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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Romania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 27 December 2001 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, further to his note verbale SCA/20/01(6) dated 29 October 2001, has the honour to transmit herewith the report of the Romanian Government concerning the implementation of the recommendations contained in the said note.

Enclosure

National report of Romania submitted pursuant to paragraph 6 of United Nations Security Council resolution 1373 (2001) concerning counter-terrorism

The threat posed by terrorism to international peace and security became a tragic and brutal reality on 11 September 2001. The adoption by the United Nations Security Council of resolutions 1368 (2001) and 1373 (2001) shows the determination of the international community to react firmly in the face of the global peril that this phenomenon represents. The terrorist attacks have highlighted both the scale of this danger and the value of human solidarity.

Romania has undertaken to transform this attitude into concrete deeds. One week after the attacks, the Romanian Parliament adopted a decision to place its airspace, maritime space and territory at the disposal of the United States of America and the North Atlantic Treaty Organization (NATO) and to grant access to such other facilities as its partners might request. Following the adoption by the United Nations Security Council of resolution 1373 (2001), the Romanian authorities quickly adopted normative acts intended to implement the resolution's provisions, placing particular emphasis on the prevention of the financing of terrorist organizations and acts and on the elimination of possible sources of financing, should any be identified in Romania.

Preventing and combating the danger that terrorism represents for civilization as a whole and for people who believe in democracy and pluralism, tolerance and freedom requires substantial cooperation at the regional and international levels. Romania considers regional solidarity to be an essential component in this context. With this in mind, Romania proposed that the Regional Centre for Combating Transborder Crime — a body which is part of the Southeast European Cooperative Initiative, has its headquarters in Bucharest and receives active contributions from 11 States — should develop its current activities through the effective use of existing liaison systems, exchanges of information and joint teams, including in the area of counter-terrorism.

On 21 December 2001, the Romanian Parliament adopted a decision concerning the country's participation in the International Security Assistance Force for Afghanistan. This decision is in keeping with the attitude consistently promoted by Romania within the United Nations of providing concrete support for the global organization's initiatives. Romania's participation in this type of activity, under United Nations auspices, is a practical argument for Romania's position of principle.

Romania's attachment to the principles and values of humanity is demonstrated by its practical actions, which are based on the incorporation in domestic legislation of the norms of international law. At the same time, Romania considers that it is necessary to proceed unambiguously when it comes to condemning and actively combating all forms of terrorism and violent fanaticism.

In the text that follows, the national report presents information concerning the implementation of United Nations Security Council resolution 1373 (2001), following the guidelines of the Counter-Terrorism Committee.

Paragraph 1, subparagraph (a)
What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

With a view to the application of the provisions of United Nations Security Council resolution 1373 (2001), the Romanian authorities have taken measures to strengthen the domestic legislative framework in order both to facilitate implementation of the aforementioned document and to supplement the existing norms.

To this end, in October and November 2001, the Romanian Government adopted a series of emergency ordinances.

(1) Government Emergency Ordinance No. 153/2001 for the implementation of United Nations Security Council resolution 1373 (2001) concerning counter-terrorism entered into force on 3 December 2001.

Under this Emergency Ordinance, Romanian public authorities and institutions are committed to taking all necessary measures for the implementation of the above-mentioned resolution (article 1, paragraph 1). The Ordinance provides for the prosecution, under the existing legal provisions, of any person who violates its provisions (article 2). It is also intended to establish an Interministerial Council, under the coordination of the Ministry of Foreign Affairs, responsible for monitoring the implementation of resolution 1373 (2001) and consisting of representatives of the following institutions: the Ministry of Finance, the Ministry of Justice, the Ministry of Defence, the Ministry of the Interior, the Ministry of Communication and Information Technology, the Ministry of Public Works, Transport and Housing, the Romanian Intelligence Service, the Foreign Intelligence Service and the National Bank of Romania (article 3).

(2) Government Emergency Ordinance No. 141/2001 concerning the punishment of certain terrorist acts and breaches of the peace entered into force on 31 October 2001.

(3) Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of acts of terrorism entered into force on 14 December 2001.

Under the provisions of article 1 of this Emergency Ordinance:

> "All banking and financial transactions between residents and non-residents and between non-residents, including current and capital account transactions and currency exchange operations, as defined by the currency regulations issued by the National Bank of Romania, for or on behalf of the natural or juridical persons listed in the annex, which is an integral part of this Emergency Ordinance, shall be prohibited."

> "The assets of the persons listed in the annex shall be frozen, and all transfers by whatever mode, including through banks, shall be prohibited."

The annex to this Emergency Ordinance includes identification data provided by the United Nations Security Council in respect of persons suspected of financing certain acts of terrorism.

The procedure for the drawing up and updating of the annex by decision of the Government is regulated in article 2.

In addition, article 4 requires certain organs of the central public administration (the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence, the Ministry of Communication and Information Technology, the Ministry of Public Works, Transport and Housing, the Procurator's Office in the Supreme Court of Justice, the Romanian Intelligence Service, the Foreign Intelligence Service, the National Office for Preventing and Combating Money-Laundering, the Chambers of Commerce and Industry of Romania and of the City of Bucharest, the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission) to compile and update lists of natural and juridical persons suspected of committing or financing terrorist acts (in addition to those listed in the annex to the Emergency Ordinance).

Article 5 provides that "The Ministry of Finance shall establish a single list based on the lists compiled in accordance with article 4, paragraph 1, which it shall submit for approval by decision of the Government".

With a view to suppressing the financing of terrorist acts, the National Bank of Romania has requested Romanian banks and juridical persons and branches of foreign banks in Romania to provide information on bank assets in the name of any persons or entities included on the lists drawn up by the Committee of the United Nations Security Council and on any transactions or transfers carried out between 1 January 1999 and 1 October 2001 to which any person or entity on these lists was a party, as well as on any transfer or transaction of the same kind carried out after 1 October 2001.

The information received from the banks referred to 32 persons or entities with similar or identical names to those listed. It was sent for confirmation, identification and use to the Romanian Intelligence Service, to the Foreign Intelligence Service, and to the Interministerial Commission established for the purpose of overseeing this issue by Decision No. 918 of 13 December 2001 of the Government of Romania. With due respect for transparency, the management of the National Bank of Romania held a series of information exchanges with the United States Embassy in Bucharest, which provides information on the steps that the United States Government is taking to combat terrorism and the financing of terrorist acts.

The Ministry of Finance, acting on tips from the National Bank of Romania, has an important role in the control of convertible currencies in the case of national companies that have transferred large amounts of currency abroad that they are unable to account for by imports of goods or services.

The Ministry of Finance carries out these checks at the registered office of the commercial company in question, where its inspectors verify the documents, comparing the justification given for the transfer with the commercial contract signed by partners.

If the inspectors of the Ministry of Finance find that the company is bogus, the case is sent for further investigation to another specialized body. Such checks of convertible currency also have the potential to impede the financing of terrorist acts.

Subparagraph (b)
What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

In accordance with article 15 of Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of terrorist acts, the criminal liability of natural persons is as follows:

> "The provision or collection of funds, whether direct or indirect, by a person who is aware that the funds will be used wholly or partly for the purpose of committing terrorist acts is an offence punishable by 5 to 20 years' imprisonment and forfeiture of certain rights.
>
> "Fund-raising with a view to financing terrorist acts shall carry the same penalty.
>
> "Attempts to commit such offences shall be punishable.
>
> "Funds provided or collected with a view to committing terrorist acts, or raised for the purpose of financing terrorist acts, shall be frozen."

On the subject of juridical persons' liability for violations, Emergency Ordinance No. 159 of 14 December 2001 provides that a juridical person raising funds for the purpose of financing terrorist acts or providing funds with a view to the commission of terrorist acts, shall be liable to prosecution for a violation. Article 13 provides that:

> "Paragraph 1 — Fund-raising by a juridical person for the purpose of financing terrorist acts, or provision of funds with a view to the commission of such acts, shall constitute a violation punishable by a fine of from 500,000,000 to 1,000,000,000 lei.
>
> "Paragraph 3 — The funds described in paragraph 1 shall be seized."

Subparagraph (c)
What legislation and procedures exist in your country for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action here.

The legislative measures mentioned under subparagraph (a) that the Romanian authorities have taken in pursuance of Security Council resolution 1373 (2001) are also relevant to subparagraph (c).

It should also be mentioned that in 1997, in Strasbourg, Romania signed the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. The procedure for ratifying this Convention will be carried out in 2002.

Subparagraph (d)
What measures exist to prohibit the activities listed in this subparagraph?

Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of terrorist acts confers a series of obligations on the staff of banking and financial institutions, infringement of which may result in liability for a violation or offence, as the case may be (articles 3, 6, 7 and 12):

Article 3 — "The staff of financial and banking institutions shall be obliged to refuse to execute the transactions described in article 1 (paragraph 1) and shall alert the competent bodies."

The competent bodies are: the Public Prosecutor's Office or the police, as appropriate, for criminal matters; and the bodies specified in article 12 (paragraph 2) for civil matters.

Article 6 — "The prior authorization of the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission, as appropriate, shall be required before the banking and financial transactions described in article 1 (paragraph 1) may be executed for or on behalf of the persons on the list referred to in article 5."

Article 7 — "1. The staff of financial institutions shall be obliged to refer to the management of their institution any request to carry out a banking or financial transaction requiring prior authorization."

"2. The financial institutions of Romania shall submit documentation for any banking or financial transaction requiring prior approval to the National Bank of Romania, the National Securities Commission or the Insurance Oversight Commission, as appropriate."

Article 12 — "1. Execution of the transactions described in article 1 (paragraph 1), and unauthorized execution of the transactions described in article 6 by the staff of financial institutions shall constitute a violation punishable by a fine of from 10,000,000 to 25,000,000 lei. Violations shall be certified and penalties imposed by staff specially authorized by the National Bank of Romania, the National Securities Commission, the Insurance Oversight Commission, and by officers and subordinate officers of the Ministry of the Interior."

With a view to the identification of possible banking and financial operations intended for the financing of terrorist acts, the National Bank of Romania has established Regulations specifying the documents required when authorization is sought for the banking and financial transactions described in Ordinance No. 159 of 27 November 2001.

Paragraph 2, subparagraph (a)
What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

In accordance with Government Emergency Ordinance No. 141 of 31 October 2001 concerning the punishment of certain terrorist acts and breaches of the peace, certain offences listed in the Penal Code and in other special normative acts have been categorized as terrorist acts. The introduction or release into the atmosphere, soil, sub-soil or water of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, as well as threats involving bombs or other explosive material for the purpose of creating a breach of the peace through intimidation, terror or triggering of panic, are also sanctioned as terrorist acts. Plotting to commit terrorist acts is punishable by 3 to 15 years' imprisonment and forfeiture of certain rights.

Article 1 (1). The following shall be considered as terrorist acts:

- Homicide offences as described in articles 174 to 176 of the Penal Code, assault and battery, aggravated assault as described in articles 181 and 182 of the Penal Code, illegal deprivation of liberty as described in article 189 of the Penal Code;
- Offences covered by articles 106 to 109 of Government Ordinance No. 29/1997 concerning the reissued Air Code. Articles 106 to 109 of Government Ordinance 29/1997 concerning the Air Code were reissued in the *Monitorul Oficial* (Official Gazette of Romania) No. 45 of 26 January 2001;
- Offences involving destruction as described in articles 217 and 218 of the Penal Code;
- Offences violating regulations governing arms and ammunition, the regulations governing nuclear and other radioactive materials and the regulations governing explosives, as described in articles 279 and 280 of the Penal Code, committed for the purpose of creating a serious breach of the peace through intimidation, terror and or triggering of panic.

(2) The punishment for the offences described in paragraph 1 shall exceed the maximum penalty prescribed by law by five years, but not the overall maximum.

(3) Attempts to commit such offences shall also be punishable.

(4) The production or acquisition of the means or instruments for committing the offences described in paragraph (1), or the planning of measures for their perpetration, shall also be considered as an attempt.

Article 2 (1). The introduction or release into the atmosphere, soil, sub-soil or water of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, as well as threats involving bombs or other explosive material, shall be considered as terrorist acts if they create a serious breach of the peace through intimidation, terror or triggering of panic and shall be punishable by 5 to 20 years' imprisonment and forfeiture of certain rights.

(2) Attempts to commit such offences shall also be punishable.

(3) The production or acquisition of the means or instruments for committing the offences described in paragraph (1), or the planning of measures for their perpetration, shall also be considered as an attempt.

Article 3. Plotting to commit terrorist acts shall be punishable by 3 to 15 years' imprisonment and forfeiture of certain rights.

Article 4. Threatening a person or community, by any means, with the use or diffusion of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, is an offence punishable by six months to five years of detention.

Article 5. The issuing of false alarms to a person, to the public, to the specialized emergency services or to the forces of law and order, whether in writing, by telephone or by any other remote means of transmission, concerning the diffusion or use of products, substances, materials, micro-organisms or toxins described in article 4 shall be punishable by imprisonment for a term of from three months to three years or by a fine.

Subparagraph (b)
What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

Several public institutions have powers in this respect, depending on the type of specific measure used to prevent or combat acts of terrorism, including the exchange of information among States. Among these institutions, mention may be made of the Procurator's Office in the Supreme Court of Justice, the Ministry of the Interior, the Ministry of National Defence, the Ministry of Public Works, Transport and Housing, the Romanian Intelligence Service and the Foreign Intelligence Service.

The Ministry of the Interior has adopted substantial counter-terrorism measures in several fields.

In the sphere of data and information collection, the main purpose of these measures is to:

– Gather more information about potential terrorists;

– Collect information and data about the intentions of persons likely to disturb the peace, steal narcotics or drugs, or attack public buildings or the head offices of companies;

– Monitor arrangements for guarding and ensuring the security of sensitive targets;

– Make available to authorized bodies the information it possesses about hostile activities which certain persons might direct against the Romanian State.

For the purpose of maintaining public order, the Ministry of the Interior is taking action in order to:

– Check on persons in possession of firearms and restrict the right to bear firearms;

– Keep crowded public areas under surveillance by clearly defined measures;

– Intensify checks by the transport and traffic police;

– Introduce special measures at all high-risk installations in continuous operation (defence industry, ports, airports, refineries, oil pipelines, gas pipelines, electrical cables, chemical plants, etc);

– Give priority to resolving cases in which persons of Arab origin are implicated.

As far as the protection of sensitive targets is concerned, the chief purpose of these measures is to:

– Improve arrangements for maintaining public order in the vicinity of embassies and of the offices of foreign companies and missions, especially in the case of buildings which might be targeted by terrorists;

– Guard more closely the premises of ministries and government institutions and control access to them more strictly;

– Tighten measures to ensure the safe storage of weapons, ammunition, explosives or other dangerous materials;

– Screen, check the equipment and train units guarding high-risk economic targets (dams of hydroelectric power stations, stores of chemicals, nuclear power stations, communication hubs of strategic importance).

Among all the efforts being made at the national level to implement United Nations Security Council resolution 1373 (2001), mention should be made of the steps contemplated in the Order of the Romanian Supreme Council for National Defence concerning the establishment of national anti-terrorist machinery to improve the coordination of ongoing endeavours to counter terrorism and of future plans to expand these initiatives with greater efficiency.

The optimized national anti-terrorist machinery is supposed to fulfil the following functions:

– Protect the national territory against new threats associated with terrorism;

– Implement the political commitments made by the Romanian Government, including within the framework of the Euro-Atlantic integration process, in the international counter-terrorism cooperation campaign.

At the same time, consideration is being given to the formulation, in the first quarter of 2002, of a national long-term strategy to prevent and combat terrorism. On the basis of this strategy, a variety of national programmes will be drawn up to prevent and combat acts of terrorism and support for terrorism.

The terrorist attacks of 11 September had a strong impact on the whole world, in that they necessitated extensive reassessment of the risks and threats to the collective security of the international community. This has in turn resulted in the adoption of a series of measures by the special services.

In Romania, new rules governing the functioning of the Romanian Intelligence Service have been adopted. They have introduced changes in the Service's structure, organization and staffing, with a view to expanding anti-terrorist activities.

The Foreign Intelligence Service has also adjusted to the new international demands of counter-terrorism by reorganizing itself. A specialized department has been set up to make the war on terrorism more effective.

Both services have taken steps to intensify cooperation and collaboration with their counterparts abroad, with emphasis on the joint investigation of specific cases of relevance to the war on terrorism.

The Ministry of National Defence has revised its principal defence plans (National Security Strategy, White Paper on Security and National Defence and the Military Strategy) to give greater emphasis to counter-terrorism.

Order No. S/S.M.G.-77 of the Joint Chief of Staffs of 8 October 2001 has boosted the armed forces' preparedness to prevent and combat terrorist acts.

Other steps taken by this Ministry concern the heightening of border security by more thorough monitoring of airspace, territory and maritime space, tighter security around military targets, transition to an intelligence system in keeping with the actual situation and establishment of data exchange and coordination networks with the other military and civilian authorities of the State.

An Operational Unit has started work in the Operational Centre of the Military Department of Joint Staff Headquarters, staffed by representatives of all the central divisions of the Ministry of National Defence. The Unit continuously monitors the situation at home and abroad and, in order to evaluate crisis factors, coordinates with similar bodies the operational surveillance of airspace, the electromagnetic spectrum and radiation. It also monitors the operational status of the units in the forces placed at the disposal of the North Atlantic Treaty Organization (NATO) by the Romanian Government.

Ongoing liaison has been strengthened between senior officials at the Romanian Ministry of National Defence and Romanian military missions to the United Nations, NATO, the European Union and the Organization for Security and Cooperation in Europe (OSCE).

The Romanian Ministry of National Defence, acting in pursuance of Government Emergency Order No. 153/2001, has set up the Centre for Scientific Medical and Military Research, which is a specialist agency of the Medical Assistance Division. The Centre can provide a small sub-unit to take part in certain clinical activities involving medical assistance in the field of toxicology (for attacks using chemical, biological or radiological agents). This sub-unit could form a nucleus to train and prepare medical staff specializing in toxicological medical assistance.

The help of the international community will be needed to equip and train this sub-unit to meet international requirements for this type of activity (equipment, instruments, means of transport and protection for intervention at sources of chemical contamination).

On 19 September 2001, the Romanian Parliament adopted a decision concerning Romania's participation alongside NATO member States in action to combat international terrorism. To that end, Romania facilitated NATO access to its airspace, territory and maritime space during the operation "Enduring Freedom".

In order to improve air security in the wake of the events of 11 September 2001, the Ministry of Public Works, Transport and Housing has introduced a number of additional security measures described in the following enactments:

– Order No. 1315 of 19 September 2001 and Order No. 1446 of 10 October 2001 concerning additional security measures for civil aviation operations;

– Order No. 1940 of 19 December 2001 prohibiting the transport of certain goods in the cabin of an aircraft or in the checked luggage of passengers.

The main aims of the air safety measures are to:

– Implement air safety standards, in accordance with Document 30 of the European Civil Aviation Conference (ECAC);

– Participate in the ECAC international Audit Programme and implement the concept of "one-stop security";

– Upgrade the professional skills of air safety staff;

– Develop cooperation in the field of air safety with States not members of ECAC;

– Draft a bill laying down penalties for unruly passengers (a category not covered in the legal instruments now in force);

– Conduct security screening of all staff involved in civil aviation operations.

Subparagraph (c)
What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Act No. 123 of 3 April 2001 contains the rules applying to aliens in Romania. The expulsion of aliens is dealt with in article 22 of this law.

"(1) Expulsion of a foreign offender may be ordered in the circumstances specified in the Criminal Code and the Code of Criminal Procedure.

(2) The court may order that the alien be held under observation in specially equipped premises, pending expulsion by the police in accordance with the provisions of the Code of Criminal Procedure.

(3) Expulsion may not be appealed but once decided may not be carried out if:

(a) There are grounds for believing that the life or liberty of the alien would be in jeopardy in the State to which he or she would be expelled, or that he or she would be subjected to torture or to inhuman or degrading treatment;

(b) The alien is in a situation in which the law prohibits departure from the territory of the Romanian State.

(4) The prohibition of expulsion shall continue until the reasons given cease to exist.

(5) An alien in one of the situations provided for in paragraph (3) (b) may be expelled for reasons of national security or public order in compliance with a court decision after due process of law.

(6) The provisions of paragraph (4) shall also apply to an alien who is subject to a measure laid down in article 21, paragraph (1)."

The question of expulsion is also dealt with in article 117 of the Criminal Code:

"(1) A foreign national who has committed an offence may be required to leave Romania.

(2) The above provision shall likewise apply to stateless persons not domiciled in the country.

(3) If expulsion is accompanied by a prison sentence, it shall be carried out after the sentence has been served.

The persons mentioned in this article shall not be expelled if there are strong reasons for assuming that they will be subjected to torture in the country to which they would be expelled."

According to article 18 of the Romanian Constitution, the right of asylum is granted or withdrawn on the conditions laid down by the law and in compliance with the international treaties which Romania has signed.

Article 4 of Order No. 102/2000 of the Romanian Government, relating to the status of and rules applying to refugees, as approved by Act No. 323/2001, provides for exclusion if the person has committed:

– An offence against peace or humanity or an offence covered by the international conventions to which Romania is a party;

– A serious offence under ordinary law outside Romania before being admitted into Romanian territory as a refugee;

– Acts contrary to the purposes and principles set forth in the Charter of the United Nations or in the international treaties or conventions on refugees to which Romania is a party.

In 2001, the data and information transmitted by the Romanian Intelligence Service and other authorized bodies made it possible to assemble the documentary evidence required in order to declare 27 foreign nationals belonging to terrorist organizations to be personae non gratae in Romania for various periods.

In the course of 2001, 6,857 persons were identified as being unlawfully present in Romanian territory, thus bringing to 9,253 the number of illegal immigrants against whom legal steps were taken. Criminal court decisions became final against 61 of these persons, who have been expelled.

The legal framework governing the movement of foreign nationals in Romania provides means of vigorous intervention to prevent potential terrorists from entering or remaining in the country.

Subparagraph (d)
What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Existing Romanian legislation to prevent and combat terrorist acts (mentioned in paragraph 1 (a), (b) and (d) and paragraph 2 (a) of the national report) effectively discourages the use of Romanian territory to commit such acts. If, despite that fact, such acts were to occur, Romanian law would apply to the perpetrators (but international law would take precedence over domestic law).

Subparagraph (e)
What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The above-mentioned penalties for terrorist acts laid down in Romanian legislation are sufficiently severe and reflect the seriousness of these crimes. For example, it is an offence directly or indirectly to provide or collect funds in the knowledge that they will be used wholly or partly to commit acts of terrorism and the offender is liable to a prison sentence ranging from five to 20 years. At the same time, terrorist acts are deemed to be serious criminal offences under Act No.

130/2000 approving Ordinance No. 29/1997 of the Romanian Government, concerning the Air Code.

Subparagraph (f)
What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Romania has ratified the European Convention on Mutual Assistance in Criminal Matters, adopted in Strasbourg on 20 April 1959, and its Additional Protocol, adopted in Strasbourg on 17 March 1978. The Convention and its Additional Protocol contain rules in the field of mutual assistance in criminal matters which are common to all the 34 member States of the Council of Europe that have ratified these international agreements.

Romania has also concluded bilateral conventions on assistance in criminal matters with 13 other States, including Albania, the People's Republic of China, Mongolia, Algeria, Morocco, the Syrian Arab Republic, Tunisia and the Federal Republic of Yugoslavia.

In order to assimilate the legal standards in these international agreements fully into our domestic law, we have prepared a bill on international legal assistance in criminal matters, which is currently being debated in the Romanian Parliament.

At the same time, we have put in place, under the authority of the Ministry of the Interior, a system of bilateral and multilateral agreements which include clauses providing for mutual assistance between specialized authorities (police, border police) in the area of information exchange, joint or common action, etc. See the annex on bilateral agreements or agreements under subregional initiatives, which are specifically designed to combat terrorism, organized crime and other serious offences.

Subparagraph (g)
How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

The main measures taken by the Ministry of the Interior to secure the State border are designed to:

– Strengthen border guards and controls at crossing points;

– Ensure strict surveillance along the whole length of the border;

– Increase staffing levels and carry out checks with maximum attention to all travel documents of persons entering and leaving Romania;

– Compile precise information on the situation of aliens in the country;

– Intensify activity at border police posts to identify persons who are likely to be involved in terrorist activities or regarding whom there is evidence that their entry into the country would be a threat to national security;

– Prevent weapons, ammunition, explosives or other dangerous materials from being brought into the country;

– Identify persons with false documents or visas or who try to enter the country under a false identity;

– Ensure careful surveillance and checking of foreign vessels and aircraft from countries which support or condone terrorist acts;

– Ensure rigorous checking of aircraft which arrive from critical places of origin or which are going to countries known to support terrorism;

– Equip border posts with scanners to identify false identity papers or travel documents;

– Prohibit the entry into the country of foreign nationals identified as suspicious in communications received from competent agencies.

From 1 January 2001, there will be a new passport with 34 security elements, meeting European Union standards, which should prevent forgery and thus reduce immigrant flows. Similarly, the issuance of identity papers is currently strictly regulated and subject to a procedure which provides satisfactory safeguards.

Paragraph 3, subparagraph (a)
What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

A Cooperation Protocol creating a framework for information exchange and joint missions and tasks relating to crisis management was recently concluded between the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of the Interior, the Ministry of Public Service, the Ministry of Public Works, Transport and Housing, the Ministry of Water and Environmental Protection, the Ministry of Health and the Family, the Ministry of Communications and Information Technology, the Ministry of Agriculture, Food and Forests, the Romanian Intelligence Service, the Special Telecommunications Service, the Foreign Intelligence Service and the Protection and Guard Service.

A bill on the national crisis management system is currently being drafted.

The Romanian Intelligence Service has implemented significant measures that are particularly relevant to the war on terrorism. The main action is directed towards blocking the human supply networks (impact of illegal migration and trafficking in persons, and also of propaganda activities focusing on the recruitment of new members) and eliminating the supply networks for resources specific to terrorism (weapons, ammunition, explosives, etc.), through inter-agency cooperation at the national level, primarily between the various operational structures and the Ministry of Foreign Affairs, the Ministry of the Interior, the Procurator's Office, the Ministry of Justice and the Ministry of Public Service, and at the international level, particularly with counterpart institutions abroad responsible for dealing with cross-border threats.

The Romanian authorities, particularly the Ministry of the Interior, have strengthened information-related and operational measures and border controls, so as to identify groups and networks of dangerous offenders involved in trafficking in persons, weapons, ammunition, explosives or radioactive materials, or in other types of offence involving violations of the legal regime governing the borders. Cooperation with similar bodies in neighbouring countries and in the European Union has also been broadened so as to identify and monitor cross-border crime.

On Romania's initiative, the initial steps are now being taken to include terrorism among the specific problems being addressed by the Regional Centre for Combating Transborder Crime, an organization which forms part of the Southeast European Cooperative Initiative (SECI).

The Ministry of Communications and Information Technology has adopted policies relating particularly to the protection of the information and communication networks of public and private companies. A plan for evaluating the security of institutions' computer systems at the regional and national levels, to support the concept of computer audit, is currently in preparation. The plan will comprise, inter alia:

– Specification of the security profile;

– Analysis of attacks and breaches from outside;

– Analysis of internal attacks and breaches;

– Risk prevention measures;

– Action to be taken in the event of an attack.

In order to give post and telecommunications operators greater responsibility, additional regulatory measures have been taken:

– Order No. 350/12.09.2001 of the Minister of Communications and Information Technology for the implementation of immediate security measures at installations occupied by telecommunication, data transmission and Internet operators;

– Order No. 393/16.10.2001 of the Minister of Communications and Information Technology for the implementation of exceptional security measures for items of mail.

These Orders require operators to take all appropriate measures to reduce specific risks and intensify collaboration with bodies involved in the fight against terrorism.

Subparagraph (b)
What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Steps have been taken to develop operational and information exchange among the component structures of the national defence system.

By decision of the Prime Minister of Romania, the inter-ministerial committee for crisis situations has been set up to analyse, on a daily basis, internal developments arising from the international situation which have public security implications, with a view to implementing legal measures.

If a definite request is received from a specialized foreign organization (the Federal Bureau of Investigation, similar national intelligence bodies), specific comprehensive measures are put in place in order to monitor the actions of persons who belong to extremist or terrorist organizations in Romanian territory.

Specialized bodies of the Ministry of the Interior cooperate with specialists from the National Bank of Romania to conduct operational checks of persons likely

to carry out dubious financial transactions involving Romanian financial institutions. These bodies make relevant data in their possession available to other institutions.

Subparagraph (c)
What steps have been taken to cooperate in the areas indicated in this subparagraph?

Romania is playing an active role in cooperation on the basis of the many multilateral conventions and bilateral agreements to which it has acceded relating to the fight against terrorism.

It is a party to the following United Nations anti-terrorism conventions:

1. The Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);

2. The Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970);

3. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);

4. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);

5. The International Convention against the Taking of Hostages (New York, 1979);

6. The Convention on the Physical Protection of Nuclear Material (Vienna, 1980);

7. The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 1988), Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);

8. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol on the Suppression of Unlawful Acts Against the Safety of Platforms Located on the Continental Shelf (Rome, 1988);

9. The Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);

10. The Convention on the Safety of United Nations and Associated Personnel (New York, 1994).

Romania is also a party to a number of regional and subregional conventions:

1. The European Convention on the Suppression of Terrorism (Strasbourg, 1977);

2. The European Convention on the Control of the Acquisition and Possession of Firearms by Individuals (Strasbourg, 1978).

Romania has concluded or is negotiating many bilateral agreements covering, inter alia, the fight against terrorism (see annex).

Romania has joined the South-Eastern European Defence Ministerials (SEDM) initiative relating to anti-terrorism, border security and non-proliferation, which was debated at the SEDM meeting in Antalya (Turkey) on 20 December 2001. Romania holds the chairmanship of the SEDM coordinating committee and will be coordinating joint actions in the context of the ministerial conference.

Subparagraph (d)
What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

In addition to the multilateral treaties and bilateral agreements relating to the fight against terrorism to which it is a party (see previous subparagraph), Romania has signed other instruments which it also intends to ratify:

1. The International Convention for the Suppression of Terrorist Bombings (New York, 1997);

2. The International Convention for the Suppression of the Financing of Terrorism (New York, 1999).

The Parliament of Romania is also due to take a decision soon on the Government's request regarding the bill on the ratification of the Rome Statute of the International Criminal Court.

Romania signed the draft convention on cybercrime on 23 November 2001, in Budapest.

Mention should also be made of the bilateral agreements relating to the fight against terrorism which are in the process of ratification or negotiation (see annex).

Subparagraph (e)
Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

In accordance with the provisions of the international conventions and treaties and bilateral agreements to which Romania is a party, Romania has committed itself firmly to the fight to prevent terrorist acts and related potential risks and threats to the national territory or any other area.

The requirements of international instruments on this subject are part of domestic law, pursuant to article 11, paragraph 2, of the Romanian Constitution, which provides that "Treaties ratified by Parliament in accordance with the law are part of domestic law".

Romania has associated itself with the European Union action plan to combat terrorism and signed the declaration adopted by the enlarged European Conference held in Brussels on 20 October 2001. In this context, Romania has undertaken to adopt the measures necessary to implement Security Council resolution 1373 (2001) and ratify the International Convention for the Suppression of the Financing of Terrorism.

Subparagraph (f)
What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Subparagraph (g)
What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The conditions and procedure for granting refugee status are provided in the normative acts mentioned earlier (see paragraph 2 (c)).

With regard to extradition, mention should also be made of the following domestic normative acts:

– Act No. 80/1997 on the ratification of the European Convention on Extradition (Paris, 1957), the European protocols on extradition (Paris, 1957) and the protocols additional thereto (Strasbourg, 1975 and 1978);

– Act No. 296/2001 on extradition.

Under article 1 of this Act, which regulates Romania's obligations in respect of extradition:

(1) Romania agrees to extradite, at the request of another State and in the conditions stipulated by this Act, persons present in its territory who are the subject of a wanted notice and have been committed for trial for a criminal offence or are wanted by the law enforcement authorities in order to serve a sentence.

(2) The provisions of this Act shall also be applicable in the case of security measures. For the purposes of this Act, the term "security measures" shall mean any measure that entails deprivation of liberty and is imposed in a judgement in criminal proceedings in order to supplement or replace a sentence.

Article 2 establishes the principle of the primacy of international law:

(1) With regard to the enforcement of the rules on extradition contained in the international conventions to which Romania is a party, this Act shall be applicable only for the purpose of supplementing those rules in cases not covered by them.

(2) In the absence of another international convention, this Act shall represent the ordinary law in this area applicable by the Romanian State by virtue of comity and subject to a guarantee of reciprocity. Should a requesting State invoke regulations differing from those in this Act, they may be taken into account only to the extent established by the declaration of reciprocity.

Article 3 deals with the declaration of reciprocity:

(1) The declaration of reciprocity made by the requesting State in the absence of an international convention in order to obtain the extradition shall take effect in Romania only after the ratification in law of the agreement negotiated

between the two States in accordance with the generally recognized norms of international law in this area.

(2) The draft agreement shall be negotiated for the Romanian State by the Ministry of Justice and the Ministry of Foreign Affairs.

Applications by asylum seekers about whom there are data and information indicating that they have planned, facilitated or participated in terrorist acts are considered under a fast-track procedure in compliance with all the guarantees provided both in domestic legislation and in the practice of the European Union. Similarly, in accordance with article 17, paragraph 1 (b), of Government Ordinance No. 102/2000, "applications by persons who, through their activities or membership of a certain group, pose a threat to national security or public order in Romania" are also dealt with under the fast-track procedure. Likewise, the legislation on refugees provides, in article 18, paragraph 3, measures to combat the abuse of the procedure for granting refugee status. Applications made by aliens with the clear intention of preventing the immediate implementation of a measure ordered by the competent authorities with a view to their removal from the country or expulsion are considered under the fast-track procedure.

The methodological rules provide that the official in charge of the case may, if necessary, conduct a new interview so that the situation described by the alien may be evaluated as accurately as possible.

The specialized structures of the Ministry of the Interior take specific steps to ascertain whether asylum seekers have planned, facilitated or participated in terrorist activities, and the information obtained is transmitted expeditiously to the bodies competent to rule on asylum requests.

Asylum seekers enjoy due process guarantees, having the possibility of contesting in a court of law the rejection of their asylum request in the administrative phase; the decision of the initial court of adjudication is final and irrevocable.

It is also possible to withdraw conditional humanitarian protection (subsidiary protection) if, after obtaining it, the alien, through his activities or membership of a certain group, poses a threat to national security or public order in Romania (article 28, paragraph (b), of Government Ordinance No. 102/2000).

If the alien has obtained refugee status, the Romanian State may take measures in conformity with the obligations it assumed upon ratifying the Geneva Convention of 1951 and the New York Protocol of 1967 relating to the Status of Refugees.

Regardless of the form of protection accorded, it is withdrawn if, after it is granted, it is discovered that the alien is in one of the situations stipulated in article 4 of Government Ordinance No. 102/2000.