



# SLOVAK REPUBLIC

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## NATIONAL POLICY

The Slovak Republic is one of the countries with no experience of international or national terrorist crimes on its territory. Nevertheless, the Slovak Republic is strongly committed to combating terrorism in all its forms at national, regional and global level. The Slovak Republic therefore attaches great importance to the national and international fight against terrorism.

The Slovak Republic condemns all forms of terrorism irrespective of its origin and its ideological, political, ethnic or religious underpinnings, and is engaged in counter-terrorism, both individually and as a part of the international community. The Slovak Republic has developed and implemented a legislative and institutional framework for the fight against terrorism in accordance with its national Action Plan, adopted on 10 May 2005 by Government Decree No. 369/2005, in order to expand the capabilities of Slovak intelligence services, specialized police units and authorities active in criminal procedures for the prevention, detection, investigation and prosecution of criminal offences of terrorism. This shall improve the coordination of the transmission of information to and co-operation with partner security services, state authorities and institutions in other countries in the areas of prevention, identification of perpetrators, verification, investigation and prosecution of terrorist acts. The Slovak Republic makes efforts to restrict terrorists' access to financial and material resources and weapons, in particular weapons of mass destruction. The possession of weapons of mass destruction by terrorist groups represents an acute and high risk to which the Slovak Republic will respond appropriately, including active prevention through disarmament, even involving the use of military force in co-operation with its partners and allies. The Slovak Republic guarantees the security of its critical infrastructure from terrorist attacks.

With regard to the threat of terrorist attacks, the situation is assessed as stable and peaceful, without direct risks and threats. Neither the Slovak Republic, nor its foreign interests have been the primary targets of terrorist activities. However there are some indications which, with a certain degree of probability, confirm that the territory of the Slovak Republic may be used as the base of terrorist groups

for their activities abroad. The threat of terrorist actions by individuals and groups may become real during the period of the Slovak Republic's non-permanent membership of the UN Security Council as well as during the participation of Slovak soldiers in peace-keeping operations in Afghanistan and Iraq. A terrorist organisation has declared revenge on those countries which do not withdraw their military forces from Iraq and Afghanistan. Since the Slovak Republic is involved in the Iraq and Afghan conflicts, these statements are directly directed towards it. For this reason, the Police prepared a plan and implemented the measures focused on the protection of the Slovak Republic's territory, nationals, diplomatic missions and other subjects.

The National Action Plan on the fight against terrorism (2005) is divided into four specific areas: assessment of the state of global security and its impact on the Slovak Republic; strategic objectives of the National Action Plan; key institutions in the fight against terrorism, their cooperation and interactivity; and a list of measures and tasks.

In the area of combating terrorism, the Slovak Republic co-operates at international level, especially with other European countries, in the strategic and operative areas. In the strategic area, it co-operates in particular with the EU Working Group for Terrorism (*WGT*). In the operative area, it co-operates with the informal Working Group for Terrorism (*PGWT*), Interpol and Europol.

## LEGAL FRAMEWORK

### Penal law

The fight against terrorism is covered by selected provisions of **Act No. 300/2005 Coll. – the Criminal Code of the Slovak Republic:**

#### **Section 419 Terrorism**

*(1) Any person, who with the intention to destabilize or destroy constitutional, political, economic or social order of a State or order of international organization, or to force a government of a State or an international organization in order to act or omit to act something, threatens with commission or*

*commits the crime against life, health of people, their personal liberty or property, or without any authorization produces, obtains, owns, possesses, transports, supplies or in some other way uses the explosive, nuclear, biological or chemical weapons, or carries out illicit research or development of such arms or arms prohibited by law or international treaty, shall be liable to a term of imprisonment of twenty to twenty-five years or a life imprisonment sentence.*

*(2) The offender shall be liable to a life imprisonment if he/she commits the crime referred to in paragraph 1*

- a) and causes by it death to more persons,*
- b) on a protected person,*
- c) against the armed forces or armed corps,*
- d) as a member of dangerous grouping, or*
- e) during a crisis situation.*

### **Section 129**

#### **Group of person and association**

*(4) For the purposes of this Act, a "terrorist group" means a structured group of at least three persons existing for a certain period of time for the purposes of committing a criminal offence of terror or criminal offence of terrorism.*

*(6) Support of criminal group or terrorist group means the intentional acting consisting in providing of means, services, cooperation, or creation of other conditions for the purpose of*

- a) establishment or maintenance of existence of such a group, or*
- b) commission of criminal offences in paragraph 3 or 4 by such a group.*

### **Section 297**

#### **Establishing, masterminding or supporting a terrorist group**

*Any person who establishes or masterminds a terrorist group, is its member, is active for it or supports it shall be liable to a term of imprisonment of five years to ten years.*

The criminal prosecution of specific forms of criminal activities connected with terrorism (for example the financing of terrorism, public provocation to commit a terrorist offence, recruitment and training for terrorism) is based on general provisions of the Criminal Code on preparation for committing a criminal offence,<sup>1</sup> Attempted criminal offence,<sup>2</sup> Accomplice,<sup>3</sup> Abettor,<sup>4</sup> Instigation<sup>5</sup> and Condoning a criminal offence.<sup>6</sup>

The other provisions of Slovak Criminal Code which relate to the fight against terrorism are as follows:

- Section 30 para. 1 governs the exemption from criminal liability of police agent activities, if the agent is coerced by the criminal or terrorist group in which he/she is involved,
- Section 30 para. 2 limits exemption from criminal liability of police agents for the commission of selected criminal offences, including terror and terrorism;
- Section 34 para. 8 letter c) states that the court can decide that conditional release from life imprisonment is not admissible, if the offence has been committed by a member of a terrorist group;
- Section 36 letter o) governs the mitigating circumstance of an offender contributing to the detection or conviction of a terrorist group;
- Section 39 establishes that the court may reduce the term of imprisonment to below the minimum rate set out in the Criminal Code when sentencing an offender who has significantly contributed to clarifying a criminal offence committed for the benefit of a criminal or terrorist group, or who helped prevent the commission of a criminal offence prepared or attempted by another person for the benefit of a criminal or terrorist group by reporting those other persons' actions to law enforcement agencies and providing them with information they would otherwise have been unable to obtain, thus enabling them to prevent or mitigate the consequences of the criminal offence, identify or convict its perpetrators, and secure evidence of the criminal offence with a view to the conviction of a criminal group or a terrorist group;
- Section 47 para. 2 permits the court to impose a life imprisonment sentence in respect of the criminal offence of terrorism, if the offender has been sentenced with imprisonment for commission of the criminal offences stipulated in that provision two times before (the so-called three-strike principle);
- Section 58 para. 2 governs mandatory forfeiture of property as the sentence for the commission of the criminal offence of establishing, masterminding or supporting a terrorist group;
- Section 83 governs mandatory confiscation of assets, if the circumstances of the case justify the presumption that the assets could be used to finance terrorism if the sanction of forfeiture of those assets was not imposed,
- Section 85 states that the criminal offence of terrorism is no longer punishable if the offender voluntarily prevents or remedies the harmful

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<sup>1</sup> Section 13 of the Criminal Code.

<sup>2</sup> Section 14 of the Criminal Code.

<sup>3</sup> Section 20 of the Criminal Code.

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<sup>4</sup> Section 21 of the Criminal Code.

<sup>5</sup> Section 337 of the Criminal Code.

<sup>6</sup> Section 338 of the Criminal Code.

consequences of the criminal offence (effective contrition);

The provisions of the **Code of Criminal Procedure** of the Slovak Republic specifically related to the fight against terrorism are as follows:

- Section 14 para. 2 establishes the jurisdiction of the Special Court in respect of serious crime committed by terrorist groups and in respect of the criminal offence of establishing, masterminding or supporting a terrorist group;

- Section 114 para. 8 and Section 115 para. 8 govern exemption from the obligation to destroy records (in the case of the interception and recording of telecommunications) and of its notification, where proceedings concern particularly serious felonies or felonies committed by organised, criminal or terrorist groups;

- Section 205 governs the postponement of the filing of charges, if the filing of charges could significantly prejudice the disclosure of the criminal offence of setting up, masterminding or supporting a criminal or terrorist group; a felony committed by an organised, criminal or terrorist group; or the identification of perpetrators of such criminal offences,

- Section 215 para. 3 governs the facultative grounds for a stay of criminal procedure which may be ordered by the prosecutor where the accused has significantly contributed to clarifying a case involving the criminal offence of setting up, masterminding or supporting a terrorist group or a felony committed by a terrorist group, or to identifying or convicting the perpetrator of such a criminal offence, where the interests of society in clarifying that criminal offence are stronger than its interest in the criminal prosecution of the accused;

- Section 218 governs conditions for the conditional stay of the criminal prosecution against a co-operating accused person who has significantly contributed to clarifying a case involving the criminal offence of setting up, masterminding or supporting a terrorist group, or a felony committed by a terrorist group, or to identifying or convicting the perpetrator of such a criminal offence,

- Section 228 para. 3 governs conditions for the suspension of criminal prosecution where this is ordered by a police officer with the prior consent of the prosecutor, against an accused person who has significantly contributed to clarifying a case involving the criminal offence of setting up, masterminding or supporting a terrorist group, or a felony committed by a terrorist group, or to identifying or convicting perpetrators of such criminal offences. Criminal prosecution may not be suspended where the accused organised, instigated or commissioned the crime about which he/she has provided clarifications.

## Other Relevant Legislation

- According to Act No. 171/1993 Coll. on the Police Force, the Police Force leads the fight against terrorism,<sup>7</sup> and is authorized to use information and technical means in the framework of the fight against terrorism;<sup>8</sup>
- Under Act No. 46/1993 Coll. on the Slovak Intelligence Service, the intelligence service gathers and evaluates information on organised crime and terrorism<sup>9</sup> within its competence as stipulated by law;
- Under Act No. 198/1994 Coll. on Military Intelligence, military intelligence gathers and assesses the information on terrorism necessary for the protection and the defence of the Slovak Republic;<sup>10</sup>
- Act No. 57/1998 Coll. on the Railway Police authorises the Railway Police to use information technology and technical means in the performance of its duties in the field of fight against terrorism (...) and for the detection of offenders of terrorist crimes;<sup>11</sup>
- Act No. 321/2002 Coll. on the Armed Forces of the Slovak Republic establishes that the armed forces can be used to fight terrorism;<sup>12</sup>
- Act No. 319/2002 Coll. on defence of the Slovak Republic contains a set of measures related to the fight against terrorism which is an integral part of the defence policy of the Slovak Republic. These measures are executed by the intelligence services, courts, prosecutors' offices and armed forces of the Slovak Republic;<sup>13</sup>
- Act No. 179/1998 Coll. on Commercial trading with military substances governs the duty of holders of licences to conclude commercial contracts involving military substances to abstain from their activities, if such activities could be misused in order to support terrorism or international organised crime;<sup>14</sup>
- Act No. 483/2001 Coll. on banks governs the duty of banks to stipulate in their statutes competences and responsibilities for measures to prevent money laundering and financing terrorism. It also governs the duty of banks to

<sup>7</sup> Section 2 para. 1 letter f of Act No. 171/1993 Coll. on the Police Force.

<sup>8</sup> Section 36 of Act No. 171/1993 Coll. on the Police Force.

<sup>9</sup> Section 2 para. 1 letter d of Act No. 46/1993 Coll. on the Slovak Intelligence Service.

<sup>10</sup> Section 2 para. 1 letter c of Act No. 198/1994 Coll. on Military Intelligence.

<sup>11</sup> Section 34 of Act No. 57/1998 Coll. on Railway Police.

<sup>12</sup> Section 4 para. 4 letter d of Act No. 321/2002 Coll. on the Armed Forces of the Slovak Republic.

<sup>13</sup> Section 2 para. 2 of Act No. 319/2002 Coll. on defence of the Slovak Republic.

<sup>14</sup> Section 10a letter f of Act No. 179/1998 Coll. on Commercial trading with military substances

report on client operations, which are under bank secrecy, without the client's consent upon a request from the Slovak Intelligence Service in order to fight against organised crime and terrorism;<sup>15</sup>

- Act No. 367/2000 Coll. on the prevention of money laundering defines infrequent (suspicious) bank transactions. Such transactions are defined as legal acts or other acts whose execution might lead to money laundering or the financing of terrorism<sup>16</sup> and sets out the ensuing responsibilities for the authorised persons;
- Act No. 430/2004 Coll. on European Arrest Warrant – provides that surrender of the person in relation to the terrorist offences will be executed without the verification of double criminality;
- Act No. 650/2005 Coll. on the execution in the European Union of orders to freeze property or evidence provides for the execution of orders to freeze property or evidence in relation to terrorist offences without the verification of double criminality.

## INSTITUTIONAL FRAMEWORK

The fight against terrorism in the Slovak Republic is primarily the responsibility of:

1. The Police Force,<sup>17</sup>
2. The Slovak Intelligence Service,<sup>18</sup>
3. Military Intelligence.<sup>19</sup>

The Police Force leads the fight against terrorism and organised crime; the Slovak Intelligence Service gathers and assesses information on terrorism and Military Intelligence gathers and assesses information on terrorism necessary for the security of the State.

According to the National Action Plan on the fight against terrorism, the key institutions involved in of the fight against terrorism are the following:

1. The intelligence services – Slovak Intelligence Service and Military Intelligence,
2. The Ministry of the Interior and the Police Force,
3. The Ministry of Defence,
4. The Ministry for Foreign Affairs.

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<sup>15</sup> Section 91 para. 4 letter o of Act No. 483/2001 Coll. on banks.

<sup>16</sup> Section 4 of Act No. 367/2000 Coll. on the prevention of money laundering.

<sup>17</sup> Section 2 letter e) of Act No. 171/1993 Coll. on the Police Force.

<sup>18</sup> Section 2 para. 1 letter d) of Act No. 46/1993 Coll. on the Slovak Intelligence Service.

<sup>19</sup> Section 2 para. 1 letter c) of Act No. 198/1994 Coll. on Military Intelligence.

Other authorities participating in the fight against terrorism include:

1. The Ministry of Justice,
2. The General Prosecutor's Office,
3. Customs authorities,
4. The Ministry of Transport, Posts and Telecommunications, and the Railway Police.

**Slovak Intelligence Service** - The protection of the constitutional order and security of the Slovak Republic is the main priority of the service's activities. Its special areas of interest include organised crime; proliferation of weapons; international and criminal terrorism; illegal migration; and various forms of social extremism. In monitoring the signs of racial, religious, national, social and other types of intolerance and discrimination, the service pays attention mainly to illegal organisations and groups with paramilitary activities.

The **Ministry of Interior** is, according to Act No. 575/2001 Coll. on organisation of government activities and on organisation of central state authorities, the central body of the state administration responsible for protecting the constitutional system, public order, the security of persons and property, the protection and administration of the state's borders, the safety and fluidity of road traffic, as well as for issues related to weapons and ammunition, private security services, entry to the territory of the Slovak Republic and the residence of foreigners in its territory, identity cards, travel documents and driving licences, refugees and transmigrants, the registration of the population, the Police Force and the Fire Fighting and Rescue Corps.

Preventive and repressive measures are under the competence of the Police Force, in particular the specialised agencies of the Police Force and law enforcement authorities. The Police Force is an armed security corps, which carries out tasks relating to internal order, security, fighting crime, including all its organised forms and international forms, and tasks according to the international obligations of the Slovak Republic. The Police Force is governed by its President who is subordinated to the Minister of the Interior. The Police Force consists of the services of the criminal police, the financial police, the public order service, the service of the traffic police, the service for the protection of premises, border police and special police services. The police services operate within the divisions of the Police Force, which are, as a rule, organised in accordance with the administrative arrangement of the court system of the Slovak Republic. In the performance of its tasks, the Police Force is governed by the Constitution, constitutional laws, laws and other generally binding legal regulations and international treaties, which are binding for the Slovak Republic.

As far as the fight against terrorism is concerned, a special police service – the Counter-terrorism Unit – operates within the structure of the Office of the fight against organised crime under the Presidency of the Police Force. Its scope of activity is limited to all issues related to the fight against terrorism, in close co-operation with the Intelligence services, Europol, Interpol, other international bodies and national authorities. The Counter-terrorism Unit systematically co-operates with liaison officers active on the territory of the Slovak Republic and abroad.

**The Ministry for Foreign Affairs** coordinates the activities of the state authorities in the field of international security policy in respect of the implementation of the international instruments and obligations of the Slovak Republic. The Ministry is responsible for the registration, centralisation, actualisation and distribution of international documents related to resolutions of the UN Security Council, EU legislation and texts of other international authorities and states on sanctions against persons and groups suspected of terrorist crimes and supporting terrorism. The representatives of the Ministry are involved in the activities of the EU Council working groups in the field of the fight against terrorism, in particular the COTER WP.

The **Ministry of Justice of the Slovak Republic** is responsible for substantive and procedural criminal law legislation, the prison system, and judicial co-operation in criminal matters with respect to an effective fight against terrorism.

The **Customs authorities** contribute to the fight against terrorism by performing tasks relating to the control of the trade of weapons and military substances. The Customs Criminal Office, which was established in January 2003, performs tasks in the field of illegal trade with weapons. The Customs authorities also perform tasks in the framework of the control of licensing procedures relating to trade in weapons and military substances.

## INTERNATIONAL CO-OPERATION

### Mutual Assistance and extradition

The Slovak Republic can provide mutual assistance in criminal matters concerning criminal offences of terrorism under bilateral treaties or multilateral conventions or, if there is no treaty basis, on a reciprocal basis under the provisions of Code of Criminal Procedure. The Slovak Republic is a Contracting Party of all general international

instruments on mutual assistance and extradition, including the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its Protocols.

The European Arrest Warrant Procedure is governed by Act No. 403/2004 on the European Arrest Warrant and surrender procedures, which has been in force since 1 August 2004.

## Measures at international level

### United Nations

The Slovak Republic has signed and ratified all 13 UN conventions on terrorism. It supports the work of the UN Security Council and fulfils its obligations under the UN Security Council anti terrorism resolutions. The application of UN Security Council sanctions is governed by Act No. 460/2002 Coll. on execution of international sanctions ensuring international peace and security. On 1 January 2006 the Slovak Republic assumed a non-permanent seat on the UN Security Council for two years. Its election to this position was a logical continuation of the Slovak Republic's current active involvement in a wide spectrum of UN projects and activities. The following territories are among the Slovak Republic's priorities in the UN Security Council: Western Balkans (especially the question of the future status of Kosovo), Cyprus, Eastern Europe and the Middle East. Slovak diplomacy will pay special attention to the issues of the fight against all forms of terrorism and against the proliferation of weapons of mass destruction.

### European Union

The Slovak Republic is actively committed to the fight against terrorism in the framework of the European Union. The Slovak Republic has implemented all the key legal instruments of the European Union, including the EU Framework Decision against terrorism.

### Council of Europe

The Slovak Republic is a party to all the relevant legal instruments of the Council of Europe related to the fight against terrorism, including the Council of Europe Convention on the Prevention of Terrorism. Preparatory work for the ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism is currently being conducted.

<b>Relevant Council of Europe conventions – Slovak Republic</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	13/2/1992	15/4/1992
Amending Protocol (ETS 190)	7/4/2005	7/12/2005
European Convention on Extradition (ETS 24)	13/2/1992	15/4/1992
First Additional Protocol (ETS 86)	14/2/1996	23/9/1996
Second Additional Protocol (ETS 98)	14/2/1996	23/9/1996
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	13/2/1992	15/4/1992
First Additional Protocol (ETS 99)	14/2/1996	23/9/1996
Second Additional Protocol (ETS 182)	12/5/2004	11/1/2005
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	13/2/1992	15/4/1992
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	14/12/2006	-
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	8/9/1999	7/5/2001
Convention on Cybercrime (ETS 185)	4/2/2005	-
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	-	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	19/5/2006	29/1/2007
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	-	-



