



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 October 2011

**6246/06
EXT 1**

ENFOPOL 24

PARTIAL DECLASSIFICATION

of document:	6246/06 RESTREINT UE
dated:	27 February 2006
new status:	Public
Subject:	Evaluation of National Anti-Terrorist Arrangements Report about Romania, 24-27 October 2005

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 February 2006

**6246/06
EXT 1 (28.10.2011)**

ENFOPOL 24

NOTE

from : General Secretariat

to: Working Party on Terrorism

Subject : Evaluation of National Anti-Terrorist Arrangements
Report about Romania, 24-27 October 2005

Evaluation of Romania, 24/27 October 2005

SUMMARY

1.	Terrorist situation	4
1.1	Domestic terrorism	4
1.2	International terrorism	4
2.	Structure of authorities	10
2.1	The Constitution	10
2.2	The executive branch.....	10
2.3	The legislative branch.....	11
2.4	The Judiciary	11
2.5	Prosecution	12
3	Structures of authorities and the fight against terrorism.....	13
3.1	The President and the Prime Minister	13
3.2	Ministers/ministries responsible for the fight against terrorism.....	14
4	The national antiterrorist system	14
4.1	General framework	14
4.2	The Minister/ministry of Justice.....	15
4.3	The Ministry of Administration and Interior.....	18
4.4	The Minister for Defense	20
4.5	The Ministry of Foreign Affairs.....	21
5	The Intelligence Machinery.....	21
5.1	The Romanian Intelligence Service.....	22
5.2	The Foreign Intelligence Service.....	24
5.3	Use of special investigative techniques	26

6	Coordinating bodies/entities	27
6.1	The Supreme Council for National Defense.....	27
6.2	The National System for Preventing and Countering Terrorism.....	29
6.3	The Antiterrorist Operational Coordination Centre.....	31
7	The fight against the financing of terrorism	34
7.1	Legal framework.....	34
7.2	The National Office for Preventing and Combating Money Laundering (Romanian FIU).....	34
8	Civil protection/consequence management	36
8.1	Civil protection	36
8.2	Consequence management/the National System of Terrorist Alert	37
9	Good practices and recommendations	39
9.1	Good practices	39
9.2	Recommendations	42

1. Terrorist situation

1.1 Domestic terrorism

According to the competent authorities, there is no domestic terrorism and threats come from abroad, in particular the threat from international terrorism and related aspects.

1.2 International terrorism

1.2.1 **NOT DECLASSIFIED**

1.2.2 **NOT DECLASSIFIED**

NOT DECLASSIFIED

1.2.3 In the aftermath of 11 September 2001.

In the light of the above mentioned terrorist attacks, other terrorist attacks in the EU and third countries, Romania reconsidered its security doctrine, reassessed its security system, adopted legislative measures and created new tools to enhance coherence and efficiency of its national counterterrorism arrangement while developing improved partnerships and relationships between the Romanian special services and counterparts in EU and NATO member states.

Significantly, the Parliament adopted on 18 December 2001 the National Security Strategy, which identifies international terrorism, cross-border crime and proliferation of weapons of mass destruction as the main threats abroad.

Key measures were also the Government Emergency Ordinance no.141/2001 on sanctioning certain acts of terrorism, and the Government Emergency Ordinance no.159/2001 on preventing and combating the use of financial banking system for financing acts of terrorism. These Government Emergency Ordinances were passed by the Parliament in 2002.

1.2.4 Upgrading the counterterrorism framework and machinery

In addition, the Supreme Council for National Defense (SCDC) endorsed in 2002 the National Strategy on Preventing and Combating Terrorism, with the aim to coordinate activities of agencies responsible for preventing and combating terrorism and counterterrorism activities.

The adoption of the Law n° 535/2004 on the prevention and fighting of terrorism was of particular importance and for instance, among other improvements, at the origin of the National System on Preventing and Combating Terrorism and the Counter-Terrorist Operational Coordination Centre (cf chapter 2 of the law on "Performing the activity of preventing and combating terrorism").

A National System on Preventing and Combating Terrorism (SNPCT) has been consequently established to include all ministries and agencies active in this field. The Law n° 535/2004 on the prevention and fighting of terrorism states that the cooperation in the area of prevention and combating terrorism is organised and takes place "in a unitary manner" within "The National System for Preventing and Combating Terrorism".

The Counter-Terrorist Operational Coordination Centre (CCOA/CAOC) was also created "in the structure of the Romanian Intelligence Service as national authority " and became operational in March 2004 to ensure strengthened and permanent cooperation and synergies among agencies that are part of the National System on Preventing and Combating Terrorism. Chapter 2 Article 6 (3) of the law stipulates that the role of the Centre for Operative Anti-Terrorist Coordination is the mechanism and structure "through which the Service (SRI) ensures the technical coordination of the SNPCT".

Romania also set up a specific "National System of Terrorist Alert".

On 23 June 2004, the SCDC endorsed the National Doctrine on Security Intelligence, which includes a specific chapter on international cooperation with the intelligence agencies in EU and NATO member states as well as other intelligence services. This doctrine considers that monitoring and countering threats to national and international security exceed the capabilities of national intelligence structures. As a consequence, joined up efforts and shared expertise with other partner intelligence agencies are requested.

The entry into force of Law no. 535/2004 for prevention and fighting against terrorism also caused the abrogation of both the Government Emergency Ordinance no. 141/2001 for sanctioning certain terrorist acts and violations of public order, approved with amendments by Law no. 472/2002, and the Government Emergency Ordinance no. 159/2001 for prevention and countering of the use of the financial and banking system to finance terrorist acts, approved by Law 466/2002.

The Law no. 656/2002 for preventing and sanctioning money laundering has been modified and completed through:

- Law no. 230/2005 on the modification and completing the Law no. 656/2002 for preventing and sanctioning money laundering, which entered into force at 15 August 2005;
- Emergency Governmental Ordinance no. 135/2005 on the modification of the Law no. 656/2002 for preventing and sanctioning money laundering, as well as the setting up some measures for preventing and combating terrorism financing.

1.2.5 EU, UN and other fora dimensions¹

At EU level, Romania will be the external border and consequently will have particular responsibilities in terms of security of the EU due to the strategic situation of Romania.

Romania pays great attention to current works within the EU Council (the EU action plan against terrorism for instance and related current works such as EU strategy on radicalisation and recruitment). From that perspective, Romania concluded a Cooperation agreement with EUROPOL in 2003.

In the area of international cooperation, Romania developed a significant bilateral cooperation programme with EU and NATO member states as well as third countries: Romania concluded over 50 bilateral agreements in the fields of combating organized crime, illegal drugs trafficking, terrorism, as well as other serious crimes with several European and North and South American countries.

Referring to the UN,

- Romania is a party to all UN Conventions on countering terrorism and promote their adoption by all the States.

¹ It has to be noticed that article 11 indent 2 of the Romanian Constitution stipulates that "the treaties ratified by the Parliament are legally part of the domestic law".

- Romania is one of the countries, together with the US, the Russian Federation, the United Kingdom, France and Spain, which drafted the UN Security Council Resolution 1540 on the proliferation of WMD and ballistic rockets.
- Romania, actively supports the adoption/implementation of other measures aiming to combat terrorism, in particular Resolution 1566 against international terrorism, Resolution 1373 which set up the Anti-terrorism Committee
- Romania supported the adoption of concrete actions against terrorism within the UN Summit of September 2005

With respect to the Council of Europe,

Romania ratified the Protocol amending the European Convention for the Suppression of Terrorism, signed at Strasbourg on 18 May 2003 (Law no. 366 of 15 September 2004).

Romania, Member State of the CoE since 1993, as participant to the Expert Group on terrorism – CODEXTER- has actively been involved in the negotiation and drafting process of the European Convention on preventing the terrorism, which is going to be ratified by Romania. In May 2005, the Romanian president signed the European Convention on preventing the terrorism, the Convention against trafficking in human beings, the revised Convention on laundering, identifying and seizing the crime deeds and financing terrorism.

Considering OSCE (Romania is part of the OSCE since 1973), Romania actively support the Action Plan for combating terrorism as well as the Charter for preventing and combating terrorism.

In addition, Romania has a very active role at regional level in regional fora such as the South-East Europe Cooperation Initiative. Located in Bucarest, this for a develops activities of preventing and combating terrorism. Romania is also part of the Black Sea Economic Co-operation Agreement regarding the fight against organised crime (ratified by Law n°.164/2003). Within this agreement, one aspect of co-operation regards the prevention, identification, countering and investigation of terrorist acts. Romania, as coordinator of the Task Force for combating organized crime in the framework of the Black Sea Economic Cooperation Organization, conducted the negotiations for the finalizing the Protocol on the fighting terrorism.

2. Structures of authorities

2.1 The Constitution

The Constitution (Title 1, Article 1 §2) states that "the form of government of the Romanian State is the Republic". This Act has been revised and approved in a referendum in 2003 to bring Romanian law into line with EU acquis as part of the process for EU accession.

2.2 The executive branch

The executive branch consists of a President and Government, headed by the Prime Minister. As head of the Supreme Council for National Defense (SCDC), the President of Romania plays an active role in the area of national security issues, including terrorism. The Government consists of the Prime Minister and Ministers (and other Members established by an organic law, according to the Constitution).

2.3 The legislative branch

The legislative branch – the bicameral Parliament – consists of the Senate or Senat and the Chamber of Deputies. The Constitution (Title III, Chapter I, Section I, Article 61 §1) states that the "Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country". With respect to national security and defense issues (including terrorism), Article 65 of the Constitution mentions that "Chambers can (...) meet in a joint session (...) in order to (...) approve the national strategy of homeland defense, examine reports by the Supreme Council of National Defense, appoint the directors of intelligence services, on the proposal of the President of Romania, and to exercise oversight of the activity of these services (...).

2.4 The Judiciary

According to the Romanian Constitution, the courts and the Prosecutor's Offices attached to them constitute the judicial authority, the Superior Council of Magistrature being the guarantor of the Justice independence.

With reference to article 16 of Law 304/2004 on the judicial organization, the High Court of Cassation and Justice is the supreme instance in the judicial hierarchy. Its responsibility is to try appeals in cassation and to ensure the unitary interpretation and application of the law by the other courts (courts of first instance, Tribunals and Courts of Appeal). It includes a Criminal Section.

According to the Law no. 304/2004 on judicial organization, the courts of law are divided into levels that respectively are:

- courts of first degree (all courts of first instance deal with criminal offences).
- tribunals (the tribunals judge in first instance, in appeal, in recourse). Tribunals deal with offences regarding the national security of Romania as provided in special laws;

- courts of appeal (the courts of appeal judge in first instance, in appeal, in recourse) and for instance deal with offences against the state security, offences against peace and humanity;
- the Supreme Court of Justice that includes a penal division. The Supreme Court of Justice is the highest court in criminal matters. The Supreme Court of Justice can review decisions as an appellate court (the appeal is handled by a division of the Court, and judged by a panel of 9 judges) and as a recourse instance. In appeal, the Court appraises both the merits and the legal grounds of the case. In recourse, the review is limited to the latter.

There are 15 courts of appeal, 42 tribunals, and 186 courts of first instance. The geographical and functional division of Romanian courts is determined by law as follows: (i) several (two to six, as appropriate) district courts in each of the 41 administrative districts in Romanian (or about 176 district courts in total), and six others in Bucharest, (ii) a regional court in each district's main town (41 in total), plus one regional court in Bucharest, (iii) a Court of Appeal for each judicial district (a total of 15 Courts of Appeal), and (iv) the Supreme Court of Justice, the composition and operations of which are governed by a special law .

According to the art. 40 of the Law no. 535 /2004, the terrorist offences are dealt in first instance by the courts of appeal.

2.5 Prosecution

The Prosecution Service is part of the judiciary and it exercises its functions within each jurisdiction under the authority of the Minister of Justice (Art. 26).

The Public Ministry (Title III of Law no. 304/2004) exercises its attributions through public prosecutors (prosecution offices) attached to the courts. The public prosecutor's offices are attached to the courts of first instance, tribunals, courts of appeal, and the Supreme Court of Cassation and Justice.

According to the Law no. 304/2004 on judicial organization, the main duties of the Public Ministry include in particular the following tasks:

- Carrying out criminal prosecution and its supervision. When exercising this power, the public prosecutors lead and control the criminal investigation conducted by the police or an other law enforcement body. Investigators are obliged to fulfill the orders of the public prosecutors

- Instituting criminal case proceedings before courts of law.

3. Structures of authorities and the fight against terrorism

3.1 The President and the Prime Minister

They both are responsible for the fight against terrorism and more widely for the fight against threats to national security. To this end, the President chairs the Supreme Council for National Defense, the Prime Minister being vice-chairman.

NOT DECLASSIFIED

3.2 Ministers/Ministries responsible for the fight against terrorism

Ministers are involved in the fight against terrorism in their respective fields of competence as well as part of the Supreme Council for National Defense. Relevant ministerial bodies, structures and substructures are also part of the National System for Preventing and Countering Terrorism (SNPCT).

There is no leading Minister/Ministry as such in terms of coordination and the Supreme Council for National Defense designated in 2001 the Romanian Intelligence Service (SRI) as national antiterrorist authority and coordinator (SCDC Decision N° 140 of 19 October 2001).

4. The national antiterrorist system

4.1 General framework

The law 51/1991 on national security, which refers to terrorist acts as a threat to national security, provides with a general framework. The Romanian Intelligence Service (SRI), the Foreign Intelligence Service (SIE), the Guard and Protection Service, as well as the Ministry for National Defense, the Ministry of Administration and Interior Affairs, and the Ministry of Justice are mentioned as key players. Article 7 of the law stipulates that all these ministries and bodies are "organized and co-ordinated by the Supreme Council for National Defense".

4.2 The Minister/ Ministry of Justice

4.2.1 Prosecution of terrorist offences

Law 51/1991 on the national security defines as threats to the national security:

- any action endangering life, physical integrity or health of the persons accomplishing significant state duties or of the representatives of other states or international organizations whose protection must be ensured during their stay in Romania, according to the law, to the treaties or conventions agreed upon, as well as to the international practice;
- the terrorist acts, as well as the initiation or support, by any means, of the activities whose purpose is the perpetration of such actions
- any kind of attack against a community, etc.

In terms of definitions of terrorism and terrorist activities, Article 1 of the Law no. 535/25.11.2004 states that terrorism is a set of actions and/or threats carrying a public risk and affecting the national security.

4.2.2 Prosecution of terrorist acts

General overview

There is no specific criminal procedure to prosecute terrorist cases and the competent jurisdiction of first instance deals with acts of terrorism. Procedures are carried out in conformity with the Code of Criminal Procedure.

However, Law 535/2004 includes special provisions regarding penalties applicable to terrorism-related offences (taking into account the Framework Decision of 13 June 2002 on Combating Terrorism).

4.2.2.1 The Prosecutor's Office attached to the High Court of Cassation and Justice and the Directorate for Investigating Organized Crime and Terrorism (DIICOT)

Within the Public Ministry in terms of investigations and prosecution, the key player is the Prosecutor's Office attached to the High Court of Cassation and Justice. The Prosecutor's Office is part of the national system for preventing and combating terrorism (SNPCT).

Within the Prosecutor's Office attached to the High Court of Cassation and Justice, the Directorate for Investigating Organized Crime and Terrorism (DIICOT) is an appropriate and specific structure, which was designed (Law n° 508/2004) to counter and deal with Organized Crime and Terrorism. The Prosecutor's Office attached to the High Court of Cassation and Justice has a nation wide competence and is part of the Centre for anti-terrorist operational coordination (CAOC).

This Directorate is headed by a chief prosecutor and coordinated by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and consists of specialised prosecutors.

DIICOT is divided into the service for countering organized crime, the service for countering drugs trafficking, the service for countering economic and financial macro criminality, the service for countering information criminality and the service for countering terrorist offences. Within DIICOT, there is also a bureau for the evaluation of cases susceptible to generate background facilitating organized crime and terrorist offences. This bureau is directly subordinated to the chief prosecutor.

DIICOT is tasked as follows:

- to carry out criminal prosecution, including terrorist acts
- to lead, supervise and control criminal investigation procedures carried out upon order from the prosecutor, by the judicial police officers and agents under the coordination of the DIICOT

- to notify courts to take the measures provided by the law, and judge the cases regarding the crimes under the competence of DIICOT
- to study the causes of organized crime, drugs trafficking, macroeconomic and financial crime, cyber/crime and terrorism, as well as the conditions which favour their development, to draft proposals to curb such acts and to optimize criminal legislation in the field
- to set up and update a data-base of crimes
- other tasks provided for by the Criminal Procedure Code and special laws

The Law 535/2004 and Law 508/2004 (creation of DIICOT), state that the services and bodies specialized in the field of intelligence gathering and processing must provide DIICOT with data and information available regarding cases of terrorism under investigation. They may provide DIICOT with information on their initiative or answer DIICOT chief prosecutor's requests.

When ordering or carrying out activities in connection with offences endangering national security or terrorist cases, DIICOT informs relevant agencies.

NOT DECLASSIFIED

4.3 The Ministry of Administration and Interior

Broadly said, the National Police, the Border Police and the gendarmerie are part of the Ministry of Administration and Interior and they are respectively and primarily responsible for law enforcement activities, for maintaining border security and for preserving public order. Other parts of the Ministry are the Authority for Aliens, the National Refugees Office , the General Directorate of Intelligence and Internal Protection, the Special Protection and Intervention Group, and the Special Aviation Unit, etc. From a counterterrorism perspective, the relevant body within this ministry is the General Directorate for Intelligence and Internal Protection.

4.3.1 The Romanian Police

In general terms, the role of the Police is to prevent, detect and investigate crime, to deal with public order and security.

The Police consist of the General Inspectorate of the Police, the Directorate General of the Bucharest Police, 41 county police inspectorates, 8 railway, air and sea transportation police inspectorates, 3 police training centers.

The General Inspectorate co-ordinates and supervises the activity of all police units at national level, conducts operational activities. In compliance with the Police Reform Strategy the General Inspectorate consists of

- the Criminal Police (the Directorate of the Criminal Police, the Directorate for Economic and Financial Crimes, the Directorate for Criminal Investigations, the Directorate General for Combating Organized Crime and the Forensic Institute)
- the Public Safety Police (the Directorate for Surveillance and Public Order, the Road Traffic Police, the Transportation Directorate and the Institute for Crime Prevention and Research)
- the Administrative Police.

4.3.2 The General Inspectorate of the Romanian Border Police

The main institution responsible for the border management is the Border Police, which is a component of the Ministry of Administration and Interior. Its responsibilities are the custody of borders, the control of border crossing points, to combat cross-border criminality as well as other illegal acts at the border area, thus ensuring the observance of the legal regime of the frontiers, passports and aliens.

Specialized structures for collecting the information and criminal investigations have been established. The Border Police is engaged in new initiatives (Trident project for instance) that will strengthen intelligence gathering capacity.

4.3.3 The Romanian Gendarmerie

The Romanian Gendarmerie is a police force with military status, which contributes to the public order, to the protection of the fundamental institutions of the state e.g. national critical infrastructures, and to the fight against terrorism within the remit of its general competence (cf Act no. 550/2004). The Gendarmerie has no specific competence as such in terms of intelligence gathering and contribute to the fight against terrorism on the basis of its traditional missions/responsibilities.

4.3.4 The General Directorate for Intelligence and Internal Protection

With respect to terrorism related intelligence issues, the key component of the Ministry of Administration and Internal Affairs is the General Directorate for Intelligence and Internal Protection, whose role is to collect, process and store intelligence/information from the field of criminal activities and classified information, to provide necessary information in the process of criminal prosecution, as well as organisation of intelligence protection of the personnel of the Ministry of Interior.

To that end, The General Directorate for Intelligence and Internal Protection receives and process data and intelligence coming from all structures that are part of the Ministry of Administration and Interior(in particular, the General Inspectorates of the Police, Border Police, Gendarmerie, for Emergency Situations, for organising, planning missions and resources, national office for refugees, for passports and the Authority for Aliens).

It is tasked as follows:

- gathering, processing, stocking the intelligence and counteracting the risks of terrorism within the sphere of competence of the Ministry of Administration and Internal Affairs,
- gathering data and intelligence regarding the presence and illegal actions undergone by the physical persons signaled by other structures or found on the lists of the UN Security Council
- to ensure exchange of data and intelligence among the institutions part of the Ministry of Administration and Interior
- to manage activities in the domain of organized crime and potential connections with terrorist actions or networks (financial resources available, human resources, logistics)
- to monitor events
- to act as an interface with the security structures and the penal procedures agencies
- to provide antiterrorist intervention with intelligence, independently or in cooperation with specialized forces.

It must be underlined that the General Directorate for Intelligence and Internal Protection is a permanent member of the antiterrorist operational countering centre (CCOA/CAOC), in terms of data, information exchanges, and it can be tasked by CCOA/CAOC to deliver on police responsibilities. Some analysts from this General Directorate works within CCOA on a permanent basis.

4.4 The Minister for Defense

The Minister for Defense is responsible for the activity of military intelligence agencies.

4.5 The Ministry of Foreign Affairs

In addition to traditional responsibilities (strategic guidelines as well as normative and institutional framework for strategic objectives in the field of foreign policy), an Office for Non proliferation, Arms Control and Combating Terrorism has been set up within the Ministry of Foreign Affairs.

In compliance with Law no. 535/2004 on preventing and combating terrorism, MFA is part of the National System for Prevention and Countering Terrorism (SNPCT) and part of the Anti-terrorist Operational Countering Centre (CAOC)

5. The intelligence machinery

Services and ministerial sub-structures dealing specifically with intelligence collection are the Romanian Intelligence Service (SRI), the Foreign Intelligence Service (SIE), the Guard and Protection Service (SPP/Serviciul de Pază și Protecție), the General Directorate for Defense Intelligence of the Ministry of Defence (DGIA/Direcția Generală de Informații a Apărării), the General Directorate of Intelligence and Internal Protection within the Ministry of Administration and Interior (DGIPI/Direcția Generală de Informații și de Protecție Internă) **NOT DECLASSIFIED**.

The intelligence services are part of the national security system and their activities are coordinated by the SCDC that is also responsible for the decisions referring to policies regarding the gathering of information and to modalities on the exchange of information between intelligence services and other relevant structures.

Apart from SRI and SIE, all above mentioned security agencies are ministerial sub-structures. SRI and SIE acts under and within the sphere of competence of SCDC and are not attached/answerable to Ministers as such or part of Ministries. It is not futile to notice that SRI and SIE are headed by directors with a minister's rank. In terms of national security and terrorism issues, SRI and SIE are leading players in their respective fields of competence.

5.1 The Romanian Intelligence Service (SRI/ Serviciul Roman de Informatii)

5.1.1 General framework

SRI is the most important intelligence service with a nation wide competence. In general terms, it organises and carries out activities in view of gathering, verifying and processing data and information necessary for discovering, preventing and countering actions which may constitute, according to the law, threats to the national security. Its competencies also include anti-terrorist protection and intervention.

In the area of terrorism, Article 6 of the law 14/1992 stipulates that SRI

- a) carries out "informative and technical activities for preventing and combating terrorism"
- b) carries out "antiterrorist interventions on objectives attacked or occupied by terrorists, for capturing or annihilating them, setting hostages free and restoring law and order".(...)
- c) ensures "antiterrorist protection of Romanian and foreign dignitaries as well as of other officials, according to the rules established by the Supreme Council of National Defense".

When dealing with threats to national security - and terrorism is one of them - SRI is authorised to hold and use adequate means for obtaining, checking, processing, and stocking information with regard to national security (Article 8 of the law 14/1992).

To that end, SRI carries out "verifications by requesting and obtaining objects, documents, or official information from public institutions; consulting specialists or experts; receiving notifications or informative notes; fixing certain operative moments by photographing, filming, or by any other technical means; personal findings, technical operations inclusive" (Article 9 of the law 14/1992).

However, and apart from certain very exceptional cases, SRI members may not carry out criminal investigation activities, may not take a detention measure or preventive custody, nor dispose of their own arrest.

5.1.2 The use of intelligence as evidence in courts

In general terms, intelligence on terrorism provided by SRI to the General Prosecutor's Office/DIICOT cannot, as such, be used as evidence in courts. According to art.9 – 11 of the Law 14/1992 and Law no. 51/1991, intelligence resulted from specialized activities, described expressively in art. 9 of the Law (presented above), is integrated in a specific report **NOT** **DECLASSIFIED**.

5.1.3 The role of SRI with respect to terrorism.

Following points underline the crucial importance of SRI in preventing and countering terrorism.

- SRI, which doesn't act under any ministerial supervision and responsibility, is directly answerable to the Supreme Council for National Defense (SCDC) as such and SRI's director is part of SCDC's board (with a minister's rank).
- The antiterrorist system is clearly and mostly prevention oriented/designed or intelligence led organized, and this underlines the overwhelming importance of intelligence to prevent terrorism. Consequently, SRI is the main key player internally, being the leading resource.

- SRI exercises a very valuable role in terms of coordination and, as already mentioned, has been designated by SCDC as national antiterrorist authority and technical coordinator of SNPCT activities. With other words, SRI works as a vertical pivot (from SCDC to CCOA/CAOC via SNPCT) and as the only common interface that bridges all players parts of SNPCT and CCOA/CAOC. In addition to this and to the participation of SRI in specific groups and structures, for instance within the sphere of the Ministry of Foreign Affairs, the antiterrorist operational coordination centre (CCOA/CAOC) is part of and located within SRI, the head of CCOA being appointed by SRI's director. CCOA/CAOC can also be used as a crisis management centre.
- SRI is also responsible for antiterrorist interventions (antiterrorist brigade, SRI requesting other intervention units when needed).

5.2 The Foreign Intelligence Service (SIE/ Serviciul de Informatii Externe)

As the name implies, the Foreign Intelligence Service (SIE) deals with foreign intelligence regarding the national security and consequently is part of the national antiterrorist arrangement. SIE is answerable to the Supreme Council for National Defense.

In compliance with the existing general framework (cf the National System for Preventing and Combating Terrorism), SIE strategy for combating the threat from international terrorism and asymmetric threats is part of the National Strategy for Preventing and Combating Terrorism. The aim is to create “an advanced defense line”, able to prevent or disrupt terrorist activities against Romania and enhance Romania’s role as a security supplier for the Euro Atlantic area.

As part of the National System for Preventing and Combating Terrorism (SNPCT) SIE cooperates (operational information, information exchange and sharing) internally with some other ministries and bodies and in particular SRI. They all are permanent members of the Counterterrorist Operative Coordinator Center (CCOA).

More precisely, SIE's focuses on

- providing intelligence to the authorities involved in protecting the Romanian troops and institutions abroad, as regards the possible threats against them;
- checking up suspected persons and documents about which there are data that they have been stolen or forged in order to be used for terrorist activities;
- reporting about groups or radical entities from outside Romania which have the intention to infiltrate and establish contact networks on the national territory;
- providing documentation materials on activities, processes or operating modalities used by extremist elements..
- ensuring the anti-terrorist protection of all official Romanian facilities abroad (embassies, consular offices, cultural centres, etc.) and their personnel.

With respect to intelligence gathering abroad, SIE's guidelines are to identify, prevent and prevent the threats resulting from:

- participation of Romania in the international efforts aiming at combating terrorism
- Romania's geo-strategic position **NOT DECLASSIFIED**

In addition, there is an important Muslim community in the Balkans where SIE for instance pays attention to radicalisation and recruitment processes.

A current SIE priority is to developing cooperation with foreign partners for combating terrorism at EU and NATO level, with the aim to improving complementarities between SIE and counterparts abroad and to optimizing preventive activities.

5.3 Use of special investigative techniques.

The 1991 National Security Law, which first re-empowered the SRI and the SIE to use technical surveillance, also stipulated judicial authorization. The process is as follows as mentioned in compliance with the current law:

The Law n° 535/2004 states that in the area of the fight against terrorism the relevant agencies may "propose to a public prosecutor in justified cases, to request an authorisation for carrying out activities with a view to gathering intelligence".

In special cases (urgent situations/imminent danger) relevant agencies may perform activities without warrant and the request must be forwarded as soon as possible, however not later than within 48 hours. The judge can consider that activities must cease at once.

6. Coordinating bodies/entities

Coordinating bodies/entities or mechanisms in place are the Supreme Council for National Defense (SCDC) at government level, the National System for Preventing and Countering Terrorism (SNPCT) at technical level and the Antiterrorist Operational Coordination Centre (CCOA) at operational and interagency level. They all are part of a coherent system whose aim is to decide about and organise cooperation and coordination. They all are interlinked with, on one side of the architecture, the Supreme Council for National Defense for strategic guidance and decision and, on the other side, the Antiterrorist Operational Coordination Centre (CCOA) for operational activities, including exchanges of operational information and antiterrorist interventions. As previously said, the common denominator that bridges all these structures/mechanisms (and they all are part of the national security system) is the Romanian Intelligence Service as National Antiterrorist Authority in addition to its role and responsibility as technical coordinator of SNPCT and security agency.

6.1 The Supreme Council for National Defense (SCDC)

Under the chairmanship of the President of Romania, SCDC is the highest permanent government entity/structure dealing with national security issues including terrorism. In general terms, SCDC co-ordinates the activity of the national security system, including the intelligence services, takes decisions concerning policies in the area of information gathering. It also regulates the exchange of information between relevant agencies and bodies or structures engaged in counterterrorist activities.

Membership is as follows

- the Prime Minister (vice-president of the Council)
- the ministers for National Defence, Administration and Interior, Foreign Affairs, Justice, Public Finance, Economy and Trade
- the presidential advisor on national security issues
- the directors of the Romanian Intelligence Service and Foreign Intelligence Service
- the chief of the General Staff of the Army

The competence/responsibility of the Supreme Council for National Defense is

- to examine the data and intelligence received and to assess issues with regard to national security, to examine and approve counter-terrorism strategies in connection with ministerial competences, to deal with plans for collecting intelligence submitted by institutions and structures with responsibilities in this field
- to define guidelines framing activities and to approve general measures to deter threats to national security
- to define ways to exploit intelligence on national security
- to examine reports and briefings on the enforcement of the national security law
- to endorse draft laws initiated or issued by the Government, relevant for preventing and countering terrorism, as well as regarding the general organization of institutions responsible for national security
- to approve action plans/methodology in case of terrorist situations and counter-terrorist intervention, respectively
- to examine and approve international cooperation.

This also means that the Supreme Council for National Defense is responsible for the Strategic coordination of the National System for Preventing and Countering Terrorism (SNPCT).

6.2 The National System for Preventing and Countering Terrorism (SNPCT).

In order to achieve the objectives of the national strategy against terrorism, the national system for preventing and countering terrorism was set up as a mechanism to ensure, organize and carry out institutional co-operation meant to efficiently fulfil all the tasks related to the national anti-terrorist action plan.

SNPCT provides with an appropriate room for cooperation and coordination at national level on an interministerial and interagency basis. In compliance with Law 535/2004, representatives of the authorities and institutions that are part of SNPCT hold offices as state secretaries or sub-secretaries and meet in plenary sessions (at least once a year). The General Attorney of the Prosecutor's Office by the High Court of Cassation and Justice attend SNPCT meetings.

Following bodies and ministries are part of SNPCT: the Romanian Intelligence Service (according to the Law 535/2004, SRI – as designated national authority in the field – is the technical co-ordinator of the SNPCT), Ministries of Administration and Interior, for National Defense, of Foreign Affairs, of Economy and Trade, of Agriculture, Forests and Rural Development, of the Environment and Water Management, of Transports, Constructions and Tourism, of Health, of Communications and Information Technology, of Public Finance, of European Integration, of Justice, the Foreign Intelligence Service, the Guard and Protection Service, the Special Telecommunications Service, the Prosecutor's Office by the High Court of Cassation and Justice, the National Bank of Romania, the National Agency for Exports Control, the National Office for Preventing and Countering Money Laundering, the National Commission for the Control of Nuclear Activity.

As mentioned in law, activities within SNPCT are

In the area of preventing terrorism

- to develop intelligence activities;
- to counter inflows of human resources fuelling terrorist organizations, both inside and outside the national border;
- to counter inflows of specific means of action as well as financial, logistic and information resources fuelling terrorist entities, both inside and outside the national border;
- to carry out watch and protection activities, and other special deterrence measures meant to ensure the security of potential targets of terrorism such as officials, local and foreign institutions on the national territory, and Romanian locations abroad;
- to prepare the civil emergency intervention in case of terrorist attacks by various means;
- to develop information and public relations activities;
- to involve in general foreign relations;
- to carry out training and professional cooperation;
- to take action to permanently optimize the legal framework.

All SNCPT members are forced to inform SRI about terrorism related information available. They also have to ensure access of CCOA to relevant data and information that contribute to CCOA analysis and assessments.

In the area of combating terrorism

- to take action to curb terrorism related intentions and deeds either in advance or *post-factum*
- to run counter-terrorist intervention
- to participate to preventing and countering terrorism, within international cooperation, in various regions.

In terms of coordination of all participants, the Supreme Council for National Defense approved in 2002 (Decision no.0067/2002) a General Protocol on Structuring and Functioning of the National System for Preventing and Countering Terrorism with regard to concrete attributions and competencies of each authority and institution part of the SNCPT.

In addition, there is a group at expert level supporting SNPCT that meets every six months or when required.

The national system for preventing and countering terrorism may also set up, whenever necessary, permanent or periodical consultations and co-operation with other Romanian institutions and bodies, official institutions and structures in partner-states aiming at preventing and countering terrorism, organizations and other structural anti-terrorist bodies, mainly those in the EU and NATO, on a bi- and multi-lateral basis, Romanian and foreign NGOs which may contribute to the better functioning of the system activities.

6.3 The Antiterrorist Operational Coordination Centre (CCOA/CAOC)

As a final consequence of its designation as national antiterrorist authority and as technical coordinator of the National System for Preventing and Countering Terrorism (SNPCT), it was decided to create within the Romanian Intelligence Service (SRI) an Antiterrorist Operational Coordination Centre (CCOA/CAOC) **NOT DECLASSIFIED**

NOT DECLASSIFIED

CCOA/CAOC is consequently designed for providing SRI with an appropriate technical tool with respect to the coordination of SNPCT. For that purpose, it carries out current activities to prevent terrorism and provides the logistic support to coordinate antiterrorist interventions.

More precisely, CCOA/CAOC

- coordinates the activities carried out within SNPCT, through representatives appointed by the authorities and public institutions in the system
- provides an operational exchange of data and intelligence among authorities and public institutions parts of SNPCT, in the antiterrorist field - integrates data and intelligence obtained to establish and carry out the necessary measures
- monitors terrorist activities and operationally informs authorities and public institutions assigned in SNPCT
- in terrorist crisis, ensures the logistic and operational support for a proper activity of the National Antiterrorist Task Center that is functionally integrated in the general mechanism of crisis management
- provides data and intelligence necessary to initiate measures in accordance with the legal competencies to the authorities and public institutions responsible for;
- permanently takes over the notifications of interest in antiterrorist field coming from the citizens that call the CCOA/CAOC.

NOT DECLASSIFIED

NOT DECLASSIFIED

7. The fight against the financing of terrorism

7.1 Legal framework

Money laundering was first sanctioned by Law no.21/1999 then by law no.656/2002. In order to adopt EU standards, the Law no. 230/2005 and the GEO no. 135 / 2005 amending the Law no.656/2002 were adopted in order to fully take into account the 40 Recommendations on preventing money laundering made by Financial Action Task Force on Money Laundering, the 9 Special Recommendations regarding the prevention of terrorism financing.

The current law coordinates the different measures taken in the field of combating terrorism financing.

7.2. The National Office for Preventing and Combating Money Laundering (Romanian FIU) (ONPCSB)

The National Office for Preventing and Combating Money Laundering (ONPCSB) is the key player (part of Egmont group) in terms of fight against the money laundering and financing of terrorism. It is an independent body whose chairman is appointed by the Government from the members of the Office, including the General Prosecutor's Office. 3 special advisers (money laundering, terrorist financing and international cooperation) assist the chairman.

It has to be mentioned that the National Bank of Romania (BNR) as well as the National Office for Preventing and Countering Money Laundering are part of the SNPCT. Created as a multi disciplinary unit, NOPCML receives analyses and process information and notices, according to the law, the General Prosecutor Office attached to the High Court of Cassation and Justice. Against this background, the Office receives reports from reporting entities established by the law.

According to the law, when the Office has founded suspicion regarding money laundering or financing terrorism, it immediately notices the General Prosecutor Office attached to the High Court of Cassation and Justice. In case of suspicions regarding financing terrorism, the Office notices immediately the Romanian Intelligence Service (SRI).

It also takes advantage of the law that provides for feedback to be given, upon request, to NOPCML from the Public Prosecutor's office. The law also provides for the feed-back procedure with regard to reporting entities and supervision institutions (the transmission by the FIU of the information concerning the money laundering and terrorist financing procedures to the reporting entities and also to their supervision institutions). NOPCML participates in inspections and controls in conjunction with supervisory authorities.

In money laundering and terrorism financing cases, the banking secrecy and the professional secrecy may not be opposed neither to the pre-trial investigators, nor to the judge.

8. Civil protection/consequence management

8.1 Civil protection

8.1.1 Organisation at national level

The Civil Protection is carried out by The General Inspectorate for Emergency Situations, which is part of the National Emergency Management System as component of the National Defence System.

The National Emergency Management System sets up, organises and aims at preventing and managing the emergency situations, at assuring and coordinating the human, material and financial resources.

Prime Minister coordinates the National Committee for Emergency Situations through the Ministry of the Administration and Interior at central level and at county level (through the prefects).

The National Committee for Emergency Situations includes representatives from all ministries with specific responsibilities. Each ministry chairs a specific committee, on specific disaster (Ministry of Administration and Interior chairs the Committee for Nuclear and Radiological Accidents and the Committee for Widespread Fires).

The Standing Technical Secretariat is working instrument of the National Committee for Emergency Situations and is coordinated and partly manned by the General Inspectorate for Emergency Situations. In addition to the experts from the General Inspectorate for Emergency Situations, there are experts from other ministries in their respective areas of competence.

8.1.2 Organisation at local level

The General Inspectorate for Emergency Situations (IGSU) has several county inspectorates for emergency situations one in each county. The inspectorates are manned by both military and civilian personnel.

At local level and from the civilian part, the structures for emergency situations are also subordinated to the county prefects (appointed by the Prime Minister) or city/ town mayors. Each county, city, town, village etc. has a Local Committee for Emergency Situations conducted by the prefect/ mayor with representatives from all the responsible ministries.

At county level, the County Inspectorate for Emergency Situations is responsible for the coordination of the local Standing Technical Secretariat of the Local Committee (this is the implementation at local level of the pattern used at central level). Initially, the response to disaster is managed locally, but the case is notified to the central response authority (the General Inspectorate for Emergency Situations, the National Committee for Emergency Situations). In case the local response authority is lacking sufficient intervention and mitigation means, additional means and forces are sent from neighbouring areas, from the central level or the international environment. All activities are conducted following standard reporting and assistance request procedures.

8.2 Consequence Management / The National System of Terrorist Alert

As the name implies, the National System of Terrorist Alert is dedicated to terrorist threats and crisis and aims at informing the population and concentrating available means to solve situations.

NOT DECLASSIFIED

There are 5 levels of alert depending on threat and risks assessments. They vary from Green or low level, to Red or critical level, other levels being Blue or cautious level, Yellow or moderate level, Orange or high level. The state of alert can be updated step by step or, if necessary, decided at the highest level immediately to reflect the terrorist threat.

NOT DECLASSIFIED

In addition to its role in terms of threat assessments, CCOA/CAOC is an active partner in the area of operational activities.

- In case of a terrorist crisis, CCOA/CAOC provides the logistical and operational support for an efficient functioning of the National Centre for Counter-terrorist Action which ensures the management of counter-terrorist intervention and the coordination of activities regarding the protection of the population and management of civil emergencies.

- In implementing emergency security measures and civil protection measures, CCOA cooperates with the General Inspectorate for Emergency Situations, founded under Government's Emergency Ordinance 21/2004, and coordinated by the Ministry of Administration and Interior .

9. Good practices and recommendations

9.1 Good practices

In general terms and with regard to the field for evaluation, experts took note of following good practices:

- In general terms, Romania significantly upgraded and strengthened the counterterrorist machinery following terrorist attacks in the US and EU Member States and third countries.
- Relevant tools are in place, including appropriate legal basis criminalising terrorist offences as such. From this perspective, Romania signed and ratified relevant UN conventions and implemented the Framework Decision of 13 June 2002 on Combating Terrorism.
- Laws of particular importance with respect to the fight against terrorism and SCDC decisions aiming at reinforcing and clarifying responsibilities have been adopted and implemented. Laws and SCDC decisions provide with a comprehensive framework with a clear division of tasks, guidelines and working programmes. In this respect, the role of SCDC must be stressed: it designated the Romanian Intelligence Service as national antiterrorist authority, and adopted
 - a National Strategy to prevent and counter terrorism (Decision n° 36/05.04.2002)
 - a general protocol on the organization and functioning of the National System for Preventing and Countering Terrorism/SNPCT (Decision n° 0067/17.07.2002)
 - the establishment of a national system for terrorist alert (Decision n° 66/15.04.2004)
 - and a framework on the organization and functioning of a Center for Antiterrorist Operational Coordination/CCOA (Decision n° 0024/28.02.2005).

- There is a coherent, integrated and coordinated approach of the fight against terrorism that consists of (i) the Supreme Council for National Defense (the President chairs this political body that is responsible for government coordination), (ii) the National Strategy for preventing and Countering Terrorism as issued by the above mentioned Supreme Council for National Defence the and (iii). the National System for Preventing and Countering Terrorism and its technical coordinator, the Antiterrorist Operational Coordinating Centre (CCOA) of the Romanian Intelligence Service (SRI).
- In the absence of a leading/coordinating Minister/ministry, the Romanian Intelligence Service (SRI) has been appointed as the national counterterrorist authority. SRI is the only leading and coordinating entity and agency at national level.
- The antiterrorist operational coordinating centre, which is, to a certain extend, a JTAC type body, is a very relevant tool in terms of interagency approach and threat assessment under the leadership of the Romanian Intelligence Service.
- From that perspective, the participation of SIE and the General Intelligence and Internal Protection Directorate within the Ministry of Administration and Interior as permanent member of the Antiterrorist Operational Coordinating Centre is a very good practice.
- The organisation of information gathering from law enforcement bodies through General Intelligence and Internal Protection Directorate provides with an efficient structure to run information from law enforcement aspects to multi-agency assessments. The General Intelligence and Internal Protection Directorate acts (i) as a head of network for all law enforcement bodies (for instance police, border police, gendarmerie, etc) in terms of intelligence gathering and (ii) as an interface with respect to its role as part of CCOA within SRI.
- All members of the National System for Preventing and Countering Terrorism (SNPCT) are forced by law to provide SRI with information available.

- From a judicial perspective, the General Prosecutor's Office attached to the High Court of Cassation and Justice ensures coherence and coordination of prosecution of terrorist cases, through the Directorate for Investigating Organised Crime and Terrorist Offences (DIICOT) which includes special prosecutors dealing with terrorist cases. In addition to this service for countering terrorist offences, DIICOT also includes a bureau for the evaluation of cases susceptible to generate background facilitating organized crime and terrorist offences.

NOT DECLASSIFIED

- The FIU is a multi disciplinary independent body linked to judicial authorities. With regard to the FIU activities, a new protocol involving SRI was signed. NOPCML signed at 1 November 2005, a Protocol with the Romanian Intelligence Service (SRI) aiming at preventing and combating financing terrorism.

- **NOT DECLASSIFIED**

- **NOT DECLASSIFIED**

- The involvement of law enforcement bodies (mainly police forces and customs) in pilot projects at the borders within the SECI area or in the context of other frameworks (cf Trident project, Joint Investigation Teams involving Police, Customs and led by a Prosecutor, etc) will seriously increase the capacity to collect information with respect to terrorism and organized crime (and illegal immigration).

- The national system for terrorist alert is a very valuable tool.

9.2 Recommendations

NOT DECLASSIFIED