

SLOVENIA

Definition and Prosecution of Terrorist Acts

The Slovene Penal Code defines terrorism as a punishable offense. It provides that “[w]hoever with the intention of jeopardizing the constitutional order or security of the Republic of Slovenia, causes an explosion or fire, or commits any other act of violence endangering public safety, or threatens the use of nuclear materials or means of mass slaughter, thereby arousing fright and uncertainty among people, shall be punished to imprisonment for not less than three years.” Other activities that, under certain circumstances, fall under the umbrella of terrorism include kidnapping, hijacking, violence against the highest representatives of the state, engendering the persons under international protection, and taking hostages. The same conduct done with the intent of inflicting damage on a foreign country or an international organization shall be sentenced to imprisonment for not less than one and not more than ten years.

The Penal Code goes on to say that “[w]hoever, with the intention of compelling a legal person, international organisation or state to perform or omit to perform a certain act, threatens to endanger or harm human life or property of substantial value by the use of nuclear force or other means of mass extermination shall be sentenced to imprisonment of not less than one year.” If any of the criminal offences listed above result in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than five years; unless if the perpetrator intended the loss of life, then he shall be sentenced to imprisonment for not less than ten years or to thirty years. Collaboration of any terrorist acts is also punishable under applicable statutes.

The Penal Code also outlaws the solicitation of and association with terrorist. Whoever establishes a group for the purposes of perpetrating criminal offences for which a punishment exceeding five years of imprisonment may be applied, is sentenced to imprisonment not exceeding three years. Whoever joins such a group is sentenced to imprisonment not exceeding one year. The intention to commit a criminal offence suffices for the punishment of the founder or a member of the above organization even if the criminal offences have not been committed. The punishment must be remitted for the founder or a member of the above group who prevents the committing of a criminal offence or provides timely information about it or discloses the organization and its leaders.

Finally the Penal Code incriminates the manufacturing and acquiring of weapons and other means intended for committing a criminal offence. Whoever manufactures, acquires or keeps weapons, explosive materials or poisons which he knows to be intended for the committing of a criminal offence, or whoever provides another person with access to the same, is sentenced to imprisonment not exceeding three years. Article 310 defines the criminal offence of illegal manufacture of and trade in (acquiring, keeping, bartering, importing or exporting) weapons or explosive materials, the trade in which is completely prohibited or limited for individuals. The sentence set down for the basic criminal offence is imprisonment for not less than six months and not more than five years. If the offence involves a large quantity of or very valuable weapons or explosive materials, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

Prevention of Terrorism – Security Measures

The Slovene government prevents terrorism several ways. First, it regulates the establishment of political groups through the use of registries. Any groups engaged in any violent activities or committing crimes will lose their license to operate as a political party. This

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also applies to the armament or establishment of paramilitary or military groups disguised as political, cultural or interest associations.

Slovenia also prevents terrorist activities by restricting their ability to obtain weapons. The Slovene Code of Criminal Procedure in combination with the Penal code defines situations where it is a crime to store, import, manufacture, sell or barter weapons or explosive materials. The conditions for buying and possessing weapons are regulated by the Weapons Act. Individuals who wish to carry a weapon must be 18 years of age, trustworthy, have a valid reason to carry a weapon, have passed a medical examination, and have passed a test for handling the weapon. Any individuals wishing to transfer weapons across the border of Slovenia must declare their intentions to the government and obtain the necessary permits before doing so. Failure to follow these procedures is punishable by a fine and seizure of the weapons.

Slovenia does not have a single body that specializes in the prevention of terrorism. After September 11, 2001, a governmental inter-ministerial coordination body was introduced to provide guidelines, and monitor all counter-terrorism measures and activities within Slovenia. This inter-ministerial body is made up of representatives from the Prime Minister's office, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of the Interior, the Ministry of Health, the Ministry of Justice, Ministry of Transport, the Prime Minister's office, the Ministry of Finance, and the Slovenian Intelligence and Security Agency. The Council for National Security works as the coordinative body for all these organizations.

Money-laundering and Financing of Terrorism

The Republic of Slovenia adopted the convention of the Council of Europe on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime in 1997. All legislation complies with 40 recommendations of the Financial Action Task Force as well as the EU Council Directive on prevention of the use of the financial system for the purpose of money laundering. In October 2001, Slovenia passed a new Money Laundering Act.

The Slovene Penal Code does not expressly state that funding of terrorism from lawful sources is a criminal activity. However, it does provide that "any person who intentionally supports another person by providing the perpetrator with instruments of crime" is guilty of a criminal offense. This would apply to persons who fund terrorist activities. Any funds that derive from criminal offenses can be seized by the Slovene government. If the funds intended for terrorist activities are derived from legal sources, certain conditions would need to be met before seizure can take place. One of the conditions is a suspicion that legally acquired funds would be used for the financing of a group for the purposes of perpetrating criminal offence.

Slovenia also has legislation that provides for the freezing of accounts and other assets of people suspected of engaging in terrorist activities. This generic act provides a legal basis for the adoption of relevant regulation by which the government considers and implements the decisions of international organizations and associations on the introduction of measures to restrict select financial accounts. An interdepartmental group within the Ministry of Foreign Affairs is responsible for the implementation of said measures while several other ministries are in charge of carrying out these measures. Legislation is currently being amended to lift any limits on investigating judges who wish to acquire certain confidential information from banks or other financial institutions that historically has been restricted. This information includes any information related to bank deposits of particular persons in which there is suspicion that the person committed an officially prosecutable criminal offense.

Information Sharing

The Republic of Slovenia endorsed all important international documents that contain provisions regarding international legal aid in criminal matters. In the absence of any treaties, international legal aid is governed by select articles of the Code of Criminal Procedure. Cooperation with foreign security bodies is conducted in accordance with the standards of the NCB INTERPOL work. The Slovenian government, as a member of the Police Working Group on Terrorism, provides other States with information relating to terrorism or international terrorism through a “special cryptic system.” This is done on the basis of signed bilateral agreements in the field of cooperation in preventing organized crime and terrorism.

BIBLIOGRAPHY OF SLOVENE LAWS

Definition and Prosecution of Terrorist Acts

- Slovene Penal Code, Articles 297, 355, 388, 330, 353, 144, 389, 390, 27, 309

Prevention of Terrorism – Security Measures

- Slovene Code of Criminal Procedure, Articles 309, 310
- Weapons Act

Money-laundering and Financing of Terrorism

- Convention of the Council of Europe on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crimes
- Institutes Act
- Societies Act
- Foundations Act
- Social Security Act
- Money Laundering Act
- Slovene Code of Criminal Procedure, Articles 156, 220, 499
- Restricted Measures Act

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- Slovene Code of Criminal Procedure, Articles 514-537