

Supreme Public Prosecutor's Office/
Nejvyšší státní zastupitelství
JUDr. Pavel Zeman, Supreme Public Prosecutor,
Jezuitská 4, Brno 660 55

General Inspectorate of Security Forces/
Generální inspekce bezpečnostních sborů
Skokanská 2311/3
169 00 Praha 6, Břevnov

Czech Ombudsperson Office
Anna Šabatová,
veřejná ochránkyně práv,
Údolní 39 Brno, 602 00

Regional Police Department
Krajské ředitelství policie Ústeckého kraje
Územní odbor Děčín
Kaštanová 301/2, 405 58 Děčín

Budapest, 31 August 2016

Re: Racial attack on Romani children in Děčín area

Dear Sir/ Madam,

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation which monitors the human rights of Roma in Europe and tackles cases of human rights violations through strategic litigation.

The ERRC is gravely concerned at reports from the Czech Republic of alleged police inaction in the face of a hate crime incident where a man discharged a firearm and racially abused Romani children at a summer camp at Jiřetín pod Jedlovou, in the Děčín region of the Czech Republic on 28 August 2016.

The children who were members of the "Čhavorengé" children's choir were terrified by the assailant who according to information compiled from various sources, including media articles and NGOs press releases on 28 August, verbally abused and threatened Romani children who were participating in a summer camp¹, as well as discharging a gun three times in their vicinity.

¹<http://blisty.cz/art/83487.html>

What is particularly disturbing is that according to some sources participants at the camp repeatedly contacted the Czech police, who chose not to respond and react, contrary to § 7 of the Act no. 283/1991 Coll. on Police in the Czech Republic. The camp organisers stated that the police told them "it had its own procedures", that they were "not to exaggerate matters". No police turned up at the camp in response to repeated calls for assistance.² The police opened a formal investigation only after the case had been brought to the attention of media.

Děčín city police spokesperson Pavla Kofrová responded to a request for an explanation from Romea.cz denying that the police had shown disinterest in this case; claiming that the police had acted in accordance with the law; and were investigating the incident as a minor offence.

It is utterly inconceivable that an incident involving racial abuse, threatening behaviour and discharging a firearm at a children's summer camp could be written off as a minor offence.

Furthermore, police refusals to respond to repeated calls for assistance, amounts to reckless neglect, endangerment of children's lives, and an egregious example of institutional racism.

As the victims of the incident were members of the Romani community, and given the circumstances of the incident and the nature of the crime, as well as the findings of international bodies regarding the existence of longstanding anti-Gypsyism in the Czech Republic³ - there is a distinct likelihood that a racially motivated crime has been committed. Thus, the ERRC publicly calls for a full investigation into the incident as a matter of protecting the rights of both the individuals affected and the entire Roma community. Such action must be properly undertaken to comply with Act no. 141/1961 Coll. Code of Criminal Procedure, and Article 3 and Article 14 of the European Convention of Human Rights to which the Czech Republic is a party.

Given the gravity of the incident outlined above, the ERRC, in accordance with the applicable domestic and international safeguards regarding disclosure of personal data, requests, in accordance with Act no. 106/1999 Coll. on Freedom of Information⁴, your office to provide us with the following information in writing. The ERRC would like to highlight that the information requested concerns the institutional response to alleged hate motivated incident rather than any data of a personal nature.

²<http://www.romea.cz/en/news/czech/czech-police-investigating-shots-fired-at-romani-summer-camp-and-local-police-procedure>

³Letter of CoE Commissioner on Human Rights to M. Bernard Cazeneuve, Minister of Interior, 26th of January 2016:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2890537&SecMode=1&DocId=2359340&Usage=2>

⁴ Zákon č. 106/1999 Sb. o svobodném přístupu k informacím

- Have any suspects been identified?
- Has anyone been accused of being responsible for this incident and what charges were brought against this person(s)?
- Has the potential racial motivation of the incident been investigated and / or taken into consideration at the sentencing stage? With what result?
- What practical guidance (e.g. in the form of operational directives), if any, is available to police, prosecutors and judicial officials in order to assist them in addressing the potential racist motivation of a crime? Can you provide us with a copy?
- Are victims of racially motivated crimes in principle entitled to free legal assistance (in the form of exemption from legal fees and appointment of legal counsel) under Czech law? In the affirmative, have the authorities informed the victim of the aforementioned incident of his right to solicit such assistance?
- Subject to what conditions and at which stage of the proceedings can victims of racially motivated offences be granted victim status and have full and unhindered access to the case-file?

We look forward to your prompt response and would like to avail ourselves of the opportunity to thank you in advance for your efforts towards conducting a fair and prompt investigation of this case.

Sincerely,

Đorđe Jovanović
President