



PUBLIC MINISTRY

PROSECUTOR'S OFFICE
ATTACHED TO THE

HIGH COURT OF CASSATION AND JUSTICE



DIRECTORATE FOR INVESTIGATING
ORGANIZED CRIME AND TERRORISM

ROMANIA



1. FOREWORD



DIICOT Chief Prosecutor

Almost 24 years since the assassination by La Cosa Nostra of Italian magistrates Giovanni Falcone and Paolo Borsellino, regarded by Time Magazine, very rightfully, as the heroes of the second half of the 20th century, and 16 years since the adoption in Palermo of the United Nations Convention Against Transnational Organized Crime, the fight in Romania against organized crime, domestic and transborder, is an action priority for the law enforcement system in order to put in place a space of social security.

In the year 2003 Romania implemented into national law, in the form of Law #39/2003, the main international standards in the matter of fighting organized crime.

A year later, in 2004, the Prosecutor's Office Attached to High Court of Cassation and Justice received a new department, called the **Directorate for Investigating Organized Crime and Terrorism (DIICOT)**, under Law #508/2004, still in force today. Thus a structure was established that was staffed with prosecutors specializing in organized crime and terrorism investigations in Romania. Since that date, with the crucial support of the national strategic partners in the law enforcement system, the DIICOT prosecutors have been seeking the most appropriate response to the complex and versatile phenomenon of organized crime.

In their activity, starting with the very first cases they filed, the DIICOT prosecutors have worked on the basis of a **proactive** approach of this criminal conduct.

Today our vision relies on three pillars:

I. A better understanding of the risks and threats

Effectively adjusting the response to various forms of organized crime offenses crucially depends on the quality of available intelligence. We are working to contribute to building a national risk and threat assessment mechanism that can integrate the available intelligence from both domestic and foreign sources. The effectiveness of the response will be measured on

the basis of how accurate our understanding of the phenomenon becomes, as arising from this operation of this national mechanism, which should also provide periodical updates. We are not working alone; we are part of a synergetic system. The quality of our national and international cooperation with providers of intelligence that can be turned into evidence is crucial for success.

II. Strengthening DIICOT’s operational capacity

Adapting special investigative techniques and an appropriate tactical approach to the contemporary manifestations of organized crime and terrorism are a constant concern of the management of the specialist prosecutors’ structure named DIICOT.

Our response is focused on the one hand on the risk areas that have been identified at European level (cybercrime, migrant smuggling, intra-community trade fraud, money laundering, counterfeit or sub-standard products that have an impact on public health and safety, production of synthetic drugs and new psycho-active substances, trafficking in human beings, organized burglary and theft), and on the other hand on the regional manifestation specificities or organized crime.

Quick access to useful intelligence, quick analysis thereof and increased reaction speed are only a few of the goals in our effort to increase operational capacity.

Not lastly, a priority in our action is strengthening the capacity to perform parallel financial investigations so as to track, identify and seize criminal proceeds towards an eventual forfeiture.

III. Strengthening the capacity for international cooperation and representation

In looking at the trans-border dimension of organized crime and the increasingly sophisticated forms of money laundering for its criminal proceeds we are convinced that the success of our investigations overwhelmingly depends on international cooperation at the highest standards, on our capacity to make the best use of all international cooperation platforms available at European and global level.

We are also aware of the importance of acquiring the best practices and lessons learned by similar structures at European and global level. We are completely open to learning from other entities’ experiences and at the same time sharing our own.

We believe that bilateral partnerships are an instrument to be used in optimizing the joint action against organized crime. We

will continue to develop this type of international cooperation with a special focus on relationships with similar structures in the neighbor states.

We are committed to developing this instrument of international cooperation which on the one hand confirms mutual confidence in joint action and on the other streamlines such action towards shared goals.

We desire to continue confirming, every step o the way, our capacity and reliability as part of international joint action in the fight against organized crime and terrorism.

DIICOT Chief Prosecutor

DANIEL CONSTANTIN HORODNICEANU





2. Place and role of DIICOT in the Romanian Criminal Justice System

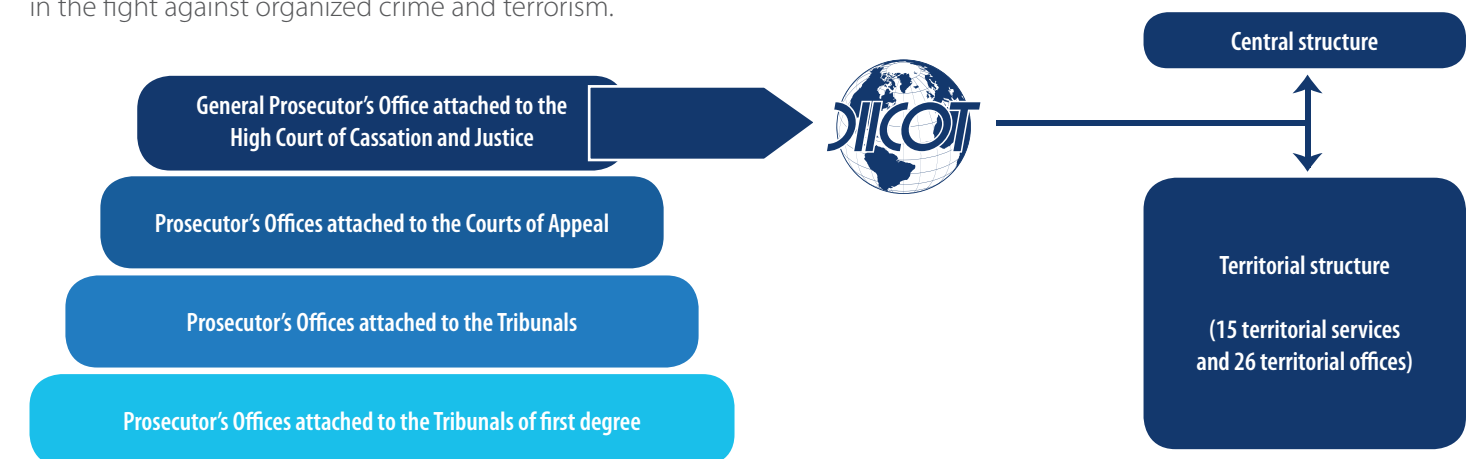


In the judicial activity, Public Ministry represents the general interests of society and defends the rule of law, as well as the citizens' rights and freedoms.

Public Prosecutor's Offices shall function next to courts of law, and they shall run and supervise the criminal inquiry activity of the criminal police, under the terms of the law. Public prosecutors shall carry out their activity according to the principles of lawfulness, impartiality, and hierarchic control, under the authority of the Minister of Justice, according to the fundamental law.

Public prosecutors shall exercise their powers in compliance with the law, shall respect and protect human dignity, and shall defend human rights. Public Prosecutor's Offices shall be independent in their relationships with the courts of law, as well as with the other public authorities.

The **DIICOT** works within the Prosecutor's Office attached to the High Court of Cassation and Justice, as a **specialized body** in the fight against organized crime and terrorism.



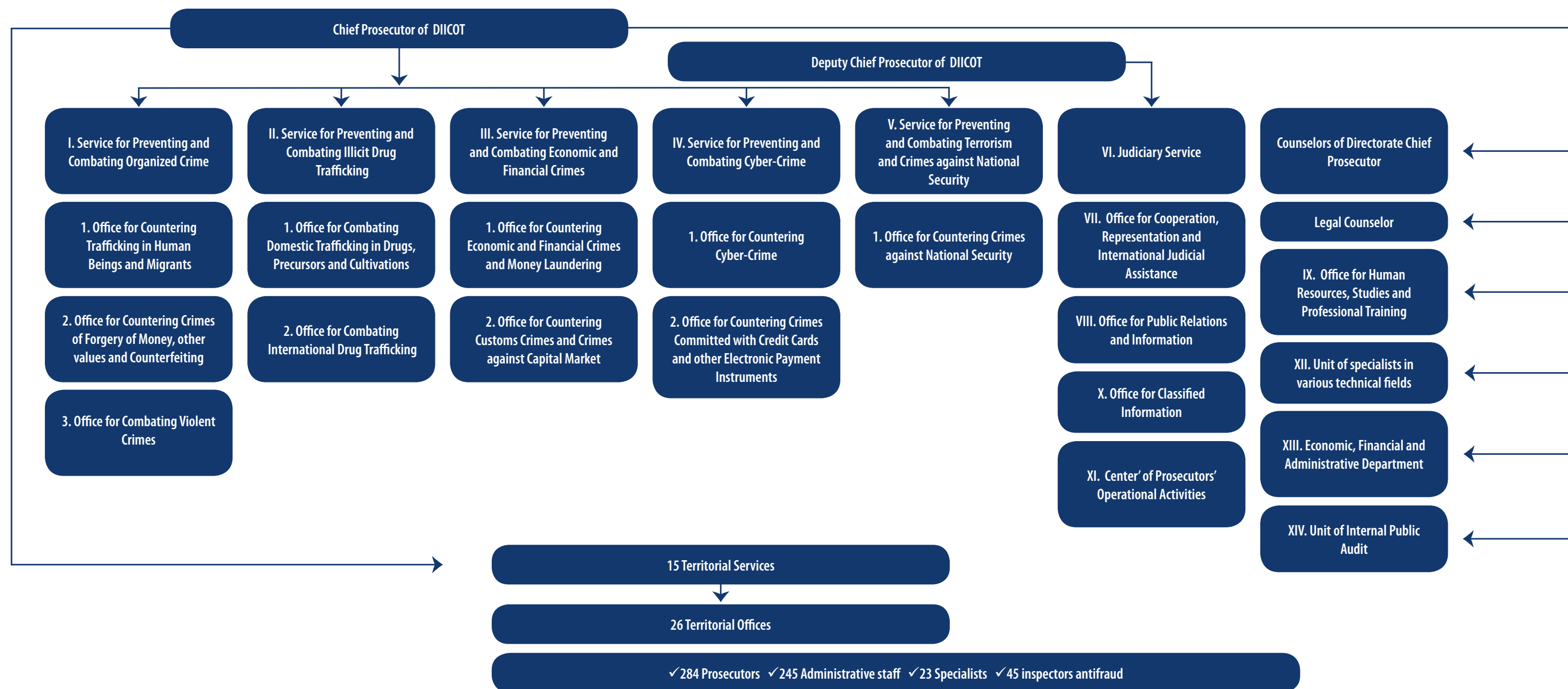


DIICOT is lead by a chief prosecutor, assimilated to the First Deputy General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

The chief prosecutor of DIICOT is assisted by a deputy chief prosecutor, assimilated to the Deputy General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

Within the central structure, services, offices and departments are created, and directed by chief prosecutors, by order of the chief prosecutor of DIICOT.

By order of the chief prosecutor of DIICOT, **territorial services** are created. They are directed by chief prosecutors, within the territorial area of the Prosecutor's Offices attached to the Courts of Appeal.



3. SPECIALIST DOMAINS OF INVESTIGATION



Organized crime

The jurisdiction of the **Service for Preventing and Combating of Organized Crime** and that of its three component Offices – the Office for Trafficking in Human Beings and Migrants, the Office for Counterfeiting of Currency and Other Valuables and the Office for Violent Crime – has been designed to cover the entire spectrum of criminal offenses in the domain of trafficking in human beings and migrant smuggling, counterfeiting and forgery including currency counterfeiting, and crimes committed using various forms of violence or intended to facilitate commission of such offenses using violence.

The prosecutors in this Service are in charge of the criminal investigation in the cases assigned to them, will directly coordinate and control criminal investigation activities performed by police officers and warrant officers who are assigned to perform criminal investigation work in specific cases, will file requests with the courts to get warrants and other legal orders and will take cases to court on charges in their jurisdiction; they will also lead, supervise and control technical activities in the criminal investigation as performed by specialists in economic, financial, banking, customs, cyber and other forms of investigations, as appointed to work with the Department for the Investigation of Organized Crime Offenses and Terrorism.

The full spectrum of criminal investigation and prosecution work done by prosecutors with the Service is very complex and requires a multi-disciplinary approach as it focuses on identifying and tracking the entire criminal group so as to dismantle the string points of the network, irrespective of whether they are domestic or have international connections.

One crucial goal of the criminal investigation work of the prosecutors of the Service for the Prevention and Combating of Organized Crime is identifying, locating and evaluating the financial and other assets and valuables acquired illegally by the members of the criminal groups. Evidence of the illegal source of such assets must be brought in the criminal case so as to secure eventual forfeiture of such assets by the court.

In its more than 10 years of activity the Service has prosecuted extremely complex cases, which were covered in the domestic and, frequently, the international media. Such cases prove the Service prosecutors' professionalism, who combined special investigative techniques, surveillance, infiltration and controlled deliveries, bank account surveillance, accessing computer systems, surveillance of communication systems, physical surveillance, undercover investigators, victim and witness

protection, etc., to dismantle large organized crime groups (e.g. cases like the "Cămătarilor Clan," "Clămparu Clan"¹, "Heist of the Century" – famous paintings stolen from The Netherlands², "Fast and Furious – Romanian Style"³, "Romanian Criminals' Academy,"⁴ etc.)

ILLEGAL DRUG TRAFFICKING

The legal framework for criminal investigations into this type of criminal conduct is primarily given by the following instruments:

- Law #143/2000 on the Prevention and Combating of Illegal Drug Trafficking and Consumption;
- Government Emergency Order #121/2006 to Regulate Drug Precursors, voted with amendments into Law #186/2007;
- Law #194/2011 to Combat Operations with Products Likely to Cause Psychoactive Effects other than those covered by applicable law;
- International conventions and treaties ratified by Romania.

Criminal investigations in this segment of specialist work target trafficking in risk- and high-risk drugs, as well as unauthorized operations with drug precursors or substances likely to cause psychoactive effects.

In terms of high-risk drugs Romania remains primarily a transit country on the "Balkan Route," especially for cocaine, heroin and ecstasy.

Along this line of trans-border drug trafficking, heroin from the region comprising Afghanistan, Iran, and Pakistan will cross Turkey, Bulgaria and Romania towards the western European countries, and the same itinerary will be used to carry cocaine or ecstasy from The Netherlands, Spain, Germany, Italy and, infrequently, France in the reverse direction.

We have also seen situations where two alternative routes were used; one went around Romania completely and the other

¹<http://www.euroweeklynews.com/3.0.15/news/on-euro-weekly-news/costa-del-sol-malaga/89448-%E2%80%98most-wanted%E2%80%99-ioan-pigs-head-clamparu-arrested>

<http://interpol-most-wanted.silk.co/page/loan-CLAMPARU>

²<http://www.spiegel.de/international/europe/stolen-rotterdam-picasso-and-monet-paintings-destroyed-a-911775.html>

³<http://www.dailymail.co.uk/news/article-2158533/Incredible-video-shows-Romanian-gang-robbing-truck-bonnet-car-hurtle-motorway.html>

⁴<http://www.telegraph.co.uk/news/worldnews/europe/romania/11559780/Police-bust-Romanian-Criminals-Academy-gang.html>

<http://www.romaniajournal.ro/how-did-the-members-of-the-academy-of-the-romanian-offenders-operate/>

only changed the itinerary from the supplier to the Romanian state border. In the first alternative the drugs traveled south of Romania, through Bulgaria into Serbia and then Hungary, while in the second the drugs were taken from Afghanistan into Georgia and then further into Ukraine, where they would be redirected towards Western Europe either through Romania or through Poland or Slovakia.

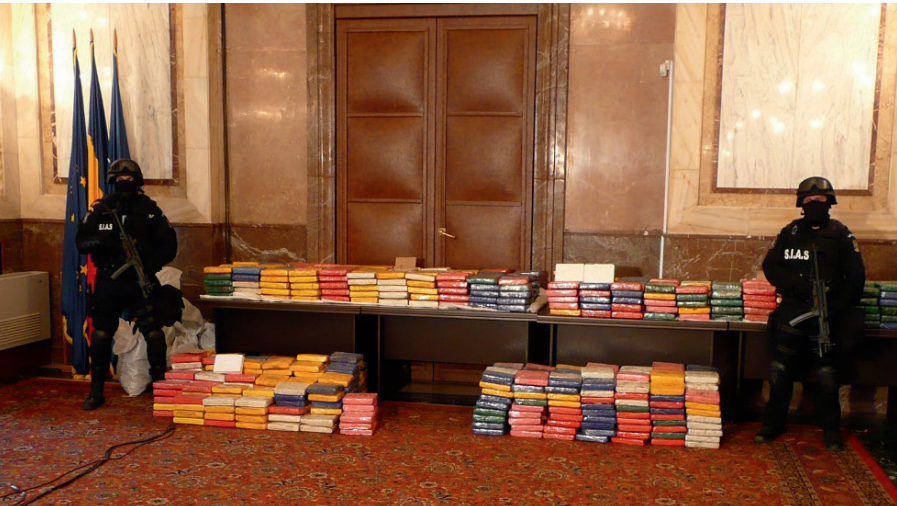
Additionally from the above, for heroin and cocaine but also for other types of drugs the Romanian Black Sea harbors (especially Constanța) continue to be seen by traffickers as a viable alternative for carrying drugs into the European Union.

High-risk drugs are also targeted at the Romanian market: statistical indicators provided by the National Anti-Drug Agency show a constant increase in consumption.

Concerning the domestic market for drugs we need to show that the main factor that keeps consumption of high-risk drugs (especially cocaine and heroin) from growing too fast is their high price: cocaine costs around 100 EUR/gram and heroin costs around 50 EUR/gram. Thus the primary areas for such transactions remain confined to Bucharest and the main university towns (but the latter mainly consume ecstasy).

Another high-risk drug involved in a rise of drug-trafficking activity in Romania in 2015, both in Bucharest and elsewhere in the country but especially in the south, is khat. The modus operandi we have identified in our investigations at the Service show khat coming from Ethiopia, shipped by parcel service to Greece and Romania and sent to individual recipients. We also established the drug was not intended for the domestic market but was bound for Western Europe.

Regarding (risk-drug) cannabis, the past years have seen an increase in criminal activity especially involving indoor or outdoor cannabis crops, but also via international transports with this drug, primarily sourced in Spain. We have seen an increase of criminal cannabis crops in Romania with the emergence of genuine “entrepreneurs” who, using the internet, have created websites that sell germinated cannabis seeds and offer technical advice to individuals interested in growing cannabis plants. As for drug precursors and pre-precursors (regulated chemical substances under legal control and used in the production of synthetic drugs) the past years’ practice has shown that such chemicals primarily originate in Asia and are shipped into Western Europe (especially The Netherlands and Belgium), where labs are operated to manufacture synthetic drugs, the most frequent of which are ecstasy tablets. Concerning trafficking in substances likely to cause psychoactive effects (generically names “spice drugs”) indications are that illegal conduct is increasing, conducted in the form of criminal material acts developed and coordinated by several individuals most often in conditions specific to an organized crime group (sourcing the substances abroad, which are sent by mail parcel to an individual, then sold online; such shipments are sent using professional parcel services, and the buyer’s identity and domicile can also be protected by having the parcel delivered to a rented post office box, etc.





CYBERCRIME

Romania signed the Council of Europe Convention on Cybercrime in 2001 (the Budapest Convention). Alongside the other signatory states, by adopting relevant domestic laws Romania has contributed to creating the so-called “community of trust” which is intended for concerted action against the phenomenon that is generically called cybercrime.

Established under Law #161/2003, which implemented the Budapest Convention on Cybercrime, the Service for Preventing and Combating Cybercrime became a component of the DIICOT after it was established under Law #508/2004 and at the same time an important image vector owing to the complex cases it has completed over time, thus strengthening the interest of foreign authorities to cooperate with jurisdictional Romanian authorities in dismantling groups specializing in such violations, given the trans-border nature of cybercrime⁵.

In the past years these highly technical criminal violations, such as unauthorized access to computer systems by overcoming their security, followed or not by blackmail, altering computer data, installing malicious software, gravely compromising the operation of computer systems, defacements, etc. have come to represent the acute form of this phenomenon.

A special area of cybercrime is online child pornography. Notifications of such criminal activity most often come from international cooperation, as Romania is not a country of consumption for such material. Cases so far include both violations committed by young persons (taking video/still pictures during their sexual acts and uploading the material online), and egregious juvenile molesting with taking video/still pictures of the assault and sharing such material online.

The Service for Preventing and Combating Cybercrime has direct jurisdiction to perform the criminal investigation in cybercrime cases (counterfeiting electronic payment instruments, putting such counterfeits in circulation, production, owning and making available of equipment intended for counterfeiting electronic payment instruments, fraudulent financial transactions, accepting fraudulent financial transactions, computer fraud committed by an organized crime group, illegal access to computer systems, illegal interception of computer data transmissions, tampering with computer data, perturbing the operation of computer systems, unauthorized transfer of computer data, illegal operations with computer devices or software, child pornography). Additionally the Service is a permanent contact point in the network created especially for this purpose under Art 35 of the Budapest Convention. In this capacity the Service’s prosecutors are tasked to provide specialist assistance to counterpart contact points in other countries, to order legal steps to immediately preserve data and to seize items that contain computer data or data pertaining to traffic information that is requested by a judicial foreign authority, and to perform (or facilitate the execution) activities under rogatory letters in cybercrime investigations, by working together with every relevant Romanian authority (contact: cybercrime@mpublic.ro).

The good level of expertise of the prosecutors specializing in cybercrime makes their participation very appreciated in the numerous trainings organized in Romania or abroad through the Council of Europe Office for Cybercrime⁶ in Bucharest or other international bodies.

⁵<https://www.europol.europa.eu/content/international-criminal-group-behind-atm-malware-attacks-dismantled> – New ATM malware 2015; <https://www.rt.com/news/hacker-guccifer-romania-email-052/> – Guccifer 2013; <http://www.techworld.com/news/security/hacker-tinkode-arrested-for-nasa-pentagon-attacks-3337989/> – Tinkode 2012; <http://eurojust.europa.eu/press/PressReleases/Pages/2010/2010-04-12.aspx> – eBay fraud 2010

⁶http://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/C-PROC/cPROC_about_RO_v3.pdf

HIGH-PROFILE ECONOMIC AND FINANCIAL CRIME

The Service for Preventing and Combating of Economic and Financial Crime that operates under DIICOT has jurisdiction to perform the criminal investigations for a series of violations pertaining mainly to: collecting budget revenue (violations stipulated in Law #241/2005); the assets of individuals/legal entities (violations against own assets as stipulated in the Criminal Code); affecting the confidence of investors or potential investors in the normal operation of the capital market (violations stipulated in Law #297/2004 on the Capital Market); commercial relationships between open market operators (Law #11/1991 against unfair competition); social relations that from and develop in the uniform non-discriminatory implementation of the Romanian Customs regulations (violations stipulated in Law #86/2006 of the Romanian Customs Code), Missing Trader Intra Community (MTIC) Fraud, etc.

Not lastly, prosecutors perform their investigations based on the “follow the money” principle, not only domestically but internationally as well, by using international cooperation mechanisms so as to identify all participants in a criminal violation and seize their criminal proceeds.

TERRORISM AND CRIMES AGAINST NATIONAL SECURITY

As part of the general context created by the international community’s steps to combat terrorism, Romania has adopted legal and administrative steps to protect its citizens’ lives, physical integrity, freedom and dignity, as well as that of representatives of other countries and all individuals located on Romanian territory.

The work of preventing and combating terrorism is performed in compliance with the stipulations of international conventions against terrorism that Romania is a party to, and with applicable international and domestic human rights law.

The institutional, structural and conceptual steps in the work to prevent and combat terrorism in Romania were quickly strengthened after 1989 by adopting a flexible legal framework that facilitates anti-terrorist activities.

Thus Law #51/1991 on Romania’s National Security put in place the fundamental regulatory framework that defined the notion of national security and threats thereto, also designating the entities that are relevant for national security.

The law listed terrorism as a threat to national security and defined the actions that come under this definition.

Subsequent to the events of September 11th, 2001 the Government adopted Emergency Order #141/2001 – on punishments for acts of terrorism and violation of public order, as a first step in putting in place a coherent national legal framework in the matter of fighting terrorism.

Three years later the enactment of Law #535/2004 on the Prevention and Combating of Terrorism continued the strengthening of this legal framework which saw its finalization in terms of law enforcement through the establishment, as part of the Prosecutor’s Office Attached to the High Court of Cassation and Justice, under Law #508/2004, of the Directorate for Investigating Organized Crime and Terrorism as the sole Public Ministry structure specializing in combating organized crime and terrorism.

The DIICOT is a component of the National System for the Prevention and Combating of Terrorism (SNPCT), established under Law #535/2004, and it is the national authority in the matter of terrorism prosecutions, while the part concerning prevention and combating of such criminal violations goes to the prosecutors of the Service for the Prevention and Combating of Terrorism Violations and Crimes against National Security (SNPCT), which is part of the Directorate.

The prosecutors of the **Service for Preventing and Combating of Terrorism and Crimes** against National Security which was created within DIICOT, provide specialist support to the Center for Operational Anti-Terrorist Coordination (CCOA) through the agency of which the Romanian Intelligence Service, as the national authority in the matter, ensure technical coordination of SNPCT.

As under Art. 12 paragraph 1 of Emergency Government Order #123/2007 on certain steps to strengthen judicial cooperation with the EU Member States, the head of the Service for the Prevention and Combating of Terrorism Violations and Crimes against National Security which is part of the DIICOT is the national correspondent for Eurojust on matters related to terrorism.



4. LEGISLATION REGARDING SPECIAL INVESTIGATION TECHNIQUES



The Criminal Procedure Code provides in Article 138 the special methods of surveillance and special methods of investigation. Between the special methods of surveillance and the special investigation methods there are procedural distinctions, as well as substantive conditions related to the type of offense investigated, being important to mention that electronic surveillance may be ordered only in case of offenses considered serious, listed under Article 139 (2).

In the first category, **methods of surveillance**, are listed:

- wiretapping of communications or of any type of messages, method that designates the wiretapping, accessing, monitoring, collection or recording of communications via phone, computer system or any other communication device;
- accessing a computer system, method that means the penetration of a computer system or of other data storage device either directly or from a distance, through specialized programs or through a network, for the purpose of identifying evidence;
- video, audio or photo surveillance by taking pictures of persons, or the observation or recording of their conversations, gestures or other activities;
- tracking or tracing with the use of technical devices by the use of devices that establish the location of the person or the object to which such devices are attached;
- obtaining of data regarding the financial transactions of individuals, that describes operations that provide knowledge of the contents of financial transactions and other operations performed or to be performed through a credit institution or through other financial entity, as well as the obtaining from a credit institution or other financial entities of documents or information held by it referring to the transactions or operations of a person;

while in second category, special **methods of investigation**, are listed:

- search of mail deliveries, that means inspection, through physical or technical methods, of letters or other mail deliveries or objects transmitted through any other means;
- use of undercover investigators and informants, that designates the use of a person with an identity other than their real one, for the purpose of obtaining data and information regarding the commission of an offense;
- authorized participation in specific activities, meaning the commission of acts similar to the objective component of a

corruption offense, the performance of transactions, operations or any other kind of arrangements related to an asset or to a person who is presumed missing, a victim of trafficking in human beings or of kidnapping, the performance of operations involving drugs, as well as the providing of services, based on an authorization from the judicial bodies of competent jurisdiction for the purpose of obtaining evidence;

- controlled delivery, a surveillance and investigation technique allowing for the entry, transit or exit from the territory of the country of goods in respect of which there is a suspicion related to the illicit nature of their possession or obtaining, under the surveillance of or based on an authorization from the competent authorities, for the purpose of investigating an offense or of identifying the persons involved in its commission.
- obtaining data generated or processed by providers of public electronic communication networks or by providers of electronic communication services intended for the public, other than the content of communications, stored by these under the special law on storing data generated or processed by providers of public electronic communication networks and by providers of electronic communication services intended for the public.

Special provision for collecting of electronic evidence is foreseen in Article 168 of the Criminal Procedure Code – the computer search, that designates the procedure for the investigation, discovery, identification and collection of evidence stored in a computer system or in a computer data storage medium, performed by means of adequate technical devices and procedures, of nature to ensure the integrity of the information contained by these.

Nevertheless, an important tool to secure electronic evidence is the preservation of stored computer stored data or traffic data (Article 154 CPC).

An English version of the Romanian Criminal Procedure Code may be read following the link bellow:

http://www.diicot.ro/images/documents/legi/the_new_code_of_criminal_procedure.pdf



11 years

OF ACTIVITIES IN FIGURES:

2004 – 2015

- CASES SOLVED BY INDICTMENT – 10.138
- INDIVIDUALS INDICTED – 31.691
- INDIVIDUALS ARRESTED – 14.979
- VALUE OF SEIZED ASSETS – 5.587.769.190 Ron (1.241.726.486 EURO)
- QUANTITY OF DRUGS CONFISCATED:
 - Heroin / Cocaine – 3.747 kg.
 - Cannabis / Resin of Cannabis – 4.967,71 kg.
 - Synthetic drugs (Ecstasy, LSD and others) – 301.805 pieces.
 - Precursors – 3.575,5 kg.; 4320 litres

5. INTERNATIONAL COOPERATION



How DIIICOT's specialised international cooperation structure works

International cooperation is an absolutely necessary instrument in the fight against organized crime, a domain which primarily contains criminal phenomena that don't respect borders.

Given its numerous cases targeting networks that operate in several countries, as well as its exclusive jurisdiction for organized crime and terrorism investigations and prosecutions, DIIICOT is the main authority in Romania for international cooperation in this matter.

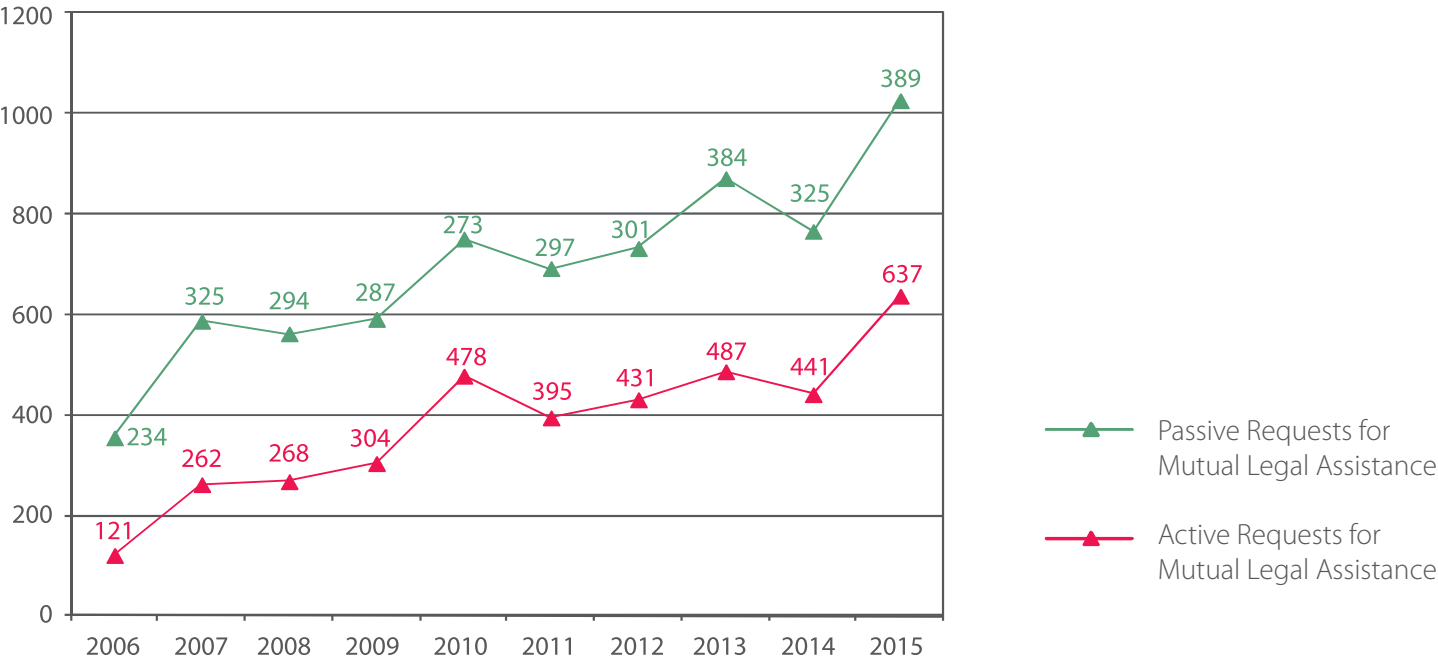
DIIICOT has a specialized office, established under Law #508/2004, to deal with international legal assistance, information sharing, mutual consultation and other forms of cooperation with similar bodies in other countries, as well as to represent DIIICOT internationally.

At present this DIIICOT office deals with around 900-1000 requests for mutual legal assistance every year, as well as another several hundred international cooperation matters. We can essentially say that over 10 years the activity of this specialized DIIICOT office has tripled.



The largest part of DIICOT’s work in mutual legal assistance is accounted for relations with similar authorities in the EU Member States, a fact which is mainly due to applicable legal instruments in this area and to the principle of mutual recognition that governs judicial cooperation in the European Union. However, there are also third states, such as the United States of America or the Republic of Moldova, with which mutual legal assistance work matches the amount of cooperation with the EU Member States.

Over the past 10 years both active and passive requests for mutual legal assistance have seen a rising trend, in terms of numbers but also complexity.



As for types of criminal violations subject to such requests at DIICOT, almost half pertain to the sphere of cybercrime and card fraud; they are followed, in this order, by economic/financial crime, trafficking in human beings, drug trafficking and crimes causing large material losses.

DIICOT has been using an increasing number of joint investigation teams over the past years. This is an improved form of international cooperation which can also replace the need to send multiple requests for mutual legal assistance in one same case. An example is the year 2015 with 16 joint joint investigation teams (JITs) together with authorities from the United Kingdom, Spain, Czech Republic, Germany, France, Belgium, Slovenia, Finland, Bulgaria, Lithuania and Republic of Moldova. In fact DIICOT also has two contact points for the **European Network of National Experts on Joint Investigation Teams (JITs Network)**.

To facilitate international legal assistance the DIICOT specialized structure cooperates with liaison officers, liaison magistrates, and international entities and mechanisms created for this purpose.

Frequently used are also the mechanisms made available under **EUROJUST**; two common examples in this line are the coordination meetings and the support (including financial) for joint investigation teams. DIICOT is also a constant contributor to updating the **Eurojust Case Management System (EUROJUST CMS)**.

DIICOT also has contact points for mechanisms that facilitate legal cooperation, such as the **European Judicial Network in Criminal Matters (EJN)** or the **South-East European Prosecutors’ Advisory Group (SEEPAG)**.

Besides dealing with legal assistance requests the prosecutors in the international cooperation office also do work towards ensuring sharing of information about laws, best practices and organized crime tendencies at global level.



Legal instruments for international cooperation that Romania is a party to and are relevant in DIICOT’s work:

legal cooperation instruments applicable within the European Union⁷ :

- Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union
- Protocol established by the Council in accordance with Article 34 of the Treaty on European Union to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union
- Framework Decision 2002/584/JHA: European Arrest Warrant (EAW) of 13 June 2002
- Framework Decision 2001/413/JHA: Combating fraud and counterfeiting of non-cash means of payment of 28 May 2001
- Framework Decision 2001/500/JHA: Money Laundering of 26 June 2001
- Framework Decision 2002/465/JHA: Joint Investigation Teams (JIT) of 13 June 2002
- Framework Decision 2002/475/JHA: Combating terrorism of 13 June 2002
- Framework Decision 2003/577/JHA: Freezing Orders of 22 July 2003
- Framework Decision 2004/757/JHA: Illicit drug trafficking of 25 October 2004
- Framework Decision 2005/212/JHA: Confiscation of Crime-Related Proceeds, Instrumentalities and Property of 24 February 2005
- Framework Decision 2006/783/JHA: Confiscation orders of 6 October 2006
- Framework Decision 2006/960/JHA: Exchange of information and intelligence of 18 December 2006
- Framework Decision 2008/919/JHA: Council Framework Decision of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism
- Framework Decision 2009/315/JHA: ECRIS of 26 February 2009
- Framework Decision 2009/948/JHA: Conflicts of jurisdiction of 30 November 2009
- Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network
- Commission Decision of 28 April 1999 establishing the European Anti-fraud Office (OLAF) (1999/352/EC, ECSC, Euratom)
- Council Decision 2001/C 362/01 of 6 December 2001 extending Europol’s mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention

⁷Full list and stage of implementation available on EJN website:
<http://www.ejn-crimjust.europa.eu/ejn/libcategories.aspx?id=19>

- 2001/887/JHA: Council Decision of 6 December 2001 on the protection of the euro against counterfeiting
- Eurojust Decisions
- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime
- Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (Prüm Decision)
- Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime
- Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA
- (Europol Decision) Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)
- 2005/60/EC: Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing of 26 October 2005
- 2011/36/EU: Directive on preventing and combating trafficking in human beings and protecting its victims of 5 April 2011, and replacing Council Framework Decision 2002/629/JHA
- 2011/82/EU: Directive facilitating the cross-border exchange of information on road safety related traffic offences of 25 October 2011
- 2011/93/EU: Directive on combating the sexual abuse and sexual exploitation of children and child pornography of 13 December 2011 , and replacing Council Framework Decision 2004/68/JHA
- 2012/29/EU: Directive establishing minimum standards on the rights, support and protection of victims of crime of 25 October 2012, and replacing Council Framework Decision 2001/220/JHA
- 2014/62/EU: Directive on the protection of the euro and other currencies against counterfeiting by criminal law of 15 May 2014 , and replacing Council Framework Decision 2000/383/JHA
- 2014/42/UE: Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union of 3 April 2014
- 2014/41/EU: Directive regarding the European Investigation Order in criminal matters of 3 April 2014
- 2011/99/EU: Directive on the European Protection Order of 13 December 2011
- Joint Action (96/277/JHA) of 22 April 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union
- Joint Action 98/427/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on good practice in mutual legal assistance in criminal matters

- Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime

conventions adopted under the authority of the Council of Europe⁸ :

- European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 1959, and the additional protocols
- European Convention on Extradition, Paris, 1957, and the additional protocols
- European Convention on the Transfer of Proceedings in Criminal Matters, Strasbourg, 1972
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, Warsaw, 2005
- Council of Europe Convention on the Prevention of Terrorism, Warsaw, 2005
- Convention on cybercrime, Budapest, 2001

conventions adopted under the authority of the United Nations⁹:

- United Nations Convention against Transnational Organized Crime, New York, 2000, and the additional protocols
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 1988
- International Convention for the Suppression of the Financing of Terrorism, New York, 1999

Bilateral treaties and agreements in the matter of legal cooperation with Albania, Algeria, Bosnia and Herzegovina, Canada, China, Cuba, Egypt, Morocco, Moldova, Mongolia, Serbia, Syria, USA, Tunisia¹⁰

⁸Full list available on the Council of Europe website at <http://www.coe.int/en/web/conventions/full-list>

⁹Full list available on the United Nations website at: <https://treaties.un.org/>

¹⁰Full list available on the Ministry of Justice website at: <http://www.just.ro/despre/cooperare-judiciara-internationala-in-materie-penala/>

¹¹Documents available on the DIICOT website at:

<http://www.diicot.ro/index.php/cooperare-internationala/protocoale-si-acorduri-bilaterale>

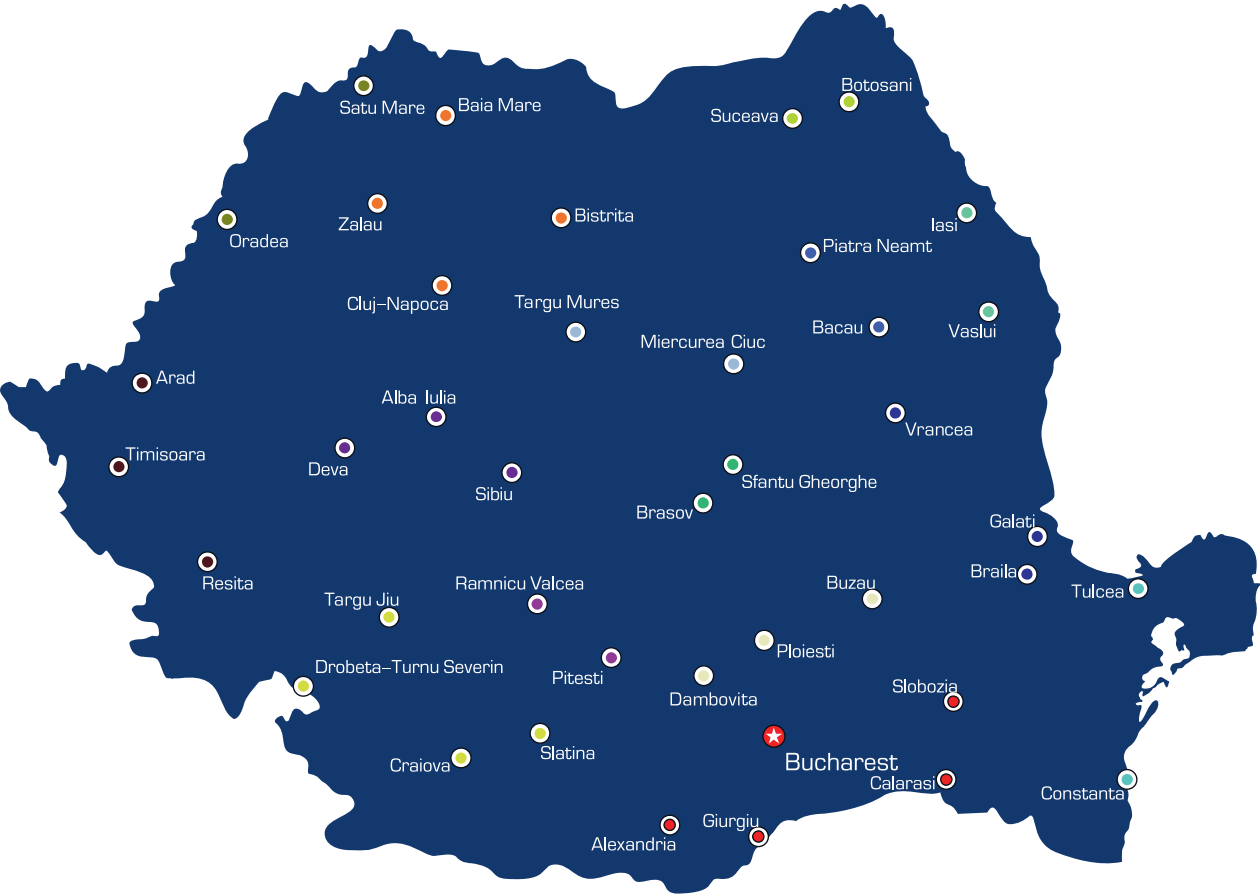
Strategic partnerships between DIICOT and judicial authorities in other countries:¹¹

- Partnership Protocol with the Belgian Federal Prosecutor's Office, signed in 2008
- Cooperation Agreement with the Prosecutor General's Office of the Republic of Moldova signed in 2012
- Cooperation Agreement with the Turkish Ministry of Justice, signed in 2011
- Cooperation Protocol with the National Anti-Mafia Department, signed in 2012
- Memorandum of understanding with the National Prosecutor's Office of the Netherlands, signed in 2013

**SALLE
ERIC BISSCHOP**

6. CONTACT DETAILS OF THE PROSECUTOR OFFICES

within the central and territorial structure of DIICOT



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