

Statement of the Permanent Representative of the Slovak Republic to the Council of Europe to the alert submitted to the Platform to promote the protection of journalism and safety of journalists on 11 February 2020 entitled „Slovak Columnist Charged with Criminal Defamation for Criticism of Priest“

According to the national law of the Slovak Republic confirmation or refutation of whether a conduct showing signs of a criminal offence in the field of extremism fulfills all the constituent elements of some of the criminal offences of extremism only belongs to a law enforcement authority or a court of the Slovak Republic. Law enforcement authorities of the Slovak Republic in the proceedings proceed in such a way in order to establish the facts of the case of which there are no reasonable doubts and to the extent necessary for the decision.

The law enforcement authorities of the Slovak Republic act on the basis of § 199 of the Criminal Procedure Code of the Slovak Republic and evaluate the evidence obtained in a lawful way according to inner conviction, established on the basis of careful consideration of all circumstances of the case, individually and in aggregate, irrespective of whether they have been procured by a court, law enforcement authority or either party.

Law enforcement authorities of the Slovak Republic investigate unlawful conduct of each suspect in a complex way taking into consideration personality and previous action of the suspect on the extremist scene, the circumstances in which the offence was committed, as well as the manner in which the offence was committed and its consequences.

28.1.2020, the investigator of the Police Force of the Slovak Republic came to a sufficiently justified conclusion that a criminal offence was committed by a specific person, and there is a reasonable suspicion that the criminal offence was committed by a specific person, and brought charges under § 206 para. 1 of the Criminal Procedure Code against M. H., who was charged of committing a criminal offence of defamation of a nation, race and belief according to § 423 para. 1, letter b) of the Criminal Code and libel according to § 373 par. 1, para. 2, letter b), letter c) of the Criminal Code with reference to § 140 letter e) of the Criminal Code of the Slovak Republic. Criminal proceedings against the accused M. H. is not lawfully completed and the authorities of the Slovak Republic shall proceed consistently in accordance with the principle of the presumption of innocence.