# SOME CONSIDERATIONS ON EUROPEAN SYSTEM OF COMBATING TERRORISM: IMPLICATIONS FOR THE REPUBLIC OF MOLDOVA

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*In the article, the author comprehensively analyzes the European system of combating terrorism. For decades, Europe has suffered from various forms of terrorism. The formation of the legal framework for countering the various manifestations of terrorism has become more active in Europe immediately after the Second World War. Today the international organizations are also actively involved in the fight against terrorism. It should be noted the efforts of the Council of Europe, the EU, the OSCE and the CIS in the field of combating and preventing terrorism. First of all, they have adopted a number of regional international legal instruments that define the parameters of cooperation of the states in the fight against international terrorism. In this context and regarding the fact that the terrorist organization "Islamic state" (IS) mentioned Moldova among the 60 countries, which it considers its enemies, the problem of the terrorism prevention on the territory of Moldova and the international cooperation of our country in the fight against terrorism becomes increasingly relevant.*

**Keywords:** combating terrorism, international organizations, terrorist organization, international cooperation

Terrorism is a serious threat to the democracy in Europe. The understanding of this threat is forcing the Europeans to join forces in the fight against it, because the Europe is the place where the principle of collective solution of international problems is the most pronounced. The experience of European integration in the fight against international terrorism has an important place in the system of universal anti-terrorism cooperation, and therefore requires the analysis.

For decades, Europe has suffered from various forms of terrorism. The formation of the legal framework for countering the various manifestations of terrorism has become more active in Europe immediately after the Second World War. By that time, the political leaders of many countries have seen from their own experience the consequences of thesurfactant attitude towards this problem.Thus began a more intensive process of formation of the international legal framework in the fight against terrorism. Today the international organizations are also actively involved in the fight against terrorism. It should be noted the efforts of the Council of Europe, the EU, the OSCE and the CIS in the field of combating and preventing terrorism. First of all, they have adopted a number of regional international legal instruments that define the parameters of cooperation of the states in the fight against international terrorism.

The Council of Europe started working in this direction among the first. The Agreement on the Suppression of Terrorism was adopted on the 10 November1976 by the Committee of Ministers of Foreign Affairs of the Council of Europe.Laterwas signed the Agreement on Human Rights, which provided working administrative and judicial instruments. It outlawed many kinds of terrorist activities.The European Convention on the Suppression of Terrorism wasadopted inJanuary 27, 1977in the framework of the Council of Europe(the Republic of Moldova ratified the European Conventionon 18 June 1999.)

The activities of the Council of Europe on the fight against terrorism are based on three fundamental principles: Reinforcement of the legal actions against terrorism; Preservation of core values; Carrying out of activities aimed at the elimination of the causes of terrorism [12].

The events on 11 September 2001 in New York and Washington, DC, as well as the attacks in Madrid in 2004 and in London in 2005 havepushed the member-states of the Council of Europe to revise the legal framework of the fight against terrorism.The Council of Europe adopted the Protocol on Amendments to the said Convention in 2003, Council of Europe Convention on the Prevention of Terrorism in 2005, Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism in 2015, Action Plan on the fight against violent extremism and radicalization leading to terrorism in 2015.

The amended Protocol to the European Convention on the Suppression of Terrorism was opened for signing on May 5, 2003.The Protocol contains a number of amendments:

- It expanded the list of offenses, which are not qualified as political or politically motivated;now it includes all the offenses specified by the UN anti-terrorism conventions;

- It simplified the amendment procedure, which allows to add to that list another new violations;

- The Convention was open for accession by the observer countries and other states that are not members of the Council of Europe. They can become members of the Convention after receiving the consent of the Committee of Ministers;

- It provides the possibility of refusing to extradite offenders to the countries where they could face the death penalty, torture or life imprisonment without parole;

- It significantly reduced the possibility of rejection of extradition on the basis of reservations of the Convention.Thus, any refusalis subject to control procedure, which also applies to all obligations, listed in the text of the amended Convention [18].

The Resolution "On Combating Terrorism", adopted at the 25th Conference of European Ministers of Justice, held on 9-10 October 2003 in the Bulgarian city of Sofia, highlights the need of strengthening the international cooperation among member states in this area.

The purpose of the Council of Europe Convention on the Prevention of Terrorism (2005) is to prevent terrorism by the signing parties and to intensify the efforts aimed at the elimination of its negative impact on the protection of human rights, particularly of the right to life.Article 4 established the rules regarding the international cooperation in the field of counter-terrorism.

The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism was meant to solve the problem of "foreign terrorist fighters" and was signedon October 22 in the Latvian capital Riga by the 18 countries. The Additional Protocol is designed for early prevention of terrorism, and includes the restriction of foreign terrorist flows to such countries as Syria and Iraq, qualifying participation in a terrorist group, or travel abroad for terrorist purposes, as well as the preparation, organization and funding of travel for this purpose as a criminal offense [15].

The Action Plan on the fight against violent extremism and radicalisation leading to terrorism has two objectives: to reinforce the legal framework against terrorism and violent extremism; to prevent and fight violent radicalisation through concrete measures in the public sector, in particular in schools and prisons, and on the Internet [9].

It should be noted that there are several specialized structures in the Council of Europethat carry out the fight against terrorism. Among them are the Committee of Experts on Terrorism (CODEXTER), the Committee on Foreign Terrorist Fighters and Related Issues (COD - CTE).

Committee of Experts of The on Terrorism (CODEXTER) follows the implementation part of the Council of Europe legal-Instruments Against Terrorism and coordinates the Council of Europe activities Insider in Combating Terrorism. For 2016-2017, CODEXTER established three priorities: Terrorism and the Internet; Links between terrorism and organised crime; Assessment of possible gaps in the legal framework provided by Council of Europe international legal instruments in the area of the prevention and suppression of terrorism, including with respect to International Humanitarian Law and terrorism and also in relation to the absence of a common definition of “terrorism” in International Law [1].

The Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) was established on 21 January 2015 by the Committee of Ministers of the Council of Europe to prepare a draft Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196). The COD-CTE, composed of experts from Member and Observer States of the Council of Europe, as well as from other relevant international organisations, and working under the authority of the CODEXTER, is mandated to examine the criminalisation of the following acts: being recruited for terrorism; receiving training for terrorism; traveling to another state for the purpose of the perpetration or preparation of terrorist acts; providing or collecting funds for such travels; organising and facilitating such travels.

The efforts of the Council of Europe are aimed at strengtheninglegal measures against terrorism and are based onthe principle that it is possible and necessary to fight against terrorism, while supporting the humanrights, fundamental freedoms and the rule of law.

Today the EuropeanCommunity cannot feel satisfied by the efforts made in the fight against international terrorism.The main thing that is required in order to stop the growth of terrorism is the unification of the wholeEuropeancommunity against terrorist ideology to deprive terrorism of its ideological reasons and to reduce its social base.This should be a main priority in the future activities of the Council of Europe.

It's also worth to mention the European Union'sinitiativesof countering the terrorism, that are a serious attempt of this organization to organize the legal cooperationof the Western European countries in the fight against this phenomenon.

The terrorist attacks in Paris (on January and November 2015) and in Copenhagen (on February 2015), as well as a prevented attack in Belgium (on January 2015), the terrorist attacks in Brussels (the explosions in the Brussels Airport and the Brussels metro at the "Malbek" station) on 22 March 2016 revealed the reality and the extent of the Islamist terrorist threat on the territory of the European Union. It alsoacutely raised the issue about the effectiveness of the European Union anti-terrorist policy.

The events of 11$^{th}$ September 2001 in the US became the turning point in the integration of the EU's efforts in the fight against terrorism, and prompted all the EU Member States to take emergency measures not only nationally, but also on European level. Thus the EU adopted on September 21$^{st}$ 2001 the Action Plan on the Fight Against Terrorism, which called for strengthening the police and judicial cooperation of Member States; development of the legal framework for anti-terrorist activities and prevention of the funding of terrorist organizations [20]. By May 2001, the EU Council, in accordance with regulations against individuals and criminal groups in the fight against terrorism, has developed a list of terrorist organizations.

On December 2001, at the Laeken European Council Summit, EU countries have been formulated common approaches towards the fight against terrorism. The document stipulated that EU member states will seek to create within a single European defense and security policy the necessary capacity to deal with terrorist threats. In practical terms, the states reached a framework agreement on the introduction of a common European arrest warrant (at the initiative of Spain), suppression of the funding channels of the extremist organizations and creation of the common list of terrorist organizations, whose activities should be banned in the EU.

Through close cooperation within the EU were established new specialized agencies for countering terrorist threats: Europol, Eurojust, the Police Working Group on Terrorism, the position of Counter-Terrorism Coordinator of the European Union. Besides, the EU is trying to stimulate anti-terrorist activities by releasing new political and legal acts. Especially intensive went the process of development of a common

counter-terrorism policy after the terrorist attacks in Madrid in March 2004 and in London in July 2005. The EU adopted the "Declaration of Solidarity" in the fight against terrorism (2004), Strategy for combating the financing of terrorism (2004), the Counter-Terrorism Strategy (2005). Moreover, the efforts of the European countries in the creation of a strong legal base for the fight against terrorism are complemented by the legally binding acts and framework decisions adopted by the EU Council [21, p.9]. Among them should be mentioned the decisions on the introduction of a common European arrest warrant, freezing of assets of terrorists and terrorist organizations, cooperation of law enforcement bodies of the European Union on the rapid exchange of information in the fight against terrorism (a special program to create a Legal Enforcement Network - LEN), the introduction of biometric data in the passport of citizens of all EU member states. Particularly noteworthy is the activity of the SitCen – an organization, whose main task is to bring together experts of external and internal security services to analyze the terrorist threats in the EU and third countries; harmonization of strategies; coordination of the activities of border services; training of border guards and systematic assessment of the risks at the borders of the EU through the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), officially opened in July 2005, et al.

It's necessary to take a closer look at the EU Counter Terrorism Strategy [6]. Adopted in 2005, this strategy commits the Union to combating terrorism globally, while respecting human rights and allowing its citizens to live in an area of freedom, security and justice. It is built around four major objectives: prevent, protect, pursue and respond. The idea is to establish close cooperation between the EU Member States in various areas in order to prevent terrorism. These four broad headings encompass various actions taken by the EU in the fight against terrorism:

*Prevent* people from turning to terrorism and stop future generations of terrorists from emerging. *Protect* citizens and critical infrastructure by reducing vulnerabilities against attacks. *Pursu*e impede planning, travel and communications, cut off access to funding and materials and bring terrorists to justice. *Respond* in a coordinated way by preparing for the management and minimisation of the consequences of a terrorist attack, improving capacities to deal with the aftermath and taking into account the needs of victims [14].

The terrorist actions in Paris in January 2015 and the deaths of 17 people led to a wide number of demonstrations by millions of people across France and Europe to honour the victims. During the following weeks questions were raised about the motives of the perpetrators, their degree of association with jihadist groups in Europe and the Middle East and their relationship with previous attacks. Debates have followed about freedom of expression, Islamophobia, but also radicalisation of counterterrorism policies for national and European authorities to deploy in order to respond to these and future terrorist attacks [2, p.1].

The official reaction from the official institutions followed immediately. Starting with a Joint Statement signed in Paris on 11 January 2015 by Ministers of Interior and Justice of the Latvia, Germany, Austria, Belgium, Denmark, Spain, Italy, the Netherlands, Poland, the United Kingdom and Sweden, was followed by an input from the EU Counter-Terrorism Coordinator (CTC) in preparation for the informal meeting of Justice and Home Affairs Ministers in Riga on 29 January, where member states' ministries formally adopted the so-called "Riga Joint Statement", which outlines a set of counterterrorism policy priorities.

The Joint Statement reaffirmed a commitment to fight terrorism and called for strengthening cooperation amongst the participating member states' services and those of relevant partners (US and Canada), as well as enhancing cooperation of law enforcement in order to "prevent and detect radicalisation in an early stage".

The following policy measures were underlined:

- to adopt a European Passenger Name Record (PNR), including intra-EU PNR;
- to amend the rules laid down in the Schengen Borders Code to allow for broader consultation of the Schengen Information System (SIS II) during the crossing of external borders by individuals enjoying the right to free movement;
- to reduce the supply of illegal firearms throughout Europe as a priority in the European Multidisciplinary Platform Against Criminal Threats (EMPACT);
- to establish "the detection and screening of travel movements by European nationals crossing the European Union's external borders", the focus being on more extensive detection and monitoring of certain passengers;
- to develop the partnership of the Internet providers, allowing for a reporting of material that aims to incite hatred and terror and the condition of its removing;
- to support the activities of the Radicalisation Awareness Network (RAN) [2].

On 12th February 2015 was signed the declaration of the members of the European Council that defined three priorities: to guarantee citizens' safety via the improved use of existing tools, to prevent radicalisation and to protect the Union's values, to cooperate with the Union's partners at international level [2]. The "European Agenda on Security 2015-2020" presented by the European Commission on 28th April 2015 also places the fight to counter terrorism and radicalisation at the heart of the new strategy [5].

The Paris attacks on 13 November 2015 indicate a shift towards a international dimension of the Islamic State to carry out Special Forces style attacks in the international environment. This and the growing number of foreign fighters have posed new challenges for EU Member States. The threat of further terrorist attacks in Europe remains high. Therefore, there is a great need within the European Union to strengthen the response to terrorism, to suspected terrorist networks and foreign fighters, and have an improved strategic understanding of threats.

EU counterterrorism policy responses to the Paris events raise two fundamental challenges:

- A first challenge is to the freedom of movement, Schengen and Union citizenship. The priority given to the expansion in the use of large-scale surveillance and monitoring of all trave-lers including EU citizens stands in contravention of Schengen and the free movement principle.

- A second challenge concerns the EU democratic rule of law. Current pressures calling for an urgent adoption of measures like the EU PNR challenge the scrutiny roles held by the European Parliament and the Court of Justice of the European Union on counterterrorism measures in a post-Lisbon Treaty setting [2].

In January 2016 was launched the European Counter Terrorism Centre as it was foreseen in the European Agenda on Security put forward by the European Commission. ECTC will focus on tackling foreign fighters and sharing intelligence and expertise on terrorism financing, illegal arms trafficking, and online terrorist propaganda and extremism [6].

So, to ensure a more effective fight against terrorism the EU needs to establish a permanent and open dialogue between intelligence agencies and law enforcement authorities and citizens in order to improve public and private security. Without this dialogue and close cooperation, the policewill not be able to solve such a pressing problem as terrorism. It is necessary to create within the EU a system, which will include not only the special prompt military actions, but also economic, political, social, ideological, propaganda measures aimed at combating terrorism. In order to reducethe social base of terrorism, it is necessary to create conditions for the solution of social, national and spiritual problems of all social and ethnic groups. This should be the main focus of the activity of political and social structures of the EU.

Even more significant mechanism in the fight against terrorism is the OSCE, whose potential can be directed to the general anti-terrorist initiatives.As one of the key elements of a new European security architecture, the OSCE, with its unique composition of participants, the experience of interaction of the member-states and a toolkit of tested instruments in matters of security and cooperation can make a contribution to the fight against international terrorism.

The OSCE commitments in the field of the fight against terrorism are extensive and include, the obligation of all member-states to ratify all UN conventions and protocols on combating terrorism. However, the OSCE Strategy this area is based on the Bucharest Plan of Action for Combating Terrorism adopted at the 9th meeting of the OSCE in December2001,Foreign Ministers., Bishkek Programme of Action, adopted at the International Conference held on 13-14 December2001, the Charter of antiterrorist cooperation signed in 2002 and others.

The Bucharest Plan of Action for combating terrorism contains the following agreements:

[...] Participating States/Permanent Council/ODIHR/High Commisioner on National Minorities (HCNM)/Representative on Freedom of the Media:

- Will promote the assertion of human rights, tolerance and cultural diversity;

- Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups, as well as the constructive cooperation between the participating States in this regard;

- Will provide the early prevention of the possibility of violence, intolerance, extremism and discrimination against these groups, to adequately respond to such cases and at the same time to contribute to the manifestation of the respect for the rule of law, democratic values and individual freedom;

- Will ensure that persons belonging to national minorities have the right to freely express, preserve and develop their ethnic, cultural, linguistic and religious identity [13 , p.44].

The OSCE is actively cooperating with a number of regional and subregional organizations in the exchange of experience and promotion of the best practices in the fight against terrorism. That's why the OSCE created the Antiterrorism division in 2002, which serves as a focal point for counter-terrorism activities of the OSCE and contributes to its development. The Division assists OSCE member-states in the implementation of their commitments in the fight against terrorism, strengthening their capacity to prevent and combat terrorism [10].

The Antiterrorism division promotes and strengthens the international legal framework against terrorism. It also works in collaboration with the United Nations Office on Drugs and Crime (UNODC). The Division organizes national and subregional workshops to facilitate the promotion of ratifications of the 16 universal counter-terrorism conventions and protocols.

Another regional organization involved in the fight against international terrorism is the Commonwealth of Independent States.

The CIS made a number of positive steps in the fight against international terrorism and other threats to the security of the Commonwealth. The result of the cooperation is the development and signing of the Agreement on cooperation of CIS member states in the fight against terrorism (4 June 1999), as well as the establishment of the Antiterrorist Center of the CIS member states on 1 December 2000. Other achievements of the CIS is the adoption of the Regulation on the procedure for organizing and conducting joint anti-terrorist operations on the territory of member-states (October 7, 2002) and the Concept of cooperation of the CIS in the fight against terrorism and other violent manifestations of extremism (2005), which states that modern terrorism and extremism directly threaten the interests of the CIS members, as well as the world community. One of the most recent results is the development of the Concept of counter-terrorism activities in rail transport of the CIS members, signed on May 31, 2013.

The CIS Antiterrorist Center continuously monitors the operational situation in the fight against international terrorism and other manifestations of extremism, identifies and predicts tendencies of its development, creates specialized data bank on the basis of which it makes recommendations to the competent bodies of the CIS

countries on the issues of the fight against terrorism. The center collects and extends the existing positive experience of combating terrorism and extremism through the competent bodies of the CIS states. It participates on a scheduled basis in the organization and training of employees of special divisions of the CIS states, takes part in the preparation of teaching materials and international scientific conferences and seminars, supports and develops working contacts with international centers and organizations involved in the fight against terrorism [11].

The CIS Antiterrorist Center is unique in its kind and rightfully occupies a leading position among regional and sub-regional anti-terrorist structures that are recognized by the international community. The center is authorized by the Counter-Terrorism Committee of the UN Security Council to conduct the counterterrorism activities pursuant to UN Security Council Resolution 1373 (2001) on the territory of the CIS member-states. Today the priority tasks of the Center are:

- the improvement of the system of coordination between the competent bodies of the CIS member states in the fight against international terrorism and other manifestations of extremism;

- the accumulation, generalization and analysis of information on the state, dynamics and trends of international terrorism and other manifestations of extremism in the CIS member-states and other countries;

- the participation in the preparation and carrying out of anti-terrorist tactical exercises organized on the basis of the decision of the heads of the CIS countries, the development of models of antiterrorist operations and the assistance in their implementation;

- the development of proposals to the Council of the Commonwealth of Independent States, and other bodies of the CIS on the directions of development of cooperation of CIS member states in the fight against international terrorism and other manifestations of extremism;

- the participation in the preparation of laws, regulations and international agreements concerning the fight against international terrorism and other manifestations of extremism [19].

Since the end of 2002 the Centre conducted research work with the active assistance of the Scientific Advisory Council of the CIS Antiterrorist Center.

In 2015 and 2016 was recorded a considerable worsening of the security background during to the increasing terrorist threats in most of the countries. The 2015 began and end up with tragic shots in Paris. In January happened the attack on the satirical magazine "Charly Hebdo" and a Jewish supermarket, which killed 17 people. In November 2015 the Islamists killed 130 people in Paris and the suburbs of the French capital. On 22 March 2016, three coordinated nail bombings occurred in Belgium: two at Brussels Airport in Zaventem, and one at Maalbeek metro station in Brussels. As a result, 35 people, including three suicide bombers, were killed and over 300 others were injured.

The instability and military conflicts in the Middle East increases the risk of terrorism throughout the European continent, generating flows of refugees from conflict zones. Regional security context places Moldova in a setting with the potential risk of terrorist activity [8].

In this context and regarding the fact that the terrorist organization "Islamic state" (IS) mentioned Moldova among the 60 countries, which it considers its enemies, the question of the prevention of terrorism on the territory of Moldova and the international cooperation of our country in the fight against terrorism becomes increasingly relevant. The international legal basis for cooperation of the Republic of Moldova in the field of counter-terrorism includes: a) the agreements between states: universal conventions, regional agreements, bilateral treaties on legal assistance in criminal matters; b) the documents of international organizations.

The cooperation of states in the fight against terrorism is a set of principles and rules governing the activities of public authorities in international cooperation to combat terrorism. The Art. 4 of the Law on the fight against the terrorism, adopted by the Parliament on 12 October, 2001, stipulates that the Republic of Moldova in accordance with international treaties cooperates in the fight against terrorism with the law enforcement bodies and special services of other states, as well as with international organizations in this field. Guided by the interests of ensuring the security of the individual, society and the state and in accordance with the laws of the Republic of Moldova, it pursues on its territory persons involved in terrorist activities.

It should also be noted that the Republic of Moldova is closely cooperating with the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the European Union in the field of democratic reforms, the rule of law and the compliance of national law and practices in the field of human rights to the relevant international standards , as well as in the fight against terrorism.

Moldova is not regarded as a target for terrorist groups, but the intensification of negative processes on regional and international level requires the national authorities to boost thepreventive measures and early detection of possible risk to national security [3].

In order to combat international terrorism, the Republic of Moldova will improve the existing legal framework and institutional system, and will strengthen its inter-agency cooperation and coordination by establishingcooperative relations with the relevant units.

In this regard it is worth noting the effective activity of the Moldovan secret services in the fight against terrorism. For instance the Intelligence and Security Service of Moldova has busted a transit of terrorism related elements. The service has foiled the attempt of a group of foreigners, natives of the Russian Federation and Tajikistan, to cross the country in order to reach Syria as their possible final destination point. Meanwhile, the Intelligence and Security Service in collaboration with the Ministry of Internal Affairs undertook a complex of special antiterrorist activities

which helped to identify and annihilate a terrorist cell, composed of foreign nationals believed to be members ISIS who intended to travel to Syria [4].

According to some experts on our territory can hide militants involved in some operations abroad or the wounded who came for treatment. Also, they can hide from justice of other countries. At the same time, the citizens of the USA, France, Germany and Russia, or the staff of diplomatic missions of these countries could become the target of the terrorist acts on the territory of our country [17].

So, neither the advanced countries, nor the developing countriesare not immune to outbreaks of terrorism. Today the European Community cannot feel satisfied by the efforts made in the fight against international terrorism. The main thing that is required in order to stop the growth of terrorism is the unification of the whole European community against terrorist ideology to deprive terrorism of its ideological reasons and to reduce its social base. This should be a main priority in the future activities of the Council of Europe.

Considering that currently in our country live the citizens of the countries, where terrorist acts are considered as a form of political struggle, it is necessary to tighten control over the process of the entry into the country and the obtainment of the citizenship of the RM.

Among the possible areas of international cooperation which the Republic of Moldova could join are: the joint exercises of antiterrorist units of security services; the exchange of technologies and experience in carrying out the anti-terrorist operations; the development and improvement of legislation and international legal norms of cooperation in the fight against terrorism; the development of a mechanism ofextradition bethe State of their citizens or foreign persons ontheir territory who are accused ofterrorist acts.

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