

22 June 2012

Judr. Róbert Kaliňák, Minister of Interior,
Judr. Margita Zemková, Mayor of Hurbanovo
Mgr. Dionýz Holocsy, County Police Directorate, Komarno
Judr. Ladislav Tichý, First Deputy of General Prosecutor
Judr. Milan Lučanský, Office for Combating Organised Crime of the Presidium of the Police Force

CC

Ambassador Janez Lenarčič, Director, OSCE Office for Democratic Institutions and Human Rights

RE: Shooting of Roma by Off-Duty Policeman

The European Roma Rights Centre¹ is writing to express concern about the recent attack in which three Romani people were killed and two were injured in the Slovak town of Hurbanovo.

According to media reports, a 51-year-old municipal police officer shot dead three Romani people and wounded another two. The officer shot dead a 44-year-old man, his son (19) and son-in-law (24) on 16 June 2012. He also wounded another of the man's sons (26) and his wife (26). The woman was shot in the thigh and her husband was shot in the chest. The patrol officer was off-duty when the attack was committed.² The officer involved has since been arrested on three counts of premeditated murder, attempted murder, and illegal weapons possession.³

The ERRC is concerned that the reaction to date of high ranking Slovak authorities could impair a full, unbiased and transparent investigation. On 16 June, Slovak Interior Minister Róbert Kaliňák convened an extraordinary briefing to report on the incident and the police response to it. During the briefing, Minister Kaliňák said the victims of the assault are known to police and that four of the five reportedly have criminal pasts.⁴ The Mayor and Chief of Police have publicly stated support for the officer, with the latter calling him a "great policeman."⁵ These comments, particularly those about the victims of this incident, are not relevant to the incident at hand and may negatively influence the outcomes of the official investigation into the case. Based on media reports to date, it is not clear whether or not racial motivation is being investigated in this case.

¹ The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma.

² The Slovak Spectator, *Three dead and two wounded after police shooting in Hurbanovo*, 17 June 2012, available at: http://spectator.sme.sk/articles/view/46696/2/three_dead_and_two_wounded_after_police_shooting_in_hurbanovo.html.

³ Romea, Slovakia: Off-duty cop charged with three counts of premeditated murder. 18 June 2012, available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_3421.

⁴ Ibid.

⁵ Topky, *Deň pred masakrom v Hurbanove: Policajt sa zabával s primátorkou*, 18 June 2012, available at: <http://www.topky.sk/cl/100370/1314240/Den-pred-masakrom-v-Hurbanove--Policajt-sa-zabaval-s-primatorkou->.

Under international law to which Slovakia is a party,⁶ and which according to the Slovak Constitution take precedence over national law,⁷ Slovakia is obliged to protect the life and personal integrity, and provide safety and security, to all of its citizens.

Article 2, guaranteeing the right to life, ranks as one of the most fundamental provisions in the European Convention of Human Rights. The general obligation under Article 2 of the Convention to conduct an effective investigation in cases of deprivation of life must be discharged without discrimination, as required by Article 14 of the Convention. When investigating violent incidents and, in particular, deaths at the hands of State agents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. According to Article 140(d) of the Slovak Criminal Code, racial motivation can be considered an aggravating factor for all crimes contained in the Criminal Code.⁸

The ERRC therefore calls upon you, within the capacities of your respective offices, to:

- Ensure that the investigation in this case is thorough, unbiased, effective and transparent;
- Ensure full prosecution of the perpetrator;
- Provide full support and assistance to the affected Romani individuals;
- Refrain from making public statements which may negatively influence the outcomes of the investigation in this case; and
- Publicly denounce every instance of anti-Roma violence, and provide law-enforcement with the relevant trainings on how to deal with the instances involving attacks on national minorities.

We respectfully ask to be informed about the status and results of the investigation in this case as it proceeds.

Sincerely,

Dezideriu Gergely,
Executive Director

⁶ European Convention on Human Rights, Article 8, International Convention on Civil and Political Rights, Article 17.

⁷ Slovak Constitution, Article 11.

⁸ Slovakia, Act 300/2005 Coll. (Criminal Code), Article 140.