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**ANNEX**

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Report about Slovak Republic, 5-7 April 2005

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## Evaluation of Slovak Republic, 5-7 April 2005

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## **I. Terrorist situation**

### **1.1 Domestic terrorism**

There are no current terrorist activities.

### **1.2 International terrorism**

- There is no evidence related to the threat from international terrorism or presence of Islamic terrorist cells in Slovakia.
- Slovakia has made significant contributions in Afghanistan and Iraq, as well as in peacekeeping missions in the Balkans and elsewhere. The firm involvement of the Slovak Republic in combating international terrorism is part of the national threat assessment.
- Ethnic tensions, uncontrolled migration, economic crises, political instability, abuse of information technologies, international organized crime, proliferation of weapons of mass destruction and dual-use materials, etc are considered to be decisive risks and threats. International terrorism in particular represents one of the most serious threats and is considered as a growing one.

### **1.3 Following the terrorist attacks of 11 September 2001**

- 1.3.1** In the aftermath of 11 September 2001, the legal framework for combating terrorist activities at national level was assessed and amended to tackle terrorism in compliance with international legal instruments (for instance the Security Council Resolution N° 1373 (2001)).

**1.3.2** It has to be underlined that prior to its full membership to the EU, the National Council adopted on 27 March 2001 a Security Strategy including systematic measures for an adequate response to security challenges, risks, and threats and for emergency situations. The Slovak Republic also adhered to the EU Action Plan on the Fight against Terrorism and approved a set of measures resulting from this EU Action Plan (Government Resolution of September 2001). Authorities adopted a similar attitude with regard to the Action Plan that was adopted in the aftermath of the terrorist attacks in Madrid in March 2004.

In general terms, the Security Strategy focuses on the prevention and strengthening of global, European and regional security (including the NATO and OSCE areas for instance), the enhancement of international cooperation, the enhancement of the ability and readiness to respond to risks and threats and the strengthening of internal security.

The Security Policy, which derives from the Security Strategy, consists of a set of aims, principles, procedures and measures for ensuring the security of the state and its citizens. Defence, foreign affairs, internal security, economic, social, environmental dimensions are part of the Security Policy. It aims at ensuring a continuous expert analysis of the security environment, maintaining the ability of the state to prevent, minimize and eliminate security risks, security threats and to resolve crisis situations (and in this field co-operation involving central and local bodies as well as non governmental bodies is needed) and ensuring the readiness and ability to adopt adequate and timely responses to security challenges (and this in particular applies to the area of internal security).

The authorities implemented a National Action Plan against terrorism on the basis of the EU Action Plan of September 2001 and the EU Declaration of March 2004 (cf government declarations n°. 928/2001, n° 1137/2001, n° 188/2003 and n° 403/2004).

## **1.4 Multilateralism**

Slovakia is an active member in UN, EU, NATO, OSCE activities, including the NATO Action Plan against Terrorism. In particular, NATO and EU are considered as decisive factors for its security.

The Slovak Republic is convinced that a multilateral approach is the best response to emerging threats, and that the role of the UN is irreplaceable in maintaining global security. Authorities also focus on a regional approach that fully complements the international one.

The Slovak Republic is part of the 12 UN Conventions on terrorism, including the International Convention for the Suppression of the Financing of. The Slovak Republic supports a prompt approval of a comprehensive convention against terrorism as a whole, along with a convention aimed at averting acts of nuclear terrorism.

The Slovak Republic is also a party to the European Convention on the Suppression of Terrorism.

## **2. Structures of authorities**

### **2.1 The Constitution**

The Slovak National Council approved the Constitution on 1 September 1992, which established a parliamentary democracy, and became fully effective on 1 January 1993. Since then the Constitution was amended in September 1998 (direct election of the president) and in February 2001 to allow Slovakia to apply for NATO and EU membership.

### **2.2 The legislative branch**

The legislative branch consists of an unicameral National Council (Narodna Rada Slovenskej Republiky, 150 seats, four-year terms). The National Council is the sole legislative body.

In the security area, the National Council include Parliamentary committees as follows: a Defence and Security Committee, an Intelligence Oversight Committee, a Military Intelligence Oversight Committee and a National Security Office Oversight Committee.

## **2.3 The executive branch**

The Government is the head of the Executive and is made up of the Prime Minister, presiding over it, his or her Deputies and Ministers. The Government is appointed by the President of the Republic on the recommendation of the Prime Minister. For its policy and administration the Government is responsible to the National Council.

## **2.4 The judicial branch**

### **2.4.1 The Court system**

From a constitutional perspective, courts are independent and separate from the other branches of government.

The judicial system comprises three levels: 55 District Courts, 8 Regional Courts (which function both as courts of appeal to the District Courts and, in certain cases, as courts of first instance) and the Supreme Court. The Supreme, regional and district courts are courts of general jurisdiction. They adjudicate criminal cases, as well as civil and commercial disputes, and also review administrative acts.

The Supreme Court (whose members/judges are elected by the National Council) is the highest judicial authority, acting as a court of cassation, and as a court of appeal in cases dealt with at first instance by a regional court.

There is also a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court.



### **2.4.2 Prosecution**

- The System of the Public Prosecution Office, which is based on the court system, consists of the General Prosecution Office (Bratislava) which is headed by the Attorney General, regional prosecution offices and district prosecution offices.
- There are no specific criminal procedures referring specifically to the prosecution of terrorist acts and terrorists.

### **2.4.3 Criminalisation of terrorist acts**

As a consequence of the adoption of the Government Resolution of September 2001 and the related assessment of the legal framework to combat terrorism, amendments to the Criminal Code were adopted in 2002 (definition of a terrorist group, membership and other terrorist offences in accordance with the Framework Decision on Combating Terrorism). Another amendment was the introduction of a separate criminal offence of creating, masterminding or supporting a terrorist group (section 185a of the Criminal Code). Relevant provisions on the deployment of undercover agents in such groups were expanded as well.

To combat terrorism further steps are

- a draft law on the establishment of a Special Court and a Special Prosecution Service with the aim of setting up specialised bodies to detect, investigate and prosecute corruption and organized crime, including terrorist crimes and activities of terrorist groups, by creating a Special Prosecution Service and specialized units of the Police Force.

- a draft law to amend the Code of Criminal Procedure with the aim to introducing the institution of a cooperating or “crown” witness that could apply to criminal activities as well as acts of terrorism. It will be applied to cases and persons who take part in the commission of certain offences of corruption, creation, instigation and supporting of a criminal group or a terrorist group, or an especially serious crime committed by an organized group, a criminal group or a terrorist group and who voluntarily decide to cooperate with law enforcement authorities in detecting a criminal offence or its perpetrators. This amendment will also entail a change in the Criminal Code by means of expanding the list of mitigating circumstances applicable to the sentence received by the offender who contributes to the detection or conviction of an organized group, a criminal group or a terrorist group.

### **3. Structures of authorities and the fight against terrorism**

#### **3.1 The Prime Minister**

Primary responsibility for security and defence is entrusted with the Government as a supreme executive organ and as a whole. As head of the government, the Prime Minister has an overall responsibility and ministers are answerable to him. He is in particular the Chairman of the Security Council. It has also to be mentioned that the Slovak Information Service (SIS) is answerable to the Security Council of the Slovak Republic.

#### **3.2 Ministers/Ministries responsible for the fight against terrorism**

There is no co-ordinating Minister/Ministry as such. Ministers/Ministries (as well as other state administrative bodies, especially Bureau of Nuclear Supervision and Administration of State Reserves) are involved in the fight against terrorism in their respective fields of competence. This applies to Ministers/Ministries of Economy, Transport, Posts and Telecommunications, Home Affairs, Defence, Justice, Foreign Affairs, Health as well as administrative bodies that are answerable to Ministers, for instance the Bureau of Nuclear Supervision and Administration of State Reserves. However, the Minister/Ministry of the Interior acts as a leading/coordinating Minister/Ministry due to its competence in terms of police activities and civil protection/crisis management staff.

### **3.3 The Minister/Ministry of Justice**

The Special Prosecution Service Office of the General Prosecution Office was created in 2003 and started his activity on 1 September 2004. The Attorney General issued an internal order No. 14/2004 establishing within the Special Prosecution Service Office an independent Department on Fight Organized Crime, Terrorism and International Crime. The role and responsibility of this department is to perform overseeing the compliance with law on investigation of terrorist crimes.

The head of the Department on Fight Organized Crime, Terrorism and International Crime has been appointed as the Eurojust national contact person.

### **3.4 The Minister/Ministry of Foreign Affairs**

In general terms, the Ministry of Foreign Affairs acts as a contact point for external security policy in relation to the implementation of international agreements and commitments binding the Slovak Republic (cf for instance the strategic document "National Action Plan of the Fight Against Terrorism in the Conditions of the Slovak Republic").

In order to fully take into consideration the threat from international terrorism, the Slovak authorities decided in July 2004 to nominate an Ambassador At Large for counter-terrorism that established contacts with experienced key countries.

As a second step, a Counter-Terrorism Section within the Ministry of Foreign Affairs (Department of Disarmament, OSCE and Counter-Terrorism) was created in March 2005. The Counter-Terrorism Section is responsible for the coordination of activities related to counter-terrorism issues within the Ministry of Foreign Affairs, the monitoring and assessment of developments and counter-terrorism measures adopted abroad (international community). This dedicated section also acts as political coordinator with regard to foreign countries and international organisations and fully contribute to the Long-Term Foreign Policy Strategy of the Slovak Republic in the fight against terrorism.

### **3.5 The Minister/Ministry of Defence**

With regard to terrorism, the Minister of Defence is responsible for the activity of the two military agencies VOS (domestic military counterintelligence service) and VSS (foreign military intelligence). They contribute to the fight against terrorism within the Defence sphere: intelligence and analysis is provided to decision makers and when appropriate to the National Council, President of the Republic and the Government. Information is also provided to other state bodies in their fields of competence, for instance in the area of prevention of illegal activities.

In addition, the armed forces have organic capabilities, which are available to face terrorist risks (the armed forces can be used for protection of state border, buildings and premises which are designated by resolution of the Government) and deal with consequences of a terrorist attack under the direction of state and regional authorities/bodies.

### **3.6 The Minister/Ministry of the Interior**

The Minister/Ministry of the Interior holds the lead in combating terrorism. The President of the Police Force, who heads the police as well as the border police, the crisis management bureau, the fire protection and rescue service, and the bureau of civil protection, acts under his authority.

## **4. The law enforcement machinery**

**NOT DECLASSIFIED**

**Pages 12 and 13: NOT DECLASSIFIED**

**5. The intelligence machinery**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**6. Cooperation and coordinating bodies**

**NOT DECLASSIFIED**



**NOT DECLASSIFIED**

## 7. The fight against the financing of terrorism

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

## 8. Civil protection/crisis management

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

## **9. Good practices and recommendations**

### **9.1 Good practices**

- The existence of a National Security Council as well as a National Action Plan against Terrorism are good practices as such.
- The National Security Council that the Prime Minister chairs consists of 4 Committees as follows: Committee for Foreign Policy, Defence Planning Committee, Civil Emergency Planning Committee and Intelligence Services Co-ordination Committee.
- The national policy fully takes into consideration the appropriate international frameworks and in particular the UN, EU and NATO dimension. For instance, the Slovak Republic signed, ratified and implemented the UN conventions and complies with FATF Special recommendations on terrorism. Terrorist act and financing of terrorism are criminalised as such.
- Within the Prosecution's Office, special prosecutors with nation wide competence are responsible for the investigation of serious crime including terrorist cases.
- Judicial authorities are responsible on the basis of warrants of the use of special techniques for information gathering.
- There is a clear distinction and division of tasks/competencies between the law enforcement bodies and the security service. This applies to the role of the FIU that is a police body within the national police and has competence for both money laundering and the financing of terrorism.
- The Border and Alien Police as well as the Migration Office, which is not a law enforcement body, participate in the fight against terrorism.
- Within the Police (Organised Crime Direction), the Counter Terrorism Unit is responsible for combating terrorism.
- With regard to the respective role of the police and the SIS (a Security Service with a domestic and external competence), which is responsible for combating both organised crime and terrorism, there is no overlap. It has to be noted that the SIS is forced by law to report to the counter terrorism unit information related to terrorist offences. It also informs the Prosecutor if needed. Members of the SIS have no law enforcement competence. This also applies to the FIU.

- The willingness to co-operate exists as demonstrated by the current National Action Plan against terrorism: amendments related to foreseen improvements have been finalised by both the Police and the SIS (and this implied also other law enforcement bodies). There is no doubt concerning this willingness to exchange and share information. Both the police and the Security Service want to improve this process.
- Regarding the intelligence services, and this refers to the SIS as well as the VOS and the VSS that are military intelligence services, there is a Committee for the Co-ordination of Intelligence Services within the National Security Council. Both military intelligence services are involved in the fight against terrorism.
- The Slovak Republic appointed an Ambassador at large for specifically dealing with terrorism.

## **9.2 Recommendations**

- The experts urge the Slovak Republic to adopt legal provisions related to liability of legal entities.
- The Slovak FIU is responsible for the assessment of money laundering cases as well as the financing of terrorism. This police body deals with financial intelligence and assessments of cases and the dossier is forwarded to the Financial police for investigation. The experts noted that the FIU does not have a multidisciplinary approach of the financing of terrorism and suggest the FIU to adopt an interagency dimension to enhance its expertise. In this area, the experts suggest to involve the SIS and the Custom authorities in particular. In addition, the FIU that acts in partnership with financial and bank bodies is involved neither in dissemination of money laundering and terrorist financing patterns nor in controlling the compliance with rules preventing the financing of terrorism.
- With regard to the SIS access to databases, the experts recommend a direct access to all relevant databases including the police database. It would also be very fruitful for SIS to receive regular feedback with regard to that information which they pass on to the police. Such an exercise could enhance the efficiency of investigations and intelligence-gathering.

- The experts were told that amendments to the existing National Action Plan against Terrorism is being examined by the National Security Council. Amendments refer in particular to improved co-operation between the law enforcement bodies and intelligence services including in particular the police and the SIS. A co-operation mechanism is to be created. However, this mechanism is still to be defined. The experts suggest to tailor the mechanism for improving co-ordination in relevant information sharing among key bodies active in the field of counter-terrorism to the national specifics and requirements at national level. This would apply to the organisation of channels for information flows on a routine basis. This could also apply to the administrative management of migration issues. The national co-ordination mechanism would bridge the National Security Council level (and its committees) and the working level as well as the police/intelligence sphere and the civil protection/consequence management sphere.
- Currently there is no national threat assessment as such. The experts suggest both the law enforcement bodies and the SIS to elaborate national threat assessments and possibly thematic papers, including VOS and VSS contributions, .
- The experts suggest an interagency team supports the Special Ambassador.

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