

## **XCVI. REPUBLIC OF MOLDOVA<sup>71</sup>**

### **SUMMARY OF LEGISLATION OF THE REPUBLIC OF MOLDOVA RELATED TO TERRORISM**

#### **(a) Law No. 539-XV of 12 December 2000 on Combating Terrorism**

The Law on combating terrorism is based on the following notions:

“Terrorism” means carrying out explosions, arson or other actions which create danger to human lives or cause considerable material damage, or provoke other grave social consequences aimed at violating public security, intimidating a population or adversely influencing public authorities or individuals to make certain decisions, as well as threatening to carry out these actions with the same purposes.

“Terrorist activity” means actions which include:

- planning, preparing, attempting to commit and carrying out a terrorist act;
- instigation of a terrorist act, use of violence against individuals and entities, destruction of material objects for terrorist means;
- establishing an illegally armed force, a criminal community (organization), an organized team with the purpose of carrying out terrorist acts, as well as participation in such acts;
- recruiting, equipping, training and using terrorists;
- financing a terrorist organization or a terrorist group, or providing them with other assistance.

“International terrorist activity” means terrorist actions committed by:

- a terrorist, a group of terrorists or a terrorist organization in the territory of two or more States, causing damage to the interests of these States;
- citizens of one State against citizens of another State or in the territory of the latter State;

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<sup>71</sup> Transmitted to the Secretariat by that Government on 31 December 2001 (S/2002/33, enclosure) and 5 September 2002 (S/2002/1044, enclosure). Information was also provided in respect of the following legislation: Law No 45-XIII of 12 April 1994 on intelligence investigation activity; Law No. 618-XIII of 31 October 1995 on state security; Law No. 619-XIII of 31 October 1995 on state security services; Law No. 633-XV of 15 November 2001 on preventing and combating of money laundering.

- a terrorist of one State whose victims are citizens of the same State or of different States, but the act was committed outside of the territory of these States.

**“Crimes with a terrorist character” are the following:**

- A crime accompanied by an attempt to illegally hijack an aircraft;
- A crime directed against the safety of civil aviation;
- A dangerous crime which constitutes an attempt to take away the life, integrity or liberty of internationally protected persons, including diplomatic agents;
- A crime aimed at taking hostages, kidnapping or illegally sequestering persons;
- A crime carried out through the use of bombs, grenades, missiles, machine guns, transported by parcels which place persons in danger;
- An attempt to carry out one of the above-mentioned crimes, or complicity in the offence in the crime.

**“Terrorist” means a person who is involved in a terrorist activity in any form.**

**“Terrorist group” means two or more persons associated with each other for the purpose of committing a terrorist activity.**

**“Terrorist organization” means an organization created with the purpose of committing a terrorist activity or an organization which admits resorting to terrorism. An organization is considered terrorist if at least one of its structural subdivisions carries out a terrorist activity.**

**“Combating terrorism” means activities aimed at preventing, tracing out and stopping terrorist activities and attenuating its consequences.**

**“Anti-terrorist operation” means special measures aimed at stopping a terrorist act in order to ensure the safety of persons, neutralizing terrorists and attenuating its consequences.**

**“Zone of conduct of an anti-terrorist operation” means certain sectors of a locality, a vehicle, a building, a construction, or other premises and their surrounding territory, where an anti-terrorist operation is conducted on the perimeter.**

**“Taking hostages” means a forced holding by a terrorist or a group of terrorists of some persons in order to force individuals, entities or public authorities to fulfil their demands.**

**Combating terrorism in the Republic of Moldova is based on the following principles:**

- legality;**
- priority to the measures of preventing terrorism;**
- inevitability of punishment for commitment of a terrorist act;**
- combining public and undercover methods of combating terrorism;**
- use of a complex of judicial, political, socio-economic and prophylactic measures;**
- priority to protection of the rights of persons who are in danger because of a terrorist act, minimizing loss of human life;**
- minimal yielding in negotiations with terrorists;**
- coordinated conduct of all forces and means involved in anti-terrorist operations;**
- minimum publicity of technical procedures, ways of conduct of anti-terrorist operations and its participants.**

**(b) Penal Code of 12 December 2001**

**Article 63 of the Penal Code stipulates that terrorism represents a criminal activity of some persons or some groups of persons aimed at modifying in the Republic of Moldova or in other States legally constituted political and socio-economic structures by threatening to use violence or through resorting to violence against a population or individuals, and which jeopardizes fundamental human rights, particularly the rights to life, physical integrity, and individual freedoms.**

**Furthermore, Article 63-1 makes it a criminal offense to collect funds or other means to be used for carrying out terrorist acts. The penalty under this article is imprisonment for a term from 10 to 25 years with confiscation of the means designated or used for the crime.**