



MISIUNEA PERMANENTĂ A REPUBLICII MOLDOVA PE LÂNGĂ OSCE
PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA TO THE OSCE

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Note Verbale

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 the OSCE participating States and to the Conflict Prevention Center (CPC) and in accordance with the Decision No. 2/09 of the Forum for Security Cooperation 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 the year 2017.

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 the OSCE participating States and to the Conflict Prevention Center the assurances of its highest consideration.



Enclosed: 15 pages

To
All Permanent Missions and Delegations of the OSCE participating States
The OSCE Conflict Prevention Center

Vienna

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 board aircraft, signed in Tokyo on 14.09.1963;*
- Convention for the suppression of unlawful acts against the safety of civil aviation, signed in Montreal on 23.09.1973;*
- Protocol for the suppression of unlawful acts of violence at airports Serving International Civil Aviation, signed in Montreal on 24.02.1988;*
- Convention for the suppression 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 the physical protection of nuclear material, signed in Vienna on 28.10.1979;*
- The European Convention on the suppression of terrorism, signed in Strasbourg on 27.01.1977;*
- Convention for the suppression of the financing of terrorism, signed in New York on 09.12.1999;*
- Protocol Amending the European Convention on the Suppression of Terrorism, concluded at Strasbourg on 15.05.2003;*
- International convention on the suppression acts of nuclear terrorism, signed in New York on 13.04.2005*
- International convention for the suppression of terrorist bombings, signed in New York on 12.01.1998;*

- *International convention against the hostage-taking, signed in New York on 18.12.1979;*

- *Convention on marking of 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 terrorism, 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;*

- *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 Kerkira 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;*

- *The Council of Europe Cooperation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group), on 12.04.2012;*

- *Agreement between the European Union and the Republic of Moldova establishing a framework for the participation of the Republic of Moldova in European Union crisis management operations, signed in Bruxelles on 13.12.2012;*

- *The arms trade treaty, adopted on 02.04.2013, ratified by Republic of Moldova on 28.05.2015;*

- *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism 22.10.2015, ratified by Republic of Moldova on 16.12.2016;*

- *Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, dated on 03.07.2016.*

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;*
- *Agreement on cooperation of the CIS member states in order to provide technical and material support for competent authorities in combating terrorism and other violent manifestations of extremism, signed in Ashgabat on 05.12.2012;*
- *Agreement between the Governments of the CIS member states on the exchange of information in the fight against crime, done in Astana on 22.05.2009.*

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); the Republic of Turkey (1994, 2007); 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); the Republic of Georgia (2007); the Republic of Croatia (2006, 2007); the Kingdom of Belgium (2007); the Republic of Indonesia (2008); the 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); State of Israel (2010); the French Republic (2010); the Principality of Monaco (2010); 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); Arubia (2011); the Republic of Finland (2011); Bosnia and Herzegovina (2012); the United Mexican States (2012); Azerbaijan (2013); Spain (2013); Turkmenistan (2015).

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, dated on 18.04.2002;*
- *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 State Security Bodies, 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 Law on the prevention and combating of terrorism, dated on 21.09.2017;*
- *The Law on the prevention and fighting against money-laundering and financing of terrorism, dated on 22.12.2017;*
- *The Law for approval the Concept of information security, dated on 21.12.2017;*
- *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 about EU – Moldova Action Plan, dated on 22.02.2005;*
- *The Governmental Decision on the antiterrorist centre of the Security and Intelligence Service, 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 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;*
- *Government Decision for approval the Action Plan on risk reduction in the field of money-laundering and financing of terrorism for the years 2017-2019, dated on 11.10.2017;*

- *The Governmental Decision for approval the Action Plan for the years 2018-2019 on the implementation of the National Strategy for Prevention and Combating Organized Crime for the years 2011-2019, dated on 30.01.2018;*
- *The Governmental Decision for approval the Individual Partnership Action Plan Moldova - NATO for the years 2017-2019, dated on 13.09.2017.*

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 Security and Intelligence 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 Internal Affairs prevents and combats terrorism by:

- a) stopping the attempts of the terrorists to cross the state border of the Republic of Moldova;*
- b) undertaking the urgent measures to liquidate the consequences of terrorist activities;*
- c) conducting criminal prosecution in regard with terrorist offenses ascribed by the law to its competence;*
- d) participation in ensuring the legal regime in the area of the anti-terrorist operation with the involvement of the troops from the Department of Carabineer Troops;*
- e) the participation of its special destination unit in the counterterrorism intervention at the request of the Antiterrorist Operational Command;*
- f) providing the necessary logistic and operational assistance and special equipment at the request of the Antiterrorist Operational Command.*

The Ministry of Defence prevents and combats terrorism by:

- a) organizing and ensuring, according to the law, the security of the personnel and the guard of the armament, ammunition, explosive substances and the objectives that ensure the defence capability from its management;*
- b) the participation, under the law, of the protection of the foreign military forces that are temporarily on the territory of the Republic of Moldova in connection with participation in joint activities;*
- c) ensuring, under the law, the necessary logistical and operational assistance and the provision of fighting equipment, weapons and ammunition in the anti-terrorist operation.*

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 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.

Yet in accordance with the Law on participation of the Republic of Moldova in the international missions and operations, nr.219 from 03.12.2015, the Parliament, on the Government'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, starting with March 8, 2014 a Moldovan Army contingent is deployed on a 6 months rotation period to Kosovo as a part of the Multinational Peacekeeping Force, KFOR, Kosovo.

To date, the Republic of Moldova has deployed eight contingents to Kosovo.

On 9th of December 2017, the Defence Ministry of Moldova has launched the deployment of its eighth contingent of the National Army to the peacekeeping mission in Kosovo, KFOR.

The 8th contingent is composed of the following elements: engineer team of seven members and light infantry platoon comprising 33 members with the task to provide security and protection of military objectives, as well as patrol missions in the area of responsibility. The Moldovan soldiers will be part of the Multinational Battle Group-West and will be based at the Italian Camp Vilaggio in Pech, Kosovo. The tour of duty of KFOR-8 in Kosovo will last for 6 months.

The KFOR peacekeeping mission in Kosovo is the result of common efforts of the United Nations, the European Union, and NATO to maintain a peaceful environment in the region.

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 provisions of 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 CSCE member states in the spirit of Confidence and Security-Building Measures (CSBM), in order to strengthen and enhance the cooperation between states, and most importantly to contribute to the security and stability in the zone of applications of CSMBs.

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?

Recent adjustment of Law on National Defence (from 17.06.2016) institutionalized the National Defence Planning process by outlining procedures and mechanisms to be taken by responsible authorities in drafting strategic documents, and namely: National Security Strategy (NSS), National Defence Strategy (NDS) and Military Strategy (MS), Strategic Defence Review (SDR) and Defence Planning Directive of the Ministry of Defence (MOD).

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. According to new law the Parliament approves National Security Strategy, National Defence Strategy and Military Doctrine, as well as Military Discipline Regulation. It executes the parliamentary control over Armed Forces.

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 honouring obligations under international treaties, the Republic of Moldova is part of, which concerns to maintaining peace and security.

With regard to the Government responsibilities in defence matters, the new amendments envisaged that Government develops National Defence Strategy and presents for examination to the President, who sends it to the Parliament for the approval. It approves Military Strategy and Strategic Defence Review.

The MOD is the main specialized authority of the central public administration in the defence. The MOD exercises direct control of the National Army and is responsible for the National Army 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 political-military situation, participates and conducts the National Defence's Strategy drafting process, develops Military Strategy, issues Defence Planning Directive and gives suggestions with regard to 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?

In its international activities on this issue, the Republic of Moldova is governed by international law and other instruments of military political orientation. By actively using mechanisms on Confidence and Security Building Measures namely the Vienna Document 2011 on its territory, the Republic of Moldova demonstrates openness and transparency in military activities.

As a member of UN, OSCE and other organizations responsible for international security and stability, the 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 top priorities. This shows our attempt to be pro-active in consolidating peace, stability and security both in the country and abroad as a basic means of strengthening peaceful reconciliation in accordance with legitimate security concerns of other States.

Starting from 1997, the Republic of Moldova has actively contributed to OSCE-led international missions to Chechen Republic, Kosovo, Macedonia,

Georgia; NATO-led operations to Bosnia and Herzegovina, as well as post-conflict relief missions to Iraq.

Since 2003 the Republic of Moldova has actively contributed with military personnel to UN-based missions and operations to Liberia, Cote d'Ivoire, Sudan, Central African Republic and Georgia. Since then, a total of 119 Moldovan service members have been engaged in the following missions: UNOMIG in Georgia, UNOCI in Côte d'Ivoire, UNMIL in Liberia, UNMIS in Sudan, UNMISS in the Republic of South Sudan, UNMIK in Kosovo and MINUSCA in the Central African Republic. Currently, the National Army has 10 service members in UN-led peacekeeping missions and one officer is deployed to the UN Department for Peacekeeping Operations (DPKO), New York, USA.

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 (National Army and Carabineer Troops) 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:

- approves the national security strategy, national defence strategy and military doctrine of the state;
- approves the structure and the number of the Armed Forces;
- approves the volume of budgetary allocations for defence needs;
- approves the regulation on military discipline;
- declares a state of siege or war;
- declares mobilization and demobilization.

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 executed by the Parliamentary Committee for National Security, Defence and Public Order;
- inquiries 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:

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 Security and Intelligence Service, State Security and Protection Service, Border Police of the Ministry of Internal Affairs and Customs Service of the Ministry of Finance.

The Security and Intelligence 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 exercises 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, Defence and Public Order Committee hearings or at the Board Sessions of the Security and Intelligence Service.

The permanent control and oversight over state security bodies activity is done by the Parliament through the Parliamentary Committee for National Security, Defence 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 fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The fulfilment 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 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 centres recruit citizens according to presidential decrees and governmental decisions. The recruitment committees select and further assign recruit to the Armed Forces.

According to the 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 the Law on Carabineer Troops within Ministry of Internal Affairs nr.806 issued on 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, in case 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 believes);*
- have 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 offences outside of service duties, military personnel, except conscripts, respond under the general provisions. But, conscripts respond under Military Discipline Regulation.

According to the 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 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 Academy of the Armed Forces. Additionally, students from the Military Academy participate in international competitions on international humanitarian law.

The annual curriculum of the Military Academy consists of 30 academic hours for the 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, 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.

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 obligated 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 bases.

At the same time, the military personnel receive knowledge of 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 favour. 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?

Informing the public on issues that displayed in this Code, is carried out by placing information on the official websites of the public authorities mentioned in this Code.

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 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.*

2. Contact information

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