

AMNESTY INTERNATIONAL

Public Statement

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Amnesty International: Disturbances in Eastern Slovakia

Amnesty International expressed its concern to Prime Minister Mikuláš Dzurinda that recent disturbances in Eastern Slovakia involving members of the Romani community may have been provoked not only by the changes in social welfare policy but in the failure of the Slovak authorities to effectively combat anti-Roma discrimination. Over the years Amnesty International has particularly been concerned about allegations of torture and ill-treatment of Roma by law enforcement agents as well as about incidents of racist violence in which the Roma had not been adequately protected. "We have repeatedly expressed our concern to you that the apparent impunity for police officers who commit abuses during operations in Romani settlements leads to further human rights violations; and that the governments failure to publicly condemn such police conduct fosters an atmosphere which condones racist violence, a severe human rights problem which affects the Roma and some foreign nationals in Slovakia," stated Irene Khan in the letter sent to the Slovak government on 5 March 2004.

Amnesty International was also concerned that very few investigations into such reported incidents were carried out promptly, independently, thoroughly and impartially as required by Article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). The organization believes that police impunity contributes to the sentiment of many Roma in Slovakia that they are not provided equal protection under the law. Amnesty International is concerned that this impunity may have also contributed to the frustrations demonstrated in some recent Romani protests, which in several instances escalated into rioting and looting. Although Amnesty International does not condone such violent and illegal acts, the organization pointed out that there are no situations in which anyone, least of all public officials, should resort to ill-treatment, excessive use of force and verbal racist abuse. Equally, people who are detained on suspicion of having committed a criminal offence in the course of these disturbances should not be denied their basic rights, including the rights to inform a relative or a third person of their whereabouts, to contact a lawyer and to be examined by a doctor of their own choice.

According to information received from the European Roma Rights Center (ERRC), and the Center for Roma Rights in Slovakia (CRRS), around 250 police officers came to Trebišov in the early morning hours of 24 February 2004. Although their declared objective was to apprehend those who were suspected of theft, destruction of property and assaulting the police in disturbances which took place in the town the previous evening, it has been alleged that the police also intended to intimidate and harass members of the Romani community. In the course of the day, police officers reportedly indiscriminately entered Romani homes without presenting search warrants or having other appropriate legal grounds for such actions. They reportedly beat with truncheons, prodded with electric batons, kicked and otherwise physically assaulted men, women and children, irrespective of their age or physical and/or mental condition. Some of the officers reportedly addressed racist insults to the victims. The victims were reportedly so intimidated by the police action and the security arrangements in the community following these events, that

they did not seek to be medically examined in order to document injuries suffered as a result of the ill-treatment, or to file official complaints. Photographs of a number of injured Roma appeared in the Slovak press on 25 February 2004.

At least 26 people were detained and taken into custody where they were reportedly subjected to beatings and degrading treatment. According to two men who were released two hours following their arrest, all detained men were stripped to the waist, ordered to face the wall and repeatedly struck on the back with truncheons. They were allegedly also kicked on the back of their legs. They were reportedly not allowed to contact a member of their family or a third person about their whereabouts, to contact a lawyer or to be examined by a doctor of their choice.

Another alleged police ill-treatment incident took place in Caklov, on 25 February 2004, after the police came to arrest a number of women who were suspected of having stolen food from the state-owned store in the town. The police officers allegedly chased after the alleged suspects wielding their truncheons in a threatening manner. An officer reportedly hit three-year-old G.G. on the head. The boy later received medical treatment and the police officer involved returned to the settlement to apologize to the family for his conduct. Twenty-three women and two men were arrested on 25 February, and a further 14 women were arrested the following day. During the arrests some of the officers reportedly called the suspects "whore", "dirty gypsy" and other racist insults. Relatives were reportedly refused information about the place where the detained women and men had been taken. On 26 February an ERRC representative accompanied a man whose wife had been detained when the Director of the Judicial Police in Vranov nad Topľou refused to give him any information regarding her whereabouts. Following a court hearing on 27 February, detainees who were being driven away from the court house in a bus were able to indicate in messages written on paper pressed against the bus window to their relatives waiting outside that they were being held in Levoca.

Amnesty International is concerned that the reported ill-treatment of Roma in Trebišov and Caklov would amount to violations of Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to inhuman or degrading treatment or punishment.

As a state party to the Convention against Torture, the Slovak Republic is bound to initiate a prompt and impartial investigation whenever an individual has alleged that torture or other ill-treatment has occurred or, even if no complaint has been made, there are reasonable grounds to believe that such ill-treatment has occurred. Amnesty International urged the Slovak government to promptly initiate a thorough, independent and impartial inquiry into the allegations of ill-treatment of the members of the Romani communities in Trebišov and Caklov, to make public the findings and to bring to justice anyone found responsible for human rights violations.

With regard to the respect of the rights of people who are detained, Amnesty International reminded the Slovak government of the recommendations made by the European Committee for the Prevention of Torture or Cruel, Inhuman and Degrading Treatment or Punishment (CPT) which apparently have as yet not been fully implemented. In its report of the visit to Slovakia made in October 2000 the CPT noted shortcomings with regard to implementation of safeguards against torture and ill-treatment, particularly with regard to notification of custody and access to a lawyer and a doctor. The CPT *inter alia* reiterated to the Slovak Government its recommendations that the rights of notification of custody and of access to a lawyer should become operative as from the very outset of police custody and not only when detainees are formally interrogated by an investigator. Further, detainees should not be confronted with the choice of notifying either a relative or a lawyer of their situation; in many cases, a notification to both will be necessary to ensure adequate protection against ill-treatment. The CPT also recommended that the right of detained persons to have a lawyer present during interrogation by an investigator be expressly extended to all questioning/interviews by police officers.

