

# AMNESTY INTERNATIONAL

## Public Statement

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### **Slovenia: More needs to be done to ensure police accountability**

Today a new regulation on the investigation of complaints against the police entered into force in Slovenia, under Article 28 of the amended Police Act. Amnesty International notes the inclusion of some of the organization's recommendations in the new Regulation on the Resolution of Complaints, which provide for more transparent procedures of investigation of complaints about police conduct. While Amnesty International considers the new procedure a first step towards greater accountability of the Slovenian police forces, the organization is concerned that the new regulation does not adequately ensure that complaints against the police will be thoroughly and effectively investigated in a manner which is truly independent and seen to be independent.

Under the previous system the investigation of complaints against the police was in all cases conducted by the police and, at the end of the investigation, complaints were considered by a three-member committee chaired by a serving police officer, who had the power to take the final decision on whether the complaint was founded. The decision on the prosecution of police officers suspected of criminal conduct was taken by the prosecution authorities, often on the basis of the findings of the internal investigation.

Under the new rules complaints which allege criminal behaviour of members of the police force are immediately forwarded to the Ministry of the Interior. The Ministry appoints a rapporteur (poročevalec), who can be a Ministry of the Interior officer or a police investigator, who is tasked with conducting an investigation. During the investigation the complainant has the right to have access to the relevant evidence, including documentation in the possession of the police, and can present further evidence to the rapporteur. After having conducted the investigation the rapporteur presents its results to a committee, which is constituted ad hoc, and is composed of a Ministry of the Interior representative and two members of the Slovenian public who serve in the committee in a voluntary capacity. The complainant has the right to attend the hearing of the committee and to present a statement, and may be questioned by the committee members. The committee then decides whether the complaint is founded and informs the complainant and the General Police Directorate of its decision, as well as of its reasons.

Complaints against the police for conduct which is not criminalized under Slovenian law are, in the first instance, investigated by the police. After the initial investigation, if no agreement of informal resolution is reached between the police and the complainant, the complaint is passed to the Ministry of the Interior. On receipt of the complaint the Ministry decides whether a further investigation is needed and, if necessary, appoints a rapporteur who conducts an investigation and reports to the three-member committee, following the same procedure as for complaints of alleged criminal conduct of members of the police.

Amnesty International is concerned that the new regulation still allows for the police to continue to play a major role in investigating complaints of police misconduct amounting to human rights violations, as it

authorizes the Ministry of the Interior to choose a police officer as rapporteur. The organization is also concerned about the limited powers of the three-member committee which only decides whether the complaint is founded and has no authority to issue recommendations on disciplinary sanctions against police personnel or on compensation to victims of police misconduct. Any decision on disciplinary measures against Slovenian police officers is left to the relevant regional police directorate. To receive compensation, victims have to file a claim seeking compensation in court.

Moreover, Amnesty International is concerned that the Regulation on the Resolution of Complaints does not state at which stage of the complaint procedure the competent prosecutor should be informed of complaints which allege criminal behaviour of members of the Slovenian police and does not explicitly require that the committee forward the findings of the investigation on possible criminal conduct of members of the police to the prosecution authorities.

Amnesty International calls on the Slovenian authorities to set up a truly independent body equipped and authorized to investigate allegations of human rights violations by members of the police force. The body should be composed of experts acting independently of the police force and should be explicitly empowered to launch investigations into allegations of serious police misconduct, whether or not complaints have been lodged. It should forward a copy of any complaint which alleges conduct that might amount to a criminal offence to the prosecution authorities and, in those cases where it opens an investigation, should inform the competent prosecutor of its findings. Moreover, Amnesty International believes that the body should have the authority to issue recommendations on disciplinary measures against members of the police as well as on compensation to the victims. Finally, the body should have the expertise and the mandate to identify the patterns and underlying causes of police misconduct and should be tasked with issuing recommendations on police practices.