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Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

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Brussels, 31 March 2005

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NOTE

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To: Working Party on Terrorism
Subject : Evaluation of National Anti-Terrorist Arrangements
Report about Slovenia, 11-13 January 2005

Evaluation of Slovenia, 11-13 January 2005-03-18

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1. Terrorist situation

1.1 Domestic terrorism

There is no apparent terrorist threat with regard to domestic terrorism.

1.2 International terrorism

In general terms, Slovenia pays attention to emerging threats: international terrorism, the danger of proliferation of weapons of mass destruction, transnational organised crime, and failing states are acute concerns. In addition it is considered that global communication system, Internet and new technologies, openness of borders, transparency and widespread movement of persons and goods can be used for terrorist activities.

Regarding the threat from international terrorism, there is no evidence of terrorist activities.

However, authorities consider that Slovenia can be used as a transition country due to its geographical position in a very sensitive region. From that perspective, Slovenia considers that the Balkan area is a threat and that growing Islamic Radicalism will endanger the region as well as the EU.

The firm commitment of Slovenia in the international efforts to combat terrorism is also part of the national threat assessment.

It has to be highlighted that, prior to 11 September 2001, the adoption by the National Assembly of the Resolution on the National Security Strategy was a major step. This Resolution, which defines what the national security, national security policy and national security system are, explicitly mentions terrorism as one of the most important “sources of threat to national Security”. The national security system consists of three sub-systems, and this in particular refer explicitly to the defence sub-system, the internal security subsystem, and the sub-system for protection against natural and other disasters.

Regarding the threat from international terrorism, it has also to be noted that authorities focus

- on enhanced and co-ordinated inter-agency process of all relevant national institutions in the area of domestic measures to prevent and to combat terrorism,
- on a policy in compliance with the guidelines set out in the EU Action Plan, adopted by the European Council on 21 September, as well as the UN action.

In this domain, Slovenia pays special attention to the adherence to the international legal instruments as one of the cornerstones of international action to combat terrorism, including the fight against the financing of terrorism (from this perspective, Slovenia implements the relevant UNSCR).

Slovenia also actively supports regional initiatives and participates in regional fora to enhance co-operation at this level. This is partly due to the fact that Slovenia has a unique geostrategic position in the European space: it represents a crossroads of three geostrategic and geopolitical areas, namely the Middle European, South European, and Adriatic-Mediterranean areas.

Slovenia is a party to all international conventions and protocols relating to terrorism.

2. Structures of authorities

2.1 The Constitution

The current Constitution (article 1) states that the Republic of Slovenia is a parliamentary democracy and constitutional republic.

2.2 The executive branch

The executive branch includes a head of state or President of the Republic (for a five-year term, he may be elected for a maximum of two consecutive terms) and the government that is composed of the president (of the government) or Prime Minister and ministers. The National Assembly elects the President of the Government on the basis of the head of state's proposal. Ministers are also appointed and dismissed by the National Assembly on the proposal of the President of the Government.

Within the scope of their powers, the Government and individual ministers are independent and accountable to the National Assembly.

2.3 The legislative branch

The legislative branch consists of

- the National Assembly (Državni zbor) that is composed of ninety deputies. The National Assembly is elected for four years. The National Assembly (or lower chamber of parliament) adopts laws and other decisions and ratifies treaties by a majority of votes cast by those deputies present, save where a different type of majority is provided by the Constitution or by law.
- the National Council (Državni Svet), a largely advisory body composed of representatives from social, economic, professional, and local interests. An Electoral College indirectly elects its 40 members to five-year terms. The National Council (or upper chamber of parliament) has the power to initiate and delay legislation (however, only the National Assembly has legislative functions).

Regarding both the Slovene Intelligence and Security Agency and the threats to the country e.g. terrorism, the National Assembly is part of the national counter terrorism machinery: it defines priorities and guidelines that the Government uses to define priority tasks for the services responsible for the security. In addition, the National Assembly includes a special commission for the oversight of the legality of work of the security and intelligence services.

2.4 Justice

The judicial bodies are as follows

- The Constitution Court whose mandate is to ensure that laws, decrees, and regulatory acts issued by local authorities are consistent with the Constitution, international treaties, and general principles of ratified international law. It also rules on appeals.
- The Supreme Court is the highest court in the state. It functions primarily as a court of cassation and in some statutorily defined circumstances as a court of appellate jurisdiction in criminal and civil cases, etc. It is the court of the third instance in almost all the cases within its jurisdiction. Apart from administering justice (reviewing cases in its jurisdiction), the Supreme Court also determines most cases of disputes over jurisdiction between lower courts, grants the transfer of jurisdiction to another court in cases provided by law, and keeps records of the judicial practice of courts.

The decision to elect or promote a judge to the post of Judge of the Supreme Court is taken by the National Assembly at the proposal of the Judicial Council. The President of the Supreme Court is appointed - and can be dismissed - by the National Assembly at the proposal of the Minister of Justice after his/her receiving prior opinion of the Judicial Council and the Supreme Court. The appointment and dismissal of the Vice-President of the Supreme Court is regulated in the same way.

The court system

The judicial system of the Republic of Slovenia includes courts of general (at three levels) and specialised jurisdiction (they have jurisdiction only in the fields of labour and social law and administrative law).

It consists of

- 44 local courts (courts of the first instance) and are vested with jurisdiction over less serious criminal cases, civil cases concerning claims for damages or property rights up to a certain value, all civil cases concerning disturbance of possession, easement of real burdens, hire, lease or tenancy relations, the legal obligation to maintenance if the disputes are not dealt with in conjunction with marriage disputes or disputes over the establishment or contestation of fatherhood, probate and other non-litigious matters, keeping of land registers and civil enforcement.
- 11 district courts are courts of the first instance as well. They are vested with jurisdiction over criminal and civil cases which exceed the jurisdiction of county courts, juvenile criminal cases, execution of criminal sentences, trial of, or consideration of the permission for, violations of human rights and fundamental freedoms, family disputes, excepting maintenance disputes, confirmation of rulings of a foreign court, commercial disputes, bankruptcy, forced settlements and liquidation, copyright and intellectual property cases and keeping of the company register.
- 4 higher courts are courts of appellate jurisdiction. In addition to determination of appeals against decisions of the county and district courts in their territories, they also determine disputes of jurisdiction between county and district courts.

Prosecution

The organisation of prosecution reflects the organisation of courts: there are 11 district prosecution offices, 3 external departments of Supreme State Prosecutor's Office (Maribor, Celje, Koper) and the Supreme States Prosecutor's Office of Republic of Slovenia (Ljubljana).

The Supreme State Prosecutor's Office is the highest prosecutor's office.

3. Structures of authorities and the fight against terrorism

As head of the government, the Prime Minister has an overall responsibility and ministers involved in the fight against terrorism in their respective fields of competence are answerable to him. The Prime Minister is also a key player in the anti-terrorism area due to his role regarding the National Security Council he chairs. From that perspective, he is the co-ordinating authority and it has to be noted that the intelligence and security agency (SOVA) is not answerable to a minister in particular but is accountable to the Government and primarily to the Prime Minister. In addition, it is noticeable that the government upon the proposal of the Prime Minister appoints the director of SOVA. He is also the authority that appoints the national co-ordinator for counter terrorism.

There is no leading and/or co-ordinating Minister/Ministry in particular and the government as such is responsible for the fight against terrorism. They are responsible in their respective field for competence.

3.1 The Minister/ministry of Justice

There is no specific criminal procedure to prosecute terrorist cases.

The Supreme State Prosecutor's Office includes a group of state prosecutors for special matters dealing with specific serious offences and this in particular applies to organised crime. However terrorism is not mentioned as such in the list of serious offences that is included in the field for competence of special prosecutors. If a terrorist case occurs, the district Prosecutor is the relevant authority as well as the district court. However, the Supreme State Prosecutor may decide to mandate special prosecutors to deal with the case. This also applies to the competence of examining magistrate or investigative judge: the local examining magistrate is the competent authority and there is no investigative judge with a nation wide competence. However, he can directly ask another prosecutor or police authorities in other regions for investigations.

3.2 The Ministry of the Interior

The Ministry of the Interior is responsible for the activities carried out by the National Police as well as the activities of the Border Police.

3.3 The Minister for Defence

With regard to terrorism, the Minister for Defence responsible

- for the activity of the intelligence and security service (OVS) that is part of the directorate of defence policy
- for the organisation, preparation and implementation of the system for civil protection and disaster relief, and rights and duties of citizens with respect to civil protection and disaster relief (Administration for Civil Protection and Disaster Relief).

The Armed Forces also contribute to the fight against terrorism. Within the Armed Forces is position of Assistant Chief of General staff for antiterrorism. He closely co-ordinates activities with section J2 and other services in SAF.

3.4 The Ministry of Finance

Within the Ministry of Finance, the Office for Money Laundering Prevention is responsible for money laundering cases and the fight against the financing of terrorism.

The Customs administration, which is part of the Ministry, also contributes to the fight against terrorism in its field of competence.

3.5 National Co-ordinator for counter terrorist activity

The appointment of a National Co-ordinator for counter terrorist activity in June 2004 is a major step in the context of both the counter terrorism machinery and national security.

- He is accountable to the Government (and this is in compliance with the accountability of SOVA).
- He is member of the National Security Council (other members are ministers)
- He chairs the secretariat of the National Security Council: he reports to the National Security Council and its Secretariat on a regular basis.
- He also heads the Interdepartmental Working Group for Transnational Threats and bodies dealing with counter terrorism regularly inform the Co-ordinator on their activities.

4. The National Police machinery

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5. Customs

In addition to traditional tasks, Customs deals with the ones that relate to national security, in particular in the area of border control (and the Slovenian border represents 16% of the external border of the EU in a sensitive region), arms trafficking and fight against money laundering.

6. The intelligence machinery

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7. Co-ordinating bodies/entities

The National Security Council is responsible for the co-ordination and the implementation of the national security policy as well as of the activities that the national security policy implies.

For that purpose, the National Security Council is tasked as follows:

- to advise the Government on the adoption of measures and acts concerning national security, - prior to the Government sessions, to advise the Ministries on their measures and acts concerning implementation of national security interests and goals - to co-ordinate the positions and measures of the Ministries and other state agencies and organisations on the activities concerning national security - prior to the Government sessions, to co-ordinate the positions of the Ministries and other state agencies with respect to the National Assembly acts concerning national security
- to identify and assess security risks, threats posed to the country, and measures and guidelines for ensuring national security
- to give opinion about questions, initiatives and proposals put forward to the Government by Members of Parliament concerning implementation of national security policies
- to provide the Government with opinion about the budget funds for the work of the National Security Council.

Under the chairmanship of the Prime Minister, permanent members of the National Security Council are:

- Minister of Defence
- Minister of the Interior
- Minister of Foreign Affairs
- Minister of Finance
- Minister of Justice
- Minister without portfolio responsible for European affairs
- Director of Prime Minister's Office and
- Director of SOVA

A National Security Council Secretariat, appointed by the Government, is responsible for operational co-ordination of the activities. The Director of SOVA heads this Secretariat whose members are

- Director General of Police
- Chief of Army General Staff
- Head of the Intelligence and Security Service of the Ministry of Defence
- State Secretary appointed by the Ministry of Foreign Affairs
- Director of the Office for Money Laundering
- Director of the Office for Protection of Classified Information
- Director of the Government Service for Legislation
- Commander of Civil Protection and the
- Advisor to Prime Minister for National Security or a person specifically appointed.

The creation of the National Security Council as well as its membership, and this also applies to the Secretariat, underlines the will to combine political and relevant technical inputs/dimensions in a coherent way to set up a co-ordinated and, more importantly, an integrated counter terrorism policy including civil protection.

7.1 The Interdepartmental Working Group for Transnational Threats

In addition to the Secretariat, the National Security Council also consists of the Interdepartmental Working Group for Transnational Threats that was created in 2003 and whose role is to involve under the chairmanship of the national Co-ordinator for counter terrorism all relevant bodies.

It includes the representatives of the Intelligence and Security Service of the Ministry of Defence, the Ministries of Foreign Affairs and of the Interior (the Police), the Office for Money Laundering Prevention, the Customs Administration, and the Army General Staff.

They have to report regularly to the national Co-ordinator – and this applies to internal and external activities – with the view to constantly exchanging information, opinions and positions, and to co-ordinating the activities to take into consideration and counter terrorism and other transnational threats.

The role of the interdepartmental working group is to ensure

- operational exchange of information on the activities in the field of counter terrorism
- co-ordination of operational activities.

In addition, the group also drafts periodic threat assessments with respect to international terrorism: SOVA, the Police, the Ministry of Foreign Affairs, the Ministry of Defence's Intelligence and Security Service, the Army General Staff, the Office for Money Laundering Prevention, and the Customs Administration consequently contribute to the national threat assessment. It pays a special attention to the Islamic extremism.

8. The fight against the financing of terrorism

The Office for Money Laundering Prevention is part of the Ministry of Finance. It has wide-ranging powers and plays a central role in the anti money laundering strategy by evaluating and analysing suspicious transaction reports, initiating investigations, issuing directives and engaging in awareness raising and training initiatives. It operates as an interface and more precisely as a clearinghouse between the institutions that are part of the financial system and the authorities responsible for the detection and prosecution of criminal offences. The office receives, gathers, analyses and disseminates the information that it obtains from financial and other organisations (STRs).

9. Civil protection/consequence management

Protection against natural and other disasters as well as the system of protection against natural and other disasters are mentioned as such in the Resolution on the National Security Strategy.

A Nation Programme of Protection Against Natural and Other Disasters (2002-2007) as well as the Doctrine on Protection, Rescue and Relief has been adopted.

The system is based on a division of tasks and responsibilities involving the national level, municipalities, commercial companies, institutions and other organisations and citizens.

For that purpose, the Administration for Civil Protection and Disaster Relief or ACPDR is divided into 13 regions as of 1 January 2003 including 13 regional notification centres (connected to the national notification centre) and 13 warehouses. The regional notification centres can be used also as co-ordination body.

Preparedness if a terrorist attack occurs is based on guidelines provided by the Government and implies the implementation of existing emergency plans. The main consequence is the activation of units and services including police mobile laboratories within 30 minutes, 6 hours, 24 hours or more.

To appropriately perform activities related to protection, rescue and relief, an operational interministerial group is activated, for instance responsible for deciding the protective measures to adopt in the area of vital infrastructures. The representative of ACPDR and the deputy head from the Ministry of the Interior are parts of this leading group. Then competent ministries and departments activate relevant bodies (e.g. health organisations, veterinary organisations, protection, rescue and relief forces, etc) at appropriate level. This applies to the Armed Forces that provide aid and assistance in such a case.

In addition, the Government set up in October 2003 an interagency group for WMD (group for addressing threats and attacks by means of WMD) with a view to create a national response system to the attacks and threats by WMD.

Members of the interagency group for WMD are the police, the Nuclear safety Administration within the Ministry of Environment and Spatial Planning, the Ministry of Transport, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Finance/Customs, the Ministry of Defence/ACPDR, Civil Defence and Armed Forces, the Ministry of Agriculture/Veterinary administration, and others relevant institutions.

10. Good practices and recommendations

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