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**PERMANENT MISSION OF
THE REPUBLIC OF SLOVENIA
TO THE OSCE**

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NOTE VERBALE

Permanent Mission of the Slovenia to the OSCE presents its compliments to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey a response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Delegation of Slovenia to the OSCE Forum for Security Cooperation avails it self 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, 1 April 2009

To all Delegations to the Forum for Security and Cooperation
To the Secretariat of the Conflict Prevention Centre

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REPUBLIC OF SLOVENIA

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

March 2010

Introduction

Slovenia condemns terrorism in any form and expresses solidarity with all countries that have been victims of terrorist attacks.

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

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 high priority on the conclusion of a Comprehensive Convention on International Terrorism and remains committed to achieving consensus on that subject in the UN and to furthering the implementation of the United Nations Global Counter-Terrorism Strategy.

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

Addressing 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 and recruitment.

On 12 October 2001, the National Assembly adopted the Declaration on the Common Fight against Terrorism, by which Slovenia joined the international community in its determination to unite in the fight against terrorism, calling for the implementation of concrete measures by the Government.

Section I: Inter-state elements

1.

Account of measures to prevent and combat terrorism

1.1

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

Slovenia has ratified 14 out 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 this Convention.

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

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

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

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

9. Protocol on the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation supplementary to the Convention for 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 this 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; it is 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 this 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; it is applicable as of 16 October 2003; accession.

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

15. 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 is applicable as of 16 October 2003; accession.

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)

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 from Crime and on the Financing of Terrorism (Warsaw, 16 May 2005)

Slovenia has signed the Convention on 28 March 2007. The ratification is pending.

VI. OTHER AGREEMENTS

To date, Slovenia has concluded 20 multilateral and bilateral intergovernmental and inter-police agreements in the area of countering organised crime, including terrorism, and on cooperation in the area of money laundering prevention 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 new Criminal Code that entered into force in 2008 contains a long list of terrorism-related 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. In addition to these amendments, Slovenia, as a member of the EU, also implements the EU legal instruments in the area of preventing and combating terrorism through the adoption of relevant measures at the national level.

The new Criminal Code also defines different forms of participation in criminal offences (including terrorism) and sets out the conditions for criminal liability and punishment of accomplices. According to Article 38 of the Code, any person who intentionally supports

another person in the committing of a criminal offence shall be punished as if he himself had committed it, or his sentence shall be reduced, as the case may be.

These amendments enabled the ongoing ratification of the relevant conventions and instruments 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 provided the basis for the adoption of several implementing regulations. The new Act replaced the previous Law on the Prevention of Money Laundering and harmonised the national legislation with the provisions of revised anti-money laundering legal instruments as well as bringing the Slovenian legislation into line with the new standards on countering the financing of terrorism.

With the adoption of this Act, Directive 2005/60/EC 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 the legislation.

At the same time, the Office for Money Laundering Prevention gained competence in the area of detection and prevention of financing of terrorism, which enables it to exchange information with other countries and adopt agreements with the counterparts.

Restrictive measures

Slovenia does not have national lists of specific restrictive measures directed against certain persons and 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, according to which persons should inform the MFA of attempts to act contrary to the prohibitions laid down in the EU Regulation, as well as of any measures taken for the implementation of the provisions of the EU Regulation.

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) have 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 specifies 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 are as follows:

- To protect people's lives, their personal safety and property;
- To prevent, detect and investigate criminal offences and misdemeanours, to detect and arrest perpetrators of criminal offences and misdemeanours and of other wanted persons and their hand-over to competent authorities, as well as to collect evidence and investigate the circumstances that are important for the establishment of property benefit resulting from criminal offences and misdemeanours;
- To maintain public order;
- To supervise and direct traffic on public roads and on unclassified roads currently in use for traffic;
- To protect state borders and perform border control;
- To implement duties set forth in the legislation on aliens;
- To protect particular individuals, bodies, buildings and districts; and
- To protect particular work premises and classified information of the state bodies unless otherwise prescribed by law.

Police officers conduct an anti-terrorist search 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 perform these 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 anti-bomb search, a chemical-bacteriological-radiological search and an anti-bug search.

1.4

Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to: Financing of terrorism; Border controls;

Travel document security; container and supply chain security; security of radioactive 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 organizations.

Institutional framework

The Special Interdepartmental Working Group on Combating Transnational Threats is the national counter-terrorism coordination body. It carries out threat assessments related to the international terrorism. The Group includes the following institutions: the Slovene

Intelligence and Security Agency (conducts and coordinates the work of the Group), Ministry of the Interior, Police, Ministry of Justice, Ministry of Foreign Affairs, Intelligence and Security Service of the Ministry of Defence, General Staff of the Slovenian Armed Forces, Office for Money Laundering Prevention, and Customs Administration.

The Slovene Intelligence and Security Agency (SISA) is a government agency reporting directly to the Prime Minister. In the field of counter-terrorism, it focuses in particular on the collecting and analysing of data and information on the preparations for and the commitment of terrorist and other violent acts by organisations and groups, which might be carried out on the territory of Slovenia or by abusing its territory.

The SISA also forwards to the relevant ministers and other officials information relating to their field of work, so that the competent authorities might propose or adopt certain measures. The SISA collects information and carries out analyses relating to their field of work according to the requirements of the National Security Council.

Criminal Procedure Act

Slovenia has no special procedural legislation in the field of terrorism; therefore, the provisions of the Criminal Procedure Act are applied *mutatis mutandis*.

Mutual legal assistance

Slovenia has ratified the relevant international instruments containing provisions on international legal assistance in criminal matters. Their application is guaranteed on the basis of Article 8 of the Constitution, which stipulates that the ratified and published treaties are directly applicable.

The provisions regarding legal assistance (petitions for legal assistance and the service of a document), judgments passed by foreign courts, the surrender procedure for criminal prosecution and extradition are included in the Criminal Procedure Act (Articles 514-537). In order to provide international legal assistance in criminal matters, provisions of Article 514 of the Criminal Procedure Act stipulate that “international assistance in criminal matters shall be administered pursuant to the provisions of the present Act unless provided otherwise by international agreements”. In accordance with the language of the text, the provision of international legal assistance under the Criminal Procedure Act is subsidiary to international agreements regulating this area. This means that international legal assistance in criminal matters is administered according to the provisions of the mentioned Act only if states have not concluded bilateral agreements or acceded to multilateral treaties. One of the important mechanisms for efficient implementation of international legal assistance is the possibility of direct communication between Slovenian and foreign judicial authorities. The amended Criminal Procedure Act stipulates that international legal assistance in criminal matters is administered directly between national and foreign authorities participating in criminal proceedings under the condition that reciprocity is applied or if so stipulated by an international agreement. Pursuant to the amended Criminal Procedure Act, petitions for legal assistance in emergency cases, under the condition of reciprocity, may be transmitted through the Ministry of the Interior (INTERPOL). When criminal acts relating to money laundering are in question, such petitions may be transmitted through the competent authority for money laundering prevention.

Extradition

In compliance with internal legislation, the execution of a judgement of conviction passed by a foreign court is possible if so provided by an international agreement or on the basis of reciprocity. A national court shall execute a judgement of conviction by pronouncing a sanction pursuant to criminal legislation. Articles 521-536 of the Criminal Procedure Act focus on extradition and envisage detailed solutions regarding the conditions for extradition and for subsequent proceedings. Article 521 stipulates that, unless provided otherwise in the international agreement, 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 international agreements.

The Minister of Justice may reject the extradition of a foreigner if he enjoys the right of asylum, if a military or political criminal offence is in question, or for other reasons defined in international agreements.

Use of the Internet

The application and programme to facilitate anonymous reporting of deviant acts with the connotations of radicalisation and incitement to extremism is envisaged within the framework of the *Spletno oko* (Web Eye) project, which is focused primarily on early detection and limitation of child pornography and xenophobia on the web.

Safe haven

In accordance with the amendments to the Aliens Act (2006), an alien shall not be granted a permit of residence if there is a suspicion that an alien might pose a threat 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 committing of terrorist or other violent acts, illegal intelligence activities, drug trafficking or the committing of other similar criminal offences. The provision shall be used in procedures of 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 shall 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 according to the Schengen Agreement. Slovenia cooperates in strengthening the 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 to property. Preventing and detecting cross-border crime is an important task of border

police. Police officers may make identity checks on international traffic connections and facilities relating to cross-border traffic if security situation so requires. Furthermore, they may carry out personal checks, vehicle checks and goods checks.

In order to efficiently protect the state border, 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 allowed 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 movements of goods across the borders by applying risk management and selectivity systems to identify the consignment posing 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 volume of traffic. Specially trained and technically equipped customs mobile units have daily controlled border points with high risk for smuggling, thus preventing the importation of potentially dangerous or illegal goods into Slovenia.

Financing of terrorism

The financing of terrorism is defined in the Criminal Code, which stipulates that whoever provides or collects money or property in order to partly or wholly finance the committing of criminal offences or any other violent act whose objective is to destroy the constitutional order of the Republic of Slovenia, cause serious disruption to public life or the economy, cause death or serious physical injury to persons not actively involved in armed conflict, to intimidate people or force the state or an international organisation to carry out an act or not to carry out an act shall be given a prison sentence of between one and ten years. Money and property obtained by the above acts shall be seized.

The Prevention of Money Laundering and Terrorist Financing Act specifies measures, competent authorities and procedures for the detection and prevention of money laundering and terrorist financing. Terrorist financing includes direct or indirect provision or collection of funds or other property of legal or illegal origin, or 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.

Refer also to 1.2.

Travel document 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 check of the person's possessions, and detain a person for a reasonable period.

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 arrest-warrant and technical checking of a person by taking fingerprints and palm prints, and checking other physical identification features.

Container and supply chain security

The Port of Koper is an important window to/from 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 Authorised Economic Operator (AEO) status 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 on European land border crossings.

Security of radioactive sources

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

- The Rules on physical protection of nuclear materials, nuclear facilities and radiation facilities.
- The Rules on the conditions for workers who carry out physical protection of nuclear materials, nuclear facilities or radiation facilities and on the conditions for workers who have access to nuclear materials as well as on other conditions with respect to physical protection.

Security of radioactive sources is also implemented in compliance with the Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources that were transposed into the 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 the Slovenian legislation. Slovenia also has a well established licensing system for radiation practices and the use of radioactive sources as well as a well established and up to date registry of radioactive sources.

In the late 1990s the Minister of the Interior has set up an inter-agency commission to deal with threat assessment and other security related matters in the area of the physical protection of nuclear and radioactive material, which is very active in this area of work.

Radioactive sources have not been used in Slovenia for any kind of terrorist activity or other malicious purposes. However, there were some cases of inadvertent movement with

radioactive sources. Most of these events were related to orphan sources in the shipments of scrap metal.

2.

Stationing of armed forces on foreign territory

2.1

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

Slovenia does not have its armed forces permanently stationed on the territory of any other state. As part 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 the UN, EU and/or NATO force. Appropriate international treaties govern the deployment of forces in the aforementioned 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 and confidence and security building measures and their continued implementation remain important elements of Euro-Atlantic stability, security, transparency and predictability. Republic of Slovenia, the Republic of Slovenia fully complies with - including foreign inspectors monitoring the compliance - the obligations stemming from Vienna document 1999, the Open Skies Treaty, Code of Conduct on Politico-Military Aspects of Security, Chemical Weapons Convention, the Convention on the Prohibition on Anti- Personnel Mines and the participation with the OSCE assistant inspectors in Agreement on Sub- Regional Arms Control-Concluding document of the negotiations under article 4 Annex 1B (Dayton Agreement). The Slovenian Parliament in July 2009 ratified the Convention on Cluster Munitions. Although Slovenia is not a state party to the Treaty of Conventional Forces in Europe (CFE), it attaches great importance to its continued implementation and preservation. On several occasions, Slovenia expressed its interest to request accession to the adapted CFE Treaty, upon its entry into force. Slovenia trains its personnel in cooperation with partner countries in that 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.

Refer to 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 long-term basis of security and defence policy and with exercising control over 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 the national defence policy. The Ministry of Defence is headed by the Minister of Defence and managed in accordance with the guidelines and decisions by the Government, which lays down political guidelines for the work accomplished by the ministry and its constituent bodies and supervises their work.

b) Defence expenditures

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 expenditures. The Ministry of Defence of the Republic of Slovenia 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 as well as 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, multiple 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 fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Constitution clearly defines the competences of the National Assembly for the supervision over 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 legislative and executive governmental bodies. The political control over the armed forces is carried out 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 MOD, the Intelligence and Security Agency. Special working bodies have been set up for this purpose: the Committee on Defence, Commission for the Supervision of Intelligence and Security Services, 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 control that such forces act solely within the constitutional framework?

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

(UN, EU, NATO, OSCE). The Government approves the participation of the SA in these activities on “Case by Case” principle..

Slovenia has no paramilitary forces.

3.

Procedures related to different forces personnel

3.1

What kind of procedures for recruitment and call-up of 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 Military Ethic of Slovenian Army.

The Defence Act defines 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 aforementioned 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 Conscript Physical Condition for Military Duty,
- Slovenian Armed Force Duty Directives,
- Others.

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

Military personnel in Slovenian Army are responsible to the provisions of the Code on Military Ethics of Slovenian Army. Respect to the ethic guidelines and principles written in this document is a part of conditions for military service in 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 are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Legislation ensures that the personnel recruitment process for the service in the SAF corresponds 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 if such conduct does not limit the rights and freedoms of other people.

Article 123 of the Constitution stipulates the duty to participate in the national defence. This obligation is compulsory for citizens within the limits and in the manner provided by law. Citizens who for their religious, philosophical or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the 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 an ethic of peace and non-aggression. Article 153, paragraph 2, of the Constitution stipulates that all laws must be in conformity with generally accepted principles of international law and with valid treaties ratified by the National Assembly.

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

In June 2007, the Slovenian Parliament approved the Service in the Slovene Army Act, which specifies the proper way of submitting complaints, applications, requests, petitions and remonstrance. It also deals with extraordinary advancements and promotions, additional pension insurance, health, psychological and social care, juridical help, religious and ecclesiastic care for military personnel and care for former military personnel.

In July 2009, according to the provisions on the Service in the Slovene Army Act, the Slovenian Government adopted the Code on Military Ethics of Slovenian Army. The Code is important for the protection of human rights and consists ethical guidelines and principles for the military personnel in 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 Law 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 obligations during military service;
- Introduction to International Military Law - the status of a combatant and his obligations related to military discipline, observance of international military regulations; following

orders and courses of action if following orders would lead to a violation of international military law; conventions that prohibit the use of certain weapons; prohibitions of attacks on civilian targets, specific protected facilities, prohibitions of 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 are comprised of 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 the reserve component service members in the event of an armed conflict: the status of a combatant and his obligations in terms of military discipline, following orders and courses of action if following orders would lead to a violation of international military law; conventions that prohibit the use of certain weapons; prohibitions of attacks on civilian targets, specific protected facilities, prohibitions of the destruction of the environment; responsibilities of reserve component service members towards war victims, 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.

Directive for the planning, organisation and implementation of training stipulate that all SA members should be familiarised with the obligations of the Republic of Slovenia contained in the 1999 Vienna Document, Code of Conduct on politico-military aspects of security, Treaty on Conventional Armed Forces in Europe, Chemical Weapons Convention and Convention on the Prohibition of Anti-Personnel Mines and their obligations regarding foreign inspectors monitoring the compliance with these documents.

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

The military education system of the Slovenian Army includes 45 hours of familiarisation with the provisions of international military and humanitarian law and their implementation in the Officer Candidate School and 17 hours in the Non-commissioned Officers School. These topics are also covered in the Advanced Staff and General Staff course and different 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 under national and international law for their actions?

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

Superior orders: There is no justification for committing a war crime, although the act was 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

or she was aware of the circumstances that made that order unlawful or could reasonably have been expected to be aware of them. If an order is plainly unlawful, a soldier has a duty 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. Then, they 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.

The provisions of the Code on Military Ethic of Slovenian Army (SA), implemented through military education system and in military practice of SA ensure that military personnel are aware of being individually accountable under national and international law for their actions.

4.3

How does your State ensure that 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 nor 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, Resolution on National Security Strategy, Defence Act, Service in the Slovene Army Act, Military Doctrine, the provisions of Service Regulations and the provisions of the Code on Military Ethic of Slovenian Army.

4.4

What has been done to provide for the individual service member's exercise of his or 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 take away a police officer's right to exercise police powers if he or she discovers that such a police officer holds membership of a political party.

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

The Code on Military Ethic of Slovenian Army consists ethical principles and guidelines for the military personnel, ensuring his or her civil rights and Slovenian Army political neutrality.

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 the 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 is doing its best 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 on 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 is following the events in this area as well.

Slovenia is drafting 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 SA may be obtained from various sources (MoD Internet site, MoD Intranet site, and the fortnightly *Slovenska vojska* magazine, the *Bilten Slovenske vojske* bulletin and the *Obramba* magazine).

The barracks of SA are opened to the public on “Open Doors Days”.

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

Information on the SA may be also 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 related to the SAF has been ensured through the institute of civil-military relations and the Access to Public Information Act that ensures the principles and rules of public access to the information relating to the 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 of the FSC.DEC/2/09

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

Slovenia adopted (in March 2010) new Comprehensive strategy of cooperation in international operations and missions, which includes also elements as stipulated in UN resolutions 1325 and 1820. Adoption of special action plan on this topic is envisaged by the end of 2010.

Answer to attachment 2 of the 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.