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**In Košice, Slovakia, 8 February 2023**

**The European Court in Strasbourg has ruled that the rights of six Roma boys who faced violence and humiliation at a police station in Košice in 2009 were violated**

The European Court of Human Rights in Strasbourg (ECtHR) has [ruled](#) in the widely publicised case of the ill-treatment of Roma boys at the police station in Košice in 2009. According to the ECtHR, the Slovak courts heard the case for an unreasonably long time. Moreover, they did not sufficiently examine the alleged humiliating treatment by the police, nor did they sufficiently deal with the racial motive alleged by the prosecution. The proceedings before the Constitutional Court, to which the applicants repeatedly appealed, were found by the ECtHR to be ineffective. The ECtHR awarded each of the complainants damages of €20,000. From the beginning of the case, the complainants were represented by a lawyer cooperating with the non-governmental organisation, the Center for Civil and Human Rights (Poradňa).

The incident occurred in March 2009, when several police officers detained six Roma boys aged 11-15 and brought them to the police station of the Košice South police station. There, according to their statements, they were forced to strip naked, slap each other, kiss each other, the police officers were supposed to kick them, verbally insult them (also because of their Roma origin) in front of barking dogs without noseband, which were also supposed to bite them. Part of the above-mentioned conduct was recorded on a mobile phone and the edited recording was subsequently sent to the media and published on the Internet.

Shortly after the incident, the Control and Inspection Service Section of the Ministry of Interior launched a criminal investigation, which resulted in the filing of charges of abuse of authority of a public official and extortion committed with the specific motive of ethnic hatred against ten police officers, and later in the filing of an indictment by the Prosecutor of the General Prosecutor's Office of the Slovak Republic to the court. After extensive evidence, the Košice II District Court acquitted the repeatedly accused police officers of the charges. Its verdicts were twice overturned by the Regional Court in Košice as an appellate court. The latter, among other things, reproached the district court for not taking evidence, including by playing a video recording which captured part of the incident, because it did not consider this evidence to be lawful. The district court did so only at the direction of the appellate court, after its decision had been reversed for the second time. Subsequently, the district court's December 2019 judgment again - for the third time - acquitted the defendants of the charges. This decision became final after the regional court dismissed the prosecutor's appeal against the district court's judgment in December 2020.

On 8 January 2019, the applicants lodged a constitutional complaint against the acquittal of the defendants with the district court, alleging violations of their rights under the Slovak Constitution and the European Convention, in particular challenging the overall length of the proceedings (10 years since the incident) and also claiming that they had faced ill-treatment, but that this had not been

sufficiently investigated by the Slovak courts. On 23 May 2019, the Constitutional Court of the Slovak Republic rejected their complaint as unfounded.

On 25 March 2021 (following the Regional court's decision), the complainants again appealed to the Constitutional Court. Their complaint, directed against the District Court and the Regional Court and confronting them with the development and outcome of the proceedings before the general courts, raised similar objections as in 2019 and, inter alia, requested the annulment of the Regional Court's judgment of 11 December 2020 and the return of the case to that court for further proceedings.

In December 2019, the complainants lodged a complaint with the ECtHR. In it, they alleged a violation of their rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular the right to protection against cruel and inhuman treatment, which includes the obligation of national courts to decide within a reasonable time and to conduct effective investigations in these cases, not only by the police but also by the courts. They also sought a declaration that the procedure of the national courts, in particular the Košice II District Court, also infringed their right of access to an effective remedy and, in connection with those cases, the right to protection against discrimination. They argued that institutional racism also had an impact on the court's decision-making and the evaluation of evidence.

On 7 February 2023, the ECtHR substantially upheld their complaint. It ruled that the responsible state authorities had violated both their right to protection from police violence and their right to an effective investigation of that violence, including an investigation into its possible racial motive. In so doing, they had violated their guaranteed right to protection against inhuman or degrading treatment or punishment under Article 3 of the Convention in its substantive and procedural parts. They also violated their right to protection against discrimination in the enjoyment of their guaranteed rights and freedoms under Article 14, in its procedural part, on the ground that the State authorities failed to investigate sufficiently the possible racial motive for the violence against them.

Although the ECtHR highlighted the fact that the response of the investigators of the Police and the supervising prosecutor's office to the incident was swift and led to the filing of charges in court. However, it also pointed out that the first instance judgment of the Košice II District Court was twice annulled on the grounds of procedural deficiencies, including the fact that the District Court did not respect the legal opinion of the appellate Regional court and refused to take evidence by playing a recording of the incident at the hearing. This led to a considerable prolongation of the proceedings. The ECtHR further noted that a significant aspect in the acquittal of the defendants was the inconsistencies in the applicants' statements in the preparatory proceedings and in the trial and the inconsistencies in their statements to each other. However, according to the ECtHR, the prolongation of the proceedings contributed to these contradictions. It pointed out specifically that in that case the first instance acquittal was ultimately upheld by the appellate Regional court more than eleven years and eight months after the March 2009 incident itself. The ECtHR thus found that the deficiencies in the speed of the investigation into the events were of such a magnitude as to render it wholly ineffective.

The ECtHR also held that the domestic courts had failed to take all reasonable steps to uncover any possible racial motive for the violence against the complainants in order to establish whether or not ethnic hatred or prejudice had played a role in the ill-treatment of the complainants.

At the same time, the ECtHR assessed the proceeding now pending before the Constitutional Court in the case as an ineffective remedy, as the Constitutional Court had the opportunity to respond to the violation of the complainants' rights already in 2019, when, however, it rejected their first constitutional complaint.

The European Court awarded each of the applicants financial compensation of EUR 20,000 and the right to compensation for the costs of the proceedings.

Free legal aid in criminal proceedings and before the ECtHR was provided to the complainants by the Center for Civil and Human Rights (Poradna).

The lawyer of the aggrieved complainants, Vanda Durbáková, commented on the judgment:

*"The European Court of Human Rights has finally brought justice to the victims. This is an extremely important judgment which has sent a clear signal to the Slovak courts that the judicial proceedings conducted in this way cannot be considered effective. The European court also praised the work of the investigators and prosecutors, who reacted quickly to the case, investigated it sufficiently and brought the case to court."*

*However, the fact is that this is one of the few cases of police violence that has reached the Slovak courts at all. And the courts have failed to investigate the case effectively, to identify the perpetrators responsible and to hold them accountable. This case illustrates the profound obstacles that victims face in accessing justice in cases of police violence in Slovakia. It is the responsibility of state institutions to remove them,"* adds Durbáková.

Commenting on the verdict, one of the aggrieved complainants said:

*"I am happy for all of us who were at the police station at the time and experienced it. And I am glad that the European Court has compensated us. I think it is important to defend ourselves against police violence, even if it took a lot of nerve and patience. I was very disappointed with the Slovak courts. I was around 15 when I experienced it. I am now an adult and I have a son. I hope that this verdict will contribute to ensuring that something like this does not happen to him or anyone else in Slovakia."*

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](http://www.poradna-prava.sk)

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