



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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In Košice, Slovakia, 1 September 2020

Two injured Roma in police raid in Moldava nad Bodvou get justice at the European Court in Strasbourg

The European Court of Human Rights in Strasbourg (ECtHR) ruled today that Slovakia violated the rights of two injured Roma in relation to police violence during a police raid in the Roma community in Moldava nad Bodvou in 2013 in eastern Slovakia. According to the ECtHR, the responsible public authorities did not adequately investigate violence against them, thereby violating their international legal obligations in the field of human rights. The ECtHR awarded financial compensation of EUR 20 000 in full to each of the applicants.

The incident occurred in June 2013, when more than 60 police officers invaded the Roma community on Budulovská Street in Moldava nad Bodvou (Eastern Slovakia) and physically attacked around 30 people, including women and children. The local grass root NGO *Poradňa pre občianske a ľudské práva* (*Center for Civil and Human Rights – Poradňa*) provided free legal representation for two Roma men who, according to their testimony, faced gross violence from police officers during the raid, as well as at a local police station where they were detained after the raid. Both suffered injuries with a length of treatment of several weeks as a result of the actions of police officers.

A lawyer cooperating with *Poradňa* – Vanda Durbáková – filed a criminal complaint on behalf of one of the injured men a few weeks after the incident and claimed that there is a suspicion of having committed a crime of abuse of power by a public official. However, the investigative body – the inspection rejected this criminal complaint. Subsequent complaints were also rejected by the district and county prosecutors. Finally, the criminal investigation into the case only began several months after - in January 2014 - at the instruction of the General Prosecutors Office. The criminal proceedings was discontinued, but its overall progress was linked to a number of serious deficiencies. Nor did the supervising prosecutor find any wrongdoing in the course of the investigation. The victims were also unsuccessful with a constitutional complaint before the Constitutional Court of the Slovak Republic, which found no violation of their rights in the procedure of the state authorities.

After exhausting all available domestic remedies, in April 2018, the applicants lodged a complaint with the ECtHR alleging violation of their rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms.

On 1 September 2020 - the ECtHR upheld their complaint. It ruled that the responsible state authorities violated both their right to protection from police violence and their right to an effective investigation of police violence, including an investigation into a possible racial motive as for preparing a police action. In so doing, their guaranteed right to protection against inhuman or degrading treatment or punishment under Article 3 of the Convention in its material and procedural parts, and also Article 14 of the Convention, which prohibits discrimination in the enjoyment of guaranteed rights and freedoms, have been violated.

In its decision, the ECtHR stressed that the responsible public authorities had not sufficiently explained the proportionality of the police use of coercive measures and pointed out that the criminal investigation into the matter was only initiated several months after the whole incident, which may have had a negative impact on the effectiveness of the whole investigation.

The European Court awarded each applicant financial compensation of EUR 20 000 and the right to refund legal costs.

The decision is not final.

"They hurt us unnecessarily. We didn't do anything. On the day of the police raid they came to us, walked into our apartments without permission and began beating us left and right. I am very pleased that the court has given us the truth and that they have decided as they have decided. I consider this decision to be correct," said Robert Rybár, one of the injured applicants.

The applicants' legal representative, Vanda Durbáková, commented on the decision: *"The decision is issued by the court symbolically on the day we commemorate the adoption of the Slovak Constitution. It is thus a clear message to state institutions that they must always act and decide in accordance with it and ensure respect for the rights and freedoms enshrined there in it. I believe that this decision will also contribute to the Slovak government taking systemic measures to ensure that any case of alleged police violence is indeed effectively investigated, while taking also preventive measures to ensure that such cases simply do not occur."*

We would like to thank you Open Society Foundations, Sigrid Rausing Trust and other donors that supported our work on this legal case and enabled to achieve this decision.

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The Center for Civil and Human Rights (Poradna) 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. Poradna 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. Poradna employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradna 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 protection from discrimination for lay and expert audiences. **Visit us at:** www.poradna-prava.sk

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