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CONCRETE ACTIVITIES AND MEASURES TAKEN BY THE ROMANIAN LAW ENFORCEMENT AGENCIES ON PREVENTING AND COMBATING TERRORISM

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The shock produced by the terrorist attacks of 9/11 acutely imposed a new approach on national and international level in the field of preventing and combating terrorism.

The new theoretical and practical approach of this scourge has the goal of realising an unitary vision within a consensual evolution of the international community on external level, in the past unimaginable.

Based on the evolutions and trends of the terrorist phenomenon and related to the implications it generated over the external and internal security context, Romania consistently acts on this battlefield, according to the **National Strategy for Preventing and Combating Terrorism**, which includes: objectives, organisational formulae, action principles and guiding lines in preventing and combating terrorism

1. General objectives

The conclusions deriving from the analysis of the terrorist phenomenon, arranged in a systemic approach, show the following major objectives:

- a) the identification, monitoring and constant evaluation of all the risks and threats, namely of all the flaws in the field of national security, involved in the pursuits, actions and none-actions, the situations and the endo - and exogenous phenomena that arise and that can turn into situations leading to the occurrence, development and specific manifestation, outside and inside the national borders, of terrorism, as well as fueling or supporting terrorism in an way.
- b) the protection of the national territory (namely of the population, the national objectives, the residents and the foreign objectives) from the activities included in or associated with terrorism, by all the necessary categories of institutionalized activities concerning:
 1. preventing the occurrence of intra-national terrorism, in all possible forms of manifestation;
 2. diminishing the risks related to Romanian security, generated by the international terrorism centers which, under different covers, could find fertile ground and take action against certain targets within the country's territory independently of or associated with other foreign and/or national entities;
- c) the protection of the citizens and external Romanian objectives from activities included in or associated with terrorism, irrespective of its origin or manifestation form;

- d) the prevention of involving the Romanian citizens and foreign residents in Romania in activities involved in or associated with international terrorism, irrespective of its operation area, objectives or targets;
- e) the involvement in the international efforts to prevent and combat the terrorist phenomenon in various geographic locations, by:
 - 1. active contributions in the bi- and multilateral initiatives aimed at the identification and the operational use of the most effective political and diplomatic actions, regulations and other normative tools, as well as international mechanisms of inter-institutional co-operation destined to prevent the occurrence, development and manifestation of the terrorist phenomenon, and to combat the activities involved in or associated with it;
 - 2. the implementation in the national legislative framework and the current activities carried out by the Romanian state, at internal level and in international relations, of the obligations taken or which fall under its frame of jurisdiction in accordance with the international agreements in such matters, to which our country is a part of;
 - 3. the exchange of information and co-operation in law enforcement concerning intentions, pursuits and actions with possible terrorist aims or nature that lead to the occurrence, development and manifestation of terrorism;
 - 4. the deployment of armed forces specialized in multinational military operations, carried out in accordance with UN resolutions, aimed at fulfilling the obligations of insuring security and international stability in the field of preventing and combating terrorism;

2. National system for preventing and combating terrorism

In order to fulfil the objectives of the current Strategy, the National system for preventing and combating terrorism is set up, as a mechanism of insurance, organisation and development, in a holistic approach, of inter-agency, trans-sectional co-operation destined to lead to the most effective manner of accomplishing all types of tasks involved in anti-terrorist national actions.

The components of the National system for preventing and combating terrorism are:

- a) The Supreme Council of Defence, as a strategic co-ordinator
- b) The Romanian Intelligence Service, as a technical co-ordinator
- c) The ministries in charge with:
 - Administration and Interior
 - Foreign Affairs
 - Agriculture, Alimentation and Forests
 - National Defence
 - Environment and Waters Management
 - Communications and Information Technology
 - Public Finance
 - Industry and Resources
 - Public Information

- European Integration
 - Justice
 - Construction and Transport
 - Health and Family
- d) The Foreign Intelligence Service; the Protection and Security Service, the Special Telecommunications Service;
- e) The Prosecutor's Office of the High Court of Justice
- f) The National Romanian Bank
- g) The following national authorities:
- The National Agency for the Export Control and the Ban of Chemical Weapons
 - The National Office for Preventing and Combating Money Laundering
 - The National Commission for the Control of Nuclear Activities

Depending on the outcome of the terrorist issues, as well as of the parameters of the organisation of the institutional apparatus of the Romanian state, the structure of the system will be altered so that the most efficient results be achieved in the field of prevention and combating terrorism.

In order to constantly and effectively fulfil the given tasks, the National System for Preventing and Combating Terrorism decides, for each particular case, current consultation and co-operation or, namely, in certain specific circumstances, with:

- a) other institutions and authorities of the Romanian state
- b) institutions and official structures of the Partner States, regarding the prevention of terrorism;
- c) organisations and other structural forms of bi- and multilateral countering terrorism among states, mainly the ones within N.A.T.O and the UE;
- d) Romanian and foreign non-governmental organisations, which could contribute, in various ways, to smoothly carrying out the system's activities in the field of preventing and combating terrorism

3. Action principles within the framework of the National System for preventing and combating terrorism

In the current functioning of the National System for Preventing and Combating terrorism operate the following principles:

- a) the principle of full legitimacy, referring to strictly abide by the provisions of the Constitution the current regulations in force, related to the matter, as well as of the international documents to which Romania is directly linked , with respect to:
 - the appointments, competencies, responsibilities and subordinations that apply to each component of the System
 - the legal rights and liberties of all parties involved in the specific activities of the System, not neglecting the aspect of a non-discriminative approach, irrespective citizenship, race, nationality or religion
- b) the principle of preventing the commitment of terrorist acts; it is of outmost importance to detect and annihilate any trace of terrorist nature, irrespective of origin,

form of manifestation or target, from the action frame of the institutions of the system;

- c) the principle of a complementary and coherent cooperation, which compels the institutions of the System, by maintaining their own functional identity, in compliance with the provisions of the legal framework, to cooperate within the System in a manner meant to simultaneously insure:
- equality and balanced relations at all levels
 - an integrated, coherent view of the issues in discussion and the measures undertaken or that need to be further developed
 - a proper coordination of the efforts and actions taken by the founding institutions

4. Guiding lines of the activity. Types of responsibilities falling under the jurisdiction of the System

In order to transpose the Strategy into practice, the comprised institutions are to conclude The General Protocol for organizing and functioning of the National System for preventing and combating terrorism, including the normal tasks involved, as well as all the missions and responsibilities attributed to the System.

For each type of mission or responsibility, at least two comprised institutions with relevant competence are to conclude special interdepartmental Programs, regarding enhanced and active cooperation in that particular field.

The provisions of the general protocol for organizing and functioning of the National System for preventing and combating terrorism and those of the special interdepartmental programs will in their turn be transposed, at each comprised institution's level, into a special departmental Program. The latter represents the document of internal organization of the activities employed, in the relevant field, thus contributing effectively to the general prevention of terrorism

The institutions belonging to the National System for preventing and combating terrorism have individual and/or joint missions, in accordance with their attributions and legal competencies, in the field of preventing and, respectively, combating all types of specific terrorist manifestations and activities of dubious nature, that could generate, fuel or encourage such manifestations.

The missions regarding the prevention of terrorism refer to:

- a) informational and operative activities, carried out inside and outside the national borders, thus contributing to setting up all the other missions within the System;
- b) activities against the inflow of human resources of terrorist organizations, carried out inside and outside the national borders;
- c) activities against the inflow of specific means of action and of financial, logistic and informational resources related to terrorist units, carried out inside and outside the national borders;

- d) activities of security, protection and other forms of discouragement – accomplished by institutions that are part of the System or that belong to other structures/organizations, acknowledged, led and supervised by the specialized institutions in the System – in order to guarantee both the security of the main categories of human factors, foreign and national objectives on Romanian ground, and that of the key Romanian objectives abroad, possible terrorist targets;
- e) activities enabling the intervention in civil emergencies generated by terrorist deeds through various specific means, destined to diminish/combat their effects
- f) activities of information and public relations, whereby the Romanian citizens living within internal or external borders are kept updated, in a most efficient manner, on the best options of protecting themselves from terrorist acts; furthermore, they are given the possibility to actively cooperate with pertinent institutions within the System in the field of preventing and combating terrorism;

Discouragement of false terrorist alarm should be carefully looked into;

- g) activities of international relations, enabling Romania to express an official statement regarding terrorism, to all relevant foreign units involved and also to establish the political framework and proper regulations in order to allow the authorised entities to carry out concrete international cooperation activities concerning fighting terrorism;
- h) activities of professional training, in a holistic and coherent approach, of the specialists in the comprised institutions of the system, involved in fulfilling the various missions regarding the prevention and combat of terrorism;
- i) activities concerning the constant improvement of the legislative framework, applying to all types of missions related to the National System for preventing and combating terrorism, including the criminal aspect, by convicting all the deeds related in any way to expressing, fuelling or bringing forth terrorism.

Regarding this matter, action will be taken in accordance with the normative measures undertaken, in the aftermath of September 11, in the states and organizations within the Euro-Atlantic territory.

The missions concerning combating terrorism deal with:

- a) activities of preliminary or post- factum sanction of the pursuits or deeds involved in or associated with terrorism, referring to all the legal measures concerning the detainment, arrest and conviction at domestic level, or, if necessary, the extradition of the terrorism vectors, along with all the illicit activities fuelling or promoting it in any way, as well as the sequestration or seizure of all the specific measures and of the financial and logistic resources employed by the vectors in question;
- b) immediate countering- terrorism intervention, in imminent, occurring or concluded cases involving terrorist deeds;
- c) involvement in preventing and combating all-around terrorism operations, by means of international cooperation, in the most efficient way and in accordance with the legal domestic provisions concerning such occurrences.

TYPES OF RESPONSIBILITIES

Within the National Strategy for Preventing and Combating Terrorism, the Ministry of Administration and Interior has a lot of responsibilities, starting from the real fact that the no. 1 priority is **satisfying the need of monitoring the threats to security by intelligence, which is the most efficient tool in anticipating the dangers and the main line of defense in front of any potential events which could have serious consequences.**

The experience gathered by the special services prompts us to think that the threat, by its definition and relevance, is international and determines enhancing the co-operation among intelligence services, in the fight against this peril, without leaving aside the fundamental role played by the public institutions, ministries, national authorities and local communities, which have to answer the call for support of the special activities at a national level.

The Ministry of Administration and Interior consistently acted and acts for creating, developing and completing the framework for international co-operation, as an important contribution for strengthening the bi- and multilateral relations in the field of internal affairs, with the purpose to develop a solid legal and operational basis.

Presently, Romania has concluded **co-operation agreements in the field of combating organised crime**, which cover the issue of preventing and combating terrorism, with most of the **Member States of the European Union**: Austria, Belgium, France, Germany, Greece, Ireland, Italy, Netherlands, Sweden, United Kingdom, Cyprus, Czech Republic, Hungary, Lithuania, Poland, Slovakia and Slovenia. Totally, Romania has concluded over 70 bilateral agreements in the above-mentioned field with countries from Europe, Asia and American continent.

Romania ratified the most important **conventions and protocols related to states' responsibilities for combating terrorism** (see Annex 1).

SEVERAL CONSIDERATIONS OF OPERATIONAL NATURE AND VULNERABILITIES OF THE ROMANIAN SOCIETY

According to our view, we can say that terrorism is a special type of violence, which can be used by groups with fanatic ideologies, in "tactic" purposes, in times of peace, as well as during conflicts caused by various reasons.

In achieving their purposes, it is known that terrorists make use of radical means and methods, ranging from physical violence and abuse to total termination of life, by terrorist attacks, assassinations on command, radical attitudes, kamikaze actions, which spread fear, panic, insecurity and inhibition by their serious consequences.

In view of these features, terrorism has become more constantly than ever an omnipresent threat, a brutal attack which could take place anywhere, at any time and target anything, on

a random basis, reason for which we think that preventing and combating its forms of manifestations is a critical factor, which must be permanently taken into consideration when drafting the security plans and operations, either internal, regional or international.

By creating the legal framework necessary to preventing and combating terrorism and actions related to it, but also by the active presence of Romanian specialists at international conferences and drafting the common strategies for fighting this threat, MAI participated in the effective integration of the institutional and operational capacities of Romania in the concerted action of the world states for completely fighting terrorism, in all its forms.

According to the specific evaluations, MAI and other competent structures in this field show a wide range of diverse realities which could make Romania vulnerable, namely:

a. Geo-strategic location and the economic, political and social stability of our country may represent attractions for various foreign citizens, who could use Romania as a reference area for launching several businesses, developing projects, perfecting connections according to their own interests, which could be subjectively exploited for supporting or committing deeds which could be included in the category of terrorism or activities related to it;

b. Intensifying and diversifying the criminal mechanisms in the some of the neighbouring countries make it more probable at the same time the eventual involvement of criminal structures of Romania in organizing and committing several serious offences on the national territory or outside it;

c. By observing the principles of human rights and the provisions of the Constitution, various associations and foundations were set up in Romania for some communities of persons, some even having a fundamentalist-Islamic orientation, and which by hidden interests may involve in activities for supporting or committing actions of terrorist nature or may organize the planning of violent actions, as complaints or for satisfying various interests;

d. The internal and international framework destined to the free circulation of financial investments and capitals may create opportunities for the terrorist groups which are in search of new substantial logistic and financial supports, to recruit and train members and followers, by obtaining material resources as a result of involvement in profitable activities.

e. The evaluations regarding the actions and interests of national criminal groups lead to the conclusion that they focused in the direction of international organized crime, some strong relations being recorded, based mainly on convergent interests, in the filed of illegal migration, sexual exploitation of women, drug operations, robbery and other violent actions, etc.

Considering this state of fact, there is the risk of *elements of national organized crime being recruited and manipulated for achieving several terrorist purposes*, with actions and operations targeting human or material objectives in Romania, which are vulnerable or have dysfunction;

f. A major risk may be generated by the increase of criminal activities and corruption, which allow profits to be oriented toward terrorist actions or related to them;

g. A series of information lead to the conclusion that leaders of criminal organizations, groups or criminal associations resort to crossed supplying operations or obtaining weapons and ammunition illegally, dissimulating the interests by the need for self-defense, desire of personal security or other subjective motivations.

The continuous perfection of the modus operandi does not exclude the field of production of such means of defense, the commercial import-export operations or supplying accomplished by successive intermediations of economic agents or by illegal appropriation of such goods (taking profit from extra sums; counterfeit of the documents for the goods; decreasing prices or quantities; illegal border transit, etc).

On the basis of the arguments determined by the Romanian reality and of the conclusions resulted from our special analyses, we can appreciate that, at present, **there are no direct indications of plans for actions of terrorist nature, targeting fundamental values of the Romanian society**, *but we appreciate that, under the influence of some forces, organizations or persons committed to a radical form of expression, there is the risk and potentiality for their happening here*, a situation which call for **making operational all our forces and careful training of the necessary responses for reducing to the limit the effects thereof**.

At the same time, by specific measures, MAI acts for preventing and countering the offences targeting the its missions, patrimony and personnel which could be affected by illegal operations at the state border or of operations involving the national border, committed by members of criminal organizations, criminal groups or persons, protection of classified information according to the legal standards.

By means of our working methods, we make informative materials about the offences committed by the heads of the migrant networks, trafficking in human beings, smuggling of goods, products, values and technologies with a double use, which are given to the structures with responsibilities in controlling and supervising the Romanian state border;

In the context of fulfilling its tasks, MAI acts for ensuring the informative control over the way in which the legal regime is observed in producing, using and selling strategic materials, actively participates in developing and optimizing the channels for operational exchange of information within the sub-working group Strategic Materials NBC from the task force at the SECI Center and within the implementation of several control procedures at the border crossing points, having as purpose preventing the introduction and illegal transit on the territory of Romania of radioactive and nuclear materials.

According to **the role of regional leader in assuring the stability and security in the South Eastern Europe**, the **Ministry of Administration and Interior** pays a major attention to the operational activities carried out by the **Regional Centre (SECI) for Combating Transborder Crime** – international organisation which gathers police and customs authorities from 11 countries, for the purpose of fighting against the non-conventional threats to security. The Participating States are **Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Greece, Republic of Moldova, Romania, Slovenia, Turkey and Hungary**.

The **Observing States** are **Austria, Azerbaijan, Belgium, France, Germany, Spain, USA and Ukraine**. There is the proposal that the status of permanent observer should be granted to Georgia. Within the Centre there are four working groups for combating:

- Trafficking in human beings
- Trafficking in drugs
- Commercial frauds
- Terrorism

The Ministry of Administration and Interior pays a special attention to the achieving of the objectives established during Romania holding, **from May 2003 to April 2005**, the **Country Mandate of the Working Group for Combating Crime, especially its organised forms**.

One of these objectives aims to obtaining a juridical instrument which to regulate **the co-operation between the Member States of the Black Sea Economic Co-operation in the field of combating terrorism**, as an Additional Protocol to the BSEC Agreement.

From this perspective, Romania, through the Ministry of Administration and Interior, was the constant promoter of the finalisation, as soon as possible, of the new legal instrument project - the expression of the competent authorities' decision for enhancing the role of important stability factor our country holds in the region.

Within this co-operation framework, the Ministry of Administration and Interior will make all the necessary steps for preparing the signing of the new document, objective that will be achieved during the **Reunion of the ministers of interior / public order from BSEC Member States**, which will be held in Romania.

For these reasons, through the concrete activities and measures taken on internal and external level, **Romania is firmly decided to further contribute to the fight against organised crime, trafficking in human beings, drugs and psychotropic substances, terrorism and other non-conventional threats to security**.

Also, the Romania's experience and practice in the field represents also an important contribution to the efforts that **OSCE Member States** make for the new approach of the security-related issues including arms control, preventive diplomacy, confidence- and security-building measures, human rights, democratisation, election monitoring and economic and environmental security.

Romania, as an OSCE and NATO Member State, is willing and committed to strengthening security and stability in Europe, shaping, in a radical and decisive manner, Europe's history and future.
