

**Security Council**

Distr.: General
31 January 2005

Original: English

Letter dated 24 January 2005 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

I write with reference to my letter of 16 December 2004 (S/2004/994). The Counter-Terrorism Committee has received the attached fourth report from Romania submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Andrey I. Denisov
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

Annex

Letter dated 21 January 2005 from the Permanent Representative of Romania to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to send you enclosed herewith the answer of the Government of Romania to the specific questions of the Counter-Terrorism Committee, as set out in its document dated 22 October 2004 (see enclosure).

(Signed) Mihnea **Motoc**
Ambassador

Enclosure*

Answers to the questions of the CTC regarding Romania's third report on the implementation of the Security Council resolution 1373

- 1.1 *Please advise the CTC whether the new Criminal Code, and specifically the provisions criminalizing the recruitment of persons for the purpose of committing terrorist acts has been enacted into law.*

The new Criminal Code was adopted by **Law no. 301/2004**, and will enter into force on the 29th of June 2005 (one year after the date of its publication in the Romanian Official Journal, 28 June 2004). It contains provisions criminalizing terrorist acts, including financing of terrorist acts, in *Title IV* of the special part *Crimes and offences of terrorism*.

The specific act of recruitment of persons for the purpose of committing terrorist acts is dealt with in **Law no. 535/2004 on the prevention and fighting against terrorism**.

*Details about Law no. 535/2004
on the prevention and fighting against terrorism*

Law no. 535/2004 on the prevention and fighting against terrorism was promulgated by the President of Romania with the Decree no. 994/2004 of 24 November 2004, and entered into force three days later. The full original text is available on the website of the Romanian Parliament, at the following address:

www.cdep.ro/proiecte/2004/400/80/6/leg_pl486_04.pdf

and a full translation is provided in *annex 4* to this document.

This Law specifically incriminates the act of recruiting persons for the purpose of committing terrorist acts in art. 33 paragraph (1) letter b):

“Art. 33 – (1) The following are assimilated to acts of terrorism: [...] b) The recruitment, training and preparation of terrorist entities in the use of firearms, ammunition, explosives, chemical, biological, bacteriological or nuclear weapons, as well as in order to facilitate acts of terrorism.”

The Law also establishes the **National System for Prevention and Fighting against Terrorism** (SNPCT). According to art. 5 “the prevention and fighting against terrorism are carried out in accordance with the provisions of the international conventions for the suppression of terrorism, to which Romania is a party...” and “the co-operation in this field on the national level is accomplished through the National System for the Prevention and Fighting against Terrorism”, comprising 21 authorities and public institutions (according to art. 6 par. (2) of Law no. 535/2004).

* Annexes are on file with the Secretariat and are available for consultation.

At the same time, the Centre for Operative Anti-Terrorist Co-ordination was established within the *Romanian Intelligence Service* (the national authority in this field). The Centre is responsible for co-ordinating the activity of the SNPCT.

Chapter III of Law no. 535/2004 is dedicated to the measures needed to prevent the financing of terrorist acts.

Chapter IV concerns the offences and violations in that matter, thus extending the field of penal unlawfulness by instituting acts assimilated to terrorist acts (art. 33).

The entry into force of Law no. 535/2004 for prevention and fighting against terrorism also caused the **abrogation of both the Government Emergency Ordinance no. 141/2001** for sanctioning certain terrorist acts and violations of public order, approved with amendments by Law no. 472/2002, **and the Government Emergency Ordinance no. 159/2001** for prevention and countering of the use of the financial and banking system to finance terrorist acts, approved by Law 466/2002, **except for the addendum to the latter**. This addendum contains the list of persons or entities identified by the 1267 Committee.

The provisions of the two Emergency Ordinances were included in Law no. 535/2004.

It is also noteworthy that on 30 November 2004, the Government of Romania has approved the draft **Law for amending and supplementing Law no. 656/2002 for preventing and sanctioning money laundering**. This law will be submitted for approval by the Romanian Parliament.

The provisions of Law no. 656/2002 for preventing and fighting money laundering concur with those of Directive no. 2001/97/EC of the European Parliament and of the European Council of 4th of December 2001, which amends the European Council's Directive no. 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering. As a result, transactions suspicious of financing terrorist acts will undergo the same reporting and suspension system as those suspicious of money laundering.

The suggested amendments take into consideration the 40 Recommendations of the International Group for Financial Action for Money Laundering (GAFI), amended in June 2003, the 8 Special GAFI Recommendations regarding the financing of terrorism, as well as the Recommendations made on the occasion of the second Evaluation Report of Romania by the Moneyval Committee of the Council of Europe.

- 1.2 *The CTC notes that Romania became party to the 12 International Convention and protocols on the prevention and suppression of terrorism. Therefore, the CTC would appreciate to learn about whether its provisions have been implemented in Romania's domestic law.*

Romania has signed and implemented all 12 International Convention and protocols on the prevention and suppression of terrorism, including the **Convention for the Suppression of Terrorist Bombings**, which was the most recent to be **ratified** and implemented into our internal legislation - by **Law no. 257 of 16 June 2004**, published in the Official Journal no. 551 of 21 June 2004.

According to the **Romanian Constitution** (art. 11), the international treaties ratified by the Romanian Parliament become automatically part of the internal legislation.

- 1.3 *The CTC would also appreciate being informed whether Law 296/2001 has been amended in order to implement the Protocol to the European Convention for the Suppression of Terrorism.*

Law no. 302/2004 on international judicial cooperation in criminal field replaced **Law no. 296/2001 on extradition**.

At the same time, the **Protocol amending the European Convention for the Suppression of Terrorism**, signed at Strasbourg on 18 May 2003, was ratified by Law no. 366 of 15 September 2004, published in the Official Journal no. 913 of 7 October 2004.

A presentation and the full text of Law no. 302/2004 are provided in the annexes 1.1 and 1.2 to this document.

- 1.4 *In the event that the answers to these questions are in the affirmative, the CTC would appreciate receiving the texts of the pertinent provisions as they appear in the corresponding pieces of legislation.*

References to the texts of the relevant provisions have been included in the answers to each question.

- 1.5 *Regarding the implementation of the sub-paragraph 2 (d) of the Resolution (paragraph 1.6 of Romania's third report), please provide an official copy, or Internet reference thereto, of the texts of the Government Emergency Ordinances 141-159/2001, to enable the CTC to determine whether these provisions address the concerns raised in the CTC's letter dated 16 May 2003 concerning the prevention of the financing of terrorism.*

The **Government Emergency Ordinances 141 and 159/2001** were **abrogated by Law no. 535/2004** for prevention and fighting against terrorism, as explained in the answer to the question 1.1. A translation of this Law is provided in *annex 4* to this document.

A translation of the full text of the Government Emergency Ordinances 141 and 159/2001 is also provided in the *annexes 2 and 3* to this document.

- 2.2 *The CTC's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. In relation to the request of assistance in the areas of Counter-Terrorism legislation, extradition and mutual assistance, the CTC would appreciate being informed whether Romania has received assistance in these areas and whether such assistance fulfilled Romania's needs in these regards.*

So far, Romania has received assistance through the CTC in several instances, the beneficiaries being institutions such as the Ministry of Justice, the Prosecutor General's Office, the Ministry of Interior, Romanian Police and various other relevant institutions.

The assistance offered so far through various initiatives (such as those of the UNODC in Vienna) has been greatly appreciated and has proved very useful for the implementation and improvement of the Romanian terrorism prevention policies.

We submitted our new requests for assistance to the CTC in January 2005.
