

Law on International Legal Assistance in Criminal Matters

Chapter I - GENERAL DISPOSITIONS

Article 1. *Purpose and scope of regulatory*

(1) The purpose of this law is to establish regulatory mechanism of the Criminal Procedure Code, the Special Title III, Chapter IX, on international legal assistance in criminal matters and the relevant international treaties to which Moldova is party.

(2) The present law aims to protect the interests of sovereignty, security, public order and other interests of the Republic of Moldova, defined by the Constitution.

(3) The provisions of this Law shall apply to the following forms of judicial cooperation in criminal matters:

- a) providing documents, data and information;
- b) procedural documents;
- c) the summoning of witnesses, experts and persons prosecuted;
- d) letters rogatory;
- e) transfer the request, the criminal proceedings;
- f) extradition;
- g) Transfer of Sentenced Persons;
- h) recognition of criminal decisions of foreign courts;
- i) criminal record communication.

Article 2. *Definitions*

Terms and expressions used in this law have the following meaning unless there is special mention:

- a) *request for legal assistance in criminal matters (further - request for legal aid)* - request requesting assistance in a criminal case in one of the forms specified in Article 1;
- b) *requesting state* - State of the requesting legal assistance;
- c) *requested state* - the State to which legal assistance is requested;
- d) *state transit* - State which made the passage of requested extradited person in the requesting State;
- e) *central authority* - authority of the requesting or requested State designated for submission of applications for legal assistance;
- f) *judicial authority* - the courts and prosecution authorities established under Moldovan law and authorities have this quality in the foreign state as its statements made in international treaties applicable;
- g) *quarry* - the person who is subject of an order issued by the prosecution;
- h) *the person whose extradition is requested* - the person who is subject to extradition proceedings;
- i) *expelled or extradited person* - the person whose extradition was granted;
- j) *sentence* - any sentence imposed by decision of the court following a finding of guilt in committing a crime;
- k) *a preventive measure* - any deprivation of liberty ordered by a court to supplement or replace a sentence;
- l) *provisional arrest for extradition* - a form of detention in a court ordered the extradition of the person;

- m) *court decision* - decision of the court handing down a conviction;
- n) *sentencing state* - State where the convicted person is liable to transfer or already transferred;
- a) *executing state* - State of the convict may be, or has been transferred to continue to serve his sentence.

Article 3. *For reciprocity*

(1) Unless an international treaty, international legal assistance may be granted on the principle of reciprocity through diplomatic channels. Ensuring reciprocity for all forms of international legal assistance is made under the provisions of the Criminal Procedure Code art.536 par. (2).

(2) Paragraph. (1) and relevant provisions of the Criminal Procedure Code is a common law judicial authorities in Moldova.

(3) lack of reciprocity does not prevent the execution of the Republic of Moldova has a request for legal assistance if:

- a) request for legal assistance is necessary because of the nature of the act or compelling nature of the fight against certain forms of serious crime;
- b) the application for legal aid can help improve the defendant or the convicted person or his social reintegration;
- c) the application for legal aid may serve to clarify the legal situation of a citizen of the Republic of Moldova.

Article 4. *Grounds for refusal of legal aid international*

(1) In considering the application for legal assistance to the Republic of Moldova will take into account the following circumstances, which in addition to those provided in the Code of Criminal Procedure to art.534, bring the refusal to grant the assistance requested:

- a) criminal proceedings in the requesting State does not or does not meet the European Convention on Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950, or any other relevant international treaty ratified by Moldova in the field;
- b) the application for legal aid is made in a case pending before the courts extraordinary, other than those established by relevant international treaties, or the execution of a sentence imposed by such court;
- c) the act motivating the request for legal assistance subject to proceedings under this act or shall or may also be subject to criminal prosecution is the responsibility of the prosecution of Moldova;
- d) accept the application for legal aid may result in serious consequences for the person concerned due to age, health status or any other personal reason.

(2) For the purposes of the Criminal Procedure Code art.534 par. (1) item 1), are not considered political offenses:

- a) attempt on the life of a head of state or a member of his family;
- b) crimes against humanity under the Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 the United Nations General Assembly, to which Moldova joined under Parliament Decision no.707-XII of September 10, 1991;
- c) offenses under the 1949 Geneva Convention for the Amelioration of the Wounded and Sick in Armed Forces in the campaign to Article 50, the 1949 Geneva Convention for

the Amelioration of the Wounded, Sick and Shipwrecked maritime forces to Article 51, the 1949 Geneva Convention on treatment of prisoners of war to art.129 and the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War in Article 147, to which Moldova joined under Decision Parliament nr.1318-twelfth of March 2, 1993;

d) any similar violation of the laws of war which is not provided in the Geneva Conventions listed in item c);

e) offenses under the Convention for the Suppression of Terrorism in Article 1, adopted in Strasbourg on January 27, 1997, other relevant international treaties;

f) actions under the Convention against Torture and Other Cruel, Inhuman or Degrading adopted on December 17, 1984 the United Nations General Assembly;

g) any other offense of a political character which was eliminated by international treaties to which Moldova is party.

Article 5. Principle of not condemning repeated for the same offense

(1) International legal assistance is not admissible if the Republic of Moldova or any other state has taken place for the same criminal act and if:

a) a final judgment ordering payment or termination of criminal proceedings;

b) the penalty imposed by a final judgment of conviction was made or the subject of a pardon or amnesty as a whole or the part not enforced.

(2) The provisions of paragraphs. (1) shall not apply if legal assistance is requested to review the final judgment in one of the reasons for promoting an extraordinary means of attack.

Article 6. Confidentiality

(1) Republic of Moldova shall, within the law, the Requesting State, the confidentiality of legal aid applications and the documents attached to them. If the condition of confidentiality can be ensured, Republic of Moldova shall inform the foreign state, who will decide.

(2) Paragraph. (1) shall apply accordingly where Moldova is the requesting State.

Article 7. How to submit requests legal assistance

(1) Requests for legal assistance is addressed by the central authorities, which are the Ministry of Justice and the Prosecutor General. Through the Ministry of Justice to submit requests for legal assistance made in the trial and execution phases of punishment, and through the General Prosecutor, those made during the prosecution. Requests for legal assistance can be provided either directly by foreign authorities or through diplomatic channels or through the International Criminal Police Organization (Interpol).

(2) If the legal assistance requests are forwarded to the prosecution or judicial authorities of Moldova, the latter shall be entitled to execute only after authorization of enforcement by central authorities.

(3) In case of emergency, request for legal assistance may be sent by mail, including mail, telegraph, telex, fax or other means of communication give adequate evidence in writing, with subsequent transmission by the official guarantee.

Article 8. National competence in health international legal criminal

Moldova's competence to make a request for legal assistance or to execute such request

to the Republic of Moldova is set in the Code of Criminal Procedure, under the present law and other normative acts.

Article 9. Languages used

(1) Requests for legal assistance made by the Moldovan authorities and attached documents will be accompanied by translations into a language provided in applicable international treaty in relation to the requested State. Translation of legal aid applications and the documents attached to the Republic of Moldova is made by this law if not otherwise stated.

(2) Responding to requests for legal assistance made by the Moldovan authorities will be drawn up in Moldovan language with a translation into one of the languages provided in applicable international treaty in relation to the requesting State if the law does not otherwise stated.

Article 10. Deduction custody

Custody made abroad in fulfilling a request for legal assistance made by the Republic of Moldova under the Code of Criminal Procedure of this law is taken into account in criminal proceedings of Moldova and the penalty term consisting of the national court.

Article 11. Cost reimbursement

(1) Costs of meeting the demand for legal assistance are borne usually by the requested State.

(2) The Requesting State shall bear:

- a) remuneration of witnesses and experts, their travel expenses and stay in the requesting State;
- b) the costs of delivery of objects;
- c) costs of transfer of persons requesting State;
- d) expenses for the transit of persons in a third State;
- e) costs of recourse to a videoconference to meet demand for legal assistance;
- f) other expenses deemed extraordinary by the requested State by human and technological means used to fulfill the request for legal assistance.

(3) Following an agreement between the Moldovan authorities requested and requesting foreign authorities, is permissible, in exceptional cases, from para. (1).

Article 12. Handing over of property and other assets

(1) If the application for legal aid is to or involves the furnishing of items or other values can be taught when they are not required to prove a criminal prosecution and judgment whose duties related to competent authorities of the Republic of Moldova .

(2) Handing over of property and other values can be delayed or made restitution provided.

(3) The provisions of paragraphs. (1) and (2) not prejudice the rights of third parties in good faith nor the Moldovan state when these objects and values can return it.

(4) The objects and other values, including currency values will be taught only to a final judgment rendered in this respect the competent judicial authority.

[Article 14 of. (4) of 06.05.12 amended by LP33, MO99-102/25.05.12 article 330]

(5) If extradition requests, over objects and other values provided in par. (1) may take

place even if extradition is granted, mainly due to escape or death of the person whose extradition is requested.

Article 13. *Transmission of documents, data and information*

(1) Republic of Moldova, through the Ministry of Justice, shall, to the extent that its authorities have them extracted from criminal records and related data to it for a criminal case at the express request of the foreign country.

(2) Moldova transmit foreign State concerned information about court decisions and subsequent measures in respect of nationals of that State and which have been endorsed on the criminal record. This information shall be communicated at least once a year.

(3) If the person is a citizen of several countries, information is communicated to each State concerned, unless the person has Moldovan citizenship.

(4) The information referred to in para. (2) and (3) shall be made through the Ministry of Justice, the presentation of the national authorities.

(5) of the same type information received from foreign authorities in the exchange of information is received by the Ministry of Justice, the Interior Ministry to submit their registration to the principle of not condemning repeated for the same offense.

Chapter II - PROCEDURAL DOCUMENTS. QUOTING WITNESSES, EXPERTS AND PEOPLE WATCHED. LETTER ROGATORY.

Section 1. Procedural documents

Article 14. *The obligation to notify*

Moldova will proceed to communicate to the recipient in its territory procedural provisions to that effect by the applicant.

Article 15. *Procedural documents*

By means of procedural acts mainly summons to parties or witnesses, the order to impose charges, other criminal proceedings, judgments, claims to exercise judicial review or acts of serving a sentence, a fine or pay the procedure.

Article 16. *Communication and proof of*

(1) procedural documents by simply sending them to the recipient. If the Requesting State expressly requests, Moldova will make communication one of the forms under national law for handing in similar or in a special manner consistent with this legislation.

(2) Proof of service shall be effected by a document dated and signed by the recipient or by a declaration called the body, it is found that communication, they form and the date.

(3) document or statement body is transmitted without delay requested by the central authorities, to the requesting State. At the request of the latter, Moldova Indicate whether the notification was made in accordance with national legislation.

(4) If the communication could not be done, Moldova shall immediately notify the requesting State account of the failure, noted, however, the document referred to in para. (2).

Article 17. Communication time required

Summons a person is in the Republic of Moldova is transmitted to the competent authorities at least 50 days before the hearing, within which is taken into account when fixing the date of appearance and transmission of the summons.

Article 18. Addressing communication abroad procedural provisions

(1) The provisions of Article 15-17 is applied properly and where Moldova is the requesting State.

(2) The prosecution or the courts of the Republic of Moldova will make the request for communication abroad procedural documents, taking into account the provisions of the Criminal Procedure Code art.537 par. (1). The application will be attached documents whose communication is required, and proof of service to be completed after execution of the request by the competent foreign body. Also, this set of documents will be accompanied by translations required in accordance with applicable international treaty and reservations made by the requested State. Applications mentioned in this paragraph, their answers will be made through the central authorities.

(3) The central authorities of Moldova are sent directly by post, procedural documents and judicial decisions to persons located in a foreign country if the international legal treaty applicable in relation to that State so provides and has been given no reserve in this respect from the countries involved.

(4) In the case referred to. (3), procedural documents and judicial decisions are accompanied by a note indicating that the addressee may obtain information from the issuing authority on the rights and obligations.

Section 2.

Quoting witnesses, experts and persons prosecuted

Article 19. Attendance of witnesses or experts

(1) If the Republic of Moldova, as the requesting State, considers that participation in the person of a witness or expert before the prosecution or its courts is particularly necessary, shall disclose that fact in the application for legal assistance on handing the summons. Foreign state shall notify the Republic of Moldova asked the witness or expert answer.

(2) In the case referred to. (1), the legal assistance request or the summons shall indicate the amount of allowances and the expenses of travel and subsistence expenses refundable or guarantees concerning reimbursement of these expenses. The amount of reimbursable expenses are set at levels at least equal to those of tariffs and regulations in the State hearing must take place.

(3) If a request is presented in this respect, the requested State may grant the witness or expert an advance, which will specify the summons and shall be reimbursed by the Republic of Moldova as an applicant.

Article 20. Failure witness or expert.

Refusal to testify

(1) A witness or expert who did not attend the summons, which has been requested, may be subject to any sanctions or coercive measures, even if the summons contains a definite order, unless the witness or expert is own initiative in Moldova, the requesting

State, and is quoted again here, legally.

(2) A witness summoned to appear before the central authorities of Moldova, the requesting State, and refuse to testify in whole or in part shall be subjected to any measures restricting freedom or otherwise prevented from leaving Republic Moldova, even though, under national legislation, such a refusal would be an offense or could entail coercive measures.

Article 21. *Immunity*

(1) A witness or expert to appear before the Central Authority of the Republic of Moldova, the requesting State and immunities guaranteed by the legislation applies.

(2) If during the trial could be ordered arrested on suspicion of committing a witness in connection with statements he made before the criminal investigation body or court of the Republic of Moldova, the requesting State, an offense other than a refusal to testify will consider better protection of the interests of justice by giving to the foreign state prosecution requested.

(3) No person, regardless of nationality, summoned before the central authorities of Moldova to the criminal proceedings for enforcement of certain procedural actions in Moldova can not be prosecuted or detained or subjected to any other measures restricting freedom in Moldova for acts or convictions prior to his departure from the territory of foreign state mentioned in the summons requested.

(4) The immunity provided in this Article shall terminate under the legislation.

Article 22. *Temporary transfer of detained witnesses*

(1) Any person whose presence held the hearing as a witness or confrontation is required by the applicant will be temporarily transferred to that State, provided its return within that period the Republic of Moldova and subject to Article 21, the extent that they can be applied accordingly.

(2) Transfer of the Republic of Moldova may be refused if:

- a) the detained person does not consent to the transfer;
- b) the detained person's presence is necessary at criminal proceedings pending in the requesting State;
- c) transfer the detainee may extend the detention, or
- d) his transfer to the requesting State is prevented from further consideration based.

(3) In the case referred to. (1) detainee transit through the territory of a third country will be granted on application to the Ministry of Justice of the requesting State of State Ministry of Justice requested for transit, accompanied by necessary documents.

(4) Republic of Moldova may not transfer its citizens pay.

(5) The person transferred remains in custody in the Requesting State and, where applicable, the requested State for transit, unless the requested State the person making the transfer requires freedom.

(6) The period during which the detained person was transferred, in accordance with this Article, be deducted from the sentence imposed.

(7) place of surrender is usually a border crossing point of the Republic of Moldova. The prisoner is handed over and taken under escort by the Penitentiary Department of Ministry of Justice, which will inform the Ministry of Justice or the Prosecutor General, as appropriate.

(8) The provisions of paragraphs. (7) shall apply accordingly if Moldova is requesting state.

Article 23. Protection of witnesses

Witnesses heard under this section shall, as appropriate, protection under national legislation.

Section 3. Letters rogatory

Article 24. Obligation to execute

(1) A Letter is a form of international legal authority is that a criminal investigation body or court of a State or an international court granted similar authority of another place to perform and procedural activities on behalf of a criminal trial.

(2) ensure that the Republic of Moldova in accordance with legislation, such requests put to him by competent law enforcement authorities of the requesting State.

Article 25. The objectives of the Letter

(1) request a Letter objectives are in particular:

a) locating and identifying persons and objects, hearing the accused or defendant, listening to victims, other parties, witnesses and experts, confrontation, searches, seizure of objects or documents, seizure and confiscation special, crime scene investigation and reconstruction; expertise, technical-scientific and forensic finding, transmission of information needed in a particular process, tapping and audio and video records, examination of archival and special files, like other proceedings;

b) providing material evidence;

c) transmission of documents or files.

(2) If the requesting State desires witnesses or experts to make oath, ask for it specifically. Republic of Moldova can meet this demand if it does not conflict with national legislation.

(3) Republic of Moldova will send only certified copies or photocopies of the documents or records required. Copies of documents or records requested by an international rogatory commission shall be certified for compliance by the prosecution or judicial authority, or other authority that has original documents and files, the signature of the person authorized to make copies and stamp of the issuing organization. If the Requesting State expressly requests the transmission of original documents, such an application is running as far as possible.

(4) If the Requesting State expressly requests, Moldova will inform about the date and place of execution of letters rogatory. Authorities and individuals, listed by the applicant will be able to assist and cooperate in the execution of the Letter to the extent permitted by national law.

Article 26. Searches, lifting objects or documents, seizure

(1) Letters rogatory dealing with the searches, seizure of objects or documents, the seizure can be made as follows:

a) the offense motivating the letters rogatory, extradition will be accepted in the Republic of Moldova;

b) fulfillment of the letters rogatory is consistent with the Moldovan legislation.

(2) conditions in para. (1) may entail the principle of reciprocity.

Article 27. Remission objects, files and documents

(1) may postpone the service of the Republic of Moldova, files and documents required to be present if they are necessary for a pending criminal proceedings.

(2) objects, original records and documents submitted for execution of the rogatory shall be returned as soon as possible to Moldova by the requesting State, unless it be waived.

Article 28. Hearings by teleconference

(1) If a person is in the Republic of Moldova should be heard as witness or expert by the prosecution or the courts of another state, or by an international court and is not desirable or possible for that person to appear in person in its territory, the alien may request that the hearing take place by teleconference, according to this law.

(2) The request referred to in para. (1) may be accepted by the Republic of Moldova as provided in the Code of Criminal Procedure on how special hearing of the witness and his protection, the arrangement provided the technical means to allow a hearing by teleconference.

(3) The request for hearing by teleconference must specify, in addition to the information provided in the Code of Criminal Procedure in art.537 par. (1), why is not desirable or possible for the witness or expert to attend the hearing and the name of the court or prosecuting body, the persons who will attend the hearing.

(4) A witness or expert shall be summoned according to the procedure provided in Code of Criminal Procedure.

(5) Hearing by teleconference shall follow the following rules:

a) hearing in the presence of a competent judge, assisted, where appropriate, an interpreter judge heard and verify the identity of the person is required to ensure that fundamental principles of national criminal procedural law. If it finds violations of these principles, the judge shall immediately take steps to ensure the conduct of the hearing pursuant to the legislation;

b) the competent central authorities of Moldova and those of the applicant agree, as appropriate, measures to protect the witness or expert;

c) the hearing is made directly by the competent authority of the applicant or under their direction, in accordance with national legislation;

d) the witness or expert is entitled to be assisted, where necessary, an interpreter, according to Moldovan legislation;

e) a person called as a witness or expert may claim the right not to testify, given the Moldovan legislation or state law required.

(6) Without prejudice to any measures agreed for witness protection, witness statements or the expert, heard under this Article shall be recorded by technical means video and recorded in the minutes, signed in accordance with the Code of Criminal Procedure. The report is transmitted to the competent authority of the requesting State through central government and diplomatic channels.

(7) The provisions of this Article may apply to the testimony of defendants accused or if the person consents and if there is agreement in this respect between Moldova and the applicant State.

Article 29. Immediate transmission of information

(1) The central authorities of the Republic of Moldova may, without prior request, transmits a State Party to the European Convention on Legal Assistance in Criminal Matters, signed at Strasbourg on April 20, 1959 and amended by two Protocols additional information from the operative investigation or prosecution if it thinks they could help the receiving State or to initiate criminal proceedings information could serve an application for legal aid. Information obtained in operational activities or criminal investigation will be submitted by the prosecution prosecutor, who will then Prosecutor General's Office for dispatch to the foreign state concerned.

(11) Transmission of information defined as secret is out in the Law no.245-XVI from 27 November 2008 on State Secrets.

[Art.29 of. (11) introduced by the 4.7.11 LP66, MO110-112/08.07.11 art.299]

(2) If the use of information transmitted under par. (1) is restricted and impose conditions or constitutes a trade secret or banking information, they will be sent only if authorized by the judge sent to the prosecutor's reasoned approach .

[Art.29 of. (2) amended by LP66 in 4.7.11, MO110-112/08.07.11 art.299]

(3) The procedure for transmission of information will take the form of letters rogatory, the content that explicitly indicates the conditions or restrictions, such as made known to the foreign state, be obliged to observe the use of these categories of information.

Article 30. Border surveillance

(1) Except when otherwise provided by international treaty applicable in relation to a foreign state, representatives of the criminal investigation body of a State which, in a prosecution, supervises in another person alleged to have participated in a crime that allows a person to extradite or there is reasonable cause to believe that can lead to the identification or location of the alleged participant in the offense, are authorized, upon prior application for legal aid to continue their surveillance in the Republic Moldova. Upon request, supervision may be exercised by the competent authorities of the Republic of Moldova.

(2) An application for legal aid under par. (1) is addressed to the Prosecutor General.

(3) In an emergency, if it can not be requested prior authorization of the Republic of Moldova, representatives of foreign prosecuting authorities acting in criminal proceedings are authorized to continue in Moldova supervision of a person suspected of committing one of the acts listed paragraph. (5), the following conditions:

a) border will be notified immediately, during the surveillance, the Prosecutor General by the Interior Ministry and the Border Service;

b) the application for legal aid under par. (1), which are exposed grounds for crossing the border without prior authorization will be submitted without delay.

(4) Supervision referred to in para. (1) and (3) can be performed under the following conditions:

a) observers representatives of foreign prosecuting authorities must comply with Moldovan legislation, including this article;

b) Unless otherwise provided in par. (3), during surveillance, observers representatives of foreign prosecuting authorities will carry a document certifying that authorization has

been granted;

- c) observers representatives of the prosecution to justify their foreign official;
- d) observers representatives of foreign prosecuting authorities can wear during supervision, service weapon, whose use is prohibited, except self-defense;
- e) entering into private homes and places not accessible to the public is prohibited;
- f) observers representatives of the prosecution can not detained or arrested foreign person under observation;
- g) All operations shall be subject to a report to be presented to the competent authorities of the Republic of Moldova;
- h) State authority to which they belong observers representatives of the prosecution of this State, at the request of the Moldovan authorities, contribute to a smooth running operation prosecution following attended.

(5) Surveillance can only be regarded as serious offenses, particularly serious and exceptionally serious, the Criminal Code of the Republic of Moldova.

Article 31. *Confiscation or lifting*

Proceeds of an offense covered by the request for rogatory commission shall be confiscated or the laws in force arises.

Article 32. *The specialty of the Letter*

Moldova will use documents and information requested from the State only to fulfill the object of the Letter.

Article 33. *Provisional*

At the request of the applicant, may take provisional protective measures established by Moldovan legislation to protect evidence, maintaining an existing situation or protecting endangered legal interests.

Chapter III - TRANSFER OF CRIMINAL PROCEEDINGS

Section 1. Uptake by central authorities Republic of Moldova and prosecution of criminal cases in judicial phase of criminal proceedings

Article 34. *Compulsory acquisition prosecution to request of a foreign state*

Request foreign central authorities on taking criminal prosecution in interlocutory proceedings, submitted under the Criminal Procedure Code, this Law and international treaties, is examined by the Prosecutor General, who decides on its admissibility. Request the competent court of another state for taking over criminal cases in court proceedings, submitted under the Criminal Procedure Code, this Law and international treaties, are examined by the Ministry of Justice, which decides on the admissibility.

Article 35. *Grounds for taking criminal proceedings*

(1) Acquisition and prosecution of criminal cases in court proceedings may be granted if:

- a) the suspect, accused or defendant is a citizen of the Republic of Moldova;
- b) foreign citizens permanently resident in the Republic of Moldova;

- c) the person performs or should perform in Moldova a custodial sentence;
 - d) the person is prosecuted for the same offense in the Republic of Moldova;
 - e) the offense is an offense under the laws of the Republic of Moldova;
 - f) the person has committed a criminal offense is punishable under Moldovan law.
- (2) Acquisition or cause prosecution in court proceedings may be refused if:
- a) the deed is not defined in the Criminal Code of the Republic of Moldova;
 - b) the person was convicted for the same offense in a court of another State;
 - c) the limitation period has expired under Moldovan law and its extension to 6 months according to international
 - d) the offense was committed outside the requesting State;
 - e) the person is not Moldovan national or foreign citizen or stateless person has permanent residence in Moldova;
 - f) there are grounds for believing that the request to take criminal proceedings or proceedings in criminal cases is motivated by considerations of political, religious, racial and ethnic;
 - g) the offense is political, military or their related offenses;
 - h) prosecution contravenes international commitments by Moldova.
- (3) Taking prosecution where, according to Moldovan legislation is necessary complaint by the injured party may be allowed subject to confirmation by the requesting State to the party injured.

Article 36. Validity of acts

All procedural documents prepared in accordance with state law and the applicant have the same probative value as for their execution by the prosecution in Moldova.

Article 37. The procedure of taking prosecution

(1) Taking prosecution is based on the request of law enforcement authorities of the requesting annexation materials or copies certified in criminal case file and other material evidence. All materials submitted will be accompanied by translations in accordance with Article 9.

(2) After examining the request to take over the prosecution and documents submitted by the applicant, the General can take one of the following decisions:

- a) be dismissed;
- b) reject the application;
- c) to require new information, documents and data.

(3) If the conclusion is reached by taking the admissibility of prosecution, the Attorney General issued a resolution to take over the prosecution, which, in addition to items specified in the Criminal Procedure Code, shall include the legal classification of the offense under the Code Criminal transmission of Moldova and the disposal of the case for prosecution to the competent body. Prosecution in such cases shall be in accordance with the Code of Criminal Procedure.

(4) If it is concluded that the request to take the prosecution submitted by the applicant is inadmissible, the Prosecutor General requesting State announces reasons for refusal and give back the criminal case.

(5) In making a decision quashing the removal of the termination charges or prosecution, the Prosecutor General shall inform the applicant and shall give a certified

copy of the decision.

Article 38. *The procedure of taking criminal cases in judicial phase of criminal proceedings*

(1) The provisions of Article 37 shall apply to proceedings to take over criminal cases during judicial review of the trial. Ministry of Justice is authorized to decide on takeover or acquisition of such refusal causes.

(2) If the Minister of Justice issued a decision to accept the application to take over criminal cases by the requesting State, the Minister of Justice acts to resolve the request of the court, according to jurisdiction under the Criminal Procedure Code, which will examine the case on the merits.

(3) In case of refusal to issue a decision accepting the request to take over criminal cases, the Justice Ministry requesting State announces reasons.

(4) If delivery of a final judgment in a criminal case taken under this Article, the Ministry of Justice shall inform the requesting State and shall transmit a certified copy of the decision.

Section 2. Transmission of repressive procedures foreign authorities

Article 39. *Transmission of criminal cases in stage to prosecute criminal*

(1) The criminal cases in the investigation stage of criminal proceedings to other states occurs if:

- a) the person who committed the crime is a national of that State or has permanent residence in that State;
- b) the offense was committed in its territory;
- c) the fact that an offense under State law and legislation of the Republic of Moldova;
- d) transmission of criminal proceedings shall be made for the proper administration of justice and / or promote social reintegration in case of conviction;
- e) the defendant serving a sentence in the requesting State for an offense more serious than that committed in the Republic of Moldova;
- f) the person refuses extradition.

(2) In the cases listed in paragraph. (1), police investigator has to be confirmed criminal prosecutor leading a motivated proposal for waiver of jurisdiction, citing the arguments of this decision.

(3) The prosecutor, after examining the material in a criminal case and studying the legality, completeness of criminal acts to be performed in Moldova, issue a decision on prosecuting officer proposal.

(4) If the proposal acceptance prosecuting officer, prosecutor issued an order to transfer the file under the powers and perform other actions required by international treaties to which Moldova is party. All material is sent to the Attorney General to decide whether criminal proceedings transmission.

(5) The prosecution may be resumed if the State refuses taking prosecution as provided by international treaties.

Article 40. *Transmission of criminal cases in judicial review*

(1) If the case is the judicial review, the judge issues a reasoned conclusion about the

need to transfer the case to the court of another state and sends the Minister of Justice, to decide on whether transmission. Grounds for transfer, under paragraph 39. (1) shall apply accordingly.

(2) Trial of the case will be resumed if the requested State refuses to take over the criminal case for trial, as provided by international treaties.

Article 41. *Effects of transmission of criminal proceedings*

(1) After the transfer of criminal proceedings has been consented by the Requested State, nor any proceedings for the same act can be initiated by the Moldovan authorities.

(2) Moldova reacquires right to initiate or, where appropriate, to resume prosecution for that offense if:

- a) inform the requested State can not complete the prosecution that was sent;
- b) subsequently becomes aware of a reason which, according to this law, would prevent the transmission of criminal proceedings.

Chapter IV - EXTRADITION

Section 1. Extradition from the Republic of Moldova

Article 42. *Persons subject to extradition and people who can not be extradited*

(1) can be extradited from the Republic of Moldova, at the request of a foreign citizen or stateless person prosecuted or sentenced in that State.

(2) may not be extradited from the Republic of Moldova:

- a) citizens of the Republic of Moldova;
- b) persons who have been granted asylum;
- c) persons granted political refugee status;
- d) foreign persons in the Republic of Moldova enjoys immunity from jurisdiction, the conditions and limits set out in international treaties;
- e) foreign persons summoned from abroad to hear the parties, witnesses or experts before a court or a prosecuting body, the immunities provided by international treaty.

Article 43. *Refusal to extradite*

(1) In considering the request for extradition to the Republic of Moldova within the meaning possible refusal, refusal under the conditions specified in the Code of Criminal Procedure to art.546, will take into account the situation following fields:

- a) the person whose extradition is sought to be tried in the requesting State by an extraordinary court established for a particular case and if the person whose extradition is requested would be tried in the requesting State by a court that not provide essential procedural guarantees and protection of rights of defense;
- b) the offense for which extradition is requested is a violation of military discipline and not common law offense;
- c) the penalty provided for the offense is capital punishment laws of the requesting Party. Notwithstanding this rule, extradition of the person may be granted only if the requesting State gives assurance, deemed sufficient by the Republic of Moldova, that

capital punishment will not run and should be switched.

(2) refusal to extradite an unconvicted person in Moldova decided by the Attorney General, and the person convicted, the justice minister.

Article 44. Transfer of criminal proceedings in case of refusal extradition

Refusal to extradite its own nationals or political refugee obliges Moldova, the Requesting State, submit the case to its competent authorities so as to allow for the prosecution and trial if necessary. For this purpose, the applicant is free to send General Prosecutor in criminal prosecution, or the Ministry of Justice, the judicial phase of criminal cases, and information relating to the offense. The Requesting State shall be informed on his application.

Article 45. Dual criminality

(1) Extradition may be permitted under the Criminal Procedure Code art.544 par. (3), only if the offense for which accused or convicted person whose extradition is sought is provided as a crime so law of the State, as and the law of the Republic of Moldova.

(2) Notwithstanding the provisions of par. (1), extradition may be granted if the offense is not prescribed by law for this act of Moldova if the requirement of dual criminality is excluded by an international treaty to which Moldova is hand.

(3) differences between the legal classification and the name given to the same offense by the laws of two states is not relevant if the international treaty or, failing that, a declaration of reciprocity otherwise stated.

Article 46. Tax offenses

(1) The duties and taxes, customs and exchange, extradition shall be granted, in accordance with applicable international treaty to which they relate facts similar offense, under Moldovan law.

(2) Extradition may be refused because the Moldovan legislation does not require the same type of fees or taxes or does not, for reasons set out in para. (1), the same type of regulation as the law of the requesting State.

Article 47. The severity of punishment

(1) Extradition shall be granted by the Republic of Moldova for criminal prosecution or trial only for offenses punishable by deprivation of liberty than a year, according to Moldovan legislation and the requesting State.

(2) Extradition for enforcement of criminal sanctions is granted extradition only if permitted under par. (1) and to be performed if a custodial sentence. In this case, extradition shall be granted if the period of detention to be executed or overlapping periods of detention to be made is at least 6 months if the international treaty to which Moldova is party provide otherwise.

(3) A person sentenced to a term of imprisonment with conditional suspension of the sentence may be extradited in case of cancellation of conviction, with conditional suspension and sending the convict to serve their sentence determined by a court if the sentence remains to be done meet the requirements of seriousness under par. (2) and there are no legal impediments to extradition.

(4) If the offense for which extradition is requested is punishable by death by the law

of the State, extradition may be granted only on condition that the State provide assurances, deemed satisfactory for Moldova, the death penalty will not run, being switched.

Article 48. *Offences committed in a third country*

In case of offenses committed in another state than the requesting State, extradition may be granted when the Moldovan legislation for the powers of prosecution and trial national competent bodies of the same offenses committed outside the Republic of Moldova or the Requesting State when evidence that the third State in whose territory the crime was committed will not request extradition for that offense.

Article 49. *Unless the person whose judgment extradition is requested*

(1) If the requested extradition of a person to a penalty handed down by a court judgment against him in absentia, Moldova may refuse extradition for this purpose if the court believes that the procedure did not take into account right to defense, to everyone accused of a crime. However, grant extradition if the requesting State gives assurances estimated as sufficient to ensure the person whose extradition is requested the right to a retrial to guarantee them the right to defense.

(2) If the Republic of Moldova to the person whose extradition is requested judgment the sentence without it, the applicant will not consider this communication as an act to cause significant criminal procedure in that State.

Article 50. *Extradition request and supporting documents*

(1) The extradition request, in writing the authority of the applicant, addressed Prosecutor General if the person whose extradition is requested is being prosecuted or Ministry of Justice if the person whose extradition is requested was convicted . If addressed through diplomatic channels, the application is filed without delay Prosecutor General or, where appropriate, the Ministry of Justice. Another way can be arranged by direct agreement between the applicant and Moldova.

(2) The extradition request is made under the international treaty the Republic of Moldova and the requesting parties are under conditions of reciprocity or written.

(3) The application shall be accompanied by:

a) according to the trial stage, the originals or certified copies of the final judgment of conviction, noting becomes final, the decision issued following exercise of legal remedies, the originals or certified copies of the mandate of the remand, the Ordinance implementing an accusation or indictment, as appropriate, or other procedural documents having equal power. Authentication of copies of these documents is free of court or competent prosecution, as appropriate;

b) the statement of facts for which extradition is requested, an indication, the most accurate manner possible, the date and place of their commission, their legal qualification, the references to applicable statutory provisions and, necessarily, an indication of the penalty;

c) the copy of the relevant enactments or, if not possible, the declaration of the relevant law and the precise characteristics of the person whose extradition is requested and any other information that determines its identity and citizenship;

d) the data length executed part of the sentence, if the request for extradition of a

convicted person who has served only part of the sentence.

Article 51. *Checking compliance extradition request with international treaty*

(1) Prosecutor General or, where appropriate, the Ministry of Emergency will check compliance with the extradition request of the international treaty to whether:

a) is an international treaty to which the Republic of Moldova and the requesting State Party or are there by mutual obligations;

b) there is no other legal impediment, such as one of the cases of refusal of international legal assistance provided in the Code of Criminal Procedure on the art.546 and 43 in this Law or failure to identify the person in Moldova or death of the whose extradition is requested;

c) request and the documents relating to extradition for trial or the sentence are accompanied by translations, according to Article 9.

(2) If the condition provided in par. (1) a) and b), the Attorney General or, where appropriate, the Minister of Justice refuses extradition reasoned decision and return the application and attached documents. If the extradition request and supporting documents are not accompanied by translations in language, is to be taken urgently to make a translation.

Article 52. *Plurality of requests*

(1) If extradition is requested by several States or for the same offense or for different offenses, Moldova extradition decision taking into account all the circumstances and especially the relative seriousness and place of commission of crime, the date of filing, the nationality of the person required, the existence of reciprocity for extradition in relation to the Republic of Moldova and the possibility of subsequent extradition to another applicant.

(2) On request the concurrence of the Prosecutor General or, where appropriate, the Ministry of Justice will inform the central authorities of the Member requesting emergency.

Article 53. *Extradition procedure in Moldova*

(1) Decision on Extradition of Moldova shall be taken by the competent court.

(2) If the Attorney General or, where appropriate, the Minister of Justice considers that the request for extradition of the foreign state or international court meets all conditions of eligibility and there are no impediments for the extradition of the person, the court submit a petition to be annexed request and the documents accompanying the requesting Party under the Criminal Procedure Code art.544 par. (6).

(3) Conclusion judge has become final, is sent to the Prosecutor General and Ministry of Justice for enforcement or inform the requesting State.

(4) Prosecutor General or, where appropriate, the Ministry of Justice will notify the Central Authority of the State of proposed solution on the admissibility of extradition or provisional arrest request for extradition, issued by the competent court.

Article 54. *Representation of the requesting State*

Central authorities of the requesting State may be allowed, upon request, to assist, through a representative appointed for this purpose, the court examination of the

approach for extradition from the Republic of Moldova, the court is authorized to grant such permission.

Article 55. Provisional arrest. The appeal court court

(1) After receiving the request for extradition, the Prosecutor General or, where appropriate, the Ministry of Justice will take urgent measures to arrest the person whose extradition is requested, in accordance with the Code of Criminal Procedure. Representatives of the body that carried out the detention under the prosecutor will proceed within 72 hours of receiving the request for extradition and the documents attached, to identify the person whose extradition is requested, which handed him the arrest warrant and other documents transmitted by the requesting State.

(2) After identification, the soon to be brought before a court of jurisdiction of the Ministry of Justice to decide on the measure provisional arrest for extradition of the person whose extradition is requested and judicial proceedings to resolve the extradition request. A request for provisional arrest shall be made on behalf of the Attorney General.

(3) provisional arrest for extradition is ordered and extended by the judge hearing the extradition request, which shall decide by a ruling can be appealed only with the judgment on the request for extradition.

(4) The person whose extradition is requested in respect of which provisional arrest has been made so far will be arrested by the organs of the Ministry.

(5) During the resolution of the case, the court will review the office every 30 days, the necessity of maintaining the provisional arrest, ordering, if necessary, extend or replace it by far not to leave the country or city or a detention alternative non-custodial arrest, as provided in the Code of Criminal Procedure.

(6) Each extension granted under par. (5) shall not exceed 30 days. The total duration of provisional detention measure may not exceed 180 days.

(7) In case of admission of the request for extradition, provisional arrest for extradition shall be renewed every 30 days, until the surrender of the person extradited, provided the time limits provided in par. (5) and (6). Provisional arrest shall terminate de jure if the extradited person is not taken by the competent authorities of the requesting State within 30 days of the date agreed for delivery.

(8) Except as provided in paragraph 66. (5), the court may order, ex officio, upon notification by the Attorney General or at the request of the person whose extradition is requested, the cessation of the arrest for extradition if the person extradited will be taken by the competent authorities of the requesting State within 15 days of the date agreed for delivery, unless the bilateral treaty does not provide beneficial conditions for this person.

(9) If against a person whose extradition is requested competent national court issued an arrest warrant or a warrant of imprisonment for crimes committed in the Republic of Moldova, provisional arrest warrant for extradition is effective the date on which the person concerned is no longer residing with the provisions of the mandate of arrest or of imprisonment.

Article 56. Emergency provisional arrest

(1) In case of emergency, the Attorney General or, where appropriate, the Minister of Justice may ask the office or request the provisional arrest of the requesting party person, even before formulating and submitting the formal request for extradition.

(2) The request for provisional arrest for extradition to be shown the existence of a warrant of arrest or execution of sentence imposed by a final court decision, a summary of facts which must include the date and place have been committed and applicable state laws and available data on the identity, nationality and location of the requested person.

(3) When the requesting authorities to request provisional arrest for extradition may apply both provisions of Article 50 para. (1), as well as those of Article 7 para. (3).

(4) The request for provisional arrest for extradition may be examined only if there is no doubt the competence of the applicant authority and the application contains the elements specified in paragraph. (2).

(5) The provisions of Article 55 shall apply accordingly.

(6) The court may order, ex officio, at the request of the Attorney General or at the request of the person whose extradition is requested, the cessation of the provisional arrest if, within 18 days of the measure, Moldova has not received the request extradition and the documents referred to in Article 50. Provisional arrest of law ceases after a period of 40 days, including during the initial term and the period for which it was extended, if this time does not receive the request for extradition and the necessary documents.

(7) The provisional release shall not preclude a new provisional arrest for extradition or extradition if the request for extradition is received subsequently.

Article 57. Detention for extradition

Person who is wanted interstate (for the CIS countries) or internationally through the International Criminal Police Organisation (Interpol), and whose arrest is sought by the central authorities of the requesting State for extradition will be retained by the national bodies the prosecution, as provided in the Code of Criminal Procedure, for more than 72 hours. The prosecution will soon announce the territorial prosecutors and those of special prosecutor in whose jurisdiction the person was detained and will perform the necessary checks on identity, citizenship and her residence, political asylum, criminal reasons, circumstances which would exclude or postpone such conditional extradition and, in turn, will immediately notify the Prosecutor General to take appropriate measures.

Article 58. Approach examination procedure for extradition

(1) Initially, the court making a declaration ensures the person whose extradition is requested and will be free assistance of an interpreter and a lawyer who provides legal assistance guaranteed by the state if there is a lawyer of their choice. The prosecutor is required. Procedure shall be public unless the person whose extradition is requested or the public prosecutor opposes or whether the interests of justice so require, be oral and held contradictory.

[Art.58 of. (1) amended by LP89-sixteenth of 24/04/08, MO99-101/06.06.08 art.366, effective 7/1/08]

(2) The person whose extradition is requested or the prosecutor may request the court an additional period not exceeding eight days, for sufficiently strong reasons. The prosecutor is obliged to contribute to the presentation of data and documents necessary to determine whether conditions are required to waive extradition, and submission to the court objects specified in Article 12.

(3) After questioning, the person whose extradition is requested may opt either for voluntary extradition or for further processing in case of opposition to extradition.

Article 59. Simplified extradition

(1) The person whose extradition is requested is entitled to declare before a court that gives the benefits which would give the law to defend against the extradition request and give consent to be extradited and handed over to state authorities applicant. Declaration is recorded in the minutes signed by the presiding judges, court clerks, the person whose extradition is requested, the lawyer and the interpreter. Having established that the person whose extradition is requested is fully aware of the consequences of its choice, the court, taking into account the conclusions of the prosecutor, examining the existence of any impediment that would preclude extradition. If that simplified extradition is admissible, the court notes that fact by a conclusion and has also the necessary preventive measures to be taken until the surrender of the person whose extradition is requested. The conclusion is final, shall be made within 24 hours and is transmitted immediately, the certified copy, the Attorney General or the Minister of Justice to issue a legal decision.

(2) The consent given under par. (1) can not be revoked once it has been confirmed by the court.

(3) In the case referred to. (1) submit a formal request for extradition and the documents referred to in Article 50 para. (3) is not required if provided for by international treaty applicable in relation to the requesting State or if that state law allows such a simplified extradition procedure and it has been applied to requests for extradition by the Republic of Moldova.

Article 60. Resisting the person whose extradition extradition is requested

(1) If you object to extradition, the person whose extradition is requested may make their oral arguments and written, will also bring evidence.

(2) After hearing the person whose extradition is requested, the case file is made available to counsel them to present in writing, within eight days until a reasoned opposition to the extradition request and admitted the evidence indicates the Moldovan legislation, the number of witnesses is limited to two.

(3) Opposition may be based only on the fact that the arrested person is not prosecuted or not the conditions for extradition are met.

(4) As shown opposition to extradition or expired time limit for submission of opposition, the prosecutor may apply for up to eight days to respond to opposition or given evidence, as provided in par. (2).

Article 61. Of evidence

The evidence accepted by the court will be given 15 days in the presence of the person whose extradition is requested, assisted by counsel and, if necessary, an interpreter, and the prosecutor.

Article 62. Additional Information

(1) If information submitted by the applicant is found to be insufficient to allow Moldova to issue a decision pursuant to this Act, the court will request the information needed. For this purpose, shall fix a period of two months.

(2) request additional information and the response is transmitted on one of the ways referred to in Article 50.

Article 63. Settlement of the case

- (1) After examining the request for extradition of the evidence and conclusions presented by the party whose extradition is sought and the prosecutor, the court:
- a) has, in the event of multiple requests referred to in Article 52, connection of the cases, even if they refer to different acts;
 - b) has, in case of need for additional information from the requesting State under Article 62, the postponement of the application for extradition for a period of two months, the request may be reiterated, and offering last term of two months;
 - c) finds the end, if the conditions are or extradition.
- (2) The court lacks jurisdiction to rule on the merits criminal prosecution or conviction for which extradition foreign central authority nor on whether extradition.
- (3) If it finds that there are conditions for extradition, the court decides to accept the request for extradition, ordering, however, the continuation of provisional arrest for extradition purposes, until the surrender of the person extradited, under 66.
- (4) The decision ordering the extradition shall be made within 5 days after delivery.
- (5) The temporary extradition conditional extradition, the court shall state the device end conditions for such cases.
- (6) If the request for extradition, if the objects under Article 12 shall be submitted and will make mention of them in the end, attaching a detailed schedule possible.
- (7) If the court finds that there are conditions for the extradition request and has rejected the release of the person whose extradition is requested. The decision shall be made within 24 hours from the ruling and sent the Attorney General or the Minister of Justice.
- (8) Within 10 days from the ruling, the court on extradition may be appealed to the Court of Appeal by the Attorney General and the person whose extradition is requested. Appeal against a court decision rejecting the extradition request shall suspend the execution. Appeal against a court decision ordering the extradition shall suspend the execution, except as provided for provisional arrest for surrender.
- (9) The provisions of the preceding paragraphs apply correspondingly in cases where the court decides on the postponement of extradition, extradition conditional admission, consent extending the object of extradition and re-extradition to a third country.

Article 64. Escape extradited person

Extradited person who, after being taught the requesting State, escaping before the settlement of the case or execution of sentence for which extradition was granted and returns or is identified in Moldova will again be arrested and surrendered, under a mandate issued by the competent authority of the requesting State, unless he breached the conditions on which extradition was granted.

Article 65. Teaching extradited person

- (1) is considered necessary and sufficient legal basis for the surrender of the extradited an extract from a final judgment ordering the extradition.
- (2) After the entry into force of the judgment by admission of extradition, the court shall inform the Attorney General or, where appropriate, the Minister of Justice, for further information of the requesting State or international court, the place and date of

surrender extradited, as well as duration was detained in connection with extradition.

(3) Date of surrender shall be appointed within 15 days after the judgment becoming final extradition.

Article 66. Time limits for surrender of the person extradited

(1) Attorney General or, where appropriate, the Minister of Justice will make known to the competent authority of the requesting state solution adopted on extradition, telling him also an extract from the final judgment.

(2) Any solution will be complete or partial rejection reasons.

(3) place of surrender is usually a border crossing point of the Republic of Moldova. Ministry of Interior will provide teaching, communicating about the Prosecutor General or, where appropriate, the Ministry of Justice. The extradited person is taught and taken under escort.

(4) Except as provided in par. (3), if it is not taken to date, the person whose extradition is requested can be released at the expiration of 15 days, calculated from that date, and in any case, will be released at the expiration of 30 days of the date set for surrender if no bilateral treaty provides for more beneficial for this person.

(5) In case of force majeure, preventing the delivery or receipt of the person extradited, the State concerned shall inform the other State. Both countries will agree on a new date for surrender, apply paragraph. (3).

Article 67. Teaching postponed

(1) The existence of a criminal trial in Moldova against the person whose extradition is requested or that the person serving a sentence of imprisonment not prevent extradition.

(2) In cases referred to in para. (1), teaching extradited may be delayed. In case of delay, extradition may be effected only after the criminal trial ended, and in case of sentence to a custodial sentence only after it was executed or considered executed.

(3) Surrender of the person extradited may be delayed and when, following a medical examination, is found to suffer from a disease that could be life threatening.

(4) In case of postponement of surrender extradition has been approved, the court issued a warrant for provisional arrest for extradition. If the person extradited, when the request for extradition, is residing with the provisions of an arrest or detention of imprisonment issued by law enforcement authorities of the Republic of Moldova, provisional arrest warrant for extradition shall take effect date of termination of the reasons that justified the postponement.

Article 68. Temporary or conditional surrender

(1) Under paragraph 67. (1), temporarily extradited person may be surrendered if the Requesting State proves that teaching postponement would cause serious damage such as prescription fulfillment, provided that such teaching does not harm criminal proceedings under way in Moldova and that the requesting State give assurances that, once met procedural acts for which extradition was granted, will return the person extradited.

(2) At the request of the applicant, submitted on one of the means provided by this Law, temporary surrender is approved by concluding that the trial court in first instance the request for extradition.

(3) In view of the application of temporary teaching, the court will review the criteria

under par. (1), and opinion seeking criminal prosecution body conducting the criminal investigation or court whose proceedings are part time, after case, the enforcement body.

(4) If the person surrendered serving a sentence or a temporary preventive measure, performance is considered suspended from the date on which he was taught the competent authorities of the requesting State and the date that is returned to the Moldovan authorities.

Article 69. *Transit*

(1) transit through the territory of Moldova extradited a person not a citizen of the Republic of Moldova may be granted for an offense that allows extradition under Moldovan law and subject to public order.

(2) If the extradited person has Moldovan citizenship, transit is granted only in cases where it may approve the extradition of nationals.

(3) Transit is granted at the request of state concerned, made and sent the means mentioned in Article 50 para. (1), which is attached to at least arrest warrant or warrant of imprisonment that the granting of extradition.

(4) A request for transit is solved by the Attorney General or, where appropriate, the Minister of Justice.

(5) The decision of the Attorney General or Minister of Justice is sent immediately to the Ministry of Interior to organize transit of the extradited person and the requesting State.

(6) If air transit when it is not intended to land in Moldova is sufficient notice to the applicant authority of the Ministry of Justice. If an unscheduled landing, such notification shall take effect provisional arrest request for extradition, and the requesting State shall immediately address a formal request for transit. The provisions of paragraphs. (3) shall apply accordingly.

(7) extradited in transit remains in temporary custody during his stay in Moldova.

Article 70. *Re-extradition to a third*

(1) In addition to applying the rule of specialty, Moldova's consent is necessary to enable the applicant to surrender of another person who was taught and that is sought by the third State for offenses prior to the delivery. Republic of Moldova may require the documents mentioned in Article 50 para. (3).

(2) The provisions of Article 63 shall apply accordingly.

Section 2. Extradition request by the Republic of Moldova

Article 71. *Obligation to seek extradition*

Extradition of a person against whom the competent court of the Republic of Moldova has issued an arrest warrant or a warrant of imprisonment or that he was a safety measure will be called the foreign state in whose territory the person was located in Where are all the conditions stipulated herein.

Article 72. *Competence*

(1) The extradition request is made under the international treaty the Republic of Moldova and the State addressed are parties or under written obligations in terms of

reciprocity.

(2) If that was not concluded an international treaty with the requested State submitting a request for extradition shall be settled through diplomatic channels.

(3) jurisdiction to hear the submission by the state authorities requested the extradition request of the Attorney General has unconvicted persons. On a convicted person, the power forward of the extradition request of a settled Minister.

(4) the convicted person has escaped from the detention facility located in Moldova, where, to escape prosecution was initiated, the General Prosecutor will seek extradition for both criminal accountability, and for enforcement . If the prosecution is not turned on, the Justice Ministry will request extradition for the enforcement part of the sentence executed.

Article 73. *Legal*

(1) The provisions of Section 1 of this Chapter shall apply accordingly if the Republic of Moldova is requesting state.

(2) In addition to the condition on the seriousness of the penalty provided for in Article 47, an additional condition that Moldova can request extradition for criminal prosecution is that the person in whose respect is on the prosecution and formally bring charges , as provided in the Code of Criminal Procedure.

Article 74. *Documents required for submission of the application extradition of the person in the Republic Moldavia*

(1) The provisions of Article 50 para. (3) shall apply accordingly.

(2) The acts listed in Article 50 para. (3) shall be submitted by bodies which have initiated the extradition, the Prosecutor General or, where appropriate, the Ministry of Justice in two copies: one in the state language of Moldova, other with translation in the requested State or in any other language, or reservations made according to applicable international treaty.

Article 75. *Request for provisional arrest extradition*

(1) In an emergency, if the conditions are provided by this law to request extradition, the competent authorities of the Republic of Moldova may, before making a formal request for extradition, provisional arrest for extradition of the person are wanted international custody under a warrant of imprisonment or issued by the competent court.

(2) The request for provisional arrest for extradition is made by the issuing of the warrant of arrest or of imprisonment and sent directly to the Prosecutor General and Ministry of Justice, or through Interpol National Central Bureau in Moldova, which is required it broadcast channels of the International Criminal Police Organisation (Interpol).

(3) The Moldovan authorities are obliged to withdraw the request for provisional arrest for extradition if the person whose extradition is requested is no longer residing with the provisions of the mandate of arrest or execution of sentence.

Article 76. *Retrial extradited person*

The request for extradition, the Republic of Moldova assures, under paragraph 49. (1), the retrial in the presence of the person extradited.

Article 77. Request re-extradition to the Republic Moldavia

The provisions of Article 70 shall apply accordingly if the Republic of Moldova requests a foreign re-extradition of a person whose extradition was granted earlier this State by a third.

Article 78. Taking extradited person

Handover-takeover provisions person extradited under Article 65 and 66 shall apply accordingly to persons extradited Republic of Moldova.

Article 79. Receiving person extradited

(1) A person extradited brought in Moldova will be delivered to the prison emergency or body as appropriate.

(2) If he was convicted in her absence, the extradited person will be retried, on request, subject to rights under criminal procedural law.

(3) If the court decision, the extradited person has been convicted of committing several crimes, the cumulation of punishments ordered and the requested State has accepted extradition only for a single offense or fewer of the aggregate, the court addressed the Ministry of Justice issuing the judgment of conviction to request Disjoins penalties established by the original judgment and order of sentence plans on how to comply with the rule of specialty.

Article 80. Stay the extradition request

If the requested State shall suspend the examination of the extradition request, the national body that initiated the extradition will be informed by and, after the period of suspension, submit materials required repeated extradition.

Article 81. Refusal to extradite

If the requested State refuses extradition, the Republic of Moldova will require transfer of criminal proceedings or recognition and enforcement of the judgment, in accordance with this law.

Article 82. Costs

(1) The costs of extradition proceedings conducted on its territory to the Republic of Moldova supports the budgets of the authorities and institutions, according to the tasks set.

(2) transit costs incurred by the requesting State.

Article. 83. Fraud extradition

Teaching a person by expulsion, readmission, border reconducere or a similar measure is prohibited whenever it is intended violation of extradition.

Chapter V - TRANSFER OF SENTENCED PERSONS

Section 1. General Provisions

Article 84. *General Provisions*

(1) A person sentenced in the Republic of Moldova may be transferred under the Special Criminal Procedure Code Title III, Chapter IX, Section 3 and this law, the territory of another State to execute the sentence imposed by a decision taken by a court of the Republic of Moldova.

(2) A person convicted in another state can be properly transferred, under the Special Criminal Procedure Code Title III, Chapter IX, Section 3 and this law, the Republic of Moldova.

(3) Republic of Moldova or the Sentencing State or the executing State may initiate proceedings to transfer the convicted person so request, and at addressing the legal representatives, attorney, spouse, close relatives, brothers or sisters.

(4) The transfer request is submitted by the issuing State or the State shall be made by indicating the international treaty whose theme will be requested transfer times to request use of mutually agreed conditions and guaranteed between states.

Article 85. *Costs*

(1) expenses incurred pursuant to this law the executing State, except costs relate only to stay in the territory of the sentence.

(2) costs of making the transfer from / in the Republic of convicted persons annually provide the means to cover the state budget for financing of the penitentiary system.

(3) A person convicted, legal representatives, lawyer, husband, relatives, siblings to the Minister of Justice may request permission to carry on his own person convicted, all expenses of transportation without the right to claim state reimbursement. Such requests must be justified. Minister of Justice may accept such requests in situations requiring urgent transport of the sentenced person determined by the unsatisfactory state of her health, the deplorable conditions of detention in the sentencing State, the danger to life or health posed by transport delay, in other similar cases. Refusal of the Minister of Justice may be challenged under Article 92.

Article 86. *Application in time*

This Chapter shall apply to the execution of the sentences imposed before and after entry into force of this law.

Section 2. Republic of Moldova as a state of condemnation

Article 87. *Obligation to provide information*

(1) Any person convicted may be subject to a transfer will be informed by the Penitentiary Department of Ministry of Justice, the prison administration, on its right to request transfer to the State of enforcement and substance of the applicable international treaty.

(2) If the convicted person wish to be transferred to the Ministry of Justice will inform this central competent authority of the executing State, presenting the information indicated in the Code of Criminal Procedure in art.553 par. (3), from which requires the act in the same code in art.554 par. (2) item 1), a copy of the law of the executing State showing that the facts which have given judgment in the sentencing State constitute an offense under and punishable under national law of the administering State or would

constitute such an offense if committed on its territory.

(3) The person convicted shall be informed in writing by the Ministry of Justice directly or through the prison of the Penitentiary Department, of any action taken by the issuing or the executing State and any decision taken by one of these two countries in connection with a transfer request.

Article 88. *Consent to be sentenced transferred*

(1) Department of Penitentiary Institutions will ensure that the conditions set out in the Code of Criminal Procedure in art.555 par. (1), do so that person must give consent to transfer under the same Code, art.552 par. (1) item 4), to do so voluntarily and with full knowledge of the legal consequences thereof.

(2) At the request of the executing State, Ministry of Justice, through the Department of Penitentiary Institutions, will provide the executing State can verify through a consul or other official designated by mutual agreement with the administering State, that such consent was given under par. (1).

Article 89. *Transfer of the application procedure*

(1) transfer request made by the convicted person or a person referred to in Article 85. (3) be submitted to the Ministry of Justice. As a result, the ministry is required to submit within 15 days up to:

a) the competent court - documents and referred to the Criminal Procedure Code art.553 par. (3) and art.554 par. (2) section 3);

b) by the Department of Penitentiary - acts mentioned in the Criminal Procedure Code in art.554 par. (2) item 4) and paragraph. (5), such as any medical or social reports on the sentenced person, any information on its treatment within the issuing State and any recommendation to continue this therapy in the executing State, an act establishing the execution of supplementary penalties, if it was applied, information on damage caused by the commission of crime, as well as repaired, accompanied , as appropriate, the required translation.

(2) The documents mentioned in para. (1) may be requested following a transfer request, from either of the two countries concerned.

(3) After receiving the documents and information referred to in para. (1), Ministry of Justice, after examination, may decide if the refusal has information or documents required to justify denial of transfer. The issuance of such decision may be preceded by coordination carried nationally by making the transfer request of the convicted person examining the Prosecutor General, and other institutions, as appropriate.

(4) In the absence of grounds for refusal, the Ministry of Justice, after examining the documents, organize them according to the translation requirements for each case, subject to the reservations made by States requested international treaty whose grounds the transfer, and submit them, together with the transfer request, the competent authority of the executing State, which will require permission to perform the transfer. When sending the transfer request and attached documents, that State may be requested to communicate which of the two procedures indicated in Article 99 para. (1) shall be applied.

(5) If a reasoned decision to refuse the transfer referred to in para. (3), inform the Ministry of Justice within 15 days before the competent central authority of the executing State. Information is convicted under article 87 par. (3).

(6) After removing impediments to justify refusing the transfer, the transfer request referred to in para. (1) can be made repeatedly and will act in accordance with the procedure established by this Law.

Article 90. Acceptance of transfer request

(1) If the procedure of solving the transfer request and in the case referred to in Article 89 para. (4), all documents, including those provided by the executing State, the Ministry of Justice are subject to verification of compliance with the provisions of international treaties, namely the observance of the conditions for the transfer.

(2) After the transfer has been accepted by the issuing State and executing State, Ministry of Justice will require executing State to take necessary steps to obtain authorization for transit through territories of third countries in escorting the convicted person when crossing these areas by land.

(3) Teaching a convicted person made the Penitentiary Department, who will work directly with the competent authority of the executing State to establish how effective teaching and acquisition, namely the date, place, time, escort and other relevant details . Uptake by the competent authority for execution will take place, if possible, at a crossing of the Republic of Moldova.

(4) If a person who, after being convicted by a final judgment rendered by a court of Moldova, escape and refuge in the State of nationality or territory in which the permanent residence, or has a residence permit as foreign citizens, Moldova State may make this an application requesting to take the punishment. The application may be made by the competent body to resolve issues relating to the execution of the sentence and sent the requested State through the Ministry of Justice. The request may include the State of refuge request of the convict to take steps to arrest him or any other measure to ensure that the Fugitive will remain on its territory pending a decision on the request. Arrest of the person in these circumstances will not lead to worsening of his criminal.

Article 91. Refusal of transfer of the sentenced person

Requests for transfer of the convicted person may be refused for the following reasons:

- a) the person was convicted of offenses that have noticed negative public opinion in Moldova;
- b) the penalty prescribed by state law enforcement is clearly superior or inferior compared to that determined by the decision of the court in the Republic of Moldova;
- c) there is sufficient evidence that, once transferred, the convicted person could be released immediately or within a short length of sentence remaining to be executed under the laws of the Republic of Moldova;
- d) the convicted person has not repaired the damage caused by the offense and has not paid or secured claims and expenses to which was bound by the judgment of the court of the Republic of Moldova;
- e) there is sufficient evidence that the executing State shall respect the rule of specialty, go to the person convicted of criminal repression occurring before transfer, other than those that caused the penalty, without first obtaining this purpose, authorizing the Republic of Moldova;
- f) danger of exposure to the person whose transfer is requested a degrading or inhuman attitude by state authorities for execution. If necessary, the competent authorities of the

Republic of Moldova can request the execution permission checking at the detention conditions of detention in the receiving State.

Article 92. Challenging the refusal

The decision to refuse the transfer of sentenced person taken by the Moldovan authorities that state conviction can be challenged in administrative proceedings before the Court of Appeal.

Article 93. Suspension and termination procedures transfer

(1) The emergence of circumstances that prevent the final decision on acceptance or refusal of the requested transfer or the convicted person performing transportation, Moldova, the issuing State, may decide to suspend the transfer procedure, which will be resumed after removal causes have determined the suspension and inform the State of enforcement decisions and the person convicted.

(2) transfer procedure stops triggered the withdrawal of transfer of the convicted person or the refusal to be transferred, the mutual information of the States concerned.

Article 94. Consequences for state transfer conviction

(1) takeover by the state authorities convicted person shall have the effect of suspended sentences in Moldova.

(2) Republic of Moldova can serve their sentence of execution when the state considered, according to the laws, enforcement of the sentence have been completed.

Article 95. Review of decision

Only the Republic of Moldova, the Sentencing State has the right to establish any form of appeal regarding the revision of the judgment, which may be requested by the convicted person even after the transfer.

Section 3. Republic of Moldova as an execution

Article 96. Documents Required

(1) Provisions relating to the Republic of Moldova as a state of condemnation is applied appropriately to the Republic of Moldova is the state of execution.

(2) Republic of Moldova as an execution, on request by the sentence, it will provide, through the Ministry of Justice, acts under the Criminal Procedure Code in art.554 par. (2) item 1), a copy of the provisions state law enforcement showing that the facts which have given judgment in the sentencing State constitute a criminal offense and punishable under the law of the administering State or would constitute such an offense if committed on its territory, and any other relevant information.

(3) Ministry of Justice shall request the competent authority of the State of conviction information provided in the Code of Criminal Procedure in art.554 par. (2) point 2) -4) and each time will be required any medical report or social convicted on any information about his treatment in the State of conviction and any recommendation to continue this therapy in the executing State, the act establishing the execution of any punishment complementary information about the damage caused by the offense and about repairing it.

Article 97. Consent of the person convicted

(1) Ministry of Justice shall request the competent central authority of the issuing State a statement to convict record consent to transfer, voluntarily and with full knowledge of the legal consequences of his transfer to the Republic of Moldova.

(2) The competent authorities of the Republic of Moldova can request through the Ministry of Foreign Affairs and European Integration, Moldovan consular office to ascertain whether the statement by the person convicted or his representative has been given as provided in par. (1). However, Moldovan consular office may be requested to prepare a document on social and family status of the convict, taking into account its allegations and indicating its possibilities of rehabilitation in Moldova.

(3) The proper application of the provisions of the Criminal Procedure Code art.554 par. (5), the competent authorities of the Republic of Moldova can request the competent authority of the issuing State a copy of the convicted person's criminal record and any additional information regarding the sentencing or required to settle the transfer request, imprisonment and reintegration of the convicted person after the end of the sentence.

Article 98. Transfer of the application procedure

(1) If the Ministry of Justice reaches a transfer request from the person convicted in another state or from another person referred to in Article 84 para. (3) or from the state of conviction, it is done as follows:

a) Central Authority of the issuing State and shall forward the information provided in the Code of Criminal Procedure in art.553 par. (3) and acts under this law in article 96 para. (2), with the request, unless any impediments that could justify refusal, presentation documents referred to in the same article 96 par. (3);

b) if it finds that the request for transfer may be satisfied, the Ministry of Justice shall notify the applicant and the person convicted under article 87 par. (3).

(2) After receiving approval of the sentencing State to the transfer together with the documents referred to in article 96 para. (3), Ministry of Justice checks the compliance with its international treaties and submitting the application for transfer, together with the request of the Minister of Justice and acts referred to in article 96 para. (2) and (3), to resolve the court specified in the Code of Criminal Procedure in art.556 par. (1), equality courts were established in relation to jurisdiction. When sending the transfer request, the Ministry of Justice specifies the procedure within the meaning of Article 99 para. (1), to be applied taking into account the reservations made to the Member in this time of ratification / accession to the applicable international treaty, and and any specific request of the issuing State in this regard.

(3) approach the Minister of Justice decided in accordance with the procedure established in the Code of Criminal Procedure to art.556 and 557, involving the Ministry of Justice of division specializes in providing international legal assistance.

(4) Termination of reasons, adopted the term as narrowly, which will specify the term of the sentence to be executed in Moldova, such as prison, detention regime, and how additional punishment for compensation if the civil action, conclusion liable to attack on appeal within 10 days after notification will be sent to the Ministry of Justice by the court within 3 working days after adoption. Notifying the person is convicted by the Justice Ministry by fax or other means of communication by the central authority of the issuing

State, the notice requiring the submission of certified proof of the convict. After that remains definitive conclusion of the court of the Republic of Moldova Ministry of Justice is transmitted by the competent central authority of the issuing State for the transfer of sentenced person can take place.

(5) After the transfer is accepted by the Ministry of Justice, if necessary, take all measures for transit authorization by delivering, on behalf of the Minister of Justice a request for transit, asking in advance Penitentiary Department to establish route escorts. The application shall include or be supplemented with relevant information regarding the person convicted, with a copy of the applicable laws of the conviction and any other information requested by the Transit for the request. The request also may include transit insurance specified in Article 106 paragraph request. (2).

(6) After obtaining proper authorization from transit states, handing-taking over the person convicted shall be made by the Department of Penitentiary Institutions under Article 90. (3).

(7) A person convicted transferred to Moldova can not be prosecuted for the same offense that was the subject of the sentence abroad.

(8) The provisions of this Article shall complement the provisions of Article 89, 90 and 92, which apply accordingly.

Article 99. *Consequences for state transfer execution*

(1) The competent authorities of Moldova are required:

a) to continue serving the sentence immediately or through a court ruling, under Article 100, or

b) convert the sentence by a judge, replacing the penalty imposed in the sentencing State a sanction prescribed by the laws of the Republic of Moldova for the same offense, under art.101.

(2) Upon request from the conviction, the Justice Ministry will, before transferring the person convicted, one of the two procedures provided in par. (1) which will be followed.

(3) Execution of the sentence is governed by state law enforcement, and this state is only competent to take the necessary decisions in the field.

Article 100. *Continue the sentence*

(1) If the Republic of Moldova procedure to continue the sentence imposed in the sentencing State, the court must respect the legal nature and duration of the sentence as the sentence.

(2) The provisions of the Criminal Procedure Code art.557 par. (2) shall apply accordingly.

Article 101. *Conversion of sentence*

(1) In case of change of conviction, sentence change limits are set by the court of the Republic of Moldova, with the following conditions:

a) the court will be based and take account only of finding the facts insofar as they appear, directly or indirectly, in the judgment in the sentencing State;

b) the court may not convert a deprivation of liberty to a pecuniary penalty;

c) the court will reduce the full period of deprivation of liberty served by the convicted person;

d) the court shall not aggravate the penal situation of the convict, but neither will focus on the lower limit of possible punishment under state law for the offense committed.

(2) When the switching process takes place after the transfer of convicted persons sentenced Moldova maintains the person in possession or take other measures to ensure its presence in the Republic of Moldova until the end of this procedure.

Article 102. Refusal of transfer

Requests for transfer of the convicted person may be refused for the following reasons:

- a) that reached the conviction was not conducted in accordance with relevant provisions of the European Convention on Human Rights and Fundamental Freedoms;
- b) in Moldova reached a judgment against the person convicted under the same act or criminal proceedings for the same offense and against the same person;
- c) the convicted person has recently left the Republic of Moldova by establishing residence in another state, and its links with Moldova are not significant;
- d) the convicted person has committed a serious offense before the negative public opinion or maintain close relations with members of criminal organizations, making them questionable social reintegration in Moldova;
- e) transfer could pose a risk to national security, public safety, economic welfare of the state, prevention of disorder or crime, protection of health or morals or the rights and freedoms of others.

Article 103. Cessation of service. Information on service

(1) Execution of the sentence shall cease as soon as the Republic of Moldova is informed by the sentencing State of any court decision or measure that is the sentence ceases to be enforceable.

(2) Republic of Moldova provides information to the sentencing State concerning the execution of the sentence:

- a) when considered completed serving the sentence;
- b) if the sentenced person has escaped;
- c) if the sentencing State requests a special report.

(3) The information referred to in para. (1) is provided by the Department of Justice Ministry Penitentiary for communication to the competent central authority of the issuing State.

Article 104. Pardon and amnesty. Change or cancellation of sentence

(1) Both the issuing, as well as executing State may grant pardon or amnesty, may modify or cancel the sentence imposed the convicted person, referred to this law.

(2) If Moldova is the issuing State Penitentiary Department of the Ministry of Justice have all relevant information under par. (1) for transmission to the competent central authority of the executing State to cease enforcement of the award in its territory.

Section 4. Republic of Moldova as a transit

Article 105. Addressing demand for transit

(1) Republic of Moldova shall, in accordance with national law, transit through its territory of the convicted person if the transit request was made by another State, which

agreed with a third State on transfer to or from its territory of a convicted.

(2) The transit request and the response is communicated through the Ministry of Justice. Response of acceptance or denial of transit requested will be made in coordination with other organs, which allows detection of the grounds for refusal to allow the transit.

(3) The request for transit shall be required when using the airspace of the Republic of Moldova and not provided any landing on its territory.

Article 106. *Protective actions*

(1) If the transit is required, Moldova may hold the sentenced person for a period strictly necessary for transiting its territory. Possession is provided by the Department of Penitentiary.

(2) Republic of Moldova, the State requested to grant transit may be required to ensure that the sentenced person will be prosecuted or detained, except where par. (1) or subjected to any other restriction of his liberty in the territory transit state for acts or convictions prior to his departure from the territory of the sentence.

Article 107. *Grounds for refusal of authorization of transit*

Republic of Moldova may refuse to grant transit:

- a) if the sentenced person is a citizen of it or is permanently resident in its territory, often as foreign citizens with residence in its territory;
- b) whether the offense of conviction is an offense subject served as his law.

Chapter VI - RECOGNITION OF CRIMINAL JUDGEMENTS OF FOREIGN COURTS

Section 1. Recognition and enforcement of foreign criminal

Article 108. *General*

(1) foreign criminal judgments become final in Moldova can be executed as provided by the Criminal Procedure Code and this section.

(2) The provisions referred to in para. (1) does not apply to the procedure of transfer of sentenced persons covered by the Code of Criminal Procedure, the Special Title III, Chapter IX, Section 3, and this law, Chapter V.

Article 109. *Special conditions of admissibility*

(1) in the Republic of Moldova, enforcement of foreign judgments is held at the request of recognition and enforcement made by the competent authorities of the sentence.

(2) An application for recognition and enforcement is permitted when, under the general conditions set out in the Code of Criminal Procedure in art.558 par. (2), the following special conditions are met:

- a) the convicted person is a citizen of the Republic of Moldova or is permanently resident in its territory, often as foreign citizens with residence in its territory;
- b) the offense for which the sentence was pronounced prosecution is started in Moldova;

- c) enforcement of the Republic of Moldova may favor the reintegration of the sentenced person;
 - d) enforcement of the Republic of Moldova can promote repair damage caused by the offense;
 - e) the penalty or security measures ordered by decision more than a year.
- (3) foreign decisions also can be executed if the convicted person serving a sentence in Moldova for an offense other than one established by the judgment whose enforcement was required.
- (4) The execution of foreign decisions which had been ordered a sentence or a detention order is possible when the Moldovan authorities refused extradition of the person convicted, even if not the conditions referred to in paragraph. (2) c) - e).

Article 110. *Performance limits*

- (1) enforcement of foreign limited to:
- a) serving a sentence of imprisonment or deprivation of liberty safeguards;
 - b) execution of a fine if the Republic of Moldova there are sufficient assets to ensure all or part of this execution;
 - c) Execution of special confiscation safety;
 - d) execution of disqualifications as they are defined in the European Convention on the International repressive decisions Hague May 28, 1970.
- (2) Republic of Moldova may refuse to execute if:
- a) considers that the sanction was imposed on a fiscal or religious offense;
 - b) the sanction was imposed for an offense which, under Moldovan law, would be the exclusive competence of an administrative authority;
 - c) the foreign judgment was rendered by the applicant at a time when the state prosecution in committing the offense which was punished as prescribed under the laws of the Republic of Moldova;
 - d) the decision was issued in absentia, the convicted person not having the opportunity to pursue a remedy before a tribunal;
 - e) the foreign judgment is issued as a criminal ordinance, as defined by the Convention on the International repressive decisions Hague May 28, 1970.
- (3) additional penalty imposed by foreign judgment is executed as far as is prescribed by legislation of the Republic of Moldova and was not made in the sentencing State.

Article 111. *Recognition procedure*

- (1) An application for recognition of foreign judgment be enforced is sent to the Ministry of Justice. The request shall indicate the international treaty whose theme enforcement is sought.
- (2) An application for recognition is accompanied by a genuine copy of the decision and, if required by international treaty applicable, a statement that the sentenced person expresses consent, as well as information on preventive custody or punishment part executed until the date the application.
- (3) Ministry of Justice, through its specialized subdivision, will examine the demand for recognition of compliance and enforcement documents attached with international treaties, according to the Criminal Procedure Code art.559 par. (1), then the competent court shall transmit or the General Prosecutor will submit appropriate jurisdiction.

Article 112. Consequences of execution

- (1) execution of foreign criminal decisions take place in accordance to the legislation.
- (2) foreign judgments recognized and accepted for execution in the Republic of Moldova have the same legal effects as the decisions of national courts.
- (3) Only the foreign state requesting enforcement of its own may decide to trigger an extraordinary means of appeal against this decision.
- (4) Amnesty and pardon may be granted both the Republic of Moldova and the foreign state.
- (5) The foreign intervention will inform the Republic of Moldova on any case referred to in para. (3) and (4), which would lead to change or terminate execution.
- (6) Top of the sentence in Moldova is the foreign country giving effect to the execution in its territory, except where the convicted person evades serving their sentences, in which the foreign state reacquires right to execution. If the fine, the execution of foreign reacquires right to be informed of the date when the total or partial non-execution of that sentence.

Article 113. Destination of fines and objects seized

(1) The penalty fine is currency. Determination of fine equivalent in national currency in foreign currency shall be the official rate of MDL application available on payment of the fine.

[Article 113 of (1) in the wording of 06.05.12 LP33, MO99-102/25.05.12 article 330]

- (2) The amounts of money from fines imposed by the execution of foreign judgments of conviction should be paid to the state budget of Republic of Moldova.
- (3) Upon request from the conviction, the money referred to in para. (2) it can be taught in similar circumstances if the money obtained from the enforcement of fines imposed by decisions rendered in Moldova will be delivered to it.
- (4) The objects confiscated under an incumbent Moldovan foreign judgments, but on request by the conviction that they can be taught is of particular interest to that state and no guarantee of reciprocity.
- (5) The provisions of paragraphs. (2) - (4) shall apply accordingly in case of request execution of a court decision issued by the Republic of Moldova in a foreign country.

Section 2. Enforcement of national criminal abroad

Article 114. Execution conditions of delegation

- (1) request the execution of foreign criminal judgments issued by the court of the Republic of Moldova can occur where one of the following conditions:
 - a) the convicted person is a national of the Requested State or has permanent residence in its territory, often as foreign citizens with residence in its territory;
 - b) the convicted person is a citizen of the Republic with permanent residence in the requested State;
 - c) the convicted person has the nationality of the requested State;
 - d) the extradition of the convicted person in the Republic of Moldova to the sentence is not permitted under the laws of the Requested State;
 - e) there are grounds to believe that enforcement of the requested State may favor the

reintegration of the sentenced person;

f) the sentence imposed is more than one year;

g) the convicted person gives his consent after being informed about the consequences of enforcement abroad.

(2) Also, the execution can be requested if:

a) the convicted person executed in the foreign state prison sentence for another offense established than that for which he was convicted in the Republic of Moldova;

b) the person convicted was applied security measure of expulsion.

(3) performance in the foreign state is required non aggravation in that State provided the sentence imposed by a decision rendered in Moldova.

Article 115. *Enforcement of criminal procedure decisions foreign national*

(1) An application for a declaration of enforceability on foreign territory is made by the body responsible for executing the office or at the request of the prosecutor or the convicted person if Article 114 are met.

(2) An application for a declaration of enforceability, accompanied by the documents described in paragraph 111. (2), shall be submitted to foreign authorities through the Ministry of Justice of Moldova.

(3) If necessary consent of the person convicted, held in Moldova Penitentiary Department, through the prison, certifies willingness of the person convicted to be made voluntarily and with full knowledge of the legal consequences thereof. If the convicted person is abroad, consent may be certified by a consular officer of the Republic or in any other manner provided by law of the State owned.

(4) If the convicted person is in the Republic of Moldova and has not itself request, the body will submit a declaration of performance par. (1) notify that person convicted of application. No reply from the person convicted is equivalent to consent to the request.

Article 116. *Consequences of the request for enforceability*

(1) Acceptance by the foreign state demand a declaration of enforceability is to give effect to the Republic of Moldova enforce its territory.

(2) Republic of Moldova can regain the right to enforcement of the judgment if the convicted person evades the execution.

(3) The provisions of article 112 para. (3) - (6) shall apply accordingly.

Chapter VII - FINAL AND TRANSITIONAL

Article 117

(1) This Law shall apply in the territory controlled by the Republic of Moldova.

(2) This Law shall enter into force after 30 days of its publication.

(3) Nothing in this Act shall not extend to reports that occurred before its entry into force.

(4) Government within six months:

Submit proposals for the amendment of the Criminal Procedure Code and the legislation in force in accordance with this Law;

bring its legislation in conformity with this law.