



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 January 2012**

**12716/04  
EXT 1**

**ENFOPOL 124**

**PARTIAL DECLASSIFICATION**

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of document:	12716/04 RESTREINT UE
dated:	30 September 2004
new status:	Public
Subject:	Evaluation of National Anti-Terrorist Arrangements Report about the Evaluation of Italy, 28-30 April 2004

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

  

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**ANNEX**

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 September 2004**

**12716/04  
EXT 1 (06.01.2012)**

**ENFOPOL 124**

**NOTE**

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from : General Secretariat

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to : Working Party on Terrorism

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Subject : Evaluation of National Anti-Terrorist Arrangements  
Report about the Evaluation of Italy, 28-30 April 2004

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## Evaluation of Italy, 28-30 April 2004

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## **1. Introduction**

Italy has a very long lasting relevant experience in fighting terrorism and took advantage of fighting highly violent organised crime including in the area of combating terrorist funding. This directly impacted the adoption of appropriate legal provision and the organisation of the counter terrorism machinery as a whole as well as the role and tasks devoted to the law enforcement bodies and intelligence agencies. Important laws were introduced in the 1970s and 1980s to combat domestic terrorism and are still in force. The main laws are : Decree Law No 625 of 15 December 1979, converted into Law No 15 of 6 February 1980 (urgent measures to protect the democratic order and public security); Law No 304 of 29 May 1982 (measures for the defence of the constitutional order), and Law No 34 of 18 February 1987 (measures to assist persons who dissociate themselves from terrorism). 11 September 2001 gave a new impetus in this domain in order to combat international terrorism as such (Cf § 4 of the report).

## **2. Terrorist situation**

### **2.1. Domestic terrorism**

It is not really needed to recall and/or to detail all terrorist cases and groups (e.g. Prima Linea, etc) that Italy combated in the past. Every one has in mind for instance the fight against the Marxist-Leninist group Red Brigades<sup>1</sup> that was one of the most feared terrorist organisations in Europe, striking at politicians, businessmen and the security services during the 70s and 80s.

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<sup>1</sup> In 1984 the group split into two separate organizations: the Communist Combatant Party (BR-PCC) and the Union of Combatant Communists (BR-UCC). the Red Brigades were The Red Brigades were, like Prima Linea, armed organisations of the far left.

Some particularly bloody examples of terrorist strategy operated by different left wing and right wing groups are the following:

- The explosion of a bomb at the Agricultural Bank in Piazza Fontana, Milan, on 12 December 1969 (with 16 dead and 98 wounded) marked the start of the "strategy of tension"
- The assassination of former Prime Minister Aldo Moro in 1978
- The bombing of Bologna Central Station on 2 August 1980 (85 dead and 200 wounded).

Both the efficiency of the counter terrorism machinery and its capacity to combat extremely violent activism in the long run as well as the progressive rejection of political violence by Italian society saw the organisation slide into what appeared to be terminal decline by the late 80s.

From this perspective particularly important is the trial of 17 alleged members of the Red Brigades that began in Rome (September 2004), and the decision of one of them, Cinzia Banelli known as Comrade So, to collaborate with the authorities. This and current investigations could contribute to the definitive dismantling of the Red Brigades and to mark the end of the adventure for the latest generation of brigatisti<sup>2</sup>.

Other domestic terrorist and violent anarchist groups are still active in Italy as for instance demonstrated by a bomb that was found near Prime Minister's villa in Sardinia on 18 August 2004 just hours after that the UK Prime Minister visited the home. The Proletarian Groups for Communism claimed responsibility for this action, as it did for several attacks in the last few years

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<sup>2</sup> Following the 80s, Red Brigades claimed responsibility for several murders. Cf in this context the assassination of two government labour law advisers, Massimo D'Antona (in 1999) and Marco Biagi (20 March 2002) and the shooting on the Rome-Florence train on 2 March 2003.

## 2.2. International terrorism

In the past Italy faced some terrorist activities in connection with international situation from a political point of view. For instance we can refer to the attack on the US Embassy (June 1987) and to the bombing of the US military recreational (USO) club in Naples in April 1988 by the Japanese Red Army

In the immediate aftermath of 11 September 2001 Italy promptly reacted in relevant domains at national and international level to the terrorist attacks in the US. Some measures were the result of a combination of existing and newly enacted legislation. The following ones were taken among others:

- Counter terrorism guidelines by the government in order to promote and enhance co-ordinated efforts involving all government bodies (Foreign Affairs, Interior, Defence, Economy, Infrastructure and Health...) as well as the Police, the Carabinieri, the Guardia di Finanza, the intelligence and security agencies...
- A Political Military Unit was set up within the Prime Minister's office. Its members were senior representatives of all government agencies responsible for combating terrorism and the protection the population. In that domain can also be mentioned the "Programme for the Use of the Military Contingents for the Surveillance and the Control of Sensitive Objectives", the "National Precautionary Alarm System", the "National Security Programme" in the domain of aviation and airports, the protocol that was drawn up on the procedures to be used with materials suspected of being contaminated with anthrax spores, etc. In addition the Committee for Security and Public Order that the Minister of the Interior chairs was extended.

- The fight against the financing of terrorism was strengthened thank to the action of all relevant bodies including for instance the Bank of Italy, the Financial Security Committee (that was created Law 431 of 14 December 2001), the Ufficio Italiano dei Cambi/UIC (Italian FIU). In this field, the Decree Law 374/2001 criminalised the financing of both domestic and international terrorism. In addition a special working group was tasked to examine changes to be made to the domestic legislation in order to strengthen the fight against the financing of terrorism and to speed up the process for the ratification of the UN Convention on the Suppression of the Financing of Terrorism (cf also Decree Law 369/2001 on "urgent measures to suppress and combat the financing of international terrorism").
- A Co-ordinating Structure for International Co-operation was set up within the Ministry of Foreign Affairs.
- Under Decree Law n° 374 of 18 October 2001, enacted as Law n° 438 of 15 December 2001, the government adopted new legal provision on urgent measures to combat international terrorism including police aspects in the area of investigations: The Decree Law made a crime to take part in any preparatory activities in association with others for the commission of terrorist acts, expanded the regime for judicial wire tapping, introduced relevant provision related to undercover operations and to delay the issue of arrest warrant, extended to counter terrorism the the possibility of carrying out preventive wire tapping and the interception of telecommunication including eavesdropping, etc. The additional legal provision that was adopted was partly inspired by the Anti Mafia Act/Law 575/1965.
- A Prime Minister Decree of 23 October 2001 vested the permanent working group (the Committee for co-ordinating intelligence on financial assets) within the Secretariat General of CESIS (which involves both the intelligence and security agencies) with the task of co-ordinating information gathering related to terrorism including financial activities.
- In addition to the reinforcement of the fight against terrorism internally, Italy largely strengthened co-operation with counterparts abroad (at EU level and with third countries)

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- On May 6th 2004, the Minister of the Interior, which is the National Authority for Public Security, approved by decree a management plan for terrorism-related crises, as well as the operational procedures to be applied to a Crisis Response Unit, in accordance with article 6 of Decree Law n° 83 of 6 May 2002, then turned into Law n° 133 of 2 July 2002. Thus it was created the Strategic Analysis Committee on Terrorism (CASA)<sup>3</sup>.

Italy is fully involved in the fight against terrorism at international level and substantially contributes to international efforts including military troops in Iraq (the third largest military contingent in Iraq where the Carabinieri were victims of a bombing in Nasiriyad). **NOT**

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<sup>3</sup> Cf § 8 on co-ordinating bodies.



In particular, the alleged mastermind of the Madrid bombing was arrested in Italy in June 2004.

### **3. Structures of authorities.**

- Italy is a Republic since 2 June 1946 when the monarchy was abolished by popular referendum. and the current Constitution dates of 1 January 1948.
- The 1948 constitution established a bicameral Parliament (Chamber of Deputies and Senate). Both houses are elected for a maximum of 5 years. Legislative bills may originate in either house and must be passed by a majority in both.
- The executive branch consists of the Government, headed by Prime Minister, the Council of Ministers (cabinet) that must retain the confidence of both houses. Article 92 of the Constitution on Executive Power states that the government of the Republic consists of the Prime Minister that is nominated by the President of Republic and the ministers jointly constituting the Council of Ministers. The President of the Council of Ministers is answerable to the Parliament. The 1948 constitution also established a separate judiciary as an independent branch (Article 104 on Independent Judiciary and Superior Council of the Judiciary). In addition the Judiciary directly commands the judicial police (Article 109 on the Judicial Police). The public prosecutor has the duty to initiate criminal proceedings (Article 112 on Criminal Proceedings).
- In addition to 103 provinces, the constitution provides for 20 regions with limited governing powers. Five regions have special autonomy statutes. The other 15 regions were established in 1970 and vote for regional "councils".

- However a very important role has to be recognized to Prefects of the Provinces who are appointed by and answer to the Central Government.
- Italy is a founding member of the EU and was admitted to the United Nations in 1955. Italy is also a member and strong supporter of the NATO, the OECD, the GATT/WTO, the OSCE, the Western European Union (WEU), and the Council of Europe. Italy firmly supports the United Nations and its international security activities, actively participated in and deployed troops in support of UN peacekeeping missions and provides critical support for NATO and

#### **4. Legal provision**

The valuable experience of Italy in fighting organised crime and terrorism provided with a vast amount of appropriate legislation. In the aftermath of 11 September 2001 the existing legislation was supplemented by additional regulations including in the field of the fight against financial aspects (in compliance with EU regulations, UNSCR resolutions, etc). The new legislation opened up new scope for intervention by creating new criminal offences (for instance Decree Law 374 of 2001 and the recruitment of terrorists, new article 270 bis on conspiracy for the commission of acts of international terrorism, new article 270 ter and the crime of aiding and abetting conspirators, new police aspects in order to prevent more efficiently terrorist acts, etc). For instance, anyone promoting, instituting, organising, directing or financing an organisation planning to carry out acts of violence for terrorist, including international terrorist, purposes, and anyone aiding or abetting members of such a terrorist organisation (by providing them with shelter, food, hospitality, means of transport, or means of communication) is committing a criminal offence.

Italian law does not specifically define terrorism. However, it does provide for charges associated with ordinary crimes to be "aggravated" when acts have been carried out with "intention to commit acts of terrorism or the subversion of the democratic order". Existing provisions of the Italian Criminal Code provides that "anyone promoting, instituting, organizing, managing or financing organizations whose purpose is to propose acts of violence for the purposes of terrorism or for subverting the democratic order shall be liable for a term of imprisonment of between seven and 15 years". It also states that "anyone participating in the aforementioned organizations shall be liable for a term of imprisonment of between five and ten years", specifying that "the pursuit of terrorism shall also apply when the acts of violence are directed against a foreign state, or an international organization or institution". The same article also contemplates the crime of "providing assistance to associated persons" for which the penalty is a term of imprisonment of a maximum of four years. Finally, the Italian Penal Code makes it a punishable crime to recruit members for terrorist groups by considering this as a form of conspiracy.

Article 270 bis<sup>4</sup> of the penal code and Law of 15 December 2001 on urgent provisions to fight against international terrorism only extended the definition to cover acts with an international dimension and related to a definition of international terrorism. It currently covers both domestic and international terrorist activities. Another new paragraph to the article refers to the confiscation of all items, which served or were aimed to commit the crime, etc. This amended article also provides that "besides cases of participation and support, everybody who gives refuge or food, hospitality, means of transportation or communication to a person participating in associations indicated in article 270 and 270 bis is punished by imprisonment of up to 4 years".

Italy has signed and ratified all relevant UN conventions on terrorism including the Convention on the Suppression of the Financing of Terrorism of 9 December 1999 (cf Law 7 of 14 January 2003 that adjusted the domestic legislation). The Italian Parliament also passed on 14 January 2003 a Law 34 on the ratification and implementation of the International Convention for the Suppression of Terrorist Bombings of 15 December 1997. The Law introduces a new Article 280 bis including aggravating circumstances on "terrorist act using lethal devices or explosives" into the Penal Code.

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<sup>4</sup> Associations aiming at terrorism and the elimination of the democratic order. This article was initially strongly inspired by article 416 bis on mafia and similar criminal organisations.

Despite the adoption at EU level, Italy has not still adopted appropriate national legislation in order to implement the Framework Decision of 13 June 2002 on the EAW. The draft legislation is under parliamentary consideration. The first reading was completed on 12 May. On 13 May the draft legislation was sent to the Senate. The Senate started to discuss the draft legislation on 30 June.

Concerning the implementation of the Framework Decision on Terrorism, Italy had already adopted – as above mentioned - specific legislation on terrorism before the entry into force of the Framework Decision (namely Law N°438 of 15 December 2001, Decree Law N°625 of 15 December 1979 and Law N°407 of 23 November 1998) but introduced new provisions regarding liability of legal persons by means of Law n°7 of 14 January 2003.

## **5. The Judiciary**

The main organs, which provide for the administration of the criminal justice, are:

- Tribunale ordinario (Trial Court)
- Tribunale di sorveglianza (Court responsible for the Enforcement of sentences)
- Corte di appello (Court of Appeal)
- Corte di cassazione (Court of Cassation – the highest court of appeal)

There are also other special organs such as the Corte di Assise (Court of Assize), composed of 2 career judges and 6 lay judges, competent for very serious crimes but there is no specific Court for dealing with terrorist cases.

In the prosecution area, 26 public Prosecutors deal with both organised crime and terrorism at district level.

Intelligence cannot be directly used as evidence in Court and only criminal investigations by law enforcement bodies provide with evidence.

## **6. Structures of authorities**

### **6.1. Prime Minister**

In compliance with the Constitution, current laws and with regards to counter terrorism, the President of the Council of Ministers (Prime Minister) is vested with the supervision, overall political responsibility, and co-ordination of the national counter terrorism machinery in addition to the definition and implementation of the counter terrorism policy. In particular the Executive Committee for Intelligence and Security Services (CESIS) directly acts under the authority of the Prime Minister within the Presidency of the Council of Ministers.

### **6.2. Leading Minister/Ministry and other Ministers/Ministries**

**6.2.1.** In general terms, the Minister of the Interior is responsible for public order and security (Law n° 121 of 1981) and acts as the Public Security National Authority. He is entrusted with the executive direction and co-ordination of the police services in the field of public order and security. for that purpose.

The National Police and the security service (SISDe) are part of the Ministry of the Interior that also includes co-ordinating bodies. In addition the Carabinieri acts under the functional authority of the Minister of the Interior when dealing with security and safety (when acting as police force, the Carabinieri report to the Ministry of the Interior).

**6.3.** Other Ministers/Ministries involved in fighting terrorism are as follows:

**6.3.1.** The Ministry of Defence, due to the role and mission of the intelligence service (SISMi)<sup>5</sup> and of the Carabinieri.

**6.3.2.** The Ministry of Finance, due to the leading role and mission of the machinery dedicated to the fight against the financing of terrorism (the Financial Security Committee, the UIC - the Italian FIU - and other bodies) and the Guardia di Finanza that is entrusted with tasks related to financial crime and fiscal issues and contributes to the fight against the financing of terrorism.

A special role in the fight against the financing of terrorism has to be recognised to the UIC whose role consists in controlling the financial flows and analysing along with the Special Group of the Guardia di Finanza (Nucleo Speciale di Polizia Valutaria), the suspicious transaction reports that Banks and other financial institutions are obliged to send in case of strong suspicion of money laundering or terrorism financing.

**6.3.3.** The Ministry of Justice due to the role and mission of the 26 Public Prosecutors that deal with terrorist cases at local level<sup>6</sup>.

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<sup>5</sup> Budgets are directly assigned to the Heads of Agencies from the Prime Minister however.

<sup>6</sup> The experts are aware that other Ministers/Ministries contribute to the fight against terrorism in their respective fields of competence. However, the report focuses on JHA area.

## 7. The law enforcement and intelligence machinery

Law enforcement bodies dealing with counter terrorism activities mainly are :

7.1. As far as the National Police is concerned, the Central Directorate of Prevention Police (DCPP) includes at central level a General Information Branch and a Central Anti-terrorism Branch and at local level (within the Questure) the Branches for General Investigations and Special Operations (Digos). **NOT DECLASSIFIED**

It can be added in the field of bilateral international co-operation (exchange of information with counterparts abroad) that the ministry of the Interior (National Police/DCPP) manages and co-ordinates all liaison officers.

7.2. The Carabinieri with the Special Operations Group (ROS) at national level and the 26 Anti-Crime Squads at local level (see the above-mentioned comment on Digos) that deal with both organised crime and terrorism. Co-ordination of Anti-Crime Squads takes place at central level<sup>7</sup>.

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<sup>7</sup> In relation to public security and criminal police service the Carabinieri is under the authority of the Ministry of Home Affairs and co-ordinated by the head of the national police, in his role of head of the department of public security.

**7.3.** The fight against the financing of terrorism involved all law enforcement bodies and intelligence agencies in addition to specific bodies such as the Financial Security Committee, the UIC, the Guardia di Finanza<sup>8</sup> as well as other ministries (for instance the Ministry of Foreign Affairs). The Guardia di Finanza is mainly involved in the fighting against the financing of terrorism in addition to other tasks such for instance illegal immigration and organised crime.

**7.4.** The intelligence and security agencies dealing with terrorism are the Servizio per le informazioni e la sicurezza militare/SISMi and the Servizio per le informazioni e la sicurezza democratica/SISDe as previously mentioned.

## **8. Co-ordinating bodies.**

In compliance with the multidisciplinary and multi-agency dimension of the fight against terrorism and in order to improve the efficiency of the counter terrorism machinery as a whole, co-ordinating structures and bodies have been set up as follows:

**8.1.** A National Committee for Public Order and Security (CNOSP) was set up within the Ministry of the Interior. Under the chairmanship of the Minister of the Interior, permanent members are the Under State Secretary for Internal Affairs, the head of the National Police, the Commanders of the Carabinieri and of the Guardia di Finanza and the Director of Correctional Institutions (Ministry of Justice). Meetings of this law enforcement co-ordinating body that meets when required by the Minister of the Interior may be attended by the Secretary General of CESIS (co-ordinating body for the intelligence agencies), the heads of SISMi and SISDe and by Justice authorities when needed. In general terms this body is empowered with co-ordination/co-operation in the area of security and safety measures to be taken in the field of public order. He is responsible for the co-ordination of appropriate measures in relation to terrorist cases of a particular importance and/or emergency in its field of competence.

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<sup>8</sup> The governmental act n.68/2000 established that in attaining its task of contribution to the safeguard of public order, the Guardia di Finanza is at the functional dependence of the Ministry of Home Affairs.



**8.2.** With a view to facilitate and strengthen exchange of relevant information including data assessment and as ordered by the Minister of the Interior on 7 June 2002, a Technical Group for the Exchange of Information on the Prevention and Suppression of Terrorism has been set up. Meetings takes place regularly each couple of weeks (more if needed) under the chairmanship of the Director of the DCPD. High representatives of CESIS, SISMi, SISDe, Carabinieri, Guardia di Finanza and Correctional Institutions attend meetings. As its name implies, this body is information sharing oriented. It is the appropriate room for overall threat assessment and joint analysis and it ensures an effective bridge between the investigations and intelligence gathering. It also ensures operational co-operation between various law enforcement bodies in terms of synergies when specific cases occur in terms of means.

**8.3.** In order to strengthen the links between domestic and international terrorist threats and to reinforce exchange of intelligence as well as investigative data among law enforcement bodies and intelligence agencies, the Minister of Interior with the afore mentioned decree of 6 May 2004 set up the Strategic Analysis Committee on Terrorism whose members are the National Police, the Carabinieri, SISDe and SISMi.

### **Strategic Analysis Committee on Terrorism**

Under the chairmanship of the DCPD Director, this ad hoc committee deals with significant pieces of information in a timely manner. The aim is to analyse and assess all particularly relevant information related to internal and international terrorism in order to activate all preventive measures that have to be set up by the competent local public security Authorities;

**8.4.** Co-ordination at provincial level takes place under the authority of the Prefetto (Prefect) and involves the police, the Carabinieri, the Guardia di Finanza. The Prefetto is not part of the hierarchical structure of the police forces, but he is the governmental representative at provincial level, directly accountable to the Ministry of Home Affairs. In implementing its responsibilities, each Prefetto has at his/her disposal a "Comitato Provinciale per l'Ordine e la Sicurezza Pubblica" (Provincial Committee for public security and order), an advisory body formed by the Questore and by the provincial Commandants of the two other police forces (Guardia di Finanza and Carabinieri). The Questore is the provincial authority responsible for keeping public security and order, under the technical/operational point of view. He/She is the head of National Police at the provincial level.

**8.5.** In the intelligence area CESIS is of a particular importance in terms of co-ordination and guidance of SISMI and SISDe. Members of CESIS are the Chief of the Italian Defence General Staff, the the Chief of the Police, the Secretary General of the Ministry of Foreign Affairs, the General Commanders of the Carabinieri and of the Guardia di Finanza (Customs and Excise Police), the directors of SISMI and SISDE, the Secretary General of the President of the Council of Ministers' Office and the Secretary General of CESIS. The President of the Council of Ministers may invite representatives of other ministries or public bodies to participate in the meetings when needed. In the context of co-operation between the law enforcement and intelligence community, the membership of the chiefs of the police, of the Carabinieri and of the Guardia di Finanza is a very positive element.

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It can be added that the Senate just adopted in September 2004 a draft law on the proposal of the President of the Council of Ministers on a reinforced role of CESIS in various domains (e.g. protection of State Secrecy) and in particular in the area of co-ordination of SIMi and SISDe. Article 12 mentions that when SISMi and SISDe will have to co-ordinate their activities in areas including topics out of the scope of usual co-ordination between the two agencies, the Secretary General of CESIS will be responsible for this extra co-ordination with the view to have a unified co-ordination (cf the document N. 3951 that was submitted to the Senate on 8 May 2003 on Modifiche ed integrazioni alla legge 24 Ottobre 1977, N. 801, recante istituzione ed ordinamento dei Servizi per le informazione e la sicureeza e disciplina del segreto di Stato).

In the area of co-ordination between the law enforcement bodies and the intelligence community, the 53e annual report on the intelligence and security policy by the President of the Council of Ministers underlines the need to enhance the exchange of information and to strengthen the connection between the law enforcement bodies and the intelligence community. It refers to a technical working group in terms of exchange of information for the prevention and the repression of terrorism within the DCPD in addition to the committee for strategic analysis on terrorism within the Department of Public Security<sup>9</sup>.

## **9. The fight against the financing of terrorism**

Italy adopted appropriate legal provision prior to 11 September 2001. Additional legal provision was adopted (cf Law n° 431 of 14 December 2001 on urgent measures to counter and suppress the financing of international terrorism) and new bodies were set up in the aftermath of the terrorist attacks in the United States. In addition to the relevant UN Conventions, Italy has signed and ratified the UN Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances of 1988 and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990.

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<sup>9</sup> Additionally this semi-annual report poses the question to review the organisation of the intelligence community in order to take into consideration all recent changes in the area of international terrorism (page 12 of the report).

Specific machinery is dedicated to the fight against the financing of terrorism on a multidisciplinary and multi-agency basis.

- The Ufficio Italiano dei Cambi (UIC) - a public institution chaired by the Governor of the Bank of Italy – is the Italian FIU<sup>10</sup>.
- The Law 431 of 14 December 2001 set up a Financial Security Committee (Comitato di sicurezza finanziaria/CSF) within the Ministry of Finance under the chairmanship of the director general of the Treasury. Permanent members are the Ministry of the Interior, Justice, Foreign Affairs, the Bank of Italy, the National Companies and Stock Exchange Commission – CONSOB and the Foreign Exchange Control Office and the UIC. The Guardia di Finanza, the Anti Mafia Investigative Directorate (DIA) and the Carabinieri also form part of the CSF. It may request further investigation for instance by the UIC, CONSOB, the Guardia di Finanza. It also can submit data and information to CESIS<sup>11</sup> and to SISMi and SISDe in the context of the co-ordination activity, which the Prime Minister is responsible pursuant to section 1 of Law 801 of 24 October 1977. In co-ordination with the UIC, the CSF collects notices submitted by financial institutions and is the authority responsible for imposing financial penalties for failure to comply with obligations under European law (as mentioned in article 2 of Law 431 of 14 December 2001). The role of the CSF is also to co-ordinate and to ensure the effectiveness of the public administration's work in combating the financing of terrorism and to provide the human and financial resources and the legal instruments that are needed. In particular it has introduced legislation to further combat the funding of terrorism. For instance, the CSF explicitly promoted the extension of the powers of the UIC and the Guardia di Finanza to combat international terrorism through financial means and the Parliament adopted Law n° 73 of 23 April 2002. Its role is also to strengthen the co-operation with similar bodies in other countries.

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<sup>10</sup> With regard to legal provision, for instance of the UIC's own provision of 9 November 2001, Decree Law 369/2001.

<sup>11</sup> The CSF has also been vested with special powers to acquire intelligence and information in possession of government Departments and the civil service, even if this involves waiving the Official Secrecy Act.

In the area of the fight against the financing of terrorism, the "Committee for Co-ordinating Intelligence on Financial Assets" that is a Permanent Working Group, established by the Secretariat General of CESIS, is to be mentioned. It is tasked with co-ordinating the information-gathering work of the Intelligence Services and that of other Government Departments in respect of financial activities contrary to national security, and in particular of activities relating to terrorism. This working group meets monthly to focus on "financial transactions related to terrorism, including the export of dual-use products" and infiltration by terrorist groups posing as "purchasers of chemical, biological and radiological materials connected with the non-conventional threat."

#### **10. Interaction between the law enforcement bodies and the intelligence community**

As above mentioned, co-ordination is considered as a particularly important task with a new impetus following 11 September 2001 and there is no crucial sector without a co-ordinating body. The Technical Group for the Exchange of Information on the Prevention and Suppression of Terrorism and the Strategic Analysis Committee as well as CESIS provide clear added values for the benefit of both the law enforcement bodies and the intelligence agencies in a multi-agency context. This directly contributes to effective exchange relevant information and to a common experience of terrorism and counter terrorism. The clear distinction between the law enforcement and intelligence activity as well as appropriate rooms for co-operation facilitates exchanges of information.

In this area, heads of the security and intelligence services must transmit to the judicial police all information relating to criminal offences, even if the Ministry of Defence and the Ministry of Home Affairs, with the explicit consensus of the Prime Minister, have the power to delete the transmission of information, if it is a necessary condition for attaining the institutional tasks of the Intelligence Agencies.

The same remark can be made about the fight against the financing of terrorism.

## 11. Good practices and recommendations

### 11.1. Good practices

- There is a clear definition of political responsibilities and technical roles between the Minister/Ministry of the Interior and other Ministries including its functional leadership. This also refers to :
  - the leadership of the DCPD and the setting up of the Technical Group for the Exchange of Information on the Prevention and Suppression of Terrorism
  - the recent setting up of the Strategic Analysis Committee, its role in co-ordinating the law enforcement and the intelligence (SISMi and SISDe)
  - the common database on terrorism
- The existence (and its role and mandate) within the Presidency of the Council of the Ministers of CESIS including the Committee for Co-ordinating Intelligence on Financial Assets. In this domain, the fact that both SISMi and SISDe addressed reports to the General Secretary of CESIS and to Ministers responsible is a good practice as such. This obviously is a valuable link that bridges the law enforcement and intelligence side.
- The Financial Security Committee as a whole and its capacity to propose draft legislative measures.
- The existence of the Guardia di Finanza and its valuable contribution to the fight against the financing of terrorism.
- Legal provisions on pentiti

## 11.2. Recommendations

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