

ROMANIA

Definition and Prosecution of Terrorist Acts

The Romanian government has categorized certain offences as terrorist acts, including homicide offences, select acts of assault and battery, illegal deprivation of liberty, select offences covered by Romania's Air Code, and offenses violating regulations governing arms and ammunition, nuclear and other radioactive materials, explosives for the purpose of creating serious breach of the peace through intimidation or terror. Punishment for these offences shall exceed the maximum penalty prescribed by law by five years.

Moreover, any introduction or release of products, substances, materials, microorganisms, or toxins harmful to human or animal health shall be punishable by 5 to 20 years' imprisonment. Plotting to commit any of the aforementioned acts shall be punishable by 3 to 15 years' imprisonment. Threatening any person or community with a biological attack shall be punishable by 6 months to 5 years' detention. Issuing false alarms of a terrorist attack shall be punishable by 3 months to 3 years imprisonment or a fine.

Prevention of Terrorism – Security Measures

Several of Romania's governmental institutions possess the power to prevent terrorist acts – including the power to exchange information among States. These institutions include the Prosecutor's Office in the Supreme Court of Justice, The Ministry of the Interior, the Ministry of National Defence, the Ministry of Public Works, Transportation and Housing, the Romanian Intelligence Service, and the Foreign Intelligence Service. Each of these will address information activities developed by the securities services, protection activities and other special ways of discouraging terrorist actions, activities to fight against recruiting terrorist networks, activities for instruction and professional training of specialists on different fields of activities represented in the national system for preventing and counter terrorism, and antiterrorism intervention.

The Ministry of the Interior has implemented counter-terrorism measures, including gathering additional information about potential terrorist activity, monitoring arrangements for ensuring the security of high-risk targets (i.e. premises of ministries, weapon storage facilities, power plants, foreign embassies, and offices of foreign companies and missions), and disseminating information about hostile activities to authorized agencies. The Ministry of the Interior has strengthened information-related measures in an effort to identify terrorist groups or individuals involved in the trafficking of persons, weapons, ammunition, explosives or radiological material. To maintain public order, the Ministry of the Interior is checking on persons in possession of firearms and is restricting the right to bear arms. It is keeping crowded public areas under increased surveillance as well as intensifying checks by the police.

The Ministry of the Interior and the General Customs Directorate is required to enforce specific laws related to arms exports. The Romanian National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons (NACSEPCW) must be notified of any failure to comply with said laws. Several protocols have been set up between NACSEPCW and other governmental agencies to share information and to adopt the most appropriate measures to combat illicit trafficking of strategic goods.

The Romanian Intelligence Service implemented measures to block human supply networks, end propaganda activities focusing on the recruitment of new terrorist members, and eliminate supply networks for terrorist organizations. Romania's Intelligence Service also adopted new rules designed to change the Service's structure, organization and staffing as it relates to anti-terrorist activities. The Foreign Intelligence service also developed a specialized department to keep up with international demands of counter-terrorism.

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The Joint Chief of Staffs increased the armed force's level of preparedness to combat and prevent terrorist acts. It also heightened border security by more thorough monitoring of airspace and maritime space, tightened security around military targets and established better data exchange and coordination networks with other Romanian military and civilian authorities. The Joint Chief of Staffs established an operational Center of the Military Department of Joint Staff Headquarters to continuously monitor situations both home and abroad in order to evaluate crisis factors. The Romanian Ministry of Defence set up the Centre for Scientific Medical and Military Research. This Centre is designed to take part in certain clinical activities involving medical assistance in the field of toxicology – for attacks involving chemical, biological or radiological agents. It is hoped that the Centre will eventually devote a team to train and prepare medical staff to respond to a toxicological event; however, Romania has acknowledged that it needs the help of the international community to make this happen.

The Ministry of Public Works, Transport and Housing increased air security by implementing additional security measures. These include rules prohibiting the transportation of certain goods inside the cabin of aircraft, upgrading the skills of air safety staff, developing cooperation in the field of air safety with non-ECAC states, drafting legislation outlining penalties for unruly passengers, and conducting security screening of all civil aviation staff.

The Ministry of Communication and Information Technology has adopted a plan to protect the information and communication networks of private and public organizations. This plan includes specifying a security profile, analyzing computer attacks from outside and inside the organizations, and implementing risk prevention measures.

Money Laundering – Prevention and Prosecution

The Ministry of Finance, in coordination with other Ministries and Offices, has established a single list of known terrorist and terrorist organizations. The Federal Bank of Romania circulates this list to all Romanian banks and financial institutions asking them to submit a compilation of assets belonging to the listed individuals and organizations. This information is subsequently passed on to the Romanian Intelligence Service, to the Foreign Intelligence Service, and to the Inter-ministerial Commission for confirmation, identification and use.

Government ordinances provide that the intentional collection of funds or attempts to collect funds that are to be used in committing terrorist acts is punishable by 5 to 20 years' imprisonment. Fundraising by juridical persons for the purpose of committing terrorist acts is punishable by a fine of 500,000,000 to 1,000,000,000 lei. Any funds collected are to be confiscated by the government.

Government ordinances confer obligations on the staff of banking and financial institutions. These obligations include refusing to execute transfers included on the Ministry of Finance's list, notifying bank management of the requested transfer, and notifying the Public Prosecutor's Office or the police. In turn, management will forward any documentation of said transaction to the National Bank of Romania, which has discretion to authorize the transfer. Violation of this procedure is punishable by a fine of 10,000,000 to 25,000,000 lei.

Information Sharing and Assistance

Romania has adopted the European Convention on Mutual Assistance in Criminal Matters as well as its Additional Protocol which contains rules in the field of mutual assistance in criminal matters common to all 34 member States of the Council of Europe. Additionally, Romania concluded bilateral conventions in assistance in criminal matters with Albania, China, Mongolia, Algeria, Morocco, Syria, Tunisia and Yugoslavia. Romania has also initiated steps to include terrorism among the specific problems being addressed by the Regional Centre for Combating Trans-border Crime (an organization which forms part of the Southeast European Cooperative Initiative).

BIBLIOGRAPHY OF ROMANIAN LAWS

Definition and Prosecution of Terrorist Acts

1. Government Emergency Ordinance No. 141/2001, Articles 2, 4
2. Romanian Penal Code, Articles 174 –176, 217-218, 279 – 280,
3. Government Ordinance No. 29/1997, Articles 106 – 109

State Sponsorship and Active Prevention of Terrorism – Security Measures

1. Order No. S/S.M.G.-77 of 8 October 2001
2. Government Emergency Ordinance No. 159/2001
3. Order No. 1315 of 19 September 2001
4. Order No. 1940 of 19 September 2001
5. Document 30 of the European Civil Aviation Conference
6. Act No. 123 of 3 April 2001
7. Romanian Criminal Code, Article 117
8. Romanian Constitution, Article 18
9. Order No. 102/2000, Article 4

Provisions of the Romanian Criminal Code

1. Government Emergency Ordinance No. 153/2001, Articles 1, 2, 3
2. Government Emergency Ordinance No. 141/2001

Laws Related to Biology and Science

1. Ordinance No.36/2000 on the amendment of the Government Ordinance no.158/1999 on the regime of exports and imports of strategic goods, 2000
2. Ordinance No.158/1999 on the regime of imports and exports of strategic goods, 1999
3. Decision No.467/1999 regarding the strategic goods subject to export and import control regime, 1999
4. Order of the president of ANCESIAC No. 71, 12 February 2002 on the implementation of the export control regime, provided by the Government Ordinance No. 158/1999, to certain goods not listed in the Arms, ammunition and other military goods list.

Money Laundering – Prevention and Prosecution

1. Government Emergency Ordinance No. 159/2001, Articles 1, 2, 3, 4, 5, 6, 7, 12, 15
2. Government Emergency Ordinance 18/1994.
3. Romanian Criminal Code, Article 118
4. Romanian Criminal Procedure, Article 439
5. Romanian Criminal Procedure Code, Article 163 - 167
6. Decision No. 918 of 13 December 2001
7. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime

Information Sharing and Assistance

1. Order No. 393/16.10.10.2001
2. Order No. 350/12.09.2001
3. European Convention on Mutual Assistance in Criminal matters