



PERMANENT DELEGATION
OF THE REPUBLIC OF MOLDOVA
TO THE OSCE

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The Permanent Delegation of the Republic of Moldova to the Organization for Security and Cooperation in Europe presents its compliments to the Permanent Delegations/Missions of all OSCE participating States and to the Conflict Prevention Centre and in accordance with FSC Decision 2/09, has the honour to transmit hereby the response of the Republic of Moldova to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the year 2012, valid as of 15 April 2012.

The Permanent Delegation of the Republic of Moldova to the Organization for Security and Cooperation in Europe avails itself of this opportunity to renew to the Permanent Delegations/Missions of all OSCE participating States and to the Conflict Prevention Centre the assurances of its highest consideration. *v.a.*



Vienna, 13 April 2012

To:
The Permanent Missions/Delegations to the OSCE
The OSCE Conflict Prevention Centre

Vienna

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Republic of Moldova

Information Exchange on the Code of Conduct on Political-Military Aspects of Security

2012

1. Appropriate Measures to Prevent and Combat Terrorism, in Particular Participation in International Agreements to that End

The Government of the Republic of Moldova does not support any forms of terrorism and entirely co-operates to counter the threats of terrorist activities by participating at various international conventions and protocols on counter-terrorism as follows:

- Convention on offences and certain acts committed on aircraft board, signed in Tokyo on 14.09.1963;
- Convention on the suppression of unlawful acts against the safety of civil aviation, signed in Montreal on 23.09.1973;
- Protocol on the suppression of unlawful acts/violence in airports, signed in Montreal on 24.02.1988;
- Convention on prevention of unlawful seizure of aircraft, signed in Hague on 16.12.1970;
- Convention on prevention and punishment of crimes against internationally protected persons, including diplomatic agents, signed in New York on 14.12.1973;
- Convention on physical protection of nuclear materials, signed in Vienna on 28.10.1979;
- Convention on the suppression of financial assets of terrorists, signed in New York on 09.12.1999;
- The European Convention on the suppression of terrorism, signed in Strasbourg on 27.01.1977;
- Protocol Amending the European Convention on the Suppression of Terrorism, concluded at Strasbourg on 15.05.2003;
- Convention on the suppression acts of nuclear terrorism, signed in New York on 13.04.2005
- Convention on the suppression of terrorist bombings, signed in New York on 12.01.1998;
- Convention on the condemnation of hostage taking, signed in New York on 18.12.1979;
- Convention on marking plastic explosives for the purposes of detection, signed in Montreal on 01.03.1991;
- Convention of Council of Europe on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorists, signed in Warsaw on 16.05.2005;
- Council of Europe Convention on the Prevention of Terrorism, done at Warsaw on 16.05.2005;
- Amendment to the Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on 16.05.2005;
- The EU – Moldova Action Plan, dated on 22.02.2005;
- Agreement of co-operation among governments of the participating states at the Black Sea Economic Co-operation on countering crime, with special emphasis on its organized aspects, signed in Kerkyra on 02.10.1998;
- The Yalta Charter of GUUAM from 07.06.2001;

- Agreement on co-operation between the Governments of the state-participants GUUAM in sphere of struggle against terrorism, the organized crime and other dangerous kinds of crimes, signed in Yalta on 20.07.2002;
- Additional Protocol to the Agreement on co-operation between the Governments of the state-participants GUUAM in sphere of struggle against terrorism, the organized crime and other dangerous kinds of crimes from 20 July 2002, signed in Helsinki on 04.12.2008;
- Agreement on creation of virtual center GUAM on struggle against terrorism, the organized crime, illegal circulation of drugs and other serious crimes and the Interstate information-analytical system GUAM, signed in Yalta on 04.07.2003.

Additionally to the above-stated legal acts, the Republic of Moldova supports the counter-terrorism initiatives in the framework of the Commonwealth of Independent States (CIS), namely:

- The Decision of the CIS's Council of the Heads of Governments regarding financing the activity of the CIS Anti-terrorism Centre, signed on 30.11.2000;
- The Agreement of co-operation on countering economic crimes, signed in Moscow on 12.04.1996;
- The Agreement of co-operation among CIS's member states on countering terrorism, signed in Minsk on 04.06.1999;
- The Agreement of co-operation among CIS's member states on countering crime, signed in Moscow on 25.11.1998;
- The Agreement of co-operation among CIS's member states on countering crimes in the informational technology field, signed in Moscow on 01.06.2001;
- Protocol on the adopting of regulations about the order of the organizing and conducting joint antiterrorist actions on territories of CIS's member states, signed in Chisinau on 07.10.2002.
- The Decision of the CIS's Council of Heads of States regarding the 2008-2010 Program of cooperation of the CIS member states in combating terrorism and other violent manifestations of extremism, signed in Dushanbe on 05.10.2007;
- The Decision of the CIS's Council of Heads of States regarding the Concept of cooperation of the CIS member states in combating terrorism and other violent manifestations of extremism, signed in Kazan on 26.08.2005;

The Moldovan Government has been signed a number of bilateral agreements concerning co-operation in the fields of counter-terrorism, money-laundering, financing of terrorism, illicit drugs trafficking and countering organized criminal activities, with the following countries: the Republic of Hungary (1997); the United Kingdom (2001); Romania (2000); the Republic of Ukraine (1999; 2005); Uzbekistan (2000); Republic of Turkey (1994); the Republic of Belarus (1993; 2002; 2006); the Republic of Bulgaria (1993; 2004); the Czech Republic (2003); the Republic of Poland (2003); the Republic of Latvia (2003); the Republic of Estonia (2005); Republic of Georgia (2007); Republic of Croatia (2006, 2007); Kingdom of

Belgium (2007); Republic of Indonesia (2008); Kingdom of the Netherlands (2008); the Republic of Albania (2006); the Republic of Slovenia (2008); the Republic of Poland (2009); the Republic of Latvia (2009); the Republic of Austria (2010); the Republic of San Marino (2010); the Republic of South Africa (2010); the Republic of Serbia (2010); the Israel (2010); the French Republic (2010); the Principality of Monaco (2010); the Montenegro (2010); the Bahamas (2010); the Republic of Armenia (2011); the Republic of Kazakhstan (2011); the Federal Republic of Nigeria (2011); the Republic of Portugal (2011); the British Virgin Islands (2011); the Republic of Mongolia (2011); the Arubia (2011); the Republic of Finland (2011).

The following internal legislative documents stipulate the prevention and combating terrorism:

- The Criminal Code, approved on 18.04.2002;
- The Law on Counter-terrorism, dated on 12.10.2001;
- The Law on the prevention and fighting against money-laundering and financing of terrorism, dated on 26.07.2007;
- The Law on Police, dated on 18.12.1990;
- The Law on the Carabineer Troops of the Ministry of Interior, dated on 12.12.1991;
- The Law on State Security, dated on 31.10.1995;
- The Law on the Institutions Responsible for State Security, dated on 31.10.1995;
- The Law for approval Concept of National Security of Republic of Moldova, dated on 22.05.2008;
- The Parliament's Decision on National Security Strategy of the Republic of Moldova, dated on 15.07.2011;
- The Parliament's Decision on Counter-terrorism, dated on 27.09.2001;
- The Governmental Decision on the antiterrorist center of the Information and Security Center, dated on 13.11.2006;
- The Governmental Decision about Regulation on operative group on management of counterterrorist operation, dated on 14.06.2002;
- The Governmental Decision about Regulation on the procedure of social rehabilitation of the persons injured with an act of terrorism, dated on 08.07.2002;
- The Law on Border Service, dated on 13.07.2007;
- The Law on Aeronautical security, dated on 05.04.2007;
- The Governmental Decision about National Strategy on the prevention and fighting against money-laundering and financing of terrorism and Plan of actions for implementation National Strategy on the prevention and fighting against money-laundering and financing of terrorism, dated on 05.06.2007;
- National Strategy to prevent and combat money-laundering and financing of terrorism in the 2010-2012, dated on 09.03.2010;
- The Governmental Decision about National Strategy for preventing and combating organized crime for the years 2011-2016, dated on 30.06.2011.

The basic functions of armed and security forces in preventing and combating terrorism:

a) Development and realizations of preventive, special, organizational, educational and other measures with a view of the prevention, revealing and suppressions of terrorist activity;

b) Creations of departmental systems of counteraction of the crimes with terrorist character and maintenance of a level of readiness of such systems;

c) Granting of the information, material, financial, vehicles and communication means and facility, the medical equipment and medicines;

d) Realization of other functions, proceeding from needs in the field of struggle against terrorism.

The Information and Security Service is the national body which is directly carrying out activity on struggle against terrorism. The Information and Security Service and its territorial bodies carry out struggle against terrorism by means of the prevention, revealing and suppressions of crimes with terrorist character, including pursuing political purposes, and also preventions, revealing and suppressions of the international terrorist activity.

The Ministry of Defence provides protection of arms, an ammunition, explosives, and also military objects, air space of the country at carrying out of counterterrorist operations.

2. National Planning and Decision-making Process for the Determination/Approval of the Military Posture and Defence Expenditures

The Parliament of the Republic of Moldova approves the main directions for domestic and foreign policy, controls executive bodies within the Constitution's limits, and approves the state budget.

The Parliament also approves the following defence related issues:

- the Concept (Strategy) of National Security and the Military Doctrine (Strategy);
- the structure and overall strength of the Armed Forces;
- the defence budget for defence-related needs;
- key priorities of the military co-operation with other states;
- declaration of state of emergency, siege and war;
- declaration of mobilization and demobilization.

The Parliament decides on the following important issues:

- declaring belligerency state in case of military aggression and decision on peace agreement after the end of military actions;
- establishing state of war and its cancellation;
- the use of the Armed Forces for honoring obligations under international treaties, the Republic of Moldova is part of, which concerns to maintaining peace and security;
- declaring complete/partial mobilization or demobilization.

The Ministry of Defence (MOD) is the main specialized authority of the central public administration in the defence field. The MOD exercises direct control

of the National Army and is responsible for the Armed Forces building, development, and combat readiness. It is also responsible for the strategic planning concerning the use of the National Army and for providing appropriate defence capabilities for the national defence.

The MOD analyses military and political situation, drafts and implements the national defence's strategy, and contributed to drafting Military Doctrine and military budget as well as other defence-related documents.

There are also other ministries and departments responsible for the country defence with tasks of supporting military during the crisis.

3. Constitutionally Established Authorities and Procedures to Ensure Effective Democratic Control of the Armed Forces.

Armed Forces

The democratic control over the Armed Forces is based on the authority of the political factor over the military one within the civil-military relations.

Subordination of the military structures to the democratically-elected civil authorities is an essential element that provides the overall activity of the Armed Forces in accordance with the Republic of Moldova's Constitution and other current legislation.

The Parliament's control/oversight over the Armed Forces is executed through a mechanism that provides the following:

- adopting the legal framework of the national defence system, building, organization, and use of the Armed Forces;
- approving the defence budget, as the component part of the national budget; consequently, establishing the development of the Armed Forces within provided financial resources;
- offering or withdrawing the vote of confidence to the Minister of Defence in case of Government's election or resignation;
- declaring mobilization, emergency, siege and war states.

The control/oversight over the Armed Forces is exercised by the Parliament through the following means:

- receiving defence related reports, analyses, and programs;
- oversight via appropriate parliamentary committees; the main control is co-ordinated by the Parliamentary Committee for National Security, Defense and Public Order;
- inquires and hearings.

The important defence-related issues are examined during parliamentary sessions.

The President of the Republic of Moldova as the Head of State and Commander-in-Chief (CINC) of the Armed Forces exercises the highest-level civil control over the military system.

The President controls the Armed Forces by:

- promulgating defence-related laws, using his right to request the Parliament to re-examine certain laws, and Constitutional Court to confirm the laws constitutionality;
- appointing the Minister of Defence;
- declaring mobilization of the Armed Forces, with the prior approval of the Parliament.
- establishing the general framework for the international military co-operation.

The President is the Chairman of the Supreme Security Council. The Supreme Security Council, an advisory body, makes proposals on the development of the Armed Forces and on defence policy issues.

The Republic of Moldova Government exercises control, as an executive body, over the Armed Forces.

To exercise the civil control over the Armed Forces, the Government:

- forward laws' drafts to the Parliament;
- sign agreements on military co-operation with other states;
- provide framework for maintaining defence capabilities of the country.

To exercise civil control over the Armed Forces, the Prime-minister:

- propose to the President a nominee for the Minister of Defence;
- confirm with his signature the President's decrees on defence.

Paramilitary Forces

The Republic of Moldova does not have any paramilitary forces.

Internal Forces and Intelligence Services

According to the legislation, the state security system consists of Information and Security Service, State Security and Protection Service, Border Service and Customs Service.

The Information and Security Service is a special body, which assures the state security.

As a special structure of the executive administration, the State Security and Protection Service has a mission to protect and secure persons who benefit from governmental protection as well as objects under special security regime.

The Border Service ensures security of the state borders.

The Customs Service is the law enforcement body of executive authority, which is carrying out a customs policy and a direct management of customs activities in the Republic of Moldova.

The Parliament exercise control and oversight over state intelligence structures through parliamentary audiences and investigations. It also examines the accounts of state security bodies during opened or closed parliamentary sessions as well as at the Parliament's National Security, Defense and Public Order Committee hearings or at the Board Sessions of the Information and Security Service.

The permanent control and oversight over state security bodies activity is done by the Parliament through the Parliamentary Committee for National Security, Defense and Public Order. State security bodies are required to respond, according to the legislation provisions, to inquiring and other legal demands made by Special, Investigation, and Permanent Committees of the Parliament as well as by deputies.

The judiciary control over the state security bodies is exercised during the court trials on criminal cases. This control is also exercised during trials referred to crimes and abuses committed by state security members as well as illegal actions made by citizens against state security members and officeholders.

The General Prosecution and public prosecutors monitor and oversight laws of the state security structures; the financial control of their activities is executed by the Court of Audit.

The Department of Carabineer Troops within the Ministry of Internal Affairs is responsible for maintaining public order, protecting human rights, liberties, and propriety ownership as well as preventing law violations. The Minister of Internal Affairs exercises control over legality of use of forces and resources being at the disposal of the Carabineer Troops.

The General Prosecution and public prosecutors oversight Carabineer Troops activities as well.

Being a component part of the Ministry of Internal Affairs, the police are an armed body of the public authorities responsible for protecting citizens' life, health and liberties as well as society and state interests against criminal or other delinquent attacks.

The police are organized into the governmental and the municipal police. The governmental police has competency over the entire Moldova's territory whereas the municipal police over the respective administrative unit only.

The governmental police are subordinated to the Ministry of Internal Affairs, while the municipal is subordinated to both the Ministry of Internal Affairs and to the local public administration authorities.

The composition and strength of the governmental police is approved by the Government at the Minister of Internal Affairs proposal, while those of municipal police by local public administration authorities and the Minister of Interior at the proposals of district police commissars.

The General Prosecution and public prosecutors execute general oversight over the police.

Roles and Missions of the Republic of Moldova Forces as well as Constitutional Control:

Armed Forces

According to the Law on the national defence, the Moldova's Armed Forces (the National Army, the Border Guard Troops, and the Carabineer Troops) are responsible for the state defence in case of military aggression and for ensuring inviolability of the state borders and air space. The involvement of the Armed Forces in activities not relating to country defence is permitted exclusively by the Parliament or in emergency situations by the President decrees.

The supreme command and control of the Armed Forces is exerted by the Parliament, the President, who is the Commander-in-Chief of the Armed Forces, as well as by the Government within the limits determined by the legislation.

The Ministry of Defence, as a central body, exercises public management of the National Army. The Minister of Defence is the first deputy of the Commander-in-Chief (CINC) of the Armed Forces.

Internal and Security Forces

The state's security bodies are special structures of the executive authorities designed to ensure, within their responsibilities, the security of the Republic of Moldova.

They have the follow-on responsibilities:

- to defend of Republic of Moldova's independence and territorial integrity, to ensure protection of the state borders, enforce the constitutional order, ensure human rights and liberties;
- to provide information and intelligence needed for government's activity;
- to conduct counter-intelligence against illegal activities of special services or organizations of other states;
- to provide the Parliament, the President and the Government with the information required for solving state security issues;
- to combat terrorism, organized crime, and corruption, which undermine the country's security;
- to provide security for national and foreign high officials;
- to ensure, along with the Border Service, security of the Republic of Moldova's borders.

Duties fulfilled by the Carabineer Troops are:

- to keep, along with the police, public order and to defend citizens' rights, liberties and interests;
- to support police troops in enforcing public order and in the crime disclosure;
- to execute guarding missions within penitentiary places;
- to provide security and defence of significant objects and transports;
- to participate in disaster, humanitarian or crisis response operations;

The use of Carabineer troops in missions other than stipulated by legislation is prohibited.

Public Access to Information Related to the Armed Forces

The Constitution of the Republic of Moldova grants the citizens' rights for access to any information of public interest; public authorities must provide citizens with the correct information. The exercise of this right can be a subject to some restrictions, without prejudicing international law principles, if it is in the national security interest.

The Law on Access to Information, dated on 11.05.2000, provides the public access mechanism to official information held by public authorities, including components of the Armed Forces.

Additionally, there are various ways to inform public about the Armed Forces activities:

- discussing the Armed Forces-related issues in the Parliament;
- the Ministry of Defence press-releases;
- participation at the press conferences with the Minister of Defence, Chief of the Main Staff and other officeholders within the Ministry of Defence;
- organizing the "Open Door Day" in the military units;
- mass-media coverage of defence-related issues.

4. Stationing of Armed Forces on the Territory of Another Participating States in Accordance with Their Negotiated Agreement as well as in Accordance with International Law.

The Republic of Moldova does not have any troops permanently stationed abroad.

Yet, in accordance with the Law on participation of the Republic of Moldova in the international peacekeeping operations, the Parliament, on the President's proposal, decides on deployment of Moldovan troops abroad for participation in international peace support operations.

The Republic of Moldova signed and adopted the Agreement among the States parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the status of their forces (SOFA), according to the Parliament decision from 16th of July 1997 and the Law of the Republic of Moldova 448-XV from 13th of November 2003 on the status of foreign military forces in the Republic of Moldova.

5. Procedures for the Recruitment or Call-up of Personnel in the Military.

According to the National Constitution, the military service is considered as a right and as a duty of every citizen.

Thus, the Law on citizens' readiness for the country defence stipulates that only men over 18 years who are citizens of the Republic of Moldova are recruited in the military service. The duration of the conscript service is 12 months. The maximum age for conscription recruitment is 27 years old.

Public administration authorities along with military recruiting centers recruit citizens according to presidential decrees and governmental decisions. The recruitment committees select and further assign recruit to the different Armed Forces structures (only National Army, Carabineer Troops and Border Guard Troops).

The recruiting committees are authorized to postpone a conscription due to family and health problems, studying extension necessity, and executing deputy mandate in local public administration authorities as well as during criminal investigation process.

Exemptions or Alternatives to Compulsory Military Service

According to the Law on citizens' readiness for the country defence provisions, citizens can be exempted from obligatory conscription on the follow-on bases:

- if recognized as unfit for military service during the peacetime;
- if accomplished the military obligatory training;
- if released from execution of military duties on private consciousness bases (for example: religion believe);
- if orphans;
- if convicted or not rehabilitated according to the legislation.

The Republic of Moldova has enacted the legislation that provided the possibility for recruits who refuse to bear arms due to pacifistic and/or religious reasons to be exempted from military service. Such citizens can be offered civilian service, so-called alternative service, in public sector.

The Law on citizen service (alternative), dated on 06.07.2007, determines the terms and provisions of such service.

The duration of the civil service is 12 months. For people with higher education, the duration of this service is 6 months.

Legal and Administrative Procedures Protecting the Rights of all Forces Personnel

The military personnel benefit from all constitutional rights and liberties; they can also obtain additional rights due to their special status.

According to the Administrative Delinquencies Code, military personnel are convicted for the administrative delinquencies as stated in the Military Discipline Regulation.

According to the Military Discipline Regulation, every military has the right to comply against illegal actions of the commander and against violations of his rights and liberties. The appeal is submitted to the chief of the person whose actions are complained upon; the commander is obliged to examine it during the period of three days in order to make a decision.

If the complainer is not satisfied with the decision, he has the right to go on trial according to the general procedures.

6. Instruction on International Humanitarian Law and other International Rules, Conventions and Commitments Governing Armed Conflict Included in Military Training Programmes and Regulations.

The Constitution of the Republic of Moldova recognizes the supremacy of the international laws over the national legislation.

In order to implement provisions of the Geneva Convention from 1949 and its additional protocols from 1977, the National Advisory and Co-ordination Committee for the implementation of the humanitarian law was established within the Government of the Republic of Moldova. The main duty of this committee is to assure the international law compliance, especially its reflection and

implementation in the Moldovan legislation. The Ministry of Defence also has a representative at this Committee.

The National Army continues co-operating with the Regional Delegation of the International Committee of the Red Cross resulting in an annual co-operation plan. According to this, seminars and conferences are organized with officers, conscripts and students of the Military Institute of the Armed Forces. Additionally, students from the Military Institute participate in international competitions on international humanitarian law.

The annual curriculum of the Military Academy consists of 34 academic hours for the international humanitarian law.

According to the Internal Service Regulation of the Moldovan Armed Forces, the military personnel are obliged to know and to respect firmly the international norms concerning the code of conduct during military actions.

The international humanitarian law norms are permanently distributed within the Armed Forces with support of the Regional Delegation International Committee of the Red Cross.

In 2006 by Minister of Defence order was approved the Regulation on implementation of the law of armed conflicts norms in the National Army of the Republic of Moldova, which regulates the order of application of the law of armed conflicts norms in National Army of the Republic of Moldova, establishes duties of officials on the organization of studying, distribution, practical working off and implementation of the law of armed conflicts norms.