



**PERMANENT MISSION
OF THE REPUBLIC OF SAN MARINO
TO THE UNITED NATIONS IN NEW YORK**

Ref. 16383/UN/OLA

The Permanent Mission of the Republic of San Marino to the United Nations presents its compliments to the United Nations Office of Legal Affairs and has the honor to transmit the report requested in the verbal note with ref. LA/COD/11/1 dated 8 January 2019, on the “Measures to eliminate international terrorism”.

The Permanent Mission of the Republic of San Marino to the United Nations avails itself of this opportunity to renew to the United Nations Office of Legal Affairs the assurances of its highest consideration.

E R

New York, 3

PM/19

Enclosure

Office of Legal Affairs
United Nations
NEW YORK



Measures adopted by the Republic of San Marino to eliminate international terrorism

Firmly believing and constantly reaffirming that terrorism in all of its forms and manifestations constitutes a threat to international peace and security, the Republic of San Marino strongly condemns all criminal acts intended to cause a state of terror and violence, by whomever and wherever perpetrated and whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them. San Marino is actively engaged in combating terrorism and the factors conducive to it through a far-reaching approach that includes the use of diplomatic, security, and cultural capabilities, complemented by ongoing efforts to align with international standards in this field.

As previously reported, San Marino has never been the site of terrorist attacks or of the planning thereof and no individual, group or entity affiliated or involved in any manner with terrorist groups has ever been identified in San Marino. As of today, there have never been any criminal prosecutions or sentencing for terrorism or incidents caused by international terrorism. The San Marino authorities are, however, well aware that no country can deem itself immune to terrorism, a phenomenon that with its global reach (e.g. connections with transnational organized crime), manifestations and transformations can only be successfully challenged through a shared vision and international cooperation. Terrorism has clearly brought to the fore that the link between the national and the international is growing thinner and that each country should see itself as a partner to the international community in the fight against this phenomenon.

San Marino reconfirms that a key aspect of its belonging to the international community is the commitment to conform to international instruments, standards, and recommendations, a duty that it pursues with unwavering commitment. For the Republic, these instruments and the principles and provisions therein contained serve as beacons that inspire and guide domestic policies and strategies. In this regard, the United Nations instruments are central and, as a UN member State, San Marino is committed to upholding, promoting and implementing them. The Republic implements the UN Global Counter Terrorism Strategy, which, in its preamble, reaffirms the principles of the Declaration on Measures to Eliminate International Terrorism (Annexed to General Assembly resolution 49/60 of 9 December 1994). San Marino welcomes the creation in 2017 of the Counter-Terrorism Office.



DIRECTORATE OF ECONOMIC AFFAIRS
Department of Foreign Affairs

San Marino is a Party to the core international instruments on human rights and promotes the



DIRE



terrorism or

Law n. 57/2019 described above expands and details more in depth Art. 337 ter and introduces two new Articles to the Criminal Code, n. 337 bis and 337

Weapons of mass destruction proliferation financing, conducts that are considered offences and therefore punishable.

The effective implementation of all requirements set out in the AML-CFT framework, in line with international standards (also including FATF recommendations), represents an on-going activity for the Financial Intelligence Agency - the San Marino FIU - the Judicial Authority and all the other relevant national authorities.

The San Marino FIU is a member of Moneyval and the Egmont Group and has signed cooperation agreements with 54 financial intelligence units around the world.

As stated in the previous report, extradition is regulated by the Criminal Code and Law no. 41 of 31 March 2014. In order to ensure compliance with the commitments undertaken at international level, the Republic of San Marino decided that extradition is governed by the rules contained in the international conventions ratified by San Marino, which prevail over domestic legislation.

Following the ratification of the above mentioned international conventions, Art. 8 of Criminal Code was extended, establishing that "in no case shall the offences provided for in Art. 337bis (associations aimed at committing actions for the purpose of terrorism) and Art. 337ter (financing of terrorism), and the offences committed for the purpose of terrorism or subversion of the constitutional order be regarded as political offences (non-extraditable offences)".

San Marino also concluded bilateral treaties on extradition with the following countries: Belgium (15 June 1903), France (30 April 1926), Italy (31 March 1939), United Kingdom (16 October 1899), the Netherlands (7 November 1902), the United States (10 January 1906) and Lesotho (5 October 1971).

San Marino concluded bilateral agreements with Italy and France on legal cooperation in criminal matters.

The above-mentioned measures aimed at ensuring the security of its citizens and territory and are complemented by several other practical measures aimed at ensuring that the San Marino territory is not used as base for the preparation or organization of terrorist acts. Key in this area are the activities and the police cooperation provided by the San Marino National Central Bureau of INTERPOL. On 20 September 2006,



The Republic of San Marino strictly complies with ICAO rules on the issuance of passports, which contain many anti-forgery and falsification standards. The issuance of passports is centralized and, therefore, is subject to strict controls. Police staff has been trained to identify false documents. The use of false documents and the falsification thereof are considered a crime under San Marino legal system. As security standards are constantly evolving, the San Marino NCB of Interpol and the other competent authorities keep abreast of international developments (including the requirements set by the European Union) to ensure the safety of San Marino travel documents.

Border controls on goods and individuals are carried out by police forces, in cooperation,



Moreover, work is under examination to transpose into domestic legislation the provisions of EU Directive 2017/541 of 15 March 2017 on combating terrorism. Though not an EU member State, considering the Association Agreement under negotiation with the European Union and the various bilateral agreements with EU countries, European legislation is an important point of reference for San Marino.

Furthermore, UNSC Resolution 2178 on foreign fighters is currently under examination for future transposition.



Annex

The Republic of San Marino is a Party to the following instruments pertaining to international terrorism:

Universal instruments

Convention on Offences and Certain Other Acts Committed On Board Aircraft, done at Tokyo on 14 September 1963, joined by San Marino on 20 November 2014;

Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague December on 16 December 1970, joined by San Marino on 20 November 2014;

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, joined by San Marino on 20 November 2014;

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York on 14 December 1973, joined by San Marino on 20 November 2014;

Convention against the Taking of Hostages, done at New York o(c ETBT1)-3(7)-3()-20(De)-5(cem)-2(b) San Marino on 20 November 2014;

Convention on the Physical Protection of Nuclear Materials, done at Vienna on 26 October 1979, and its amendments, adopted in Vienna on 8 July 2005, joined by San Marino on 20 November 2014;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23 September 1971, done at Montreal on 24 February 988, joined y San Marino on 20 November 2014;

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 988, joined by San Marino on 20 November 2014;

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf to the Convention for the Suppression of Unlawful Ac ts Against the Safety of Maritime Navigation done at Rome on 10 March 1988 and joined by San Marino on 20 November 2014;

Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991, and its Declaration, joined by San Marino on 20 November 2014;

International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997, joined by San Marino on 26 February 2002;

International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999, ratified on 10 December 2001;

International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on 13 April 2005, joined by San Marino on 20 November 2014;



Convention on Cybercrime, done at Budapest on 23 November 2001, ratified on 21 January 2019;

Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, done at Strasbourg on 28 January 2003, ratified on 21 January 2019

Signed instruments:

Protocol amending the European Convention for the Suppression of Terrorism, done at Strasbourg on 15 May 2003;

Council of Europe Convention on the Prevention of Terrorism, done at Warsaw on 16 June 2005;

Council of Europe Convention on Offences relating to Cultural Property, done at Nicosia on 19 May 2017.

Bilateral agreements

On extradition and judicial cooperation

Treaty on the extradition of criminals with the United Kingdom, signed on 16 October 1899;

Convention on the extradition of criminals with the Netherlands, signed on 7 November 1902;

Convention on the extradition of criminals with Belgium, signed on 15 June 1903;

Treaty on the extradition of criminals with the United States, signed on 10 January 1906;

Convention on extradition with France, signed on 30 April 1926;

Convention on Friendship and Good Neighborhood with Italy (containing provisions on extradition and judicial cooperation), signed on 31 March 1939;

Convention on judicial cooperation in civil, commercial and criminal matters and on the execution of sentences in civil and commercial matters with France, signed on 25 May 1967;

Treaty on extradition with Lesotho, signed on 5 October 1971;

Relating to counter-terrorism

Arrangement between the National Central Bureau of INTERPOL of the Republic of San Marino and



DIRECTORATE OF ECONOMIC AFFAIRS
Department of Foreign Affairs

Arrangement with the United States of America on "Enhancing the Exchange of law Enforcement Information (PCSC)", signed on 18 July 2012;

Technical Memorandum between the Police Department including the National Central Bureau of Interpol of the Republic of San Marino and the Department of Public Security of the Ministry of Interior of the Italian Republic on the strengthening of police cooperation against transnational organized crime, signed on 20 December 2013.