

XCVII. ROMANIA⁷²

1. GOVERNMENT EMERGENCY ORDINANCE NO. 141/2001

Article 1

- (1) The following shall be considered as terrorist acts:
- Homicide offenses 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;
 - Offenses covered by articles 106 to 109 of Government Ordinance No. 29/1997 concerning the Air Code.
 - Offences involving destruction as described in articles 217 and 218 of the Penal Code;
 - Offenses 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 panic.
- (2) The punishment for the offences described in paragraph 1 above 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.

⁷² Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1339, enclosure), 27 August 2002 (S/2002/949, enclosure) and 13 October 2003 (S/2003/1015, enclosure). Information was also provided in respect of Law No. 17/1996 on firearms and munitions, Law 126/1995 on explosive materials; Government Ordinance No. 158/1999 on the regime of export and import of strategic goods.

- (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 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 law enforcement forces, 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 three months to three years or by a fine.

2. GOVERNMENT EMERGENCY ORDINANCE NO. 159/2001

Article 15 provides for the criminal liability of natural persons as follows:

“The provision or collection of funds, whether directly or indirectly, 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 offenses 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.”

Article 13(1) provides as follows:

“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 500,000,000 to 1,000,000,000 lei.”

Article 13 (3) stipulates that the funds described in Article 13(1) shall be seized.

XCVIII. RUSSIAN FEDERATION⁷³

SUMMARY OF LEGISLATION OF THE RUSSIAN FEDERATION RELATED TO TERRORISM

(a) The Penal Code

The Penal Code establishes the following offences as offences of a terrorist nature: terrorism (article 205), hostage-taking (article 206), hijacking of an aircraft, sea vessel or railway train (article 211), organization of an illegal armed unit or participation in such a unit (article 208), attempts on the life of a State or public figure (article 277) and attacks on persons or agencies enjoying international protection (article 360).⁷⁴

Persons guilty of providing or collecting funds for the commission of terrorist acts bear criminal liability for the crimes committed by the terrorists, as accessories to such offences, in the manner specified in articles 32 to 34 of the Penal Code. In accordance with section 5 of article 33 of the Penal Code, they are

⁷³ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1284, enclosure), 15 January 2002 (S/2001/1284/Add.1, enclosure), 23 July 2002 (S/2002/887, enclosure), and 11 August 2003 (S/2003/839, enclosure). Information was also provided on the Federal Act of 25 July 1998 “On Measures to Combat Terrorism”, Federal Act of 28 July 1996 “On refugees”, Federal Act No. 150 of 13 October 1996 “On weapons”, Federal Act No. 128 of 8 August 2001 “On the licensing of individual types of activity”, Decision No. 814 of the Government of the Russian Federation of 21 July 1998 “On measures to regulate the circulation of civilian and service weapons and ammunition therefore in the territory of the Russian Federation”, Decision No. 1314 of the Government of the Russian Federation of 15 October 1997 “On confirmation of the rules governing the circulation of offensive small arms and other weapons, ammunition and cartridges therefore, and steel weapons in State paramilitary organizations”, the Instruction “On the licensing of activities relating to the storage, transport and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons” (confirmed by Decision No. 199 of the Government of the Russian Federation of 19 March 2001) and Order No. 288 of the Ministry of Internal Affairs of the Russian Federation of 12 April 1999 “On measures to implement the Decision of the Government of the Russian Federation”.

⁷⁴ For the texts of these and other pertinent articles of the Penal Code, see: United Nations Legislative Series, National Laws and Regulations on the Prevention and Suppression of International Terrorism, Part I (ST/LEG/SER.B/22), pp. 331-347.