



Four-year cycle 2005-2010

## Slovenia

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National report on the implementation of the Hague Convention of 1954  
and its two Protocols (1954 and 1999)

## **I. The 1954 Hague Convention**

### **Safeguarding of cultural property – Article 3**

The institution responsible for planning the protection of cultural heritage in wartime and state of emergency is the Ministry of Culture, which must cooperate with the Civil Defense Agency and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, Ministry of Defense. In accordance with Article 3 of the Hague Convention, the envisaged preparatory measures for safeguarding movable and immovable cultural property against the foreseeable effects of an armed conflict are operationalized, harmonized and appropriately materialized within the defense plans in the area of protection of the cultural heritage. Slovenia has set up a register of immovable cultural heritage within the Ministry of Culture; it is accessible through the Internet (<http://rkd.situla.org>). Almost 27,000 units have entered in the register. A register of movable cultural heritage has also been set up.

### **Military measures – Article 7**

Specialist services responsible for safeguarding cultural property in the event of armed conflict have not yet been established; but the Hague Convention has been introduced into military practice. The provision of information about the Convention is an integral part of military education and training of the Slovenian Armed Forces. In carrying out their regular tasks at home and abroad, the Slovenian Armed Forces adhere to the Hague Convention. Members of the Slovenian Armed Forces are acquainted with the distinctive emblem marking cultural property under protection and the emblem marking cultural property under special protection. They are informed that in the event of military attack immovable cultural property is under special protection, that no acts of hostility may be directed against such property and that such property must not be destroyed. A defense commander must mark such property distinctively, remove any military targets from its vicinity and, of course, not operate from such a property. If such property is used as a military point, an attacker must draw the adversary's attention to the misuse of protected property and afford them reasonable time to vacate the property so that the property does not lose protected status. Members of the Slovenian Armed Forces deployed on a mission are familiarized with their tasks at the location. The Slovenian Armed Forces acting within the CRO (Crisis response operation) have a duty to safeguard property (and persons) with specifically defined status.

### **The distinctive emblem – Chapter V**

The Rules on the form and position of the distinctive emblem for immovable monuments and sites, adopted in 1986, also include the distinctive emblem of the Hague Convention. Due to ambiguity as to the marking and placement of emblems, the statutory marking with the distinctive emblem of the Hague Convention is, in fact, only applied on some cultural monuments.

### **Dissemination of the Convention – Article 25**

Members of the Slovenian Armed Forces receive training in the field of the law of war within their regular education and training. The law of war also includes the protection of cultural property (Hague Convention and the Protocol). Troops that participate in international operations within NATO or other international operations receive appropriate training and are familiarized with the contents of the law of war, including Hague Convention and the Protocol, prior to their deployment. Knowledge of Hague Convention and the Protocol is tested at the professional examination for curators and restorers in the professional service for protection of the cultural heritage.

## **Sanctions – Article 28**

A new Penal Code of the Republic of Slovenia entered into force on 1 November 2008 (Official Gazette of the RS, No. 55/08 and corrigendum 66/08). Pursuant to Article 102 of the Penal Code, anyone who, in contravention of the rules of international law, orders or commits war crimes during armed conflicts or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to a penalty. Such acts include the misuse of distinctive emblems of cultural property under the Hague Convention resulting in the death or serious injury of a person, intentional attacks on buildings intended for art, cultural or historic monuments, cultural property marked with the distinctive emblem if such facilities are not military targets. A war crime is punishable by a minimum of fifteen years imprisonment. Article 104 of the Penal Code specifies the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with or incitement to commit war crimes. We enclose the wording of Articles 102, 104 and 105 of the Penal Code in the Slovenian language and the English translation.

## **II. SECOND PROTOCOL TO THE HAGUE CONVENTION**

### **Safeguarding of cultural property – Article 5**

The Ministry of Defence fulfils commitments from the second protocol to the Hague convention from 1954 on the protection of cultural property in the event of armed conflict (Hague, 26 March 1999) within the framework for action of the armed forces, civil defence as well as civil protection and disaster relief. To ensure a better transparency, the report is made of three chapters, each referring to an individual work area.

#### **I. Slovenian Armed Forces**

The General Staff of the Slovenian Armed Forces, a body within the Ministry of Defence, fulfils international commitments from the field of cultural property protection in the event of armed conflict, through subordinate commands (The Doctrine, Development, Education and Training Command and the Force Command). It also performs planned military education and training for all categories of military personnel (soldiers, non-commissioned officers, officers and civilian specialists). The commitments from this field are also considered at strategic, tactical and operational planning of the Slovenian Armed Forces tasks implementation. At the preliminary training of the members of a unit, which is to be deployed to a crisis response operation (CRO), great importance is given to the protection of cultural property and facilities.

In Slovenia, military education and training of the Slovenian Armed Forces members in the field of International Law for Armed Conflict (LOAC), into which belong the topics of cultural property protection in the event of armed conflict, is organized within the system of military school education and training, performed by the Doctrine, Development, Education and Training Command (DDETC), principally in the Non-Commissioned Officers School, the Officer Candidate School and the Command and Staff School. A part of the specialized training, mainly for the military legal advisers, is performed at the International Institute of Humanitarian Law in Sanremo, Italy, through legal courses within the NATO School in Oberammergau, Germany, the legal courses for peacekeeping operations in Ankara and through International Course for Military Legal Advisers in Vienna, Austria. Certain educations are carried out within the organization of the International Society for Military Law and the Law of War in Brussels, and within the international Red Cross Organization from Geneva.

The Chief of the Slovenian Armed Forces General Staff issued an order for the enforcement of the contents of the NATO Slovenian military standard STANAG 2449(1) "Training in the Law of Armed Conflict", no. 860-39/2006-4 dated 9 April 2008. The latter has already been used in the syllabus of the 24th generation of the Non-Commissioned Officers School, the 20th generation of the Officer Candidate School and the 14th and the 15th staff training of the Command and Staff School in the years 2008 and 2009. In this way, considerable progress has been made in

the unification of the methodology for the education and implementation of the International Law of Armed Conflict (LOAC).

Within the basic military expert training, 4 school hours (one school hour is 45 minutes) are dedicated to International Law of Armed Conflict (LOAC), while the protection of cultural property is treated within the “protected persons and facilities” project.

In the Non-Commissioned Officers School syllabus, 4 school hours are devoted to the treated topics (“Law of Geneva – additional protocol I”, “Law of the Hague – methods of warfare” and “protected cultural facilities – a distinctive emblem for the protection of cultural property”) within the subject the Law for Non-Commissioned Officers (17 school hours).

In the Officer Candidate School syllabus, 31 school hours are dedicated to the International Law of Armed Conflict (LOAC) within the subject the Law for Officers (60 hours), out of which 5 school hours are devoted to the treated topics (“methods of warfare”, “protection of cultural property”, the use of force in peacekeeping operations, “STANAG 2449(1)” and the “commander’s responsibility”).

In the staff training syllabus, 15 school hours are devoted to the topics of the International Law of Armed Conflict (LOAC) within the subject Tactics I, and 3 school hours are devoted to the treated topics (“basic principles of the law in armed conflicts” and the “particularities of fighting on the sea and in the air”).

In compliance with the basic principle of the rule of law, respected by the Slovenian Armed Forces at the use of force, the consideration of the International Law of Armed Conflict (LOAC) and the adopted international legal commitments of the Republic of Slovenia is defined in the provisions of the Defence Act (Official Gazette of the RS, no. 103/2004 – Article 4) and the Slovenian Armed Forces Military Service Act (Official Gazette of the RS, no. 68/2007, 58/2008 – Articles 19, 22 and 25), as well as in the Rules on the Military Service in the Slovenian Armed Forces (Official Gazette of the RS, no. 49/1996, 111/2000, 52/2001, 82/2003 – Article 15) and in the Military Doctrine (Chapter 8 – Slovenian Armed Forces (SAF) Operations, 8.1 – Rules of Engagement and Caveats on Operations).

The Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict details the provisions in Articles 48, 52, 53, 57 and 58 of the Additional Protocol I (1977) to the Geneva Conventions, which contains primarily the basic principles for the use of military force: the principle of distinction, principle of military necessity, principle of proportionality, principle of precaution and the principle of humanity. In training the Slovenian Armed Forces members, special attention must be paid to the provision of the Article 52 of the Additional Protocol I, determining the circumstances under which the protected civil (and cultural) facilities lose their protection because they are used for military purposes. The latter may, nonetheless, become a legitimate military objective only by complying with the above-listed principles. All members of the Slovenian Armed Forces must be familiar with the distinctive emblem for the protection of cultural property.

Military commanders on all levels are given responsibility for the implementation and dissemination of the International Law of Armed Conflict (LOAC) in the context of both labour and criminal law. On the basis of providing appropriate legal counsels and a uniform education, the mentioned order on the enforcement of the Slovenian Armed Forces STANAG 2449(1), distributed the jurisdiction in this field between the legal advisor of the Chief of the General Staff for the International Law of Armed Conflict (LOAC) (implementation of education in the system of military education and training as well as approval and supplementation of the International Law of Armed Conflict (LOAC) educational contents on all levels of the Slovenian Armed Forces) and the Legal Affairs Division of the General Staff of the Slovenian Armed Forces, which provides operational legal advice to commanders in this area.

Preparation of the members for the missions:

1. Immediately before their departure, the members of the Slovenian Armed Forces that are deployed on a duty abroad, attend a 2 hour summary lecture on the principles of the International Humanitarian Law (IHL), the status of the warrior, protected persons and facilities as well as distinctive emblems (hospitals, civil protection, cultural heritage protection), legitimised military goals, the use of force, prohibited weapons, the operation of the protection force, International Committee of the Red Cross, responsibility for the action against the principles and provisions of the IHL.
2. Training of CIMIC (civil and military) specialists.

Members that are deployed on missions are introduced to their tasks at the site.

In the course of their training, the members of the Slovenian Armed Forces are introduced to the distinctive emblem for a general protection of cultural property and to the distinctive emblem for a special protection of cultural property. They learn that, in the event of an attack, the cultural heritage facilities are under special protection, that no operation should be performed from such facilities and that they should not be destroyed. The defence commander's duty is to distinctively mark such objects, clear from their proximity any possible military objectives and, of course, not to operate from such an object. In the event that such a facility is used as a military point, the aggressor has to notify the adversary about the improper use of the protected facility and has to give him reasonable time to evacuate the facility. In this way the facility does not lose the status of a protected facility.

## II. Civil Defence

In connection to the realization of the commitments proceeding from the Second Protocol to the Hague convention from 1954 on the protection of cultural property in the event of armed conflict, the Civil Defence Agency in Directorate of Defence Affairs, within the framework of its competences, continues to perform tasks connected with the realization of the provisions in the Article 5 and 8 (a) of the protocol.

The Ministry of Culture is responsible for the planning of the cultural heritage protection in the time of war, in which the Civil Defence Agency in Directorate of Defence Affairs and the Administration of the Republic of Slovenia (RS) for Civil Protection and Disaster Relief also participate. The deadline for the preparation of the defence plans is the year 2010, when the government Program for the implementation of the Civil Defence Doctrine will be concluded.

Within the expert help programs, the Ministry of Culture offers expert help to those responsible for the preparation of the defence plans. The main objective is to operationalize, adjust and adequately materialize the planned preparatory measures for the protection of movable and immovable cultural property against the foreseeable effects of an armed conflict in compliance with the Article 3 of the Hague Convention.

At the latter, special attention is paid to the preparation of relevant acts regarding the tasks of the public institutes from the field of culture, for the realization of the planned measures in the immediate threat of war (inspecting the records and documentation, labelling, securing and preserving) and in the state of war (urgent measures for the rescue and prevention of secondary damage, assessment, documentation and preparation of reports on the incurred damage, urgent restoration interventions, international activities etc.).

The Ministry of Culture participated in the preparation of a new government Decision on the definition of preparations for the implementation of readiness measures and in the Inter-ministerial coordination group for the coordination of the preparations of the critical infrastructure protection in the Republic of Slovenia. The following understanding has been reached regarding the planning and the implementation of the measure referring to the evacuation of especially important material from the endangered museums, galleries and archives as well as regarding the closure of public cultural institutions to the public in the immediate threat of war. The Ministry of Culture is convinced that the archival material, national

museums, monuments of state importance, libraries, galleries and cultural heritage facilities could be deemed as critical infrastructure.

The Civil Defence Agency in Directorate of Defence Affairs provides civil experts, which offer consultancy services to the Slovenian Armed Forces and to the bodies of the alliance in peacekeeping operations and other crisis response operations. It is likewise responsible for a timely and active integration of the experts from the Ministry of Culture and other expert public services in the planning of the host nation support and for supplementing the catalogue of Slovenia's capabilities in the field.

Within its ministerial jurisdictions to form and to implement the defence policy, the Ministry of Defence, Directorate of Defence Policy endeavours for a suitable implementation of norms and responsibilities into the Republic of Slovenia's defence system.

### III. Civil Protection and Disaster Relief

1. The civil protection and disaster relief responsibilities in the protection of cultural heritage are:
  - preparation of civil protection and disaster relief plans;
  - preparation of inventories of different cultural heritage;
  - preparation of plans for the transfer of movable cultural heritage;
  - detailed definition of protective measures for the protection of cultural heritage;
  - training forces for civil protection, relief and assistance;
  - taking fire protection into consideration.

The Administration of the RS for Civil Protection and Disaster Relief (ACPDR) is responsible for the above tasks, while the Ministry of Culture prepares the expert contents from the cultural heritage field.

2. Regulations from the field of protection against natural and other disasters, which take into consideration the protection of cultural heritage:
  - Act on the Protection against Natural and Other Disasters (Official Gazette of the RS, No. 51/06);
  - Regulation on the contents and the preparation of civil protection and disaster relief plans, which prescribes the contents of the protection and rescue plans and the appendixes (action plan) of individual ministries in their field of work (Official Gazette of the RS, No. 3/02, 17/02, 17/06 and 76/08);
  - Instruction on the preparation of the threat assessment, which regulates the contents and the method for the preparation of threat assessments also for cultural heritage (Official Gazette of the RS, no. 39/95);
  - Instruction on the implementation of protective measures, which regulates the protection of cultural heritage in Article 15 (records, areas, facilities, objects, holders of the activity and means) (Official Gazette of the RS, No. 39/94).
3. Regulations from the field of fire control, which also apply to the protection of cultural heritage:
  - Fire Protection Act (Official Gazette of the RS, No. 3/07);
  - Rules on Fire Rules (Official Gazette of the RS, No. 52/07);
  - Rules on the Inspection and Testing of Built-in Systems of Active Fire Protection (Official Gazette of the RS, No. 45/07);
  - Rules on Fire Safety Studies (Official Gazette of the RS, No. 28/05, 66/06 – Decision of the Constitutional court and 132/06);
  - Regulation on Choosing and Placing of Fire Extinguishers (Official Gazette of the RS, No. 67/05).

#### Planning of Civil Protection and Disaster Relief

In compliance with the Decree on the contents and the elaboration of the civil protection and disaster relief plans, the ACPDR prepares protection and rescue plans for natural and other

disasters. The plans are elaborated on the basis of threat assessment for an individual disaster and include the following contents:

- a summary of a threat assessment, short presentation of the disaster and possible chain-reaction accidents;
- the scope of planning, which defines the levels of planning;
- the concept of civil protection, relief and assistance, which defines the hypothesis, the concept of the implementation of the protection, rescue and relief actions and the application of the plan;
- forces, means and resources for the implementation of the plan, financial and material means as well as their availability;
- observing, informing and alarming people, holders of the activity and other states at threat – the collection, processing and the transmission of data are defined;
- activation of forces and means – the manners and procedures are defined;
- administration and management, at which the competences and the tasks of the holders of the activity, including the Ministry of Defence, are defined;
- measures and tasks of the civil protection, relief and assistance in which the measure on the protection of cultural heritage is included;
- personal and mutual protection, where the directions for the prevention and mitigation of consequences of the accident are defined;
- damage assessment;
- explanation of terms and abbreviations;
- list of appendixes and annexes.

At accidents occurring in the event of an earthquake, flood, plain accident, large wildfire and terrorism, the “protection of cultural heritage” measure is likewise included in the protection measures. This measure includes the preparation and the implementation of measures for diminishing the accident threat and for preventing harmful influences of the accident on the cultural heritage. Experts from the field of cultural heritage implement them in cooperation with the Civil Protection units and other protection, relief and assistance forces. Cultural heritage is identified on the basis of preliminarily provided data on cultural heritage, which is prepared by expert public departments from the field. The municipalities, the Civil Protection units and other forces of protection, rescue and relief must be likewise acquainted, in advance, with the data on cultural heritage and its endangerment.

The following tasks are implemented in the event of accidents in which cultural heritage is damaged:

- collection and processing of data on the damaged cultural heritage;
- making decisions regarding immediate protective measures;
- implementation of immediate security works (evacuation, protection ...);
- elaboration of the assessment of damage incurred on the cultural heritage;
- preparation of a restoration and renovation program for immovable cultural heritage, the program of restoration and conservation interventions for the restoration of archives and archival material and the restoration program of movable cultural heritage.

The ACPDR tests the civil protection and disaster relief plans at exercises in the context of which it verifies: the adequacy of the planned concepts, individual solutions in the plans, operation and implementation of the notification centres tasks, qualification and preparedness of the protection, rescue and relief forces as well as the coordination of the operation upon the activation of the units.

In each plan the tasks of the ministries and government offices are defined. The police are competent for securing and protecting the disaster area where cultural heritage might be present.

The ACPDR and the Ministry of Culture share a long history of successful cooperation in preparing and updating the national civil protection and disaster relief plans for natural and other disasters. The Ministry of Culture is actively involved in the process of coordination and allocation of tasks, which the ministry will implement in the event of an individual natural and other disaster.

Moreover the Ministry of Culture must elaborate adequate appendixes, annexes and activities plans of the national civil protection and disaster relief for an individual disaster. It has to update the list of the members of expert commissions for the protection of cultural heritage (2003) and the list of cultural heritage in the area of floods of catastrophic proportions (2006), prepare a list of facilities and regions of natural and cultural heritage in the Slovenian coastal area and a list of cultural heritage in the area of large wildfires. The Ministry must update the plan of activities to be performed in the event of an earthquake and prepare the plan of activities in the event of floods, sea disasters, wildfires and terrorism.

#### Training of the Protection, Relief and Assistance Forces

The contents of the cultural heritage protection will be included in training programs performed by the Training Centre for civil Protection and Disaster Relief of the Republic of Slovenia.

The contents of the protection of cultural heritage will be included in:

- updated old training programs;
- new training programs for fire fighters;
- forthcoming higher education program for fire fighters;
- training programs for commanders and other units for civil protection and disaster relief in the cultural heritage facilities, in the event of a disaster.

The cultural heritage protection will likewise be taken into account at determining the organizational measures and at preparing new regulations and guidelines, which refer to the civil protection and disaster relief education and training.

#### Protection of Cultural Heritage Against Fire

The Fire Protection Act prescribes preventive measures of fire protection, namely constructional, technological, technical and organizational measures, which diminish fire hazard and provide fire safety also in the cultural heritage facilities. They are detailed in numerous executive acts, including:

- Rules on Fire Rules determine the facilities for which fire rules, fire plan and evacuation plan as well as conditions and the manner of preparing documents, determining the organization of protection against a fire in a building, have to be prepared.
- Rules on the Inspection and Testing of Built-in Systems of Active Fire Protection indicate the periodic dates of inspecting and testing the built-in systems of active fire protection as well in the cultural heritage facilities, if there are built-in systems in the facilities.
- Rules on Fire Safety Studies determine the contents, the manner and conditions for the preparation of studies on fire safety in the facilities. The preparation of the fire safety studies can also be obligatory for some cultural heritage buildings (if they are, in compliance with the CC-SI (Classification of Types of Construction) classification, enlisted in the 1262 subclass and if the gross surface area of all rooms surpasses 2000 m<sup>2</sup>).
- Regulation on choosing and placing of fire extinguishers determines demands for the choice and the installation of fire extinguishers, at which fire hazard, surface and the expected fire class has to be taken into account, and an adequate fire extinguisher has to be determined, which is particularly important in the cultural heritage facilities.

#### Enhanced protection – Chapter III

Slovenia does not at present intend to request the granting of enhanced protection to cultural property.



## **Serious violations of this Protocol – Article 15**

Pursuant to Article 102 of the Penal Code that entered into force on 1 November 2008, anyone who, in contravention of the rules of international law, orders or commits war crimes during armed conflicts or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to a penalty. Such acts include the misuse of distinctive emblems of cultural property under the Second Protocol resulting in the death or serious injury of a person, deliberate attacks on buildings intended for art, on cultural or historic monuments, cultural property marked with the distinctive emblem if such facilities are not military targets and if cultural property under enhanced protection or its immediate vicinity is not intended for a military objective. A war crime is punishable by a minimum of fifteen years imprisonment. Article 104 of the Penal Code defines the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalises association with and incitement to commit war crimes. We enclose the wording of Articles 102, 104 and 105 of the Penal Code in the Slovenian language and in English translation.