

Draft Law on Combating Extremist Activity

Official Translation

Final Draft

LAW ON COMBATING EXTREMIST ACTIVITY

The Parliament adopts the present organic Law. With a view to protecting the rights and freedoms of the individual, the fundamentals of the constitutional regime, and to ensuring the integrity and security of the Republic of Moldova, the present Law establishes the legal and organizational framework for combating extremist activity and the responsibility for conducting such an activity.

Article 1. Principal Terms

In the context of the present Law, the principal terms employed have the following meanings:

extremist activity (extremism):

a) activity of a public or religious association, mass media establishment or other organization, or of a physical entity with the aim of planning, organizing, preparing, or implementing actions with the purpose of:

- forcible change (overthrow) of the constitutional regime and violation of the integrity of the Republic of Moldova;
- undermining the security of the Republic of Moldova;
- usurpation of state authority or official power;
- organization of illegal armed units;
- terrorist activity;
- incitement to racial, national, and religious hatred, as well as to social hatred, through violence or call to violence;
- disgrace to the national dignity;
- incitement to mass disorders, to hooliganism or vandalism acts, on motives of ideological, political, racial, national or religious hatred or hostility, as well as on motives of hatred or hostility toward a social group;
- propagation of exclusiveness, superiority or inferiority of citizens according to their religious affiliation, or depending on their race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property, or social origin.

b) propagation and public display of nazi attributes or symbols, or similar attributes or symbols that can be confounded with the nazi attributes or symbols;

c) financing or contributing in any other way to the implementation of aforementioned actions, including through provision of financial means, real estate, didactic, polygraphic, and logistic resources, telephone, fax, and other types of communication means, as well as information services;

d) calling in public to conducting aforementioned actions;

extremist organization - a public or religious organization, mass media establishment, or other organization against which a final court ruling is issued on the cessation or suspension of activity on motives of conducting extremist activity, under the present Law;

materials of extremist nature - documents or other information, including anonymous information for the public, calling to extremist activity, providing arguments or justifying the

necessity of extremist activity, or justifying the practice of committing war crimes, or other crimes related to the partial or total extermination of an ethnic, social, racial, national or religious group.

Article 2. Basic Principles of Combating Extremist Activity

The combating of extremist activity is based on the following principles:

- a) recognition, respect, and protection of the human rights and freedoms, as well as of the legitimate interests of the organizations;
- b) legality;
- c) transparency;
- d) ensuring the security of the Republic of Moldova;
- e) priorities of counter-extremism measures;
- f) cooperation of the State with the public or religious associations, mass media or other organizations, and physical entities in the combating of extremist activity;
- g) inevitability of punishment for the conducting of extremist activity.

Article 3. Principal Directions in the Combating of Extremist Activity

The counter-extremism activities shall be performed on the following principal directions:

- a) adopting prophylactic measures as to prevent the extremist activity, including the identification and elimination of reasons and conditions encouraging extremist activity;
- b) detection, prevention, and termination of the extremist activities conducted by the public and religious associations, by mass media, and other organizations and physical entities.

Article 4. The Subjects Empowered to Combat Extremist Activity

Central and local public authorities shall participate in the combating of extremist activity in the limits of their competencies.

Article 5. Prophylactics (Prevention) of the Extremist Activity

With a view to combating extremist activity, the central and local public authorities shall implement, in the limits of their competencies, and as a priority, prophylactic measures, including educational and propaganda measures, aimed at preventing the extremist activity.

Article 6. Responsibility of a Public or Religious Association or Other Organization for Conducting Extremist Activity

- (1) The creation and activity of public and religious associations, as well as of other organizations, the objectives of which involve extremist activity, are prohibited in the Republic of Moldova.
- (2) In case if actions denoting extremism are ascertained in the activity of a public or religious association or other organization, including in the activity of at least one of its territorial or other subdivisions, the organization shall be warned in written form about the inadmissibility of conducting such actions, with the indication of concrete reasons for the warning, including the violations committed. In case if measures to remove the committed violations are possible, the warning shall also indicate the term for the implementation of such measures, which shall be one month from the date of warning.
- (3) The warning of the public or religious association or other organization shall be issued by the General Prosecutor or his Deputy or by the respective prosecutor from his subordination or his deputy or by the Ministry of Justice or the State Agency on Churches and Religious Organizations.
- (4) The warning may be challenged in court, according to the established procedure.

(5) If the warning has not been challenged in court, according to the established procedures, or has not been ruled as illegal by the court, and if the respective public or religious association or organization or one of its territorial or other subdivisions has not removed the irregularities which generated the warning in the term provided, or if in the course of 12 months from the date of the warning new actions denoting the existence of signs of extremism have been ascertained, on the basis of the claim of the General Prosecutor or his Deputy or the respective prosecutor from his subordination or his deputy or of the Ministry of Justice or the State Agency on Churches and Religious Organizations, the court shall issue the ruling on the cessation or suspension for a period of up to one year of the activity of the public or religious association or organization.

(6) In case if the court ruled, on the basis of the present Law, for the cessation or suspension of activity of the public or religious association or organization, the activity of its territorial or other subdivisions shall be terminated or suspended as well.

Article 7. Responsibility of a Mass Media Establishment for the Dissemination of Materials of Extremist Nature and for Conducting Extremist Activity

(1) Dissemination through mass media of materials of extremist nature and conducting by mass media of extremist activity is prohibited in the Republic of Moldova.

(2) In case if a mass-media establishment disseminates materials of extremist nature, or actions denoting extremism are ascertained in its activity, the state organ that registered this mass media establishment or the General Prosecutor or his Deputy or the respective prosecutor from his subordination or his deputy shall issue a written warning to the founder and (or) the editorial board (editor-in-chief) of this mass media establishment about the inadmissibility of such actions or activity, with the indication of concrete reasons for the warning, including the irregularities committed. In case if measures to remove the committed violations are possible, the warning shall also stipulate the term for the implementation of such measures, which shall be of up to one month from the date of warning.

(3) The warning may be challenged in court, according to the established procedure.

(4) If the warning has not been challenged in court, according to the established procedures, or has not been ruled as illegal by the court, and if the irregularities which generated the warning have not been removed in the term provided, or if in the course of 12 months from the date of the warning new actions denoting the existence of signs of extremism have been ascertained in the activity of the mass media establishment, on the basis of the claim of the state organ that registered this mass media establishment or of the General Prosecutor or his Deputy or the respective prosecutor from his subordination or his deputy, the court shall issue the ruling on the cessation or suspension for a period of up to one year of the activity of the mass media establishment.

(1) With the aim of non-admitting the continuation of dissemination of the materials of extremist nature, the court may suspend the selling of the respective edition of the publication or the circulation of audio-video tapes of the respective program or the launching of the respective audio-visual program, according to the provided procedure, in order to implement measures supporting the action.

(2) The court decision provides grounds for the confiscation of the unsold part of the circulation of the mass media production, containing materials of extremist nature from the storage facilities, from the retail or wholesale shops.

Article 8. Inadmissibility to Use Public Telecommunication Networks for Conducting

Extremist Activity

(1) The use of public telecommunication networks for conducting extremist activity is prohibited.

(2) If the public telecommunication networks are used for conducting extremist activity, measures provided by the present Law shall be applied, taking into account the particulars of relations in the field of telecommunications, regulated by the legislation.

Article 9. Combating the Dissemination of Materials of Extremist Nature

(1) Publishing (directing) or dissemination (broadcast) of printed, audio-visual or other materials of extremist nature is prohibited in the Republic of Moldova.

(2) The extremist nature of the materials is to be established by the court, upon the petition of the prosecutor.

(3) The court decision on the extremist nature of the information material provides grounds for the confiscation of the unsold part of the circulation.

(4) If in the course of 12 months the organization publishes twice materials of extremist nature, the court shall rule on the termination of its editorial activity.

Article 10. The Record of Materials of Extremist Nature

(1) The Ministry of Justice keeps a record of materials of extremist nature.

(2) The copy of the court decision on the extremist nature of the information material shall be sent to the Ministry of Justice, which shall issue an order on including the respective material in the record of materials of extremist nature.

(3) The order concerning the introduction of the material into the record of materials of extremist nature shall be published in the Official Monitor of the Republic of Moldova and in the national mass media.

(4) The order concerning the introduction of the material into the record of materials of extremist nature may be challenged in court, according to the established procedure.

(5) Dissemination of the materials included in the record of materials of extremist nature on the territory of the Republic of Moldova is prohibited.

(6) The persons responsible for the preparation, dissemination or illegal storage with the purpose of subsequent dissemination of the aforementioned materials shall be punished under administrative or criminal law.

Article 11. Responsibility of an Official Person for Conducting Extremist Activity

(1) Statements on the necessity, admissibility, possibility, or opportunity to conduct extremist activities by an official person, in public or while exercising his/her function, or with the indication of the position held, as well as lack of actions by the official person as to combat extremism in the framework of his/her competencies are subject to liability according to the law.

(2) State competent bodies and the hierarchally superior official persons are obliged to take urgent measures to punish the persons that committed the actions provided in para. (1).

Article 12. Responsibility of the Citizens of the Republic of Moldova, of Foreign Citizens, and Stateless Persons for Conducting Extremist Activity

(1) For conducting extremist activities, the citizens of the Republic of Moldova, foreign citizens, and stateless persons are liable under criminal, administrative, and civil law, according to the procedure established by the legislation.

(2) In order to ensure State and public security, on the basis and in accordance with the law, the person that has participated in the conduct of extremist activity may be limited, by a court decision, in the access to functions in the public service, contract military service, law enforcement bodies, educational institutions and non-state investigation-protection services, for a period of up to five years.

(3) In case if the leader or a member of the public or religious association or other organization makes a public statement calling to the conduct of extremist activity, without mentioning it being his/her personal opinion, and in case if there is a final court ruling on this person's offense of extremist nature, the respective public or religious association or organization is obliged to express

in public its disagreement on the statements or actions of this person, within a brief timeframe. If the respective public or religious association or organization does not make such a statement, this may be interpreted as a fact denoting signs of extremism in its activity.

Article 13. Inadmissibility to Conduct Extremist Activity During Assemblies

(1) It is not permitted to conduct extremist activity during assemblies. The organizer of the assembly is responsible for complying with the provisions of the Law on Organization and Conducting of Assemblies and other normative acts on the non-admittance of extremist activity and its timely combating.

(2) Involvement of extremist organizations and their logos or attributes, as well as dissemination of materials of extremist nature are not permitted during assemblies.

(3) In case circumstances provided in para. (2) are identified, the organizer of the assembly or other person responsible for its conducting is obliged to take immediate actions as to eliminate the mentioned irregularities. Non-observance of these obligations shall cause the suspension of the assembly on the request of law enforcement authorities and to the liability under law of the organizer of the assembly or other person responsible for conducting the assembly.

Article 14. International Cooperation in Combating Extremism

(1) The activity of foreign public or religious associations or other organizations and their structural subdivisions, recognized as extremist in accordance with the acts of the international law and the legislation of the Republic of Moldova is prohibited in the Republic of Moldova.

(2) If a final court ruling on the cessation or suspension of activity of a foreign organization is in place, the competent state organ of the Republic of Moldova is obliged to announce, within ten days, the diplomatic representation or consular institution of the respective state in the Republic of Moldova about the cessation of activity of this organization on the territory of the Republic of Moldova, or about the suspension of its activity, and its consequences.

(3) In accordance with the international treaties to which the Republic of Moldova is a party, the Republic of Moldova shall cooperate in the field of anti-extremism with foreign states, with law enforcement and special services of these states, as well as with the international organizations fighting extremism.

Article 15. Final and Intermediary Provisions

(1) Within one month, the Government shall submit to the Parliament proposals on adjusting the current legislation to the present law.

PRESIDENT OF THE PARLIAMENT