article 140¹, the Moldovan legislator qualifies as an offence the use, development, creation, acquiring in other ways, processing, detention, hoarding or conservation, direct or indirect transfer, maintenance or transportation of weapons of mass destruction.

5. Article 275 stipulates penal punishment for the capture of a train or the hijacking of an aircraft or maritime or fluvial ship.

6. Amendments of articles 289¹, 289² and 289³ of the Criminal Code, determine as offences acts directed against aeronautical security, airports and maritime transports, as well as the security of fixed platforms.

7. By amending articles 278¹, 279¹ and 279² important supplements have been made, particularly by penalizing the delivery, placing, setting or detonating an explosive device or any other device with fatal effect, as well as recruiting, coaching or giving any other support for a terrorist purpose, instigation for terrorist purposes or public justification of terrorism. Thereby:

- recruitment for terrorist purposes constitutes "a request addressed to a person to commit or contribute to the preparation or perpetration of an offence of a terrorist character, or to be associated with an organization or a group, with the intention or knowledge that this request is intended to contribute to the perpetration of one or more offences with a terrorist character";

- training for terrorist purposes is considered as “supplying with instructions regarding the manufacturing or use of explosive devices or substances, or weapons of mass destruction, or radioactive devices or materials, or firearms or any other weapons, or noxious and hazardous substances, or regarding other specific techniques or methods, intending or knowing that this supply will contribute to the perpetration of one or more offences of terrorist character”;
- providing any other support for terrorist purposes implies “acquiring, maintaining, manufacturing, transporting or supplying weapons, munitions, any other destructive devices or means, biological weapons, poisonous or dangerous substances, facilitating state border trespassing, lodging, facilitating penetration into limited access zones, collecting, holding with the aim of transmitting or offering data about the targets-objects, as well as giving other support, in any form, intentionally or knowing that these actions are taken to contribute to the perpetration of one or more offences of a terrorist character”;
- instigation for a terrorist purpose consists in “disseminating or placing, through other methods, at public disposal, a message with the intention of inciting or knowing that such a message can incite to the perpetration of an offence of a terrorist character”;
- public justification of terrorism provides “disseminating or placing, through other methods, at public disposal, a message concerning recognition of an ideology or practice of perpetration of offences of a terrorist character as being fair or as worthy of being supported or followed”.

Furthermore, the Criminal Code of the Republic of Moldova was modified and amended with some constituent elements of offences, as well as new offences:

- Article 280 defines “hostage taking” as an offence;
- Article 284, paragraph 2, stipulates that “founding or leading a criminal organization or an organized criminal group with the purpose of committing one or more offences of a terrorist character”.
- Article 292, paragraph 1¹ defines as an offence “manufacturing, acquiring, processing, maintaining, transporting, using or neutralizing of radioactive materials if these, accidentally, cause death or other serious consequences, or lethal danger, or harm of corporal integrity or health or essential damage to property or environment”;
- Article 295 defines as an offence “ theft of radioactive materials or devices or nuclear installations, menace or request to transfer these materials, devices and installations”;

- Article 295¹ defines as an offence, “maintenance, confection or use of radioactive materials or devices, or of nuclear installations with the aim of causing death or serious harm to corporal integrity or to health, essential damage to property or the environment”;

Article 295² covers an “attack on a nuclear installation” as an offence.

Procedural Rules

In the Republic of Moldova individuals suspected, accused or convicted for committing offences of a terrorist character or assisting in terrorist acts, are not subject to any special penal procedures. The Criminal Procedure Code of the Republic of Moldova does not make any distinction between the applied penal norms which include offences of a terrorist character or other serious, extremely serious or exceptionally serious offences. So far, no terrorist acts have been registered in the Republic of Moldova.

Other relevant legislation

Special normative acts

On September 21, 2017, the Parliament of the Republic of Moldova adopted the Law nr. 120 on the prevention and combating of terrorism. The given Law establishes the normative and organizational framework for the prevention and combating terrorism, determines how to coordinate the measures taken by competent authorities in the field of prevention and combating terrorism, rights, responsibilities and guarantees of the people that participate directly in counterterrorist operations or those who have suffered from a terrorist act. Also, this Law determines the negotiation conditions with terrorists and conditions of hostages release by competent authorities from the Republic of Moldova, as well as the possibility of asking, in the established manner, for necessary assistance from other countries.

An innovative aspect governed by the special Law concerns the counterterrorist protection of critical infrastructure, which includes important facilities and those that pose or may pose a real danger to people’s life and health, and the state of the environment in case of committing terrorist acts. Thus, there are implemented the provisions of the EU Directive 2016/681 of the European Parliament and the European Council from April 27, 2016, on the use of data from passenger name records (PNR), to prevent, detect, investigate and prosecute terrorist offences and serious crimes.

In this regard, the UN Security Council Resolution 2178 (2014) has been the starting point for transposition into national legislation of the recommendations developed within the organization. Thus, in order to implement the provisions of the Resolution 2178, a new concept was introduced on the airport passengers' verification. These actions of passengers' verification are carried out for the implementation of the counterterrorist security measures to detect the attempts to leave, enter or transit the territory of our country by people affiliated to the Al-Qaeda organization, Taliban movement, "ISIL" (Daesh).

At the same time, the Law provides the liability of legal persons for conducting terrorist activity. Thus, in the context of the fight against terrorism, the Law contains special regulations on: the liability of public or religious associations or other organizations for conducting terrorist activity; liability of mass-media for dissemination of materials calling for terrorist activity or justifying the conduct of such an activity; the inadmissibility of using electronic communications networks for conducting terrorist activity.

A relevant aspect introduced by the new Law is the complex regulation of organizational, institutional and coordinating measures of response actions in situations of terrorist crisis. In this context, the attributions of all competent authorities on the prevention and combating terrorism, as well as the mechanism of interaction between them are all regulated by the new Law.

It is worth mentioning that the new Law on the prevention and combating terrorism contains useful and indispensable regulations that enable responding to the current counterterrorist security challenges.

SPECIAL INVESTIGATION MEASURES

The special investigation measures aimed at preventing and combating serious, extremely serious and exceptionally serious offences are also applicable to the framework of activities on preventing and combating terrorism. The legislation of the Republic of Moldova does not comprise special provisions concerning any specific investigation measures, which would be applied in cases involving the preparation or perpetration of an offense of a terrorist character.

Having as a prerogative the respect for human rights and fundamental freedoms, pursuant to Article 303 of the Criminal Procedure Code of the Republic of Moldova nr. 122-XV as of March 14, 2003, and Article 18, paragraph 1, 1st item from the Law No. 59 as of March 29, 2012, on Special Investigation Activity

aimed at preventing, combating and investigating serious, extremely serious and exceptionally serious offences, including offences of a terrorist character, the following special investigation measures are carried out:

1. under the authorization of an investigating judge:
 - searches to the place of residence and installing audio, video and photo devices;
 - surveying the residence using technical devices;
 - intercepting a person's communication and other conversations;
 - retention, search, deliver, or lift of postal items;
 - supervising electronic and telegraphic communications;
 - monitoring and control of financial transactions and access to financial data;
 - documentation of technical means and methods, and locating or tracking by global positioning system (GPS), or by other technical means;
 - collection of information by electronic communication service providers.
2. under the authorization of the prosecutor:
 - identification of the subscriber, owner or user of an electronic communication system or a point of access to a computer system;
 - visual tracking;
 - control over the transmission of money or other extorted tangible assets;
 - undercover investigation;
 - cross-border supervision;
 - controlled delivery;
 - controlled acquisition.

VICTIM PROTECTION

In the Republic of Moldova, the protection of victims is viewed under two main aspects, the first one regarding protection of persons who suffered as a result of an offence of a terrorist character, the second one regarding subjects of protection, persons who contributed to the discovery, preventing, combating, and investigation of offences of a terrorist character.

Law on Prevention and combating of terrorism stipulates the conditions and norms of social rehabilitation of persons who have suffered from a terrorist act. Based on social reintegration, the Law provides for social rehabilitation of persons who have suffered from a terrorist activity, and their return to normal life. It also provides legal aid, psychological, medical, and professional (including restoration of the work-capacity) assistance, provides the victims with places of work, and temporary housing assistance in case of damage or

demolition of dwelling, its restoration or compensation for damages, according to legislation in force.

Persons who participate in activities of preventing and combating of terrorism are protected by the state. The following categories of persons benefit from legal and social protection:

- intelligence and security officers, prosecutors, military personnel, employees of other authorities of public administration who participate (participated) in activities of preventing and combating terrorism;
- persons who provide permanent or temporary assistance to the authorities empowered with the prevention, detection and stopping terrorist activities, as well as mitigating their consequences;
- family members of the persons mentioned above, in connection with their participation in the counter-terrorism activities.

The conditions and means of protection of persons who have participated in the disclosure, prevention, combating, investigation and/or detection of offences of a terrorist character are provided under the Law of the Republic of Moldova nr. 105-XVI as of May 16, 2008, on Protection of Witnesses and other Criminal Process Participants and by Article 215 of the Criminal Procedure Code of the Republic of Moldova.

According to the Article 215 of the Criminal Procedure Code of the Republic of Moldova, if there are sufficient reasons to consider that the injured persons, witnesses or other persons who participated in the criminal process, as well as the family members or close relatives might be or are threatened with death, violence, deterioration or destruction of goods or with other illegal acts, then the penal prosecution and the court are required to take measures established by the legislation on protecting the life, health, honour, dignity and goods of these persons, and also on identifying the culprits and ensuring penal liability.

Execution of these protection measures is based on a decision regarding the application of the protection measures issued upon the request of a person or the court, or the prosecutor who leads the investigation, the hierarchical prosecutor or, depending on the case, by the prosecutor who executes control over respect of the legislation in the place of detention, initially, or upon the request of the authority that led the penal investigation or the case, the administration of the place of detention. The decision regarding the application of protection

measures is immediately passed on to the empowered organization within 24 hours.

Depending on the existing circumstances, the following measures can be taken:

- a) protection of identity data;
- b) hearing with application of special methods;
- c) changing of place of residence, work or study;
- d) changing of identity or appearance;
- e) installing an alarm system in the apartment or residence;
- f) changing of telephone number;
- g) ensuring protection of goods.

The protection measures can be applied individually or cumulatively, including urgent measures and/or assistance measures.

The penal prosecuting authorities or the administration of the place of detention could take urgent security measures concerning the endangered participant of the criminal process. In case of applying urgent measures, the prosecutor who supervises the penal investigation or, depending on the case, the prosecutor who executes control over legislation in the place of detention are informed immediately or within 24 hours of the decision being issued.

In this case, depending on the subject, these measures can be:

1. Urgent measures taken by the penal investigation authorities that consists of:

- a) ensuring personal, residential or goods security;
- b) interception of a person's communication according to the provisions of the Criminal Procedure Code;
- c) supervision through audio/video devices, according to the provisions of the Criminal Procedure Code;
- d) temporary placing in a safe place;
- e) protection or limited movement;
- f) issuance of special active and passive means for personal security;
- g) installing special alarm devices in the place of detention.

2. The urgent measures applied by the administration of the place of detention with regard to the protected person, consist of:

- a) location in a place, specially arranged for this purpose;
- b) transfer to another place of detention;
- c) transportation under more rigorous protection measures.

Depending on the case, the authority that applies the urgent measures can determine their terms of action. Urgent measures can be applied alone or combined with assistance measures.

Assistance measures are:

- a) integration into another social environment;
- b) professional requalification;
- c) ensuring of a decent income until finding a new job;
- d) assistance in acquiring a new profession;
- e) medical assistance;
- f) judicial assistance;
- g) psychological and social assistance.

The special investigation measures, determined by the Law nr. 59 as of 29.03.2012 on Special Investigation Activity, can also be carried out to ensure the state protection measures.

A person becomes part of the protection program, if the following conditions are respected:

- 1) there is a written request from a person;
- 2) the person is considered a protected person – a person with whom an agreement of protection was signed under the provisions of this Law and who has a procedural statute of:
 - a) a witness in a criminal case, either in the investigation phase, or passed in court, according to Article 90 of the Criminal Procedure Code;
 - b) aggrieved party in a criminal case, either in the investigation phase, or passed in court, according to article 59 of the Criminal Procedure Code;
 - c) a victim in a criminal case, either in the investigation phase, or passed in court, who accepts to cooperate prior to the beginning of the criminal process;
 - d) a suspect, accused or convict, who agrees to give testimony, that can constitute conclusive evidence regarding a serious, extremely serious or exceptionally serious crime or to deliver information regarding preparation of serious, extremely serious or exceptionally serious offences;
 - e) a convict, paying his penalty in prison, who accepts to give testimony that can constitute conclusive evidence regarding a serious, extremely serious or exceptionally serious offence or to deliver information regarding the preparation of serious, extremely serious or exceptionally serious offences;
 - f) a person that does not have a legal procedural status, but accepts to provide information regarding the preparation of serious, extremely serious or exceptionally serious offences.
- 3) the person is in a state of danger – situation of persons, as described in item 2), whose lives, corporal integrity, freedom or property are

endangered as result of delivering information or cooperating within the criminal process;

4) there is a motivated decision of the prosecutor or court regarding the use and application of protection measures, issued on the basis of Article 215 of the Criminal Procedure Code.

A minor or a disabled person could be included in the witness protection program only upon the written agreement of their legal representatives.

Preventing and combating terrorism financing

Prevention and combating of terrorism financing is regulated by Law nr. 308 as of 22.12.2017 on preventing and combating money laundering and terrorism financing and Law nr. 120 on the prevention and combating of terrorism. On 18.07.2002, the Parliament of the Republic of Moldova ratified the International Convention for the Suppression of Terrorism Financing, New York 1999, and, respectively, on 13.07.2007, the European Council Convention on Money Laundering, Detection, Seizure and Confiscation of Proceeds Originating from Crime and Terrorism Financing, adopted in Warsaw on May 16, 2005.

Law nr. 308 as of 22.12.2017 on preventing and combating money laundering and terrorism financing assigns a number of financial institutions and natural or legal persons as reporting entities.

The above-mentioned Law refers to a so-called „freezing regime”, which means that the reporting entities stop, for a 2 days period, all transactions in goods, except transactions aimed at supplementing the accounts of individuals and entities involved in terrorist activities, in financing and providing assistance to such through other methods, supplementing the accounts of dependant legal persons or directly or indirectly controlled by such persons or entities; supplementing the accounts of physical and legal persons acting on behalf or by order of such persons or entities, including means derived from the property owned or controlled directly or indirectly by the mentioned persons or entities, including physical and legal persons associated to them. Therefore, the reporting entities should immediately inform the competent authority, but no later than 24 hours since the request was submitted. In case, upon the given 2 days period, the decision doesn't come from the competent authority, the reporting entities are entitled to conduct the transaction.

The risk of terrorism financing in the Republic of Moldova could be perceived as low due to the "transit" nature of the country and the global context within which the Republic of Moldova is not

perceived as a target of terrorism acts. Yet, the Republic of Moldova has shown full support to all actions undertaken by the international community with the view of preventing and combating terrorism at global level.

INSTITUTIONAL FRAMEWORK

Pursuant to the Law nr. 120 as of 21.09.2017 on the prevention and combating terrorism,

The President of the Parliament of the Republic of Moldova coordinates the entire activity of preventing and combating terrorism.

The Government is the main authority responsible for the organization of counter-terrorism activities and supply with necessary forces, means and resources.

The Security and Intelligence Service of the Republic of Moldova is the national authority that directly carries out the antiterrorist activities.

The Security and Intelligence Service of the Republic of Moldova fights against terrorism by means of prevention, detection and stopping terrorist activity, including on international level, and conducting antiterrorist operations. The Service contributes to ensuring the security of state institutions of the Republic of Moldova located on the territory of other countries, of Moldovan citizens working in those institutions and their family members, gathers information concerning international terrorist organizations, undertakes other specific measures in the field of preventing and combating terrorism, according to the legal framework.

The Antiterrorist Centre is a national specialized authority within the Security and Intelligence Service empowered with the prevention and combating of terrorism.

The Antiterrorist Centre has the following basic tasks:

- coordination of measures for preventing and combating terrorism carried out by the responsible public authorities;
- combating terrorism by means of prevention, detection and stopping terrorist activity, including on international level;
- assessment of risk factors and terrorist threats to the national security of the Republic of Moldova, gathering of information concerning the state, dynamics and trends of the terrorism phenomenon;
- forecasts concerning the evolution of the operational situation on preventing and combating terrorism at national, regional and international level; checking the state and assessing the level of antiterrorism protection to critical infrastructure objectives, and coming

with a set of recommendations to increase their security level;

- ensuring information exchange with authorities carrying out activities aimed at preventing and countering terrorism, with similar antiterrorist structures of other countries, and international ones, performing other forms of cooperation;
- providing assistance to competent authorities in preventing terrorism, cooperation with mass-media and civil society to promote antiterrorist measures, developing an attitude of rejection toward extremism and terrorism;
- providing assistance in the planning and organizing of command and operational-tactical activities at local, national, and regional levels.

The Antiterrorist Centre has the competence to analyse and coordinate the entire set of activities on combating terrorism performed by the responsible public authorities. In order to carry out its competencies, on a permanent basis, the Centre organizes tactical and practical-theoretical exercises to increase the efficiency and interoperability among the state authorities responsible for preventing and combating terrorism. The Centre is also responsible for the continuous improvement of the legal framework in this field, for working out and implementing protection and first response systems and measures to eventual terrorist acts (the national antiterrorism alert system, the diagnostic and prevention of eventual terrorist acts, behavioural methodologies and recommendations in case of a terrorist act, etc.). Not less important are the activities of information and documentation through an informational system, supplementing the central database with materials gathered through the internal and external international cooperation activities.

COMPETENCES OF OTHER AUTHORITIES THAT PERFORM ANTITERRORIST ACTIVITIES:

The General Prosecutor's Office carries out activities of preventing and counteracting terrorism by conducting and carrying out criminal proceedings in cases involving offences of a terrorist character;

The Ministry of Internal Affairs prevents and counteracts terrorism by:

- a) stopping the attempts of terrorists to cross the state border of the Republic of Moldova;
- b) ensuring the maintenance of the state border regime, of the border area regime, and public regime and order at the state border crossing points ;
- c) performing activities of civil protection, organizing rescue works, carrying out other urgent measures to liquidate the consequences of terrorist activities;
- d) carrying out criminal investigations on offences having a terrorist character attributed to its competences by law;

- e) organizing and performing informational-analytical activities regarding to offences having a terrorist character, within the framework of its competences;
- f) participating at ensuring legal regime in the area of antiterrorist operation with implication of the military personnel of the Carabineer Troops Department;
- g) participation of its special destination unit in performing counterterrorist intervention at the request of the Antiterrorist Operational Command;
- h) providing necessary logistical and operational assistance, and providing special means and techniques at the request of the Antiterrorist Operational Command.

The Ministry of Defence prevents and counteracts terrorism by:

- a) organizing and ensuring, under the law, personnel security, protection of weapons, ammunitions, explosives and premises that ensure the defence capability from its administration;
- b) organizing and undertaking measures, rules and procedures provided by law on the prevention and stopping unlawful acts in the activity of civil aviation;
- c) participating, under the law, at protection of the foreign military force temporary located on the territory of the Republic of Moldova in order to attend common activities;
- d) ensuring, under the law, with necessary operational and logistical assistance and fighting techniques, weapons, and ammunitions during an anti-terrorist operation.

The Public Services Agency jointly with other public authorities and providers of networks or electronic communication services provides informational assistance to authorities that carry out activity of preventing and counteracting terrorism, and grants free of charge information resources and electronic communication networks, providing specialized technical assistance in order to create database and informational systems.

The Ministry of Economy and Infrastructure participates at preventing and counteracting terrorism by:

- a) performing, along with other competent authorities, organizational, technical and training measures at the level of important strategic objectives of the transport network, that are a component part of the critical infrastructure, in order to ensure their antiterrorist protection;
- b) giving the necessary support for the location and functioning of the Antiterrorist Operational Command during antiterrorist operations taking place in the transport network.

The Ministry of Foreign Affairs and European Integration:

- a) participates, along with other central specialized authorities, in performing the provisions of this Law on the international cooperation;
- b) participates, along with other central specialized authorities, in solving interstate problems referring to the regulation of exceptional situations related to terrorist activity;
- c) cooperates with the Security and Intelligence Service in order to ensure antiterrorist protection of the diplomatic missions of the Republic of Moldova abroad.

The Ministry of Health, Labour and Social Protection, in the field of preventing and counteracting terrorism, ensures:

- a) securing the handling of microbial agents in conditions of biosafety and biosecurity;
- b) organizing response measures in case of committing offences with terrorist character with use of chemical, biological and radiological agents by estimating the danger and risks for public health, by involving the mobile team, using the laboratory technical support for detecting the infection/contamination of people and components of the environment, by undertaking measures of public health in order to prevent and limit the spread of health risks.

The State Protection and Guard Service ensures the security of persons, who benefit from the protection of the state, and its objectives; collects, analyses and uses information regarding the terrorist activity in order to prevent, detect and stop terrorist attempts. The Service cooperates and coordinates its actions with all the authorities that perform activities of prevention and counteracting terrorism, including with similar services from other states.

The Customs Service counteracts terrorism through actions of prevention, identifying and stopping attempts to transport weapons, explosive, toxic, radioactive substances and other objects that can be used for committing offences having terrorist character.

The National Agency for Regulation of Nuclear and Radiological Activities is an indispensable part of the national reaction system in case of a nuclear or radiological urgency. The above mentioned authority offers, when it is requested, consultations and recommendations on ensuring nuclear and radiological security, including physical one. According to the national legislation, the Agency also carries on regulatory activities by issuing authorizations, controlling and state supervising nuclear and radiological premises.

The Department of the Penitentiary Institutions of the Ministry of Justice assists in counteracting terrorist activities, involving, when necessary, its special destination subdivision in order to help competent authorities.

The Service of Prevention and Fight against Money Laundering ensures the prevention and counteraction of terrorism financing within the limits established by the legislation, especially by:

- a) performing financial investigation measures concerning suspicious activities and transactions of financing terrorism under the Law No. 308 of 22nd December 2017 on the Prevention and Fight against Money Laundering and on Financing Terrorism;
- b) informing the Security and Intelligence Service on matters related to suspicious activities and transactions of financing terrorism, as well as about the risks related to these dangers under the Law No. 308 of 22nd December 2017 on the Prevention and Fight against Money Laundering and on Financing Terrorism;
- c) participating of the Service employees, as experts, at the request of the Security and Intelligence Service, in antiterrorist operations by presenting the results of the analysis of suspicious activities and transactions of financing terrorism, as well as by performing, when necessary, precautionary measures, according to the provisions of the Law No. 308 of 22nd December 2017 on the Prevention and Fight against Money Laundering and Financing Terrorism;
- d) providing to the Security and Intelligence Service any other data and information resulting from the verification activity related to prevention and counteraction of financing terrorism.

INTERNATIONAL CO-OPERATION

Mutual assistance in criminal matters and extradition

International assistance with regard to the cases involving offences of a terrorist character takes place in accordance with the national legislation and international treaties to which the Republic of Moldova is Party or has other international commitments.

The Convention of the Council of Europe on Prevention of Terrorism, adopted in Warsaw on 16th May 2005, the European Convention on the

Suppression of Terrorism and the Protocol for amending the Convention, ratified by the Republic of Moldova in 2008, 1999 and 2004, respectively, together with other international tools in this field, facilitate the process of extradition of persons who commit offences of a terrorist character.

International judicial assistance in criminal matters is regulated by chapter IX of Title III of the Criminal Procedure Code of the Republic of Moldova regarding the international judicial assistance in the field of criminal law, which is divided into the following sections: request for rogatory commission, extradition, transfer of convicts and acknowledging criminal judgments of Foreign Courts, as well as by the Law of the Republic of Moldova nr. 371- XVI as of 1st December 2006 on International Judicial Assistance in Criminal Matters.

Under international judicial assistance, the following main principles have been determined:

- supremacy of treaties to which the Republic of Moldova is a party or other international commitments of the Republic of Moldova in terms of national legislation;
- in cases when the Republic of Moldova, the state to which is requested an information or the state which requests an information are party to a number of international agreements on judicial assistance and between the provisions of these normative acts arise any divergences or incompatibilities, will be applied the provisions of that treaty which ensures superior protection of the human rights and freedoms;
- the Ministry of Justice can decide not to execute a judiciary decision regarding the admission of offering international judicial assistance, in cases involving matters of fundamental national interest. This competence is aimed to respect the persons rights, during the implementation of the final decisions adopted in their favour;
- requests regarding international judicial assistance in criminal matters are processed via the Ministry of Justice or General Prosecutor's Office directly and/or with the assistance of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova except those cases when, on the basis of reciprocity, another type of request is stipulated;

Judicial assistance, offered or requested by the Republic of Moldova is determined by the legislation of the Republic of Moldova and by the legislation of the relevant state, especially as regards: announcement of procedural acts or judicial

decisions relating to a physical person or a legal entity abroad; hearing of persons as witnesses, suspects, accused or convicted persons, defendant or a civilly responsible part; execution of the request and inquisition at that moment, rising the objects and documents and pass them abroad, sequestration, confrontation, acknowledging, identification of the telephone's subscribers, the wiretapping, performing of expertise, seizure of goods obtained as a result of committing a crime or other actions of criminal investigation stipulated by the Criminal Procedure Code; citation of witnesses, experts or of pursued persons by the institutions of criminal investigation or by the Court, taking over criminal investigation at the request of a foreign state; the pursuit and extradition of persons who have committed a crime or for executing the punishment in the form of deprivation of liberty; recognition and execution of foreign sentences; transfer of convicted persons; announcement concerning the certificate of conviction; other actions that do not violate the provisions of the Criminal Procedure Code of the Republic of Moldova and the Law on International Judicial Assistance in Criminal Matters.

International judicial assistance can be refused in the following cases:

- the request refers to crimes qualified by the Republic of Moldova as political crimes or connected to such crimes. The refusal is not admitted in cases when the person is suspected, charged or convicted for committing actions stipulated by articles 5-8 of the Rome Statute of the International Criminal Court;
- the request refers to an act which exclusively represents a violation of military discipline;
- the criminal proceeding authority or the court, requested to offer judicial assistance, consider that the execution of this request would damage the sovereignty, security or public order of the state;
- there are justified reasons to believe that the suspected person is pursued or is to be punished, on grounds of race, religion, citizenship, association with a certain group or for sharing political beliefs, or that his situation will worsen for the reasons mentioned above;
- it is proved that in the requesting state the person will not have access to an equitable process;
- the specified offence is punished with death according to the legislation of the requesting state and the requesting state does not offer any guarantees for the non-application or non-execution of the death sentence;

- the act or acts referred to in the request do not constitute crime in accordance with the Criminal Code of the Republic of Moldova;
- according to national legislation, the person cannot be criminally charged;
- the criminal procedure of the requesting state does not fulfil or does not respect the conditions of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, as from Rome, 4th November 1950, or of any other international treaty in the field of human rights ratified by the Republic of Moldova;
- the request for judicial assistance is issued within case tried in an exceptional court, other than those constituted through international treaties, or in case of executing the punishment applied by such a court;
- the act that motivates the request for judicial assistance makes the object of a procedure in progress, or this act should or could be the object of a criminal investigation related to the competence of the criminal proceeding institutions of the Republic of Moldova;
- approval of the request for judicial assistance could have serious consequences for the mentioned person, due to her age, health condition or other personal characteristics.

Any refusal regarding the international judicial assistance will be well-founded.

Measures at international level

Fully accomplishing the goal of counteracting terrorism, the Republic of Moldova is a member of the counterterrorist global coalition and supports the efforts of the international community in counter terrorism activity, this being confirmed by the Parliament of the RM immediately after the 2001 terrorist attacks from the United States of America.

The Republic of Moldova entirely supports measures undertaken by the United Nations Security Council, Counter Terrorism Committee activating within UN Council, and undertakes all necessary measures to implement the resolutions of the Security Council on counteracting terrorism at national level. The Republic of Moldova is Party to the 12 judicial tools of the United Nations in the field of counteracting terrorism and fulfils necessary internal procedures for the ratification of the 13th International Convention for the Suppression of Nuclear Terrorism Acts, adopted by United Nations General Assembly (UNGA) on 13th April 2005.

Our state supports and actively participates in the initiatives of the Council of Europe in the field of counteracting terrorism. The Republic of Moldova ratified the European Convention on the Suppression of Terrorism (1977) and the Protocol amending the European Convention on the Suppression of Terrorism (2003), as well as other European conventions on extradition and judicial assistance in criminal matters. On 1st of May 2008 was ratified the Convention of the Council of Europe on Preventing of Terrorism and on Money Laundering, Searching, Seizure and Confiscation of the proceeds resulted from Crime and from Terrorism Financing as from 2005. Also, on 16th of December 2016 the Republic of Moldova ratified the Additional Protocol to the Convention of the Council of Europe on Prevention of Terrorism, opened for signature in Riga, 22.10.2015, with all necessary amendments for implementing its provisions in the national legislation.

The Republic of Moldova is Party to the Agreement as from 1999 regarding the cooperation of the member state of the Commonwealth of Independent States (CIS) on fighting against terrorism, is also member of the Antiterrorist Centre of the CIS, on basis of the Agreement as of 1998 and the Additional Protocol to this Agreement as of 2002 our country cooperates with the member states from the

Black Sea region; RM ratified the Agreement regarding the cooperation of GUAM member states on fighting against terrorism, organized crime and other serious offences.

In addition to these multilateral agreements, the Republic of Moldova has signed several bilateral agreements in this field with governments of Romania, Ukraine, Turkey, Hungary, Italy, Republic of Latvia, Israel, Czech Republic, Poland, Republic of Bulgaria and other states.

According to national legislation in the field of preventing and counteracting of terrorism, in accordance with international treaties to which Republic of Moldova is Party, our country cooperates with law enforcement authorities and intelligence services of other states, as well as international organizations which activate in the field. In order to ensure the security of person, society and state, the Republic of Moldova pursues persons involved in terrorism activities on its territory, including the cases when these activities were planned or committed outside its territory but did cause harm to RM and also in other cases provided by international treaties to which the Republic of Moldova is party.

| Relevant Council of Europe conventions – Republic of Moldova | Signed | Ratified |
|--|---------------|-----------------|
| Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198] | 16/05/2005 | 01/05/2008 |
| Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] | 16/05/2005 | 01/09/2008 |
| Convention on Cybercrime [ETS No. 185] | 23/11/2001 | |
| Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189] | 25/04/2003 | |
| Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141] | 06/05/1997 | 30/05/2002 |
| European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116] | | |
| European Convention on the Suppression of Terrorism [ETS No. 90] | 04/05/1998 | 23/09/1999 |
| Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190] | 15/05/2003 | 10/03/2005 |
| European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73] | 27/06/2001 | 24/04/2007 |
| European Convention on Mutual Assistance in Criminal Matters [ETS No. 30] | 26/06/1998 | 27/06/2001 |
| Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99] | 02/05/1996 | 04/02/1998 |
| Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182] | | |
| European Convention on Extradition [ETS No. 24] | 02/05/1996 | 02/10/1997 |
| Additional Protocol to the European Convention on Extradition [ETS No. 86] | | |
| Second Additional Protocol to the European Convention on Extradition [ETS No. 98] | 26/06/1998 | 27/06/2001 |
| Third Additional Protocol to the European Convention on Extradition [CETS No. 209] | | |
| Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212] | | |

| Relevant United Nations conventions – Republic of Moldova | Signed | Ratified |
|--|---------------|-----------------|
| Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963) | | |
| Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970) | | |
| Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971) | | |
| 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 (Montreal, 1988) | | |
| Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973) | | |
| International Convention against the Taking of Hostages (New York, 1979) | | |
| Convention on the Physical Protection of Nuclear Material (Vienna, 1979) | | |
| Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005) | | |
| Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988) | | |
| 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005) | | |
| Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988) | | |
| 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005) | | |
| Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991) | | |
| International Convention for the Suppression of Terrorist Bombings (New York, 1997) | | |
| International Convention for the Suppression of the Financing of Terrorism (New York, 1999) | | |
| International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005) | | |