

**Report of the Republic of Moldova on the implementation of the
Programme of Action to Prevent, Combat and Eradicate the Illicit Trade
in Small Arms and Light Weapons in all its aspects**

At the present moment, the regime of arms and ammunitions on the territory of the Republic of Moldova is regulated by the Law on arms adopted on the 18th of May 1994 and by the Governmental Decision adopted on the 18th of January 1995 “on the measures for implementing the Law of the Republic of Moldova nr. 110-XIII from the 18th of May 1994”.

The import of arms into the territory of the Republic of Moldova is unfolded by economic agents licensed in this domain, as well as by natural entities. At the present moment there exist 4 (four) of such economic agents, that at the same time with the above mentioned activity are licensed and hold the right to commercialize arms and afferent ammunitions. In this sense, and in compliance with the provision of the law, the arms are being commercialized only through specialized shops, authorized by the Ministry of Internal Affairs.

The arms can be repaired only in specially designed repairing shops that have the statute of economic agents and are registered in the established way; they hold a license for unfolding such an activity and have the authorization of the Ministry of Internal Affairs.

The license permitting to unfold the commercial activity is issued to the economic agent only after a strict verification, in conformity with the database of the Ministry of Internal Affairs, of all the staff that will be employed in this economic unit. This fact gives the possibility to find out if the database contains or no some compromising information regarding a certain person that applied for the job.

The authorized services of the Ministry of Internal Affairs coordinate the activity of those economic agents, assuring a strict control of arms and ammunitions that are being imported and commercialized, as well as of the conditions of their storage. Periodically there are organized general controls, conducted by inspectors from different fields of activity (accountability, fiscal department, arms control, customs, etc.)

The present legislation grants the private property right on arms of small caliber and ammunition to natural entities that have reached the age of 18 years old, that do not have medical limitations in handling arms, have not committed criminal offences or whose criminal record was extinguished in the established way and reside on the territory of the country.

Natural and legal entities, holders of the property right on arms of small caliber, can purchase arms and ammunition only on the base of an authorization issued by the police bodies, in the way established by the law.

The registration and record of all arms, property of natural and legal entities, is also accomplished by the police bodies, in accordance with the administered territory.

In such a way the Ministry of Interior is represented as the main institution meant to coordinate the efforts of managing the activity of preventing and combating illicit manufacture, trafficking, trade and other actions in this domain.

In the same time, in dependence of the competence those basic functions are also attributed to the customs, border guard troops, State Ecologic Inspectorate.

Due to the fact that some regulations of the present Law on arms do not integrally reflect the correct notions of arms and the restrictions on their circulation, and others need to be brought in compliance with the provisions of international conventions for protecting human rights, as well as for reflecting the experience of other states in this domain, the Ministry of Internal Affairs elaborated a draft of the new law on arms and passed it to the Government.

We hope that this law draft will be adopted by the legislative body, fact that will entail an essential improvement of arms and afferent ammunitions control and their circulation on the territory of the country.

But until the abovementioned law draft will be approved and will enter into force, in order to better control the current situation, are taken other special measures, adopted new normative acts and introduced amendments to the law in force – so as to contribute to the improvement of the control and evidence of arm circulation.

In such a way, recently, in order to exclude the possibility to authorize a person with criminal record to posses an arm, with the initiative of the Ministry of Internal Affairs, a new Governmental Decision was adopted that prohibits the issuance of

authorizations for arm possession to a person that committed before a serious crime with using an arm.

As a decision making factor, the Ministry of Internal Affairs of the Republic of Moldova strictly controls and permanently unfolds special operations for discovering, stopping and registering certain criminal groups at their initial stage, that lately could have links with illegal activities of arms circulation; those operations involve all the operative units. Even if the aim of the special operation is to discover and prevent other types of illicit actions, still the fact of finding out illegally possessed arms and ammunitions remains an important moment of every operation.

In order to obtain an enhanced efficiency of those operations, members of different civil organizations, economic agents that unfold detective and guarding activity, popular guards, etc. are also involved.

For example, recently, the officers of Criminal Police conducted a range of complex operative-investigative measures that helped them to discover an armed criminal group, composed of 8 members, that acted in the south part of the country and committed several serious crimes. From the arsenal of this criminal group were ceased 5 arms of small caliber, including an automat pistol “Kalashnikov” and 1750 ammunitions.

The mentioned criminal group was accused for being the author of 26 armed robberies and 22 property thefts.

In October of the 2002, police officers discovered another criminal group, composed of 3 members, in whose apartment was discovered a whole arsenal of arms and ammunitions, numerous false identity documents.

Two persons were Russian citizens, suspected of murdering the deputy of the Legislative Body of Sankt-Peterburg city – citizen Novoselov V.S.

In total, during the referred period, police officers also managed to disarm other criminal groups ceasing 1442 small caliber arms and 16854 ammunitions in illegal possession.

During the year 2002 and the first three months of the year 2003, on the territory of the Republic of Moldova were registered 210 crimes committed with using small caliber arms. It is important to mention the fact that legally possessed arms, meaning arms registered with the police, were applied for committing crimes only in 13 cases.

More than that, crimes committed with using arms that are registered are quicker discovered, because the tubes and cartridges of this category of arms are recorded in the ballistic collection of the Ministry of the Internal Affairs.

Note: all the small caliber arms, as a compulsory condition, have to pass the shooting test with the internal affairs bodies and are registered in the collection of tubes and cartridges.

An important aspect of the referred domain – the illegal possession of arms by citizens, in the majority of cases is motivated by the need of assuring personal security and for defending private property.

Not every time, the arm purchasing process is performed in a legal way, because the price of an unregistered arm is substantially smaller than the price of the same arm in an authorized shop. Some people poses firearms received as presents, others become arms holders by heritage. The illegal arm possession can be also motivated by the fact that the psychology of the population is guided by the desire to just posses an arm, but notwithstanding the reason why a person wants to poses an arm, the legal limits should not be surpassed.

The Criminal Code of the Republic of Moldova contains provisions for sanctioning illegal possession, manufacture and trade of arms, explosive substances and ammunitions.

In such a way, for violating the provisions for manufacturing, possessing and commercializing arms and ammunitions there is established a criminal liability – deprivation of liberty up to 5 years. In the same time, according to the new Criminal Code that is to enter into force, the criminal liability for committing such offences will be the deprivation of liberty up to 10 years.

The problem of realizing the need of voluntary transmission of illegally possessed arms is permanently discussed by the internal affairs bodies and by the government of the country.

Respectively, we undertake concrete measures for popularizing and promoting the idea of the importance of transmitting illegally possessed arms.

Periodically we publish in mass-media articles that reflect the obtained results in fighting illegal possession, manufacture and trade of arms by the citizens or criminal groups. We plan and organize meetings of police officers with the population for

convincing the citizens to voluntarily transmit illegally possessed arms. During the hunting period, nearly all the hunters are involved in providing information referring to the illegal possession of arms by persons that practice poaching.

Still the increase of crimes committed with the use of firearms illegally possessed, alerted not only the Ministry of Interior but also the high governmental officials. This delicate aspect of the problem determined us to elaborate a normative act that will permit to register the illegally possessed arms, in accordance with assuring the protection of fundamental human rights and freedoms, aiming in this sense at preventing crimes committed with the use of arms.

The increase of the efficient control of arms circulation on the territory of the country is another problem that, in December 2002, generated a Governmental Decision, passed at the initiative of the Ministry of Internal Affairs. This Governmental Decision allows the citizens, during a 6 month time period, to register the illegally possessed arm, after the voluntary declaration of the fact to the police bodies.

On the base of this Governmental decision, persons that have voluntarily transmitted the arm to the police bodies or that have asked to register the illegally possessed arm are not asked to certify the provenience of the arm, with the exception of the arms that were used for committing crimes.

The voluntary arm registration is performed only after the ballistic expertise made with the internal affairs bodies, in order to establish the fact whether the arm was used or not for committing crimes. In the case in which it is discovered that the arm is mentioned in a criminal file, the person that brought the arm to the police will not be hold liable for it.

There are many examples when while verifying illegally possessed arms it was discovered that the arm is in criminal search as being stolen or lost before, or arms that were used for committing crimes.

The process of passing this normative act was accompanied by officially publishing and commenting this procedure in the majority of the periodical newspapers, were organized TV broadcastings with the participation of responsible persons from the Ministry of Internal Affairs, so as to familiarize the citizens with the fact that it is possible to transmit the illegally possessed arms, as well as informing them about the facilities offered by the mentioned Governmental Decision.

Similar governmental actions were unfolded in 2000, by adopting an analog Governmental Decision. As result of that action the police officers registered more than 4200 small caliber arm units in illegal possession.

Analyzing the source of provenience of the illegally possessed arms that were voluntary deposited with the police bodies proves the fact that the great majority of those arms are brought from the territory of Transdnestria and are actually military arms belonging before to military forces.

The registration of small caliber arms in private property of natural and legal entities is accomplished by means of an electronic recording program „Arms register” created by the Ministry of Internal Affairs. At the present moment this program is implemented and used at territorial level, but due to the lack of financial sources the centralized stocking and integration of the information is not yet possible.

Aware of the full responsibility of the Ministry of Internal Affairs of the Republic of Moldova in the referred domain, the management of the ministry was and is still concerned with assuring the implementation in its activity of the international standards in matters of control over arms circulation.

Unfortunately all above-mentioned measures cannot be held in the transdnestrian region of Moldova that is controlled by a separatist regime. In recent years, in this region there has been recorded illegal production of different types of armaments, including small arms, light weapons. The Department for the Fight Against Organised Crime of the Ministry of Interior of the Republic of Moldova permanently registers pistols produced in the transdnestrian region of Moldova that are originally made with silencer – the final purpose of such weapon is obvious. Also, of great concern remains the problem of the proliferation of weapons that, through some third countries, have reached other conflict zones, supporting terrorist and criminal groups, as well as secessionist movements. More recent operative data suggests that the SALW produced in the transdnestrian region ended up in Abkhazia, Georgia and were used in the recent active combat in Chechnya, Russian Federation. The separatist authorities are interested in the perpetuation of illegal trade with weapons as this serve as a source of continuous funding for them. As a result SALW reach criminal groups or are “re-exported”. According to the existing data, the majority of the crimes committed in Moldova with

the use of the firearms were perpetrated with unregistered weapons. Thus, during 2002, out of 117 crimes with the use of weapons 10 were done with registered firearms.

In these circumstances, any control over the production, marking, tracing and movement of weapons is at least difficult, if not impossible and these make considerably more difficult the implementation in the whole region of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects as well all the relevant regional documents.

Moreover, the presence of Russian forces constitutes a major impediment for the settlement process of the transnistrian conflict and contributes to the maintenance of the obstructionist and intransigent position of the leaders of Transnistrian region of the Republic of Moldova as well to its unwillingness to change the status quo.

In this context, the Republic of Moldova is firmly convinced that the withdrawal of Russian forces from the transdnestrian region until 31 December 2003, as it stated in the Declaration on Moldova adopted at the Ministerial Meeting of the OSCE in Porto, will contribute enhancing the security and stability in the region and will determine the sustainable solution for the Transdnestrian conflict.

Other key-element for the solution of the Transdnestrian conflict is that to secure the Eastern frontier of the Republic of Moldova, particularly, through reinforcing the control at the cross-border points along the Transnistrian segment of the Moldovan-Ukrainian state frontier.

In this regard, taking into account that the constitutional authorities of the Republic of Moldova are not able to exercise the control over the territory under the separatist administration, a great contribution would be the adequate cooperation of the Ukraine in a view to set the common custom control on the Ukrainian territory of the state border.