

"Official Statement of the Special Prosecution Office

The law enforcement authorities have proceeded in compliance with the Slovak Criminal Procedure Code. According to the Code a person, having on him or her a thing or data relevant to the criminal proceedings, is obliged, upon request, to present it to a police officer or a prosecutor. If the person does not relinquish the thing or data upon request, the thing or data can be, pursuant to the Code, seized by an order of a police officer or a prosecutor. The Code also imposes an obligation to caution the witness that should he or she fail to comply with the request, the thing or data can be seized. The witness must also be cautioned about the consequence of the failure to comply – an imposition of a fine.

For the purpose of the criminal proceedings for premeditated (first degree) murder (a felony) of the journalist Ján Kuciak and his partner Martina Kušnír, it was necessary to secure the information concerning the communication between the witness and the murdered journalist pertaining to the upcoming article about Italian mafia in Slovakia, which could have constituted the perpetrator's motive for the crime.

We emphasise that the witness voluntarily relinquished her mobile phone and it was not seized by the police, as it was incorrectly publicised.

The witness provided a copy of the communication for the purpose of the criminal proceedings in electronic form, therefore two days ago, on 4 June 2018, the investigator of the National Criminal Agency returned her mobile phone secured in the criminal proceedings. We particularly underline, that the mobile phone or its contents had not been manipulated with in any way. The law enforcement authorities had not manipulated with it in any way and thus its protection had not been broken and the data, stored in it, copied.

We emphasise that the sole purpose of obtaining this communication has been to retrieve objective evidence, which can help in the criminal investigation and not to infringe upon the rights of the journalist. Information, stored in the witness' mobile phone, unrelated to the murder and concerning other things has never been a subject of scrutiny."
