



PERMANENT REPRESENTATION OF THE REPUBLIC OF SLOVENIA  
TO THE UNITED NATIONS, OSCE AND OTHER  
INTERNATIONAL ORGANISATIONS IN VIENNA

FSC.EMI/77/12  
4 April 2012

ENGLISH only

No. 22/12

### NOTE VERBALE

The Permanent Representation of the Republic of Slovenia to the United Nations, OSCE and other International Organisations in Vienna presents its compliments to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey the Information exchange on the Code of Conduct of the Politico-Military Aspects of Security.

The Permanent Representation of the Republic of Slovenia to the United Nations, OSCE and other International Organisations in Vienna avails itself of this opportunity to renew to all Delegations of Participating States to the OSCE Forum for Security Cooperation and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 4 April 2012

OSCE Secretariat  
OSCE Conflict Prevention Centre  
All Permanent Missions and Delegations to the OSCE



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REPUBLIC OF SLOVENIA  
**MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF SLOVENIA**

Information exchange  
on the Code of Conduct of the Politico-Military Aspects of Security

March 2012

## *Introduction*

Slovenia condemns terrorism in any form, and expresses solidarity with the victims of terrorism and the countries affected by it.

As a member of the United Nations, the European Union, the North Atlantic Treaty Organization, the Council of Europe, and the Organization for Security and Cooperation in Europe, Slovenia actively participates in these and other forums.

Slovenia supports the UN as the only truly global forum for combating terrorism. The Organization plays a key role in mobilising the international community against terrorism. Slovenia places a high priority on the conclusion of a Comprehensive Convention on International Terrorism, and remains committed to achieving a consensus and to furthering the implementation of the United Nations Global Counter-Terrorism Strategy.

In the long term, full respect for values such as democracy, the rule of law and human rights is the most effective instrument in countering terrorism. Any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, particularly international human rights law, refugee law and humanitarian law.

Addressing the conditions conducive to the spread of terrorism is of particular importance in preventing and combating terrorism. In this context, particular attention should be devoted to the issues of radicalisation, violent extremism and recruitment.

In October 2001, the National Assembly adopted the Declaration on the Common Fight against Terrorism, by means of which Slovenia joined the international community in its determination to unite in combating terrorism, leading to the implementation of concrete measures by the Government.

In April 2010, the Parliament adopted the new National Security Strategy. The Strategy recognises the threat of terrorism, and envisages the adoption of a national programme and plan of action to prevent and counter terrorism.

Section I: Inter-state elements

1.

Account of measures to prevent and combat terrorism

1.1

To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

Slovenia has ratified 14 of 16 UN counter-terrorism conventions and protocols.

***I UNITED NATIONS***

**1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973)**

Depositary: UN Secretary-General. Slovenia is a successor to the Convention.

**2. International Convention against the Taking of Hostages (New York, 17 December 1979)**

Depositary: UN Secretary-General. Slovenia is a successor to the Convention.

**3. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997)**

Depositary: UN Secretary-General. Slovenia signed the Convention on 30 October 1998. Ratified on 18 December 2002; applicable as of 25 October 2003.

**4. International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999)**

Depositary: UN Secretary-General. Slovenia signed the Convention on 10 November 2001. Ratified on 15 July 2004; applicable as of 23 October 2004.

**5. International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005)**

Depositary: UN Secretary-General. Slovenia signed the Convention on 14 September 2005. Ratified on 19 November 2009; applicable as of 17 December 2009.

***II INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)***

**6. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963)**

Depositary: ICAO Secretary General. Slovenia is a successor to the Convention.

**7. Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 16 December 1970)**

Depositaries: Russian Federation, United Kingdom and USA. Slovenia is a successor to the Convention.

**8. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971)**

Depositaries: Russian Federation, United Kingdom and USA. Slovenia is a successor to the Convention.

**9. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988)**

Depositaries: ICAO Secretary General, United Kingdom and Russian Federation. Slovenia is a successor to the Protocol.

**10. Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991)**

Depositary: ICAO Secretary General. Slovenia ratified the Convention; applicable as of 4 August 2000.

***III INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)***

**11. Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980)**

Depositary: IAEA Director General. Slovenia is a successor to the Convention.

**12. Amendments to the Convention on the Physical Protection of Nuclear Material (Vienna, 8 July 2005)**

Depositary: IAEA Director General. Ratified on 15 July 2009; applicable as of 1 September 2009.

***IV INTERNATIONAL MARITIME ORGANIZATION (IMO)***

**13. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988)**

Depositary: IMO Secretary-General. Slovenia ratified the Convention on 18 June 2003; applicable as of 16 October 2003; accession.

**14. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988)**

Depositary: IMO Secretary-General. The Protocol was ratified on 18 June 2003 and has been applicable as of 16 October 2003; accession.

**15. 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 14 October 2005)**

Ratification procedure initiated.

**16. 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 14 October 2005)**

Ratification procedure initiated.

***V COUNCIL OF EUROPE (CoE)***

**1. European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1977)**

Depositary: SG CoE. Slovenia signed the Convention on 28 March 2000 and ratified it on 29 November 2000.

**2. European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15 May 1972)**

Depositary: SG CoE. Slovenia signed the Convention on 24 June 2002.

**3. European Convention on the Compensation of Victims of Violent Crimes (Strasbourg, 24 November 1983)**

**4. Convention on Cybercrime (Budapest, 23 November 2001)**

Depositary: SG CoE. Slovenia signed the Convention on 24 July 2002 and ratified it on 8 September 2004.

**5. Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (Strasbourg, 28 January 2003)**

Slovenia signed the Additional Protocol on 26 February 2004 and ratified it on 20 May 2004.

**6. Protocol amending the European Convention on the Suppression of Terrorism (Strasbourg, 15 May 2003)**

Slovenia signed the Protocol on 15 July 2003 and ratified it on 11 May 2004.

**7. Council of Europe Convention on the Prevention of Terrorism (Warsaw, 16 May 2005)**

Slovenia signed the Convention on 19 May 2006. Ratified on 18 December 2009; applicable as of 1 April 2010.

**8. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism (Warsaw, 16 May 2005)**

Slovenia signed the Convention on 28 March 2007. Ratified on 26 April 2010; applicable as of 1 August 2010.

*VI OTHER AGREEMENTS*

To date, Slovenia has concluded over 20 multilateral and bilateral intergovernmental and inter-police agreements on countering organised crime, including terrorism, and on cooperation on the prevention of money laundering and the financing of terrorism.

1.2

What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

*Criminal Code*

The Criminal Code (KZ-1) that entered into force in 2008 (Official Gazette of the Republic of Slovenia Nos. 55/08, 66/08-cor, 39/09, 91/11) contains terrorism-related criminal offences. Article 108 defines the criminal offence of terrorism, Article 109 the financing of terrorism, Article 110 the incitement to and public glorification of terrorist acts, and Article 111 recruitment and training for terrorism. Slovenia as an EU member state also implements EU legal instruments for the prevention and combating of terrorism through the adoption of relevant measures at the national level.

The general part of the Code defines aiding and abetting as forms of participation in criminal offences (which also apply to terrorism-related offences) and sets out the conditions for criminal liability and the punishment of accomplices.

According to new Article 36a of the Code, which was introduced with the Act amending the Criminal Code (Official Gazette of the Republic of Slovenia No. 91/11) and will enter into force on 15 May 2012, the provisions of the Criminal Code applicable to the offender will also apply to a participant who abets or aids in the commission of a criminal offence, unless otherwise provided by law.

According to Article 37 of the Criminal Code, any person who intentionally abets another person in the commission of a criminal offence shall be punished as if he/she had committed it. Any person who intentionally abets another person in the commission of a criminal offence for which a sentence of three years' imprisonment, or a heavier sentence may be imposed under the statute, shall be punished for the criminal attempt, even if the commission of such an offence was not attempted.

According to Article 38, paragraph 1, of the Criminal Code, any person who intentionally aids another person in the commission of a criminal offence shall be punished as if he/she had committed it, or the sentence shall be reduced, as the case may be. Paragraph 2 contains examples which would constitute such aid.

Slovenian criminal law has facilitated the ongoing ratification of the relevant conventions and instruments applicable in the area of counter-terrorism.

#### *Suppression of terrorist financing*

The Prevention of Money Laundering and Terrorist Financing Act was adopted in July 2007 and entered into force at the end of January 2008. The Act provides the basis for the adoption of several implementing regulations, replacing the previous Law on the Prevention of Money Laundering. The Act harmonised national legislation with the provisions of revised instruments on the prevention of money laundering, as well as amending Slovenian legislation in accordance with the new standards on countering the financing of terrorism.

With the entry into force of the Act, the Office for Money Laundering Prevention gained competences in the detection and prevention of financing terrorism; this enables the Office to exchange information with its foreign counterparts, also in the case of suspicion that the criminal offence of terrorist financing has been committed.

With the adoption of the Act, Directive 2005/60/ES of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing was transposed into Slovenian law.

The Act was amended in 2010; the amended Act entered into force on 27 March 2010.

#### *Restrictive measures*

Slovenia does not maintain any national lists of specific restrictive measures directed against certain persons or entities with a view to combating terrorism. The UN and EU lists are directly applicable.



Council Regulation No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (hereinafter “the EU Regulation” adopted for the implementation of Resolution 1373(2001)) is directly applicable in Slovenia.

For the implementation of the above Regulation and on the basis of the national Restrictive Measures Act, Slovenia adopted the Decree concerning restrictive measures for certain persons and entities with a view to combating terrorism, which stipulates that persons are obliged to inform the MFA of any attempts to act contrary to the prohibitions laid down in the EU Regulation, as well as of any measures taken for the implementation of its provisions.

### 1.3

What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

According to the national legislation, the Slovenian Army (SA) has no direct accountability and responsibility in preventing and combating terrorism.

Slovenia has no paramilitary forces.

Slovenia does not have a special law on terrorist acts. The Police Act clearly defines the roles and missions of the police. Article 3 of the Act, which contains the responsibilities of the police, is also relevant to the prevention and combating of terrorism. The responsibilities of the police include:

- Protecting people's lives, their personal safety and property;
- Preventing, detecting and investigating criminal offences and misdemeanours; detecting and arresting perpetrators of criminal offences and misdemeanours and other wanted persons and their transfer to the competent authorities, as well as collecting evidence and investigating circumstances important for the establishment of financial or other material benefit deriving from criminal offences and misdemeanours;
- Maintaining public order;
- Supervising and directing traffic on public roads and on unclassified roads currently in use for traffic;
- Protecting state borders and implementing border control;
- Implementing duties laid down in the legislation on aliens;
- Protecting particular individuals, bodies, buildings and districts; and
- Protecting particular work premises and the classified information of state bodies, unless otherwise stipulated by law.

Police officers conduct anti-terrorist searches of premises, buildings, facilities and areas in order to ensure the general safety of persons and property on particular premises, in buildings and facilities. They also carry out such duties in particular areas and in traffic in order to protect particular persons, buildings and classified information, or ensure safety at public gatherings and events. An anti-terrorist search as defined in the Police Act comprises an explosives search, a chemical-bacteriological-radiological search and a search for electronic surveillance devices.

### 1.4

Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining to the financing of terrorism and border controls;

Travel document security; container and supply chain security; security of radio-active sources; use of the Internet and other information networks for terrorist purposes; legal co-operation, including extradition; safe havens and shelter for terrorists and terrorist organisations.

### *Institutional framework*

In the framework of the National Security Council, the Government set up in 2003 a special inter-departmental working group on transnational threats, including a special group focusing on terrorist threat to Slovenia. The group is composed of representatives of the Slovene Intelligence and Security Agency (SISA) – which coordinates the group's work – the Ministry of the Interior, the Police, the Ministry of Justice, the Ministry of Foreign Affairs, the Intelligence and Security Service of the Ministry of Defence, the General Staff of the Slovenian Armed Forces, the Office for Money Laundering Prevention, and the Customs Administration.

In 2004, the Government created the post of Counter-Terrorism Coordinator, which is held by the Director of the SISA, and who is also a member of the National Security Council, chairing its Secretariat and the special inter-departmental working group. The SISA is a government agency reporting directly to the Prime Minister.

The Ministry of Foreign Affairs is responsible for the external aspects of the fight against terrorism, coordination of drafting the reports on fulfilling international commitments and participates in the relevant international fora.

Within the Ministry for the Interior, the Director General of the Police is responsible for police activities. With regard to criminal investigations, the relevant directorate is the Criminal Investigation Police Directorate that includes an Organised Crime Section. Within this section, the Counter Terrorism and Extreme Violence Division (division) is the unit responsible for investigating offences/activities related to terrorism. The division also deals with risk analysis and contributes to threat assessments. It is the police contact point for the national co-coordinator for counter terrorism.

Within the Ministry of Justice, a special Supreme State Prosecutor is designated to coordinate and screen. He may decide to mandate special prosecutors to deal with the certain terrorism related cases.

Within the Ministry of Finance, the Office for Money Laundering Prevention (Financial Intelligence Unit) is responsible for money laundering cases and countering financing of terrorism. The Customs Administration also participates in its field of competence.

The Ministry of Defence is responsible for the work of the Intelligence and Security Service of the Ministry and for the organisation, preparation and implementation of the system for civil protection and disaster relief, (Administration for Civil Protection and Disaster Relief). Within the Armed Forces is position of Assistant Chief of General Staff for counter – terrorism.

### *Criminal Procedure Act*

Slovenia has no special procedural legislation on terrorism; therefore, the general provisions of the Criminal Procedure Act (ZKP-UPB4, Official Gazette of the Republic of Slovenia No. 32/07, 68/08, 77/09, 91/11) are applied.

### *Mutual legal assistance (MLA)*

Slovenia has ratified all relevant international instruments containing provisions on international legal assistance in criminal matters.

The basic constitutional principle (Art. 8 of the Constitution of the Republic of Slovenia) of the precedence of ratified conventions over national law also applies to MLA in criminal matters. In addition, the Criminal Procedure Act clearly states that MLA is administered pursuant to the provisions of the Act unless provided otherwise by international agreements (the principle of subsidiary use of national legislation). This principle enables the direct application of treaties in cases of differences in the regulation of a certain issue between the national legislation and a treaty. The Criminal Procedure Act is used in cases when a treaty cannot be applied directly (due to the nature of its provisions).

### Cooperation between European Union member states

Mutual legal assistance and cooperation between domestic and foreign judicial authorities in the fight against terrorism and organised crime between EU member states is possible due to the existence and applicability of several legal instruments that are based on the principle of mutual recognition (e.g. Council Framework Decision on the European arrest warrant and the surrender procedures between the Member States; Council Framework Decision on joint investigation teams; Council Decision establishing Eurojust with a view to reinforcing the fight against serious crime; Joint Action establishing the European Judicial Network; Council Framework Decision applying the principle of mutual recognition to financial penalties; Council Framework Decision on the execution in the EU of orders freezing property or evidence; Council Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Property; Council Framework Decision on the application of the principle of mutual recognition of confiscation orders) or mutual legal assistance (Schengen Convention, Convention on mutual legal assistance between the member states of the EU, etc.).

Since most of the above instruments are not directly applicable, they were implemented in the Act on Cooperation in Criminal Matters with the European Union Member States, which regulates surrender procedures, mutual legal assistance, the transfer of proceedings, the transfer of sentenced persons, cooperation with Eurojust and EJN, as well as specific procedures for the execution of foreign decisions on freezing, seizure and confiscation.

Several aspects of the above instruments result in the simplification as well as the acceleration of procedures and improved cooperation between the relevant authorities (principle of direct communication, documentation, surrender procedures replacing extradition procedures, etc.). In practice, the EU and Schengen conventions that are directly applicable (Art. 8 of the Constitution of the RS) enhance cooperation on the basis of other conventions adopted within the Council of Europe and the United Nations, since they facilitate direct and flexible cooperation.

### Cooperation with third states

The legal basis for cooperation with third states is provided by the European Convention on Mutual Legal Assistance in Criminal Matters (Strasbourg, 20 April 1959) with an additional protocol; the European Convention on Extradition (Strasbourg, 13 December 1957) with

additional protocols; the Schengen convention; the Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983); several bilateral treaties as well as national legislation – the Criminal Procedure Act regulating mutual cooperation in general (MLA, transfer of proceedings, transfer of the execution of sentence, as well as extradition)

Provisions of the Criminal Procedure Act are applicable in accordance with the principle of subsidiarity (Article 514 of the Criminal Procedure Act stipulates that “international assistance in criminal matters shall be administered pursuant to the provisions of the present Act unless provided otherwise by international agreements”). Pursuant to the Criminal Procedure Act, requests for legal assistance in emergency cases, under the condition of reciprocity, may be transmitted through the Ministry of the Interior (INTERPOL). In cases of criminal offences relating to money laundering, such petitions may be transmitted through the competent authority for money laundering prevention. Requests for MLA are executed by courts in accordance with national legislation. If a request is made in a specific manner or under specific conditions, such a request is taken into account, unless such execution is contrary to public order or the constitutional rules of the Republic of Slovenia. The presence of foreign officials at the execution of the request may be permitted.

The execution of a foreign judgment is possible if so provided for by a treaty, or on the basis of reciprocity. A national court may execute a judgment by pronouncing a sentence in accordance with national law (conversion of sentence).

#### *Extradition*

Articles 521-536 of the Criminal Procedure Act focus on extradition and envisage detailed solutions regarding the conditions for extradition and subsequent proceedings. Article 521 stipulates that, unless provided otherwise in the treaty, the extradition of accused and convicted persons is requested and carried out in accordance with the provisions of the Act. The latter is thus subsidiary to treaties.

The extradition procedure has two phases: in the first phase, the court decides whether the conditions for extradition are met. This is followed by a decision of the Minister of Justice, who may reject the extradition of a foreigner if the latter enjoys the right of asylum, in cases of a military or political criminal offence, or for other reasons defined in treaties. The extradition of Slovenian nationals is not permitted (constitutional provision).

The provisions of the Criminal Procedure Act have been amended (in force in May 2012) with a view to ensuring faster and more efficient cooperation also with non-EU member states. As a result, some limiting grounds for refusal relating to double criminality as well as the sentencing threshold have been abolished; in the field of mutual legal assistance, the principle of ‘forum regit actum’ and the institution of temporary transfer of persons have been introduced, etc. Significant amendments have also been made to the extradition procedure, as well as to the procedure of the transfer of the execution of sentence. Consequently, treaty-based extradition has been abolished; a simplified extradition procedure is possible in all cases when the person consents to extradition; accessory extradition has been introduced, etc.

#### *Use of the Internet*

The application and programme to facilitate anonymous reporting of deviant acts with connotations of radicalisation and incitement to extremism is envisaged within the framework

of the *Spletno oko* (Web Eye) project, which is focused primarily on the early detection and limitation of child pornography and xenophobia on the web.

### *Safe haven*

The amended Aliens Act (2011) stipulates that an alien shall not be granted a residence permit if there is a suspicion that he/she might present a risk to public order and safety or to the international relations of Slovenia, or if there is a suspicion that the alien's residence in the country will be associated with the commission of terrorist or other violent acts, illegal intelligence activities, drug trafficking, or the commission of other similar criminal offences. The provision shall be used in procedures for issuing temporary and permanent residence permits regardless of the reason for which an alien applied for the issue of a residence permit, including family reunification.

An alien who intends to stay in Slovenia for a period not exceeding three months within a six-month period, and who intends to live in Slovenia for a reason which does not require a residence permit, may be refused entry to Slovenia for reasons stipulated in the Schengen Borders Code.

### *Border control*

As a member of the European Union, Slovenia controls its borders in accordance with the Schengen Agreement. Slovenia participates in the strengthening of EU external borders by exchanging information and investigating suspected crimes of terrorism. The exchange of information is conducted via Europol and INTERPOL.

In order to conduct state border control, the police may, according to the State Border Control Act, adopt and implement other measures required to prevent risks that, in specific cases, constitute a direct threat to public safety and order, particularly to the life and health of people and property. Preventing and detecting cross-border crime is an important task of the border police. Police officers may make identity checks at international traffic connections and facilities relating to cross-border traffic if the security situation so requires. Furthermore, they may carry out personal checks, vehicle checks and goods checks.

In order to protect the state border efficiently, the police may keep records of persons subject to border checks, records of persons subject to an identification procedure according to the State Border Control Act, and records of persons permitted to cross the state border at border crossing points for certain persons listed by name.

The Customs Administration is a part of the coordinated border management implementing the national legislation and the EU Customs Code and related legislation, controlling the movements of goods across the borders by applying risk management and selectivity systems to identify consignments that pose a threat to the community. The automatic number plate recognition system, mobile x-rays and portal monitors to detect radioactive sources have been used on border crossings with high volumes of traffic. Specially trained and technically equipped mobile customs units have daily controlled high-risk smuggling border points, thus preventing the importation of potentially dangerous or illegal goods into Slovenia.

### *Financing of terrorism*

The financing of terrorism is criminalised in Article 109 of the Criminal Code, which stipulates that whoever provides or collects money or property in order partly or wholly to finance the commission of the criminal offence of terrorism under Article 108 of the Criminal Code shall receive a prison sentence of one to ten years. Whoever commits such an offence shall be subject to the same penalty, even if the money or property provided or collected was not used to commit the criminal offence specified above. If an offence is committed within a terrorist organisation or group for committing terrorist acts, the perpetrator shall be subject to imprisonment for three to fifteen years. Money and property obtained through such acts shall be seized.

The Prevention of Money Laundering and Terrorist Financing Act specifies the measures, relevant authorities and procedures for the detection and prevention of money laundering and terrorist financing. Terrorist financing includes the direct or indirect provision or collection of funds or other property of legal or illegal origin, or the attempted provision or collection of such funds or other property, with the intent that they be used, or in the knowledge that they are to be used, in full or in part, by a terrorist or by a terrorist organisation.

See also 1.2.

### *Travel documents security*

A police officer conducting a border check may, in accordance with the State Border Control Act, request the presentation of valid travel documents required to cross the state border for persons and objects; insert into travel documents any information concerning the circumstances relevant to the entry into, or departure from, the state; carry out a personal check, a vehicle check or a check of the person's possessions; and detain a person for a reasonable period of time.

A personal check is a check consisting of the verification of travel documents by establishing the identity of a person intending to cross the state border and of other conditions for crossing the border, and an arrest-warrant and technical checking of a person by taking fingerprints and palm prints, and by checking other physical identification features.

### *Container and supply chain security*

The Port of Koper is an important entry/exit point in Slovenia, with a capacity of 500,000 TEU per year. The Port is linked with Asia and other continents via major Mediterranean hub ports. The Port has applied for a 'safe port certificate' under the Container Security Initiative of the USA.

Regulation 648/2005 adopted by the European Parliament and the Council set new standards for supply chain security by providing electronic data exchange, more effective risk management and selectivity, and by granting the status of Authorised Economic Operator (AEO) to reliable, proven and secure traders. The Slovenian Customs has issued several AEO certificates and is coordinating a pilot project to test the exchange of information and risk analysis at European land border crossings.

### *Security of radioactive sources*

Slovenia is a State Party to the Convention on the Physical Protection of Nuclear Material, as amended. The basic legal document on the safety and security of radioactive sources is the Ionising Radiation Protection and Nuclear Safety Act and its subsidiary regulations.

The security of radioactive sources is also implemented in compliance with Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources, which was transposed into Slovenian legislation at the beginning of 2006.

The Code of Conduct on the Safety and Security of Radioactive Sources (IAEA/CODEOC/2004) is another important international document addressing radiation protection and security. The requirements of the Code were also transposed into Slovenian legislation. Slovenia has a well-established licensing system for radiation practices and the use of radioactive sources, including a well-established and up-to-date registry of radioactive sources.

Based on the amended Act, the Government established an inter-agency commission to deal with threat assessment and other security-related issues regarding the physical protection of nuclear and radioactive material.

Radioactive sources have not been used in Slovenia for any terrorist activity or other malicious purposes. However, there were some discoveries of 'orphan sources' in shipments of scrap metal in recent years.

In 2010, the International Atomic Energy Agency's mission (IPPAS – International Physical Protection Advisory Service) was conveyed in Slovenia. Some suggestions and recommendations were provided to the Government.

Slovenia also participates in EU actions under the umbrella of CBRN (chemical, biological, radiological and nuclear matters) – the EU CBRN Action Plan.



2.

Stationing of armed forces on foreign territory

2.1

Provide information on the stationing of armed forces of your State on the territory of other participating States in accordance with freely negotiated agreements, as well as in accordance with international law.

Slovenian armed forces are not permanently stationed on the territory of any other state. In the process of international military cooperation, Slovenia contributes individuals and units to multinational formations in PSO operations (Chapter 6 of the UN Charter), which carry out activities as part of UN, EU and/or NATO forces. Appropriate international treaties govern the deployment of forces for the above operations and missions.

3.

Implementation of other international commitments related to the Code of Conduct

3.1

Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Arms control, disarmament, confidence- and security-building measures, along with their continued implementation, remain important elements of Euro-Atlantic stability, security, transparency, and predictability. Slovenia fully complies with the obligations stemming from the Vienna Document 1999 (and 2011 as applicable), the Open Skies Treaty, the Code of Conduct on Politico-Military Aspects of Security, the Chemical Weapons Convention, the Convention on the Prohibition on Anti-Personnel Mines, and other relevant documents, including foreign inspectors monitoring compliance. The Slovenian Army also works together with the OSCE assistant inspectors on the Agreement on Sub-Regional Arms Control, the concluding document of the negotiations under Article 4, Annex 1B (Dayton Agreement). Although Slovenia is not state party to the Treaty on Conventional Armed Forces in Europe (CFE), it attaches great importance to its continued implementation and preservation. On several occasions, Slovenia has expressed its interest in acceding to the adapted CFE Treaty, after its entry into force. Slovenia actively participated in the suspended consultations on strengthening and modernising the conventional arms control regime in Europe. Slovenia trains its personnel in cooperation with partner countries in this regard.

3.2

Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

See 3.1.

## Section II: Intra-State elements

### 1.

#### National planning and decision-making process

##### 1.1

What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

##### a) Military posture

The National Assembly of the Republic of Slovenia represents the institutional political level of state leadership in all areas, including the security and defence system. The National Assembly is tasked with defining the legislative framework and the long-term basis of security and defence policy, and with overseeing the preparation and implementation of defence through competent parliamentary working bodies (Committee on Defence, Commission for the Supervision of Intelligence and Security Services). Based on the applicable legislation, the Ministry of Defence is organised as a regular ministry responsible for the implementation of national defence policy. The Ministry is headed by the Minister of Defence and managed in accordance with the guidelines and decisions of the Government, which lays down political guidelines for the work accomplished by the Ministry and its constituent bodies, and supervises their work.

##### b) Defence expenditure

The defence budget of the Republic of Slovenia is a constituent part of the national budget. The Government and its bodies put forward the planning and budgeting proposals. The National Assembly then approves the budget and is also responsible for the legislative approval of defence expenditure. The Ministry of Defence as an entity of the executive branch of the government is tasked with the management and implementation of defence policy, the implementation of laws governing this area, and the acceptance and preparation of proposals related to political, legal, organisational and other measures for the organisation and execution of defence.

##### 1.2

How does your State ensure that its military capabilities take into account the legitimate security concerns of other States, as well as the need to contribute to international security and stability?

The state's military capabilities take into account the legitimate security concerns of other states and the need to contribute to international security and stability through the implementation of UN, EU, NATO, and OSCE decisions and guidelines.

## 2.

### Existing structures and processes

#### 2.1

What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

The defence policy is based on the fundamental national values enshrined in the Constitution and in the Resolution on the National Security Strategy, which are as follows:

- Independence, sovereignty, territorial integrity, and compliance with the Constitution;
- Parliamentary system, rule of law, multi-party system, security of property, technological development, economic stability, and an appropriate standard of living;
- Peace, security, stability, human rights, and fundamental freedoms;
- Determination of military capabilities on the basis of national democratic procedure;
- Reaffirming the commitment to pursue arms control and security-building measures.

The democratic control of the armed forces and the execution of the above by the military, intelligence services and the police are effected through parliamentary approval of government bills concerning the budgetary and legal prerequisites of these institutions.

Slovenia has no paramilitary forces.

#### 2.2

How is the integrity of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Constitution clearly defines the National Assembly's powers regarding oversight of the defence functions of the state. In accordance with the parliamentary political structure of the state, the management and organisation of the defence system involves both the legislative and executive government bodies. Political control of the armed forces is exercised by three state institutions: the National Assembly, the President and the Government. With the provision of supervisory bodies, the National Assembly provides efficient oversight of the defence budget and directs and supervises force development in peacetime, crisis and war. The National Assembly adopts decisions on the policy, development and other fundamental defence issues, approves the budget and national security programmes, develops guidelines, and issues political directives for the operations of the Ministry of Defence, and the Intelligence and Security Agency. Special working bodies have been established for this purpose: the Committee on Defence, the Commission for the Supervision of Intelligence and Security Services, and the Committee on Finance and Monetary Policy.

#### 2.3

What are the roles and missions of military, paramilitary and security forces, and how does your State ensure that such forces act solely within the constitutional framework?

In accordance with the Constitution, the Slovenian Army (SA) carries out the military defence of Slovenia, participates in search and rescue operations in the event of natural and other disasters, and fulfils the commitments Slovenia has assumed within international

organisations (UN, EU, NATO, OSCE). The Government approves the participation of the SA in these activities on a 'case-by-case' basis.

Slovenia has no paramilitary forces.

3.

Procedures related to different forces personnel

3.1

What kinds of procedures for recruiting and drafting personnel for service in your military, paramilitary and internal security forces does your State have?

Military service obligations are stipulated in the Constitution and in the following laws:

- Defence Act
- Service in the Slovene Army Act
- Military Service Act
- Civil Servants Act
- Employment Relationships Act
- Personal Data Protection Act
- Classified Information Act
- Criminal Code of the Republic of Slovenia and other related documents
- Code on the Military Ethics of the Slovenian Army

The Defence Act envisages military service only for professional units and the reserve component. Their human rights include the right of termination of military duty and the definition of status rights during military service.

The above areas are regulated by separate, precisely defined legal acts:

- Regulation on the Implementation of Conscription and Transfer to Post
- Military Record Guidelines
- Military Duty Regulations for Athletes
- Regulations for evaluating conscripts' physical condition for military duty
- Slovenian Armed Forces duty directives
- Other

Recruitment is executed by the General Staff Recruitment Department through a call for applications followed by military-medical examinations, physical performance tests, psychological tests and the basic military training for candidates.

Military personnel in the Slovenian Army are liable under the provisions of the Code on the Military Ethics of the Slovenian Army. Respect for the ethics guidelines and principles included in this document are among the conditions for military service in the Slovenian Army.

3.2

What kind of exemptions or alternatives to military service does your State have?

There is no compulsory military service in Slovenia.

### 3.3

What legal and administrative procedures protect the rights of all forces personnel and conscripts?

Legislation ensures that the personnel recruitment process for service in the SAF is in accordance with obligations related to the observance of human rights and fundamental freedoms.

Article 46 of the Constitution stipulates the right to conscientious objection in cases defined by law, provided that such conduct does not limit the rights and freedoms of other people.

Article 123 of the Constitution stipulates the duty to participate in national defence. This obligation is compulsory for citizens within the limits and in the manner provided by law. Citizens who, owing to their religious, philosophical or humanitarian convictions, are not willing to perform military duties, must be given the opportunity to participate in national defence in some other manner. According to Article 124 of the Constitution, the National Assembly supervises the implementation of defence-related activities. In the provision of security, Slovenia proceeds principally from a policy of peace, and the ethic of peace and non-aggression. Article 153, paragraph 2, of the Constitution stipulates that all laws must be in conformity with the generally accepted principles of international law and with valid treaties ratified by the National Assembly.

The military can submit complaints, applications, requests, petitions and objections. They can address complaints to the civilian Ombudsman and have the right to be members of a labour union which provides legal aid, if required. A political initiative has been introduced to establish a military Ombudsman in the near future.

In June 2007, the Slovenian Parliament passed the Service in the Slovene Army Act, which specifies the correct method of submitting complaints, applications, requests, petitions, and objections. It also provides for extraordinary promotions, additional pension insurance, health, psychological and social care, legal aid, religious and ecclesiastical care for military personnel, and care for former military personnel.

In July 2009, according to the provisions on Service in the Slovene Army Act, the Slovenian Government adopted the Code on Military Ethics of the Slovenian Army. The Code is important for the protection of human rights, and consists of ethical guidelines and principles for the military personnel of the Slovenian Army.

## 4.

Implementation of other political norms, principles, decisions and international humanitarian law

### 4.1

How does your State ensure that International Humanitarian Law and the Laws of War are made widely available, e.g., through military training programmes and regulations?

Training programmes and plans include the following:

- Legal provisions related to military service: rights and duties during military service;

- Introduction to International Military Law - the status of a combatant and duties related to military discipline, the observance of international military regulations; following orders and courses of action if following orders would lead to a violation of international military law; conventions prohibiting the use of certain weapons; prohibitions on attacks on civilian targets, specific protected facilities, prohibitions on the destruction of the environment; conventions on the protection of prisoners of war, civilians, the injured and medical patients.

Training programmes and plans for the reserve component and its units comprise the following subjects:

- Rights, responsibilities and obligations of the units: general military duty and military service, the use of weapons, special rights during military service, conscientious objection.
- Conduct of members of the reserve component in the event of an armed conflict: the status of a combatant and duties in terms of military discipline, following orders and courses of action if following orders would lead to a violation of international military law; conventions prohibiting the use of certain weapons; prohibitions on attacks on civilian targets, specific protected facilities; prohibitions on the destruction of the environment; responsibilities of reserve component service members to victims of war, conventions on the protection of prisoners of war, civilians, the injured and medical patients.

Training programmes cover these subjects for soldiers and officers of the SA following the prescribed curriculum for military – expert or HQ training programmes.

Directives on the planning, organisation and implementation of training stipulate that all SA members should be acquainted with the obligations of the Republic of Slovenia contained in the Vienna Document 1999 (and 2011 as applicable), Code of Conduct on the politico-military aspects of security, the Chemical Weapons Convention and the Convention on the Prohibition of Anti-Personnel Mines, and their duties regarding foreign inspectors monitoring compliance with these documents and other related documents.

These topics were included, by approved directive, in the professional work plans of SA units and commands.

The military education system of the Slovenian Army includes forty-five hours of familiarisation with the provisions of international military and humanitarian law and their implementation in the Officer Candidate School and seventeen hours in the Non-Commissioned Officers School. These topics are also covered in the Advanced Staff and General Staff course and in various workshops (Implementation of Humanitarian Law in SA).

#### 4.2

What has been done to ensure that armed forces personnel are aware of being individually accountable for their actions under national and international law?

Individual command responsibility for compliance with the law: regardless of his/her rank, every member of the Slovenian Army has the personal responsibility to comply with the law. Commanders must ensure that the law is complied with by others and must take action in the case of violations.

Superior orders: there is no justification for committing a war crime, even if an act is committed in compliance with a superior's order. A soldier who carries out an order which is

illegal under the international law of armed conflict is guilty of a war crime, provided that he/she was aware of the circumstances that made the order unlawful, or could reasonably have been expected to be aware of them. If an order is plainly unlawful, a soldier is obliged to disregard it.

At the operational level, commanders have to make battle plans. For this purpose, they have to assess, mentally or in writing, all factors relevant at the time, such as ground and enemy forces, logistics, open courses, etc. Having done this, they decide on the best course of action, so the plan is complete. They then have to pass this plan on to their subordinates, who will issue the orders. Lastly, they have to control the engagement. Throughout this process, commanders must always take account of the international law of armed conflict.

Implemented through the military education system and the military practice of the Slovenian Army, the provisions of the Code on the Military Ethics of Slovenian Army ensure that military personnel are aware of being individually accountable for their actions under national and international law.

#### 4.3

How does your State ensure that the armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups, or to deprive them of national, religious, cultural, linguistic or ethnic identity?

Slovenia ensures that its armed forces are not used to limit the peaceful and lawful exercise of human and civil rights based on the provisions of the Constitution, the Resolution on the National Security Strategy, the Defence Act, the Service in the Slovene Army Act, Military Doctrine, the provisions of service regulations, and the provisions of the Code on the Military Ethics of the Slovenian Army.

#### 4.4

What has been done to provide for individual service member's exercise of his/her civil rights, and how does your State ensure that the country's armed forces are politically neutral?

In accordance with the Constitution, professional members of the defence forces and the police may not be members of political parties. According to the Police Act, the Director General of the Police issues a decision to rescind a police officer's right to exercise police powers if he/she discovers that such a police officer is a member of a political party.

The political neutrality of the SAF and the exercise by an individual service member of his/her civil rights are guaranteed by the provisions of the Constitution and the applicable legislation.

The Code on the Military Ethics of the Slovenian Army contains ethical principles and guidelines for military personnel, ensuring their civil rights and the political neutrality of the Slovenian Army.

#### 4.5

How does your State ensure that its defence policy and doctrine are consistent with international law?

The alignment of the defence policy and doctrine with international law has been ensured by incorporating provisions of international law into Slovenian legislation.

The Slovenian Armed Forces respect the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, and the obligations under Article 82.



### Section III: Public access and contact information

#### 1. Public access

##### 1.1 How is the public informed about the provisions of the Code of Conduct?

The Government strives to ensure the transparency of information on its armed forces and public access to such information. The transparency of information is ensured in the following way:

Experts from the MoD and other ministries regularly participate in public national and international events dealing with the implementation process of the Code of Conduct provisions and exchange information on best practices. Occasionally, various representatives of MoD and the SA participate in television and radio broadcasts on defence matters, and the Slovenian press reports on events in this area as well.

Slovenia drafts annual information documents on its defence planning, the AEMI and GEMI revisions, and other reports as required by the OSCE and the UN.

The transparency of defence expenditures is provided for by law.

Information on the Slovenian Army may be obtained from various sources (MoD Internet site, MoD Intranet site, and the fortnightly *Slovenska vojska* magazine, the *Bilten Slovenske vojske* bulletin and *Obramba* magazine).

The barracks of the Slovenian Army are open to the public on open-door days.

As part of the integrated public information concept, the Public Relations Department of the Ministry of Defence, the General Staff, the Force Command and units provide public relations and information service.

Information on the Slovenian Army may also be obtained from the Information Commissioner, whose competences are based on the Access to Public Information Act.

##### 1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

See the previous answer.

##### 1.3 How does your State ensure public access to information related to your State's armed forces?

Public access to information on the SAF has been ensured through the institute of civil-military relations and the Access to Public Information Act providing for the principles and rules of public access to information relating to state administration, including the SAF.

2.

Contact information

2.1

Provide information on the national point of contact for the implementation of the Code of Conduct.

The national point of contact is provided by the Ministry of Foreign Affairs.

Answer to Attachment 1, FSC.DEC/2/09

Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality in accordance with Ministerial Council Decision No. 14/04 as well as Ministerial Council Decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation — aimed at enhancing the implementation of UN Security Council Resolution 1325 (2000).

In March 2010, the new comprehensive ‘Strategy of the Republic of Slovenia on participation in international operations and missions’, which also includes elements as stipulated in UN resolutions 1325 and 1820, was adopted. In November 2010, the National Action Plan for the implementation of both resolutions for the period 2010-2015 was adopted.

Answer to Attachment 2, FSC.DEC/2/09

2. Democratic political control of private military and security companies

There are no private military and security companies in Slovenia to undertake tasks during operations.