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PRESS RELEASE

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The Court acquits police officers of abusing Roma boys from Luník IX

KOŠICE, SLOVAKIA — The Košice II District Court on 27 February 2015 acquitted police officers accused of abusing Roma boys at a police station in Košice. The court reasoned that the crime did not take place as alleged, and the prosecution thus failed to prove the abuse. The prosecutor has appealed the verdict.

The events took place in March 2009 at the Košice – South police station. A number of police officers detained six Roma boys between the ages of 11 and 15 and brought them to the Košice – South police station. There, the officers forced the boys to strip, slap each other, and carry out other police orders that violated their human dignity, as part of the harassment. The officers also threatened the boys with a loaded weapon and goaded police dogs to attack the boys. Some of the actions were recorded on a mobile phone. Subsequently, SME, a daily newspaper, made an edited version of the recording available online.

The Department of Control and Inspection Services at the Slovak Ministry of Interior commenced a criminal investigation in the summer of 2009. In the spring of 2010, based on the results of the investigation, the General Prosecutor brought criminal charges against ten police officers, including for race-based abuse of power by a public officer. The district court proceedings lasted nearly five years. During the proceedings, the court found a DVD that contained the recording to be illegal and refused to enter it into evidence during the main hearing. On 27 February 2015 the court acquitted all accused police officers.

The court reasoned that the prosecutor failed to prove that the actions took place as alleged. The court pointed to apparent contradictions in testimonies of the Roma victims and their legal guardians. As to its refusal to enter the video footage into evidence, the court noted that the origin of the footage was not ascertained and the person who recorded it was not identified. The court also stated that the video images were not sufficiently clear and that the video did not constitute a single coherent recording. In connection with the delay in the proceedings, the court said that it was caused by long-term sick leave of one of the accused. A switch of one of the judges on the panel during the proceedings also contributed to the delay, as the evidence had to be presented anew because the accused had refused to consent to the continuation of the proceedings.

According to Vanda Durbáková, the attorney for the victims who works with the Center for Civil and Human Rights in Slovakia, the court's decision is unlawful. *"The decision of the court is a genuine disappointment to me. It seems that Slovak justice is unable to guarantee an effective access to justice even in the most prominent, unambiguous cases of cruel and inhuman treatment in our society. The courts have been unable to effectively protect citizens from serious misconduct by units of state repression such as the police, which I consider alarming. I trust that the appeals court will overturn this decision on the basis of the prosecutor's appeal and that the victims will not ultimately have to go all the way to the European Court of Human Rights in Strasbourg to get justice,"* she commented.

Durbáková said the reasons given by the court for rejecting the recording as evidence are irrelevant: *"The audio and video recordings capturing this incident are, in my opinion, lawful evidence and there was nothing preventing the court from introducing them into evidence during the main hearing. The*

fact that the person who recorded the footage has not been identified is irrelevant with respect to ensuring an effective access to justice in this matter, and the fact that the footage is not a single coherent recording is also irrelevant, I cannot agree with the court's ruling in this matter," she said.

Štefan Ivanco, a program coordinator at the Center for Civil and Human Rights, remarked: *"We continue to document instances of police violence against the Roma. This ruling can have negative repercussions in the future and may, inter alia, significantly deter others from seeking justice in cases when police officers commit violent crimes. This verdict shows that an effective protection from police brutality is still a distant goal in Slovakia."*

The judgment of the Košice II District Court is not legally binding. The prosecutor has appealed the ruling.

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The Center for Civil and Human Rights (Poradňa pre občianske a ľudské práva) is a non-governmental organization based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. The Center has for a long time worked on the issue of discrimination against Roma ethnic minority in various areas of public life. It has also been active in the protection of reproductive rights and protection from police brutality. The Center employs strategic litigation to combat discrimination and human rights abuses against minorities. The Center offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before Slovak courts and the European Court of Human Rights in Strasbourg. It also conducts monitoring in the field, advocacy, and educational activities on the topic of protection from discrimination for lay and expert audiences. Visit us at www.poradna-prava.sk

Note:

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