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*Permanent Mission of the Slovak Republic
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The Permanent Mission of the Slovak Republic to the Office of the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, the Special Procedures Branch with reference to your Communication form Special procedures joint allegation letter AL Minorities (2005-4) G/SO 214 (78-15) SVK L/2013 and has the honour to attach the written response of the Slovak Republic to issues raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Independent Expert on Minority Issues in connection with intervention conducted by police in Moldava nad Bodvou on 19 June 2013.

The Permanent Mission of the Slovak Republic avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 08 October 2013



Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

Annex: 16 pages

COMMUNICATION FROM SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND INDEPENDENT EXPERT ON MINORITY ISSUES REGARDING POLICE INTERVENTION IN MOLDAVA NAD BODVOU - RESPONSE BY THE SLOVAK GOVERNMENT

The information below provides response by the Slovak Government to issues raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Independent Expert on Minority Issues in connection with intervention conducted by police in Moldava nad Bodvou on 19 June 2013. The response on circumstances and investigation of the intervention is based on information provided by the Ministry of Interior of the Slovak Republic and the Presidium of the Police Force.

Information provided by Mr [REDACTED] Plenipotentiary of the Government of the Slovak Republic for the Roma Communities on findings of the Office of the Plenipotentiary of the Government of the Slovak Republic for the Roma Communities in relation to the police intervention in the Roma settlements in Moldava nad Bodvou is attached to the response. The Government Plenipotentiary is an advisory body of the Government on Roma-related issues. When exercising the mandate, the Government Plenipotentiary may ask the state authorities to provide information relevant to his/her work in accordance with the Statute of the Plenipotentiary of the Government of the Slovak Republic for the Roma Communities. The Government of the Slovak Republic does not comment on the Plenipotentiary's findings in its response.

Regarding question No. 1 (Are the facts alleged in the summary of cases accurate?)

It should be noted at the outset that the police intervention was preceded by repeated complaints from residents of Moldava nad Bodvou living close to the Budulovská Roma settlement. Justification and legality of the police intervention of 15 June 2013 is described in the investigation file which is subject to supervision by public prosecutor. The public prosecutor supervises the legality of the investigator's proceedings, including the issue of legality of all safeguarding acts preceding criminal prosecution.

It shall be emphasized as well that the reasons for criminal prosecution of several persons in relation to the above-mentioned police intervention have been communicated to the District Court for Košice – Okolie district which determined on reasons to remand those persons in custody. The same court decided that there were legal grounds to hold one of the accused person in custody. Upon such decision taken in accordance with Section 71 Para of the Code of Criminal Procedure it is not sufficient only to establish whether there are legal grounds for custody; such decision shall, however, sufficiently prove the fact that the act for which the accused is prosecuted actually occurred; that it has all elements of the crime and that the crime has been committed by the accused. This means that the court also examined legality of the acts that preceded bringing the accusation against persons concerned. None of the actions taken so far have been challenged either by the supervising prosecution or by an independent court.

The alleged facts provided in the summary of the case are apparently one-sided (or biased) to avoid conclusion that they are false. Please be assured that the Slovak authorities are prepared at any time and at any level to justify their arguments by evidence contained in the

investigation file. The facts will be submitted to court as soon as the investigation is completed. It is obvious from the investigation file that the police patrol intervened in the settlement more than once and that it did not intervene upon its own initiative on 15 June 2013. A final presentation of results of the project called "Tidiness around Us", as a part of the RomaNet educational scheme took place the same day. The event was attended by residents of the settlement and invited guests. Cultural and sport activities were organised during the event and followed by free entertainment. During the event, Roma from the settlement ignored prior instructions of the police to lower the noise due to repeated complaints by residents of Moldava nad Bodvou. As a consequence members of the police patrol were attacked by a number of Roma. Verbal insults resulted into physical attacks and acting policemen were injured. Injuries were documented in medical reports.

Based on the above-mentioned facts, the two main initiators of the attack were detained and accused of the crime of attacking a public official in accordance with Section 323 para 1b) and para 2c) of the Criminal Act on the same day. Both men confessed to the crime. During the questioning before police investigator, the minor [REDACTED] exercised his right to remain silent. He, however, confirmed his confession on record before the court which decided on his custody. The confession was made in the presence of the court-appointed lawyer (Mr [REDACTED]). The accused [REDACTED] who has not been deprived of his legal capacity so far (and who has a good command of the Slovak language) was already convicted upon a final judgement of a similar crime, i.e. attacking a public official in 2010. After being properly advised of his rights, including the possibility of legal representation, the accused decided to testify in the absence of the lawyer. He confessed to the crime and expressed his regrets on record. Since he was taken into custody later on, an ex-officio lawyer (Mr [REDACTED]) was appointed to him by the court. In view of the facts mentioned above the Slovak authorities do not share the allegation that the accused were not provided with proper legal assistance. During the investigation none of the accused challenged the approach by the police whether upon their own initiative or via the appointed lawyer. No such objection was raised before the court deciding on custody. For these reasons, the Slovak authorities consider the allegation on harassment or intimidation of the accused persons by the police as unlikely to occur and made on purpose.

With respect to allegations made by Mr [REDACTED], it has been confirmed that he appeared before the Police Department in Moldava nad Bodvou on 16 June 2013 at 08.00 am. Mr [REDACTED] and Mr [REDACTED] were detained on 16 June 2013 at 03.15 am and at 07.10 am respectively. Regarding the allegation that no meals was provided to both detainees, please note that according to Section 81a of the Act No. 171/1993 Coll. on the Police Force detained persons are provided with meals not earlier than after six hours following their detention. Mr [REDACTED] provided detained persons with food at his own expense before the deadline set up by law. The allegation that the police refused to provide them with water is not true as during Mr [REDACTED]'s visit glasses with water were on the table before the two detainees.

As regards the alleged list of persons who Mr [REDACTED] claimed "willing to voluntarily testify in favour of minor", it was submitted to the District Department of the Police Force in Moldava nad Bodvou by Mr [REDACTED] on 16 June 2013. The list of persons was then transmitted to investigator of the Police Force acting in the criminal proceedings in the case. Members of the Police Force involved in the search operation called "100" in Moldava nad Bodvou and Drienov conducted on 19 June 2013 had the "Latest list of persons being searched by the police as of 18 June 2013" available. The list included 122 persons being searched within the jurisdiction of the District Directorate of the Police Force in Košice – okolie district against

whom an arrest warrant or committal warrant was issued. This was the only list of persons available to members of the District Department of the Police Force Moldava nad Bodvou and members of the Police Force respectively involved in the search operation.

Following the judgement on the public prosecutor's motion on custody of the two accused persons Mr [REDACTED] was released. The judge agreed with the public prosecutor's motion on custodial prosecution only with respect to the accused Mr [REDACTED] while the judge did not see legal grounds for Mr [REDACTED]'s custody. In spite of his release the criminal proceedings against him is pursued. The mental disability of the accused Mr [REDACTED] was confirmed by the expert testimony according to which the accused Mr [REDACTED] suffers from moderate mental retardation with behaviour problems. The expert testimony concludes that at the time of committing crime the person concerned was unable to recognise the danger of his illegal acts and was unable to control his behaviour. For these reasons the public prosecutor discontinued the criminal prosecution against Mr [REDACTED] and issued an order for his release.

The police search operation "100" in the Roma settlement Budulovská in Moldava nad Bodvou and the Roma settlement in Drienovec on 19 June 2013 was focused on persons being searched by the police. Allegations that there were no grounds to conduct such operation are of speculative nature. In a similar vein, the allegation that search operation was performed in the spirit of "revenge" following the attack against police patrol by two persons mentioned above is unsubstantiated. It has been reiterated several times that there was no ground for "revenge" as both attackers were arrested immediately following their illegal actions.

The Slovak authorities wish to emphasize that the police has registered number of conflicts among residents of the Roma settlements. Police patrol, including police patrol comprising of persons belonging to Roma minority is often subject to attacks during its intervention. Such interventions should not be seen as "raids" as presented in this specific case. The police has registered a number of cases in which larger amount of forces and means is required to settle conflicts among residents of settlements involving mass fights between several dozens to hundreds of local residents. When resolving these conflicts, the police has not so far received any complaints submitted by Roma community due to the inappropriate intervention by the police. Similar police operations have been conducted in a number of cases recently. No complaints on police misconduct have been raised by Roma community. Similarly no interest in these operations was shown by media, civil society and ombudsperson.

The police search operation "100" was conducted as one of the measures aimed at prevention of increased criminal activities in the police district of Moldava nad Bodvou. The police reported rise of criminal activities by 30% and an increase of offences by more than 10% compared to last year. Nine persons from Moldava nad Bodvou were searched by the police at the time the operation "100" was performed. Other persons being searched were supposed to be in the settlement. Such number of persons in such a small area literally required such police search operation. Deployment of larger number of police force and means was adequate to number of local residents in the Budulovská settlement; approximately 1400 residents are registered in the settlement. The police was physically attacked by residents of the Budulovská settlement during the intervention.

In connection with the police operation, eight persons were brought to the District Police Department of Moldava nad Bodvou to establish their identity in accordance with Section 18 para 4 of the Police Force Act. They were released immediately after relevant acts were carried out by the police. Five persons were detained to be questioned on committed offences

according to Section 47 para 1a) of the Act No. 372/1990 Coll. on Offences. Two other persons were detained according to Section 19 para 1b) of the Code of Criminal Procedure; they were questioned and accused for suspicion of a crime of attacking a public official in accordance with Section 323 of the Criminal Act. This case is currently under investigation. No coercive measures were used against detained persons by the District Police Department of Moldava nad Bodvou.

It follows from the conclusions by the Directorate of Supervision and Inspection Service of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the "Inspection Service") that allegations contained in the summary of the case do not comply with the facts determined in relation to conducted investigation. The supervisory body does not have knowledge on allegations contained in the communication of the UN Human Rights Council Special Procedures.

As to the reports that at least 30 persons were injured during the police intervention and that recovery of one of the injured required 40 days, the Slovak authorities wish to point out that these allegations do not correspond to reality. There were only minor injuries suffered by seven persons against whom coercive measures were applied. These persons were immediately examined by a doctor. According to a doctor, injuries were not so serious to require medical treatment.

The police used coercive measures only against seven persons during the operation. The Inspection Service did not reveal facts that would indicate the use of measures other than legal coercive ones. Action referred to in the case summary as "torture" has neither been determined by the supervisory authority nor it was communicated to the supervisory authority.

According to the Slovak authorities, the investigation carried out following the police intervention by the Inspection Service did not come to the conclusion that the action by the police could be classified as destruction of personal property of Roma residents or the destruction of supplies of food. Any specific facts have not been reported to the supervisory authority in this regard.

Regarding question No. 2 (Have complaints been lodged with regard to the incidents mentioned?)

As to 12 September 2013 neither Department of Complaints and Supervision of Execution of Civil Service of the Inspection Service nor the Presidium of the Police Force nor the Regional Directorate of the Police Force in Košice have registered or investigated any complaints from natural persons or a legal entities submitted in accordance with Act No. 9/2010 Coll. on Complaints that would refer to the police action conducted in Moldava nad Bodvou on 19 June 2013 or in Drienovec and in connection to the incident in Moldava nad Bodvou of 16 June 2013 respectively.

The Inspection Service received, however, a written submission lodged by Mr [REDACTED], the Plenipotentiary of the Government of the Slovak Republic for the Roma Communities on 26 June 2013. His submission was classified as a motion to perform an inspection with a view to verify legality of police action in Budulovska street in Moldava nad Bodvou and in Drienovec on 19 June 2013. Another two written and two e-mail submissions were lodged to

the Inspections Service seeking to conduct investigation of the police action. The investigation proceedings did not reveal violation of legally binding regulations or internal acts.

Regarding question No. 3 (Please, provide the details and where available the results of any investigation, and judicial or other inquiries or any criminal charges brought against the police officers in relation to these incidents. If no inquiries have taken place, or if they have been inclusive, please explain why.)

With respect to the police intervention conducted in Moldava nad Bodvou in June 2013 Inspection Service Division – Branch East of the Inspection Service examined four cases under following reference numbers: SKIS-153/OISV-V-2013, SKIS-154/OISV-V-2013, SKIS-182/OISV-V-2013 and SKIS-22/OISV-V-2013 on suspicion for the crime of police misconduct. The investigator of the Inspection Service Division – Branch East has already taken decision on the merits in the above-mentioned cases. One of the submissions registered under No. SKIS-27/OISV-SV-2013 is currently subject to its completion in accordance with Section 176 of the Code of Criminal Procedure.

1) Investigation File No.: SKIS-22/OISV-V-2013. Complaint submitted by Mr [REDACTED] was rejected by the resolution of the Inspection Service Division – Branch East of 12 July 2013 in accordance with Section 197 para 1d) of the Code of Criminal Procedure regarding suspicion of the offence of theft under Section 212 para 2a) of the Criminal Act allegedly committed by unspecified policemen of the Regional Directorate of Košice Police Force (hereinafter referred to as the "RD PF Košice") as there was no ground to launch the criminal proceedings. The crime was allegedly committed as follows: *On 19 June 2013 at an unspecified time, in Moldava nad Bodvou, at Budulovska 40, not later than 5:00 pm, during the conduct of police security action "100" the policemen allegedly broke the entrance door to Mr. [REDACTED] apartment while he was not at home and unlawfully entered his apartment, broke the wash basin and windows, turned the equipment upside down and stole cash of EUR 120 and a bottle of wine. As a consequence Mr. [REDACTED] suffered damage of at least EUR 120.* After analysing the complaint, assessing criminal liability of persons involved and examining all circumstances of the case it was concluded that the facts of the case do not constitute the offence committed by the policemen involved. No complaint has been filed against the resolution. The resolution is final.

2) Investigation File No.: SKIS-154/OISV-V-2013. Complaints submitted by Mr [REDACTED] and Mr [REDACTED] were rejected by the resolution of the Inspection Service Division – Branch East of 26 July 2013 in accordance with Section 197 para 1d) of the Code of Criminal Procedure regarding suspicion of a crime of misconduct of a public official in accordance with Section 326 para 1a) and para 2a) of the Criminal Act and in conjunction with Section 138d) of the Criminal Act as there was no ground to launch the criminal proceedings. The crime was allegedly committed as follows: *On 19 June 2013 after 08.35 pm. in front of the family house No. [REDACTED] in the village of [REDACTED] members of the Police Force assigned at Police Patrol Division of the Motorized Emergency Unit of RD PF Košice and the Criminal Police Division of District Directorate of Police Force Košice – Okolie district physically attacked Mr. [REDACTED] and Mr. [REDACTED], beating and kicking them to various parts of their bodies. As a consequence Mr. [REDACTED] reportedly suffered a fracture of nasal bones, bruised wounds on his back, fracture of the fourth finger of the right hand and Mr. [REDACTED] sustained scratches on his right hand and bruised wounds on his back.* After analysing

relevant written documents and a thorough assessment of all facts it was concluded that the facts of the case do not constitute the offence committed by the police. No complaint has been filed against the resolution. The resolution is final.

3) Investigation File No.: SKIS-153/OISV-V-2013. Complaints submitted by Mr [REDACTED] were rejected by the resolution of the Inspection Service Division – Branch East of 26 July 2013 in accordance with Section 197 para 1d) of the Code of Criminal Procedure regarding suspicion of a crime of misconduct of a public official in accordance with Section 326 para 1a) and para 2a) of the Criminal Act and in conjunction with Section 138d) of the Criminal Act as there was no ground to launch the criminal proceedings. The act was allegedly committed by members of the Police Force assigned to RD PF Košice as follows: *On 16 June 2013 in Moldava nad Bodvou, [REDACTED] street No. [REDACTED] approximately at 07.30 am., five policemen entered the shack and used unspecified physical violence against the above-mentioned person. As a result [REDACTED] sustained a graze above his left eye (5x6 cm), a graze on the right side of his nose (2x3 cm), bruising on his wrists caused by handcuffs and had some older scratches above his right ankle; the injuries, however, did not require medical treatment or sick leave. Thus the members of the Police Force assigned to the RD PF Košice allegedly violated provisions of Section 48 para. 3a) and 3e) of Act No. 73/1998 Coll. on civil service of members of the Police Force and provision of Section 8 para 1 of Act No. 171/1993 Coll. on the Police Force. The complaint was rejected as there was no reason to launch criminal prosecution or proceedings against members of the police under Section 197 para 2 of the Code of Criminal Procedure. The investigator examined the case and assessed the evidence based on a thorough assessment of all facts. It was concluded that the action of the members of the Police Force assigned to the RD PF Košice did not constitute the crime of misconduct of a public official in accordance with Section 326 para 1a); and para 2a) of the Criminal Act. No complaint has been filed against the resolution. The resolution is final.*

4) Investigation File No.: SKIS-187/OISV-V-2013. Complaint submitted by Mr [REDACTED] was rejected by the resolution of the Inspection Service Division -- Branch East of 23 August 2013 in accordance with Section 197 para 1d) of the Code of Criminal Procedure regarding suspicion of a crime of misconduct of a public official in accordance with Section 326 para 1a) and para 2a) of the Criminal Act in conjunction with Section 138d) of the Criminal Act concurrently with the offence of bodily harm in accordance with Section 156 para 1) of the Criminal Act allegedly committed by members of the Police Force assigned to the District Department of the Police Force in Moldava nad Bodvou, Motorized Emergency Unit of Police Patrol Division and Emergency Action Police Department at the RD PF Košice as there was no ground to launch criminal proceedings. *On 19 June 2013 at 7:00 p.m. in Moldava nad Bodvou, [REDACTED] street [REDACTED] the police asked Mr [REDACTED] to present his identity card, later on it broke the window in his apartment, threw his shopping out of the window, dragged him out in front of the apartment block with handcuffs on his wrists while beating him with a baton all over his body, kicked him and repeatedly hit him with an immobiliser and later, after taking him to the District Department of the Police Force in Moldava nad Bodvou, the policemen repeatedly beat him, kicked him in ribs and slapped him in the face, did not allow him to drink or go to the toilet, shouted at him and insulted him and as a result, he suffered the following injuries: bruised wound of head, subversion of cervical spine, a graze on the neck, fracture of a left rib, grazes on the chest, presence of blood in urine with recovery less than 42 days. Investigation of the case did not reveal any facts confirming that the action by the police represented the elements of crime of misconduct of a public official or an offence of bodily harm and therefore there was no reason to launch a criminal prosecution. It was not determined that the police action would constitute a violation*

of the Act on the Police Force, and/or internal regulations which would establish the ground to examine their action in disciplinary proceedings before the competent authorities. A complaint has been filed in this matter. The investigator submitted the complaint to the supervising prosecutor to the District Prosecutor's Office for Košice – Okolie district on 16 September 2013.

5) Investigation File No.: SKIS-27/OISV-SV-2013. Inspection Service – Branch East is in the process of collecting supplementary information in accordance with Section 196 of the Code of Criminal Procedure regarding the offence of negligent maladministration in accordance with Section 327 para 1 and 2 of the Criminal Act allegedly committed by the investigator of the Criminal Police Division of District Directorate of Police Force Košice – Okolie district. The negligent maladministration was allegedly caused by the fact that the investigator in the criminal case of the accused [REDACTED] had an expert testimony concluding that Mr [REDACTED] "was unable to recognise the danger and illegality of his behaviour" available as early as 30 July 2013. The investigator apparently did not proceed in view of this information. Neither he notified thereof the supervising prosecutor although there was an option to suspend the criminal prosecution against the accused Mr [REDACTED]. Mr [REDACTED] was released from custody as late as 27 August 2013 after the prosecutor's decision to suspend the criminal prosecution.

Regarding question No. 4 (Please provide details of any legislation and policy that exists to promote and protect the rights of persons belonging to ethnic minorities and in particular Roma people)

Slovakia has established adequate legal and institutional framework for the protection of national minorities. The Government of the Slovak Republic is committed to preserve the *status quo* with regard to national minorities. Bearing in mind that minorities represent a living organism with naturally evolving needs, the Slovak authorities are open to discuss them when necessary.

Following the changes in Government in 2012, the responsibility for the coordination of human rights agenda has been transferred to the Ministry of Foreign and European Affairs of the Slovak Republic. Deputy Prime Minister and Minister for Foreign and European Affairs of the Slovak Republic is the Chairperson of the Governmental Council for Human Rights, National Minorities and Gender Equality. Implementation of human rights policies lies within the competence of relevant (line) ministries. The Ministry of Foreign and European Affairs of the Slovak Republic is at the same time responsible for two subsidy schemes in the field of human rights. Grants are essential instruments for promoting human rights agenda and they represent a form of dialogue with the civil society in this area.

Within the Government the Plenipotentiary for National Minorities and the Plenipotentiary for the Roma Communities are appointed as advisory bodies of the Government in issues related to national minorities and Roma respectively. The Plenipotentiary for National Minorities is also the Chairperson of the Committee for National Minorities and Ethnic Groups that is operating within the Council for Human Rights, National Minorities and Gender Equality.

The legal order of the Slovak Republic fully guarantees promotion and protection of the rights of persons belonging to national minorities. Specific provisions on protection and respect for minorities are included in the Constitution of the Slovak Republic and several specific piece

of legislation, including the Law on Use of the Minority Languages, recently amended Anti-discrimination Law which extended the definition of indirect discrimination and specified affirmative action in a more explicit manner and the School Act prohibiting all forms of discrimination in the field of education.

It should be emphasized that in addition to human rights treaties within the UN system, at regional level Slovakia is a State Party to both legally binding instruments of the Council of Europe dealing with the protection of persons belonging to national minorities (the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages). We regularly submit the implementation reports to the respective expert bodies functioning under these legal instruments (Advisory Committee and Committee of Experts). Slovakia is among first countries submitting reports within the 4th monitoring cycle that will be launched in February 2014.

Improving the situation of Roma has been a long-term priority for the Slovak Government. The Plenipotentiary of the Slovak Government for Roma Communities continues in fulfilling his challenging mandate. The current Government Plenipotentiary acts in his capacity as the Plenipotentiary and member of the Slovak Parliament representing political opposition.

Slovakia fully supports the efforts to address the Roma issue also from the pan-European perspective. However, the primary responsibility lies within the States where the minority live. Following the adoption of the EU Framework for national Roma integration strategies in April 2011, the integration of Roma has become an integral of EU policy/agenda. Within this framework, the Slovak national strategy for integration of Roma up to 2020 was adopted in December 2011. The Strategy is a key document of the Slovak Government to respond to the need to address the challenges of social inclusion of Roma communities. The Government recognizes the need for a comprehensive approach in the process of integration. Only by comprehensive process of implementation of governmental integration policies the improvement of living conditions of Roma can be achieved. The national strategy is based on three main principles – de-stigmatization, desegregation and de-ghettoizing. The strategy sets priority policies in seven main areas of integration. In addition to four basic areas – education, employment, health and housing – the strategy includes financial inclusion, non-discrimination and targeting the majority society among its priorities. The Strategy is currently implemented by the Slovak authorities.

There are several examples of best practice in all fundamental areas of Roma integration (education, employment, health, housing). The project of field social work, programme of municipal houses of lower standards for marginalised groups, position of assistant to teacher and position of police specialist working with the Roma communities serve as a positive example in this regard.

Regarding question No. 5 (Have any measures been taken to prevent any escalation of the reported violence, including training on non-discrimination for law enforcement officials and judges?)

The Police Force has been dedicated to the work with minorities, in particular Roma minority for several years. As from 1 January 2005 position of police specialists working with Roma communities was established at district departments of the Police Force as part of the project on police specialists for working in communities. In March 2009 the Patrol Division of the

Police Force Presidium issued a brochure "*Project of Police Specialists for Working with Roma Communities*" aimed at raising awareness about police specialists. Since the launch of the project the number of specialists deployed to district departments of the Police Force has increased to currently 231 experts. Police specialists are primarily deployed to locations in which problems of minority communities are most critical. They dedicate approximately 70% of their available work time directly to Roma/other minority community.

As part of the activities in the field of fight against extremism, *Concept of the fight against extremism for 2011 – 2014* (hereinafter referred to as the "Concept") was adopted. A general objective of the Concept – to eliminate grounds, manifestations and consequences of extremism and racially motivated crime - has been determined with a view to identify problems in this area. To reach the objective, several partial objectives have been set: 1. Changes and amendments to the legal framework; 2. Effective protection against extremism and racially-motivated crimes; 3. Systematic education of professionals having impact on prevention of extremism and racially-motivated crimes; 4. Improving legal awareness and providing information to general public; and 5. Implementation of commitments resulting from international treaties and conventions in the field of extremism and racially-motivated crimes.

Several tasks are being carried out with special focus on education of professional and enhancing legal awareness about the phenomenon of racism and extremism as part of the implementation of the Concept, including

- Education and trainings of judges, prosecutors and members of security and armed forces on recent developments in the field of extremism, racially-motivated crimes and other forms of discrimination, including new aspects of crimes, nature of perpetrators and changes in external manifestations of their members and fellows;
- Continuous education of judges, judicial aspirants and court administrators through expert workshops organised by the Judicial Academy of the Slovak Republic, in particular in the field of criminal law in terms of using effective tools to prevent and suppress extremism;
- Annual education of members of fundamental units of the Police Force about protection of human rights and ways to identify manifestations of extremism and racially motivated crimes;
- Education of professionals, registered churches and religious communities in the field of extremism from the perspective of human rights protection.

In addition, the Ministry of Interior of the Slovak Republic was tasked for the period 2012-2016 "to elaborate and carry out education and training projects on continuing education of the police with focus on extremism, racism, hatred, xenophobia, anti-Semitism, aggressive nationalism and Schengen-related issues." As part of the implementation of this task the educational project "*Training of members of the Police Force employed at criminal police in extremism, racism, hatred, xenophobia, anti-Semitism, aggressive nationalism issues – training of trainers*" was adopted on 12 July 2013. It is expected that at least 25 trainers will be trained in 2014 – 2015 who will subsequently provide training for members of the police deployed in the field in years to come.

Regarding Question No. 6 (Please, indicate what further protective measures will be taken to ensure the physical safety of Roma in the exercise of their right to freedom of peaceful assembly.)

Neither events that took place on 15-16 June 2013 nor the police search operation "100" of 19 June 2013 were in any way related to the exercise of the right to freedom of assembly (the right to assembly is guaranteed by Article 28 of the Slovak Constitution).

The Police Force is responsible for ensuring security of all persons living in Slovakia. The police neither intends nor can prioritise in any way the interests of one group over another group of persons.

The Ministry of Interior of the Slovak Republic and the Presidium of the Police Force and its branches respectively regularly examine security situation in Roma communities. As a result of these activities number of police specialists for working with Roma communities has increased to the current 231 positions. The project of police specialists working with Roma communities is highly appreciated by both, relevant authorities and Roma communities. Further increase of the number of police specialists is therefore presumed by the Slovak authorities. The added value of the project lies on its approach to communities which makes the project unique among the EU member states.

An amendment to the Act on Police Force is currently under preparation. Provisions on registration (including video-taping) of police operations will make a part of the change of this piece of legislation.

ANNEX

Information provided by Mr [REDACTED] Plenipotentiary of the Government of the Slovak Republic for the Roma Communities on findings of the Office of the Plenipotentiary of the Government of the Slovak Republic for the Roma Communities in relation to police intervention in the Roma settlements in Moldava nad Bodvou

When exercising my mandate in the capacity as the Plenipotentiary of the Government of the Slovak Republic for the Roma Communities and the member of the National Council of the Slovak Republic, I found from several resources, including information from media that police intervention of about 60 members of the police intervention unit was conducted under uniform command of the Police Force from the District Directorate of the Police Force in Košice - Okolie district on 19 June 2013. The facts of operation are provided below:

- Coercive measures were used against at least five members of Roma community in the village of Drienovec by the police.
- Coercive measures were used against residents belonging to Roma minority living on Budolovská Street in Moldava nad Bodvou by the police. The police reportedly used against residents grapples, grips, hits, kicks in self-defence and means to overcome their resistance and counteraction, including against specific groups towards whom using of coercive measures is prohibited by Section 65 of the Act No. 171/1993 Coll. on the Police Force. According to information so far obtained inviolability of property of members of the Roma community was reportedly violated, namely by enforced entering flats, damaging entrance doors and windows of houses, and damaging furniture and electrical appliances in individual flats.
- Persons were reportedly injured as a consequence of using coercive measures by the police. In view of these facts there is substantiated doubt whether first aid and necessary medical treatment was provided to injured persons in compliance with Section 63 of Act No. 171/1993 Coll. on the Police Force. According to the findings of the Office of the Government Plenipotentiary for the Roma Communities children were reportedly injured, including a baby under the age of 1 year by using irritating tear gas and knocking a pram over. Hits by a truncheon were allegedly used against another child. There are indications determined by the Office of the Government Plenipotentiary for the Roma Communities that residents of the settlements seeking a medical treatment on their own initiative following the police intervention were in certain way forced to make certain statements about the medical treatment in terms of manner and occurrence of injuries. Data on time of recovery were reportedly restricted on purpose as well.
- Following attempts of persons belonging to Roma minority to record the police interventions on their mobile phones, these persons were reportedly asked to lie on the ground by the police. Their mobile phones were allegedly destroyed.
- According to several allegations Mr [REDACTED], chief sergeant was allegedly showing to members of the police who they should beat. The police was reportedly shouting after their arrival to the settlement "Who was throwing the stones, who broke the car?". Money in cash was reportedly taken away from several persons during conducting personal identity check and check on arms by the police but not return back. Car damage reportedly occurred and car key was allegedly taken away from its owner.
- According to information provided by the Regional Directorate of the Police Force in Košice, 63 policemen of order, traffic police and criminal police performed the intervention. In the course of the police operation, 15 persons were brought to the police station; 8 of them with a view to establish their identity, 5 of them with a view to register the offence, and two more due to the suspicion of a crime of attacking a public official. The police search operation was scheduled; it was focused on persons

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being searched and on items deriving from criminal activity. It was performed in accordance with the decision of the Director of the District Directorate of the Police Force in Košice – Okolie district in view of the security situation in the area, i.e. higher incidence criminal activities. Two venues were chosen – [REDACTED] Street in Moldava nad Bodvou and the village of [REDACTED]. It was not clear from the statement provided by the Regional Directorate of the Police Force in Košice as to the success of operation in terms of aim pursued, i.e. search for persons and items deriving from criminal activities. An 8-minute TV shot containing allegations of the Roma minority showing their injuries as a consequence of use of coercive measures was published on website <http://www.topky.sk/cl/100370/1353183/VIDEO-po-razii-kuklacov-v-osade--Policia-razne-odmietla-brutalny-utok-na-Romov-> on 20 June 2013.

The above-mentioned facts are summarized in the letter I sent to the Director General of the Directorate of Supervision and Inspection Service of the Ministry of Interior of the Slovak Republic on 21 July 2013. The letter includes request to verify the compliance of the intervention with the principle of legality, legitimacy, proportionality and subsidiarity as well as to conditions under which the intervention was performed, including exercise of powers by the police (Section 17 et seq. of the Act No. 171/1993 Coll. on the Police Force), use of coercive measures (Section 50 et seq. of the Act No. 171/1993 Coll.), and compliance with the procedures and processes stipulated in Sections 63, 64, 65, 66, 74, 75 of Act No. 171/1993 Coll. in conjunction with Section 2 of the Act on the Police Force, in particular the duty of the Police Force stipulated in Section 2 Subsection 1 (a) of the relevant law as to the action by the Police Force in protection of fundamental rights and freedoms, mainly protection of life, health, personal freedom and security of persons and protection of property.

I made this request after having asked Mr [REDACTED] Deputy Prime Minister and the Minister of Interior of the Slovak Republic in my capacity as a member of the National Council of the Slovak Republic to provide information about the intervention.

I obtained relevant information from media and from the report on the visit of the Košice Regional Office of the Government Plenipotentiary on the spot.

Following facts resulted from the findings of the Regional Office of the Office of the Government Plenipotentiary for the Roma Communities in Košice:

- An event related to closing the project RomaNet took place in the Roma settlement on 15 June 2013. It is the first project (of 10) carried out by the IN Network Slovakia in Slovakia and Hungary since March 2013. Its objective is to encourage smaller associations working for the Roma communities. In the course of the project NGOs had the possibility to attend trainings on project management and on ways how to prepare their own projects. People from the village of Veľká nad Iľom, Košice-Šaca, Veľké Dravce, Kokava nad Rimavicou and the city of Moldava nad Bodvou took part in the project as well. The whole project RomaNet is coordinated by the NGO ETP Slovensko.
- According to allegations made by Roma people living in the Roma settlement, spirits were high in the settlement during the event on 15 and 16 June 2013. There was music and people were singing. The state police patrol of the Police Force came to warn them about the level of noise – they followed the warning and lowered the noise. After the end of the programme the state police patrol visited the place again. When they arrived Mr [REDACTED] shouted at Roma (“now show what bucks you are” – however, this did not refer to the police patrol). The chief sergeant Mr [REDACTED] approached

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Mr [REDACTED] who was tiding the stage and started shouting at him "making a back of yourself?" etc. Then he hit Mr [REDACTED] in his face and he fell down. Other Roma people responded in outrage attacking the patrol and damaged their car with stones. Mr [REDACTED] and Mr [REDACTED] were detained and taken into custody the same day.

- Local Roma together with NGO MECEM approached the Regional Office of the Government Plenipotentiary in Košice on 19 June 2013 stating that there was something going on in the Roma settlement in Moldava nad Bodvou. According to their information several police cars and emergency police unit had gone to the settlement and were allegedly beating everybody and breaking anything at hand.
- Subsequent inspection conducted by the Regional Office of the Government Plenipotentiary in Košice on the spot came to the same conclusions as Roma previously did. The Regional Office forwarded the message to media and sent a request to the Director General of the Directorate of Supervision and Inspection Service of the Ministry of Interior of the Slovak Republic to conduct the investigation on circumstances of the intervention.

The Office of the Government Plenipotentiary for Roma Communities received reply by the Directorate of Supervision Inspection Service of the Ministry of Interior of the Slovak Republic on 20 August 2013 summarising following findings:

- Interview of the security situation in Budulovská Street in Moldava nad Bodvou and in the village of Drienovec the police intervention was proposed to take place on 17 June 2013. Such proposal was made in the course of the meeting of the District Directorate of the Police Force in Košice – Okolie district (hereinafter referred to as the "District Directorate"). The schedule of intervention and a written instruction of the Director of the District Directorate determining the intervention to be conducted on 19 June 2013 between 7 pm. -9 pm. was submitted. Forces and means to be used during the intervention were determined. With regard to current security situation in relevant areas and the need to ensure public order, protection of life and health, forces and means of other units of the Regional Directorate of the Police Corps in Košice were deployed as well. The list of persons being searched was elaborated for the purpose of intervention. It included 9 persons with residence in Moldava nad Bodvou; and one person living in the village of Drienovec.*
- The intervention started in Budulovská Street in Moldava nad Bodvou and subsequently continued in the village of Drienovec. The intervention was performed by establishing identity of persons checked at the places of intervention and searching for information relevant to persons and items being searched. In the course of the intervention the police used its powers, including the use of coercive measures under substantiated circumstances according to the Act on the Police Force. During the intervention 8 persons were brought to the police station in Moldava nad Bodvou to ascertain their identity. Another 5 persons were brought to the police for suspicious of committing offences against public order. Relevant record on detention of persons was elaborated. The interview with detained persons took from 15 to 55 minutes in individual cases. The police restricted the personal freedom of 2 persons as they were suspected for committing the crime of attack a public official during the police intervention.*
- As a result of using coercive measures against detained persons in accordance with relevant law, minor injuries were caused to them. Injured persons were provided with medical treatment and the doctor made following outcome of the examination with respect to every person was made: "The person named does not have severe injuries as a result of the use of coercive measures by the Police Force which would require*

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medical treatment." According to information available coercive measures were only applied against males. The police prepared relevant record for every person – about the intervention at which the use of coercive measures occurred. The use of coercive measures was assessed by superiors as legal in all instances. The use of coercive measures against other persons – as documented by the police – was not found and proved by the investigation proceedings.

- With respect to the use of coercive measures during the intervention the Inspection Service Branch – East of the Inspection Service Office (hereinafter referred to as the "Inspection Service Branch") received three complaints. In two of these complaints related to the injury of two persons the case was examined by the investigator of the Inspection Service Branch. Both complaints were rejected by the resolution of the investigator according to the provision of the Section 197 Subsection 1 (d) of the Criminal Act. The relevant resolutions have not yet entered into force. One complaint of a natural person was received by the relevant prosecuting body on 25 July 2013, whereas decision about this complaint has not yet been rendered. In relation to the intervention on 20 June 2013 there was also one complaint filed at the Inspection Service Branch related to the suspicion of the offence of theft according to the Section 2 Subsection 2 (a) of the Criminal Act. The complaint was rejected by the resolution of the investigator of the Inspection Service Branch according to the provision of Section 197 Subsection 1 (d) of the Criminal Act on 12 July 2013.
- The branch of Complaints and Supervision of the State Service Execution of the Office of Supervision Directorate neither records nor investigates any complaint related to the police conduct during the intervention submitted by a natural person according to the Act No. 9/2010 Coll. on complaints.
- The control found no casual relationship between the intervention and reported injury of a child of undetermined identity which allegedly occurred during the intervention on 19 June 2013 and who was allegedly taken to hospital. For purpose of verifying the allegation the Children Hospital in Košice stated on 21 June 2013 that the minor patient concerned (born in May 2013), residing in Moldava nad Bodvou "was received in the Children Faculty Hospital in Košice in the evening on 19 June 2013. No injuries were found by the examination which could relate to an intentional injury by another person. The child is in good medical condition and was released home". No other documents and materials about the treatment in a medical facility or examination of other persons in relation to the intervention were found during the investigation proceedings. In relation to the handed-over list of alleged witnesses of the events on 16 June 2013 who were reportedly taken to the police station during the intervention without any legal ground, it was found that in respect to all the persons taken to the police station (i.e. also the ones whose names and surnames are identical with some names and surnames stated in the handed-over list of witnesses, which does not include addresses, however) there are official records available about bringing them to the police station. They were taken on the ground to ascertain their identity in compliance with Section 18 Subsection 4 of the Act on the Police Force.
- It was not found and proved that the relevant service performed by policemen was directed against specific minority or witnesses of the incident of 16 June 2013 in Moldava nad Bodvou. In relation to the venue in which intervention was conducted it can be stated that the areas were determined in view of the security situation. The fact that there were Roma people living there was irrelevant to the fulfilment of the Police Force duties.

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- *Supervision performed in relation to preparation, planning and conducting the intervention on 19 June 2013 did not find any violation of legally binding regulations or internal acts.*
- *Other facts arising from individual motions (such as reference to illegal and inappropriate use of coercive measures, including their use against special groups of persons; failure to provide urgent first aid and medical treatment; causing injuries by the use of coercive measures to children; putting a pressure on injured persons about how injuries occurred and restricting the data about the term of treatment; failure to provide a reason for persons being taken to the police station; failure to take record about bringing persons to the station signed by the relevant persons; interventions into inviolability of property – access into flats; damaging property of persons – entrance doors, windows in houses, furniture, electrical appliances, violating the integrity of the external coating of the building and the integrity of the barriers, destroying mobile phones, withdrawing money and failure to return it, damaging a car and removing car keys, destruction of dwellings and food) allegedly relating to the intervention on 19 June 2013 in Budulovská Street in Moldava nad Bodvou and in the village of Drienovec are conveyed and their content is only of general but not of specific nature. These allegations refer to conduct applied by the police against unspecified persons and originate from several not-specified resources. With regard to their general nature it is not possible to determine actual state and its compliance or non-compliance with legally binding regulations and internal acts by using forms and methods of investigation available.*

It follows from the results of investigation carried out by the Inspection Service of the Ministry of Interior of the Slovak Republic that the requirement of legality and legitimacy of the police intervention was complied with.

The Government Plenipotentiary for Roma Communities is not a law enforcement body with supervisory powers. It has no right with respect to moderation, supervision or revision powers in relation to either the decisions of the prosecuting bodies in their procedures according to Section 197 et seq. of the Criminal Act following the receipt of the complaint or supervisory proceedings. The Government Plenipotentiary for Roma Communities is primarily advisory body of the Slovak Government on issues related to Roma minority.

I fully support measure taken by the Ministry of Interior and the Police Force with a view to protect public order and protection of fundamental rights and freedoms of persons belonging to marginalised Roma minority. Decisive action to protect rights of persons belonging to the Roma minority carried out by the police in Krásnohorské Podhradie in September 2012 serves as a positive example in this regard. On the other hand, it is obvious that events which occurred on 15 June 2013 and 19 June 2013 respectively did not contribute to the confidence building between the Police Force and the Roma minority. Questions and doubts regarding the legality of the intervention occurred most probably also due to the failure to record sufficiently the course of the interventions by the Police Force.

I took the initiative to organise a working meeting with participation of the Inspection Service of the Ministry of Interior, the Office of the Government Plenipotentiary for the Roma Communities and the NGO European Roma Rights Centre with a view to implement appropriate communication channels related to police interventions.

Following the police intervention several steps were carried out by my Office, including:

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1. Initiative to adopt measures by the police which will lead to minimizing of deterioration of security situation and creating better conditions for the protection of public order as well as legal conditions for conducting police interventions, including those that require the use of higher number of members of the police.
2. I have been carrying out all steps to implement effectively the Strategy for the Roma Integration up to 2020 in cooperation with the Ministry of Interior of the Slovak Republic and other relevant authorities. It should be emphasized in this regard that only concentrated and coordinated measures in the area of access to the labour market, housing, health care, education, financial services create conditions for eradication of poverty and other negative social phenomena that have negative impact on human rights.
3. I arranged a coordination meeting between the Police Force units in Košice Region, mayors and officials of municipalities, non-governmental organisations and officials from Roma communities aimed at fulfilling objectives mentioned in paragraphs above. The meeting focused mainly on region affected by the police intervention. The objective of the coordination meeting was to create network for cooperation between all relevant stakeholders. As a result of cooperation full respect for the principle of proportionality by law enforcement officials while respecting human rights and fundamental freedoms and creating positive image of perceiving the Roma people is to be strictly applied. I also arranged a meeting with residents of the settlement on Budulovska Street with a view to obtain knowledge about the case.
4. The Office of the Government Plenipotentiary for the Roma Communities is closely engaged in the process of preparation of the draft amendment to the Act on the Police Force which was launched following the police intervention of 19 June 2013. The objective of the amendment drafted by the Ministry of Interior is to apply means providing for objective verification of the compliance with fundamental principles related to the conduct of the intervention. The draft amendment will inter alia include
 - a) Possibility of member of the police to use a language the person against whom the intervention is directed can understand.
 - b) Obligation of the Police Force to make image or image and sound recording during individual interventions, in particular during interventions conducted under uniform command.