

# SLOVENIA

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## RULES/GENERAL LAWS

<b>General</b>	<b>1. Defence Act (Legal Gazette, 103/04 and 95/15)</b> <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO532">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO532</a>
	<b>2. Service in the Slovenian Armed Forces Act (Legal Gazette, 68/07 and 58/08 – ZSPJS-I)</b> <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4238">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4238</a>
	<b>3. Rules on Service in the Slovene Army (Legal Gazette, 84/09) (subordinate to above Acts)</b> <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=DRUG2422">http://pisrs.si/Pis.web/pregledPredpisa?id=DRUG2422</a>
	<b>4. Military Code of Ethics of the Slovenian Armed Forces (Legal Gazette, 55/09) (not considered as a law, but the rules are obligatory for all members of SAF).</b> <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=DRUG3248">http://pisrs.si/Pis.web/pregledPredpisa?id=DRUG3248</a> UN rules on the prohibition of sexual exploitation and abuse are included in all documents regarding the deployment. Those rules are included in the curriculums/programmes in all military schools and trainings, including the predeployment training. Each member of the contingent has to participate in the pre-deployment training, where all the rules are specified and explained.
<b>SEA: military offence?</b>	The criminal act is not considered a military offence as such, but as an offence that can be committed by any person, including military personnel, according to the Criminal Code. In cases where sexual exploitation and abuse is committed by a member of Slovenian Armed Forces, the criminal procedure against him/her would be led by the civilian authorities (in coordination with military investigators), and military authorities would also conduct the disciplinary procedure.
<b>Powers of the Commanding Officer (CO)</b>	The Commanding Officer has the powers to promulgate rules and policies if there is a reason to do so (for example force protection / keeping order and discipline). In general all members of Slovenian Armed Forces have to respect each other when conducting a duty, act respectfully towards other people and act in accordance with the Military Code of Ethics of the Slovenian Armed Forces.
	The Commanding Officer has disciplinary powers in matters concerning conducting disciplinary procedures, rendering a decision on disciplinary/damage liability and deciding on appropriate disciplinary measures. He/she also has administrative powers and under some conditions he/she can decide to terminate the deployment of the member of Slovenian Armed Forces who has violated or attempted to violate certain rules. The Commanding Officer cannot act as a criminal prosecutor or any other criminal authority, but can inform the proper authorities of the alleged misconduct.

## INVESTIGATION

<b>Who can investigate?</b>	Upon suspicion that an offence has been committed, the Military Police and/or Intelligence and Security Service (in coordination with civilian authorities i.e the prosecutor and investigating judge) conduct investigation in the field. Due to the fact that sexual exploitation or abuse is also considered a violation of military discipline, the Commanding Officer has authority to investigate the allegations and take a decision with regard to possible disciplinary measures. The investigation phase is led by the military authorities (Military Police / Intelligence and Security Service) in close cooperation with civilian authorities, all other phases of criminal procedure are led by the civilian authorities. The disciplinary liability is processed internally by the Slovenian Armed Force.
<b>National Investigation Officer (NIO)</b>	Normally the National Investigation Officers are not contingent members, but are deployed if needed. However in some missions, the Military Police officials are deployed as contingent members, and in that case, they can conduct some investigations, in coordination with civilian authorities, but usually the Intelligence and Security Service and proper civilian authorities are also sent to the place where investigation has to be conducted.

## PROSECUTION

<b>Referral</b>	The procedure is coordinated with the prosecutor and other criminal authorities from the beginning. After the investigation is completed the prosecutor files an indictment and takes the case to the court or dismisses the charges. Besides of the coordination with the civilian criminal authorities, the National Investigation Officer also cooperates with the CO and informs him/her about the status of the investigation, in order for the CO to conduct the disciplinary procedure.
<b>Who can charge?</b>	In the case of criminal liability the civilian authorities are authorised to do so after completion of the investigation, which is conducted in close cooperation with the military personnel (Military Police / Intelligence and Security Service) and civilian authorities. However sexual exploitation and abuse is also considered a violation of military discipline and the Commanding Officer can also render a decision on disciplinary/damage liability.

## JUSTICE

<b>Military justice</b>	Slovenia does not have military courts in peacetime, but they may be established in war time, see <b>The Slovenian Constitution</b> .
<b>Deployable Court Martial?</b>	Slovenia does not have a peacetime deployable court martial system.

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