



REPUBLIC OF SAN MARINO

We the Captains Regent of the Most Serene Republic of San Marino

Having regard to article 4 of Constitutional Law no. 185/2005 and Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 17 January 2019:

LAW NO. 21 OF 31 JANUARY 2019

ESTABLISHMENT OF BODIES INVOLVED IN THE FIGHT AGAINST INTERNATIONAL TERRORISM

Art. 1

(Purposes)

1. In the awareness that international terrorism constitutes one of the most serious threats to world peace and security, to fundamental human rights, to the rule of law and to the democratic order of countries, the Republic of San Marino, with a view to prevent and combat this phenomenon in all its forms and manifestations, hereby establishes:

- a) the Permanent Counter-Terrorism Commission;
- b) the Counter-Terrorism Squad;
- c) the Counter-Terrorism Crisis Unit.

Art. 2

(Functioning of the bodies)

1. For anything not provided for by this Law, the functioning of the bodies referred to in Article 1 shall be governed by a specific Regulation, adopted by the Congress of State and transmitted to and discussed by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, Security and Public Order, Information.

Art. 3

(Permanent Counter-Terrorism Commission)

1. The Permanent Counter-Terrorism Commission shall be hereby established with the following composition:
 - a) the Director of the Foreign Affairs Department, who shall coordinate its work;

- b) the Director of the Department of Institutional Affairs and Justice;
- c) the Director of the Department of Finance and Budget;
- d) the Commander of the Gendarmerie;
- e) the Commander of the Civil Police;
- f) the Commander of the Uniformed Unit of the Fortress Guard;
- g) the Head of the Civil Protection;
- h) the Director of the National Central Bureau of Interpol.

2. The Commission shall meet at least once a year. It shall be convened by the Director of the Foreign Affairs Department on his/her own initiative or at the request of other members of the Commission in accordance with the provisions of the Regulation referred to in Article 2.

3. If one or more members of the Commission are legitimately prevented from attending a meeting, the absent members shall be replaced by specifically delegated officials. The members may also convene other officials delegated by them to participate in the meetings of the Commission in order to rely on their collaboration in the performance of the functions entrusted to the Commission pursuant to Article 4.

4. The decisions shall be taken by the Commission in accordance with the provisions of the Regulation referred to in Article 2.

5. A verbatim record of the meetings shall be duly taken.

Art. 4

(Functions of the Commission)

1. The Commission shall meet to discuss and analyse issues related to international terrorism, on the basis of the information available to its members, as well as of studies and developments on this topic within the competent national and international fora.

2. The Commission shall also be in charge of drafting the Strategy and the National Security Plan on Terrorism, which shall define the plan of action for the prosecution, prevention, protection and reaction to international terrorism. If, in the light of the discussion conducted within the Commission, the plan of action can no longer be considered current or adequate to the national and international scenario, the Commission shall update the Strategy and/or the National Security Plan on Terrorism and shall make the appropriate changes thereto, which shall be approved by the Congress of State.

Art. 5

(Counter-Terrorism Squad)

1. The Counter-Terrorism Squad shall be hereby established with the following composition:

- a) the Commander of the Gendarmerie, who shall coordinate its works;
- b) the Commander of the Civil Police;
- c) the Commander of the Uniformed Unit of the Fortress Guard;
- d) the Head of the Civil Protection;
- e) the Director of the National Central Bureau of Interpol.

2. The Counter-Terrorism Squad shall be convened by the Commander of the Gendarmerie on his/her own initiative or at the request of another member, without any formal obligation and without the need for prior notice.

3. If one or more members of the Counter-Terrorism Squad are legitimately prevented from attending a meeting, the absent members shall be replaced according to the procedures envisaged in the Regulation referred to in Article 2.

4. The decisions shall be taken by the Counter-Terrorism Squad in accordance with the provisions of the Regulation referred to in Article 2.

5. A verbatim record of the meetings shall be duly taken.

Art. 6

(Functions of the Counter-Terrorism Squad)

1. The Counter-Terrorism Squad shall perform the following functions:
 - a) define alert levels in relation to the risk of possible terrorist threats;
 - b) examine the information acquired by each member of the Counter-Terrorism Squad in the performance of their institutional functions, or otherwise available, in order to plan and develop measures for the prevention of terrorist attacks;
 - c) mobilise the Counter-Terrorism Crisis Unit in the event of a terrorist attack or if, in the light of the information acquired, it considers such an attack imminent, provide the Crisis Unit with all data or information relevant to the performance of the latter's functions.
2. In the performance of its functions, the Counter-Terrorism Squad shall have full access to sensitive databases and to any other information useful for the purposes of preventing and combating international terrorism.
3. The Counter-Terrorism Squad may also convene the personnel of the individual competent Organisational Units of the Administration in order to acquire relevant information for the definition of the alert levels referred to in paragraph 1, letter a).

Art. 7

(Counter-Terrorism Crisis Unit)

1. The Counter-Terrorism Crisis Unit shall be established at the Ministry of Internal Affairs with the following composition:
 - a) the Captains Regent, who shall preside over its meetings; if one of the Captains Regent is legitimately prevented from attending a meeting, the meeting shall be presided over by the other Captain Regent;
 - b) the Minister of Internal Affairs, who shall preside over the meetings if both Captains Regent are legitimately prevented from attending a meeting;
 - c) the Minister of Foreign Affairs, who shall preside over the meetings if both Captains Regent and the Minister of Internal Affairs are legitimately prevented from attending a meeting;
 - d) the Commander of the Gendarmerie;
 - e) the Commander of the Civil Police;
 - f) the Commander of the Uniformed Unit of the Fortress Guard;
 - g) the Head of the Civil Protection;
 - h) the High Commander of the Militia;
 - i) the Director of the National Central Bureau of Interpol.
2. The Counter-Terrorism Crisis Unit shall be convened by the Presidency, on its own initiative or at the request of any other member, if a terrorist attack has occurred or there is a high risk of a terrorist threat. The meetings shall be convened without any formal obligation and without the need for prior notice.
3. If one or more members are legitimately prevented from attending a meeting, the absent members shall be replaced according to the procedures envisaged in the Regulation referred to in Article 2.
4. The members of the Counter-Terrorism Crisis Unit may convene individual Organisational Units of the Administration if these are involved in the specific situation of threat or emergency for which it is necessary to intervene.
5. The decisions shall be taken by the Counter-Terrorism Crisis Unit in accordance with the provisions of the Regulation referred to in Article 2.

Art. 8*(Functions of the Counter-Terrorism Crisis Unit)*

1. The Counter-Terrorism Crisis Unit shall intervene in situations of terrorist attack or high risk of terrorist threat to coordinate its activity with that of the Organisational Units of the Administration and of private entities involved, in order to fully and effectively implement the Strategy and the National Security Plan on Terrorism referred to in Article 4, paragraph 2, as well as the response measures provided for therein.
2. If, because of the exceptional and urgent nature of the situations referred to in paragraph 1, recourse to normal supply channels is inadequate to guarantee a timely and appropriate response, the Counter-Terrorism Crisis Unit may, by its own decision, authorise to take actions by way of derogation from the legislation on procurement and purchasing, as well as from the State Accounting Regulations, to the extent strictly necessary to ensure the adequacy and timeliness of the response.
3. The Counter-Terrorism Crisis Unit shall also adopt any useful initiative for the dissemination of information relating to emergency situations that have occurred, including the communication of the alert level in force, in order to ensure that the population has an adequate understanding of the threat and of the behaviour to be adopted. In this regard, the Counter-Terrorism Crisis Unit shall convene the Director of the national radio and television broadcasting company and other representatives of the media to manage the dissemination of information.

Art. 9*(Declaration of emergency state)*

1. In the cases referred to in Article 8, paragraph 1, the Minister of Internal Affairs or, in case he/she is legitimately prevented therefrom, the Minister of Foreign Affairs shall declare the emergency state by means of a decree.
2. In the light of the indications of the Counter-Terrorism Crisis Unit, the decree may contain orders, impose obligations and prohibitions and prescribe special measures necessary to deal with the declared emergency situation; the decree shall be complied with during the period of its validity.
3. The decree shall expressly state the period of time during which it will take effect, without prejudice to the possibility for the Authority adopting it to extend its effectiveness if, at the end of that period, the requirements of necessity and urgency justifying its adoption are still met. The decree may also be revoked if, even before the expiry of the prescribed period, the requirements are no longer met.

Art. 10*(Official secrecy)*

1. All data and information acquired in any way by the bodies referred to in this Law shall be covered by official secrecy.
2. In any case, the official secrecy obligation shall not apply to the communication of information to the criminal Judicial Authority, as well as to the sharing of data and information among the bodies referred to in this Law for the purposes of preventing and combating terrorism. Moreover, it shall not apply to information and data transmitted to broadcasters for the purposes of radio and television dissemination under Article 8, paragraph 3, as well as in any other case of communication or exchange of information provided for by this Law.

3. In any case, full or alternate members of the bodies referred to in this Law, as well as anyone who has taken part in their meetings, shall be required to maintain the utmost confidentiality with regard to the information of which they have become aware as members or collaborators.

Art. 11

(Financial coverage)

1. Any financial charges arising from the adoption of measures to respond to emergencies under this Law, in implementation of the Strategy and National Security Plan on Terrorism, as well as from the establishment of the bodies referred to in Article 1 shall be covered through the establishment of a specific chapter in the State budget.

Art. 12

(Entry into force)

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 31 January 2019/1718 since the Foundation of the Republic

THE CAPTAINS REGENT

Mirco Tomassoni - Luca Santolini

Guerrino Zanotti
MINISTER OF INTERNAL
AFFAIRS

