

FSC.EMI/160/14  
12 May 2014

ENGLISH only



PERMANENT DELEGATION  
OF THE REPUBLIC OF MOLDOVA  
TO THE OSCE

No. *438/5*

The Permanent Delegation of the Republic of Moldova to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to the Permanent Missions and Delegations of all participating States and to the Conflict Prevention Center (CPC) and with reference to its Note no. 370/5 dated 15 April 2014 (FSC.EMI/76/14) has the honour to provide, attached herewith, response of the Republic of Moldova to the Questionnaire on the Code of Conduct on Politico-military Aspects of Security for 2014.

The Permanent Delegation of the Republic of Moldova to the OSCE avails itself of this opportunity to renew to the Permanent Missions and Delegations of all participating States and to the Conflict Prevention Center assurances of its highest consideration.



Vienna, 12 May 2014

To

- All Permanent Missions and Delegations of all OSCE participating States
- Conflict Prevention Center

1 April 2009

Annex

## QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY\*

\* Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate.

### Section I: Inter-State elements

#### 1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

*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 Centre 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;*
- *Moldova adhered to the Cooperation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) of the Council of Europe, on 12.04.2012;*
- *Agreement between the Republic of Moldova and the European Union establishing a Framework for the Participation of the Republic of Moldova in European Union Crisis Management Operations, signed in Bruxelles on 13.12.2012.*

*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;*
- *Agreement on Cooperation in the Training of Specialists from the Subdivisions Terrorism in Educational Institutions of the Competent Bodies of the CIS member states, signed in Ashgabat on 05.12.2012.*

*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 Aruba (2011); the Republic of Finland (2011); Bosnia and Herzegovina (2012); United Mexican States (2012); Azerbaijan (2013).*

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

*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 Activity and Status of Police dated on 27.12.2012;*
- *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 Law on Border Police, dated on 28.12.2011;*
- *The Law on Aeronautical Security, dated on 05.04.2007;*
- *The Law for approval National Strategy on the Prevention and Fighting against Money Laundering and Financing of Terrorism for the years 2013-2017 and Plan of Actions for Implementation National Strategy on the Prevention and Fighting against Money Laundering and Financing of Terrorism for the years 2013-2017, dated on 06.06.2013;*
- *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 Centre of the Information and Security Centre, 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 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;*
- *Government Decision on Information and Communication Strategy in Defence and National Security for the years 2012-2016, dated on 03.08.2012;*
- *The Governmental Decision about National Strategy for Preventing and Combating Organized Crime for the years 2011-2016, dated on 30.06.2011.*

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

*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.*

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- Financing of terrorism;
- Border controls;
- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;
- Use of the Internet and other information networks for terrorist purposes;
- Legal co-operation including extradition;
- Safe havens and shelter to terrorists and terrorist organizations.

## **2. Stationing of armed forces on foreign territory**

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law. FSC.DEC/2/09 1 April 2009 Annex

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

*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 16<sup>th</sup> of July 1997 and the Law of the Republic of Moldova 448-XV from 13<sup>th</sup> of November 2003 on the status of foreign military forces in the Republic of Moldova.*

*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.*

*In this context, on November 1, 2013 the Moldovan Parliament approved deployment of Moldavian contingent for participation in international peacekeeping operation in Kosovo.*

*In accordance with the Technical Arrangement between the Ministry of Defence of the Republic of Moldova and the Ministry of the Defence of the Italian Republic, a Moldovan Army contingent deployed on 8 March in Kosovo as a part of the Multinational Peacekeeping Force, KFOR, Kosovo.*

*The Moldovan Army contingent is made up of 33 infantry, 7 Explosive Ordnance Disposal (EOD) personnel and one KFOR HQ Staff Officer. The infantry platoon and the EOD team will be stationed at the Multinational Battle Group West (MNBG – G) in Camp "VILLAGGIO ITALIA", in Belo POLJE. They will carry out security, guard and patrol missions. All the service members were trained and tested in compliance with the NATO standards.*

### **3. Implementation of other international commitments related to the Code of Conduct**

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

*Annually, the Republic of Moldova is hosting one evaluation visit and 3 specified area inspections according to the Vienna Document 2011 (VD11), as well as 1 inspection in accordance with the Conventional Forces in Europe Treaty (CFE). The Republic of Moldova does not currently conduct active inspections.*

*The Republic of Moldova prepares military information exchanges, along with other relevant notifications and questionnaires which are being distributed to all OSCE member states on an annual basis, according to the CPC Implementation Calendar.*

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

*Each year, the Republic of Moldova is organizing bilateral training inspections with other OSCE member states in the spirit of confidence and security-building measures, in order to strengthen and enhance the cooperation between states, and most importantly to contribute to the security and stability in the OSCE area.*



## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

*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 Strategy of the Republic of Moldova 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.*

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

*As a member of UN, OSCE and other organizations responsible for international security and stability, Republic of Moldova contributes to these*



efforts according to internationally recognized norms and procedures. Taking part in national and international peacekeeping operations and missions is one of the National Army's basic priorities. This shows our state strives for peace, stability and security both in the country and abroad as a basic means of strengthening peace, taking into account the legitimate security concerns of other States.

Starting from 1997, Republic of Moldova has actively contributed to OSCE-led international missions to Chechen Republic, Kosovo, Macedonia, Georgia; NATO-led operations to Bosnia and Herzegovina; UN-based missions to Liberia, Cote d'Ivoire, Sudan and Georgia, as well as post-conflict relief missions to Iraq.

National Army started participating in UN-led peacekeeping operations in 2003. Since then, 86 Moldovan service members have been engaged in missions in Cote d'Ivoire, South Sudan, Georgia and Kosovo.

The National Army has currently 12 service members in UN-led peacekeeping missions. An officer from the Ministry of Defense currently works in New York, USA, within the UN Department for Peacekeeping Operations (DPKO), one military liaison officer in UN mission in Kosovo.

## **2. Existing structures and processes**

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

### ***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 Security Forces**

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 are surveilling Carabineer Troops activities as well.

### **Police**

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.

Police consists of police to combat crime and public order police.



*Police to combat crime (criminal police) - insurance, special investigative measures and actions criminal procedure, performed under legal conditions, preventing and combating crime, detection and investigation of crimes, identifying those who committed them, and where appropriate, the search for them.*

*Public order police - maintenance, insurance and restoration of public order and security, ensure personal security, crime prevention and violations, finding and sanctioning offenses under the law.*

*Police is a unique and centralized system that includes:*

- General Inspectorate of Police;*
- Specialized subdivisions;*
- Territorial subdivisions;*

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

### ***Intelligence Services***

*According to the current legislation (Law on State Security Bodies, nr. 619 from 31.10.1995), the state security system consists of Information and Security Service, State Security and Protection Service, Border Police of the Ministry of Internal Affairs and Customs Service of the Ministry of Finance.*

*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.*

### ***Border police***

*Border police executes tasks and implements state policy on integrated management of the state border, combating illegal migration and cross-border crime.*

### ***Customs Service***

*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, 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.*

2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

*The fulfillment of the required ensured procedures are thoughtfully enumerated and explained in the detailed answer provided above. (point 2.1)*

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

*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 Police, 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.*



### 3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

*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 Armed Forces.*

*According to Law on Police activity and Policeman statute nr.320 from 27.12.2012, responsibilities in the area of maintenance and restoration of security, rule of law and public order will be exercised by the Carabineer Troops (internal troops) in collaboration with the Police until the time of reorganization of Carabineers with following integration in the Police. With this in mind, until that time Carabineers shall be completed by Moldovan citizens, incorporated in the army. At function of soldiers and sergeants could be assigned military on the contract basis under the orders of the Minister of Internal Affairs, according to Law on Carabineer Troops within Ministry of Internal Affairs nr. 806 from 12.12.1991.*

*The recruiting committees are authorized to postpone 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.*

3.2 What kind of exemptions or alternatives to military service does your State have?

*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;*
- *accomplished the military obligatory training;*
- *released from execution of military duties on private consciousness bases (for example: religion believe);*
- *lost his father (mother), brother (sister) who died during military service. Recruit may not use this right;*
- *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.*

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts? FSC.DEC/2/09 1 April 2009 Annex

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

*According to the Delinquency Code, for committing offenses outside of service duties, military personnel, except conscripts, respond under the general provisions. But, conscripts respond under Military Discipline Regulation.*

*According to Military Discipline Regulation, each 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.*

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

*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 has delegated its representative to 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 Academy of the Armed Forces. Additionally, students from the Military Academy participate in international competitions on international humanitarian law.*

*The Military Academy annual curriculum consists of 34 academic hours of International Humanitarian Law.*



*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, witch 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.*

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

*According to the Internal Service Regulation of the Moldovan Armed Forces, the military personnel are obliged to be familiar with and to respect firmly the international norms concerning the Code of Conduct during military actions.*

*The training and practical exercises on international humanitarian law are conducted for military personnel on the regular basis.*

*At the same time, the military are instructed about national and international legislation during their basic military training.*

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

*According to the Constitution of the Republic of Moldova and the Law on national defence, armed forces are subordinate solely to the will of the people to safeguard the sovereignty, independence, unity and territorial integrity of the country and constitutional democracy.*

*National Army implication in problems solving not directly related to defence shall be made only upon the decision of Parliament, and in extreme cases, by decree of the President.*

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

*Military personnel benefit from all constitutional rights and guarantees, as the citizens of Moldova, and also have the right to vote and to be elected, except to be part of parties and other socio-political organizations or to conduct political activities in their favor. Therefore it will guarantee political neutrality in the national armed forces.*



4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

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

### **Section III: Public access and contact information**

#### **1. Public access**

1.1 How is the public informed about the provisions of the Code of Conduct?

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

1.3 How does your State ensure public access to information related to your State's armed forces?

*The Constitution of the Republic of Moldova ensures 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.*

#### **2. Contact information**

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.