

Information regarding the implementation by the Republic of Moldova of the UN General Assembly resolution 77/75 on Measures to prevent terrorists from acquiring weapons of mass destruction

The Republic of Moldova recognizes the linkage between the fighting against terrorism and the proliferation of the weapons of mass destruction and is fully committed to preventing and countering the risks and threats generated by phenomena. In this respect, national authorities have made considerable efforts to develop national legal instruments in order to comply with the international legal framework and with the requirements of the United Nations Security Council resolutions, including in the field of investigation and criminalization of offenses related to terrorism and the proliferation of weapons of mass destruction.

First, the completion and amendment of the Article 134¹¹ of the Criminal Code no. 985/2002 of the Republic of Moldova, by providing the exhaustive list of terrorist offenses are among the most important changes that had been made. The Article 140¹ of the Criminal Code of RM establishes the criminal punishments/penalties for the use, development, manufacture, acquisition, storage or conservation, direct or indirect transfer, storage, transportation of weapons of mass destruction. Additionally, paragraph (2) of the Article 279¹ of the Criminal Code of RM criminalizes the *„training for terrorist purposes, respectively providing instructions on the manufacture or use of devices or explosives, weapons of mass destruction, radioactive devices and materials, firearms or other arms or harmful or hazardous substances, or other specific methods or techniques, with the purpose or knowing that this delivery is carried in order to contribute to committing of one or more terrorism-related crimes”*.

The paragraph (2)¹ of Article 279¹ of the Criminal Code of the RM criminalizes the self-training or benefit of training in the field of terrorism, respectively the acquisition of knowledge and practical skills regarding the manufacture or use of devices or explosives, weapons of mass destruction or other arms, or harmful or hazardous substances or specific methods or techniques that may contribute to the commission of one or more terrorism-related crimes/offenses.

The legal framework of the Republic of Moldova also contains specific provisions aimed at ensuring compliance of the national authorities with their obligations related to the implementation of UN sanctions. In this regard, the competences of the Security and Intelligence Service of the Republic of Moldova are outlined by Law no. 753/1999 on the Security and Intelligence Service of the Republic of Moldova, particularly art. 7(a) provides that: *„The Service, in the exercise of ensuring the national security, develop and realize, within the limits of its competence, system of measures directed at discovering, preventing and counteracting the following actions, which, according to the legislation, endanger the state, public and personal security, such as: [...] the theft of poisonous[...] toxic and other substances, smuggling of such substances, their illegal production, use, transportation and storing, if such actions endanger the interests of ensuring state security”*.

In addition, the Parliament of the Republic of Moldova adopted the Law no. 120/2017 on the prevention and combating of terrorism. The Law provides the normative and organizational framework for preventing and combating terrorism, establishes the way of coordinating the measures taken by competent authorities in the field of preventing and combating terrorism,

the rights, responsibilities and guarantees of persons who participate directly in counter-terrorist operations or those who suffered from terrorist acts.

Another important legal instrument is Article 34 of Law 308/2017 on preventing and combating money laundering and terrorism financing, which provides for the application of financial sanctions related to terrorist activity and the proliferation of weapons of mass destruction. The additional legal instrument is the Parliament Decision no. 239/2020 approving the National Strategy of preventing and combating money laundering and terrorism financing for the 2020-2025 years and its action plan. In order to effectively implement financial sanctions, Government Decision no. 792/2020 on approval of the Regulation for implementation procedure of targeted financial sanctions related to terrorist activities and proliferation of weapons of mass destruction was adopted.

The issues related to the dual use of materials related to the proliferation of weapons of mass destruction are regulated by the Law no. 1163/2000 on the control of export, re-export, import and transit of strategic goods.

At the same time, in order to establish the process of planning, organizing and implementing the anti-terrorist protection measures of critical infrastructure facilities, by using rationally the human, financial and material resources, taking into account the vulnerabilities of thereof, by the Government Decision no. 701/2018 was approved the Regulation on protection of the critical infrastructure against terrorism.

The need to develop and implement at national level mechanisms to monitor, verify and improve the counter-terrorist protection of critical infrastructure is also stipulated in the provision of the Resolution 2341 (2017) of the UN Security Council as of 13.02.2017.

It is also important to mention that at this stage there is a draft law on the National Program for non-proliferation of weapons of mass destruction and mitigation of risks derived from chemical, biological, radiological and nuclear threats and its action plan, which transposes national priorities towards preventing and combating the proliferation of weapons of mass destruction.

At the same time, in accordance with the national legal framework and the international treaties in the field of preventing and combating terrorism to which the Republic of Moldova is a Party, our country cooperates with the law enforcement bodies and special services of other states, as well as with international organizations with competences in this field. In order to ensure the security of persons, society and the state, the Republic of Moldova shall pursue persons involved in terrorist activities on its territory, including in cases when the terrorist activities were planned or committed outside its territory, but were to the prejudice of the state, and also in the other cases provided by the international treaties to which the Republic of Moldova is part of.

Furthermore, on 16 September 2005 Republic of Moldova signed the International Convention for the Suppression of Acts of Nuclear Terrorism and ratified the Convention on 18 April 2008 by Law no.20/2008 dated 21.02.2008.

The Republic of Moldova is an active participant at INTERPOL Geiger project, aimed at strengthening the capacities of the LEAs from the Black Sea region to combat the threat of radiological and nuclear terrorism.

In November 2022, the project "Operational Assistance in Moldova Initiative" implemented by INTERPOL with the financial support of Germany was launched, aiming at combatting organized crime, terrorism and firearms trafficking in Moldova, as well as helping to developing a long-term cooperation in the region.

On 6 September 2022, by Order No 297 of the Chief of the General Inspectorate of Police of the Ministry of Internal Affairs, the Concept for the establishment and functioning of the National Focal Point for Firearms (NFPPF) was approved.

The creation of the National Focal Point is also one of the points established for implementation by 2021 UN Resolution A/RES/76/232 on The illicit trade in small arms and light weapons in all its aspects.

The NFPPF core tasks:

- creating links, collecting data, analyzing information and trends in terms of firearms crime in order to be able to provide an adequate response related to guidelines for combating firearms trafficking;
- carrying out weapons traceability to support national, European and third country authorities in carrying out investigations;
- cooperation with the national focal points established in the other EU Member States in order to trace weapons identified in Republic of Moldova as introduced illegally / in illegal possession;
- gathering, analyzing and improving the flow of information on crimes in the area of the illegal use of trafficked weapons;
- managing the national record of lost/stolen weapons in order to develop and improve the flow of information and cooperation with national focal points from European countries;
- applying the cyber-patrol concept, aimed at identifying/detecting firearms trafficking activities, on Internet/Darknet.

Hence, the process of effective collecting and management of data concerning illegally smuggled and illegally held firearms represents a major importance for the domestic survey of the phenomenon, with a view to fulfilling the obligations assumed by the Republic of Moldova within the framework of international cooperation activities, as well as to support ongoing investigations, by identifying links and connections between organized criminal groups and persons involved in terrorist acts.