

8th IAP European Regional Conference
Hate Crime
The Hague, 12 – 14 March 2008

Hate crime in Slovenia

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In Slovenia, anti-Roma bias has been the most frequently reported hate crime motivation in recent years. Of course, we are not immune from bias motivated crimes also against members of other social groups, usually defined by nationality, race, sexual orientation, even age, gender or political affiliation.

It can be said that it is almost a regular practice that hate groups like the skinheads attack members of marginal groups such as gay, lesbian or transgender people whenever there is an opportunity to do so. Such incidents can involve physical assault, damage to property or "only" bullying, verbal abuse, insults and harassment.

There is a lot of work for state and local authorities and, of course for the state prosecutors in Slovenia, to prevent crimes of hatred and prejudice and to offer adequate protection to victims of hate crime and to prosecute and bring to justice the offenders.

There are almost 10.000 members of Roma community in Slovenia. Some of them are well assimilated but in the Dolenjska region, south of Ljubljana there are some areas populated with often uneducated, unemployed Roma people who are not assimilated into the local culture and are seen by their Slovenian neighbours in the light of traditional, deeply rooted stereotypes. There, ethnical tensions are still present and are too often and with no sound reason resurfacing in acute form.

My presentation describes an escalation of an inter-personal conflict to an ethnical confrontation where members of a Roma family had permanently to leave their place of residence, exchange their piece of land for another one on a different location and moved there.

It all started when a villager from Ambrus was attacked and seriously injured by a resident (of a non Roma descent) from the near by Roma settlement on October 2006. The local population saw this attack as an incident over the top, put the blame on the Roma family and started organising themselves to take the "law into their own hands".

Residents of the Roma settlement (the Strojjan family) escaped in fear from their home into the forest due to the increased pressure from local population. The local citizens' assembly adopted a formal decision that the Roma family could never return home.

Needless to say that the complication which arose quickly became a resounding media event.

When the Roma family returned to their home after a few days more than 500 people gathered in a spontaneous threatening protest to express their satisfaction in the very vicinity of the Roma settlement. Their only demand was that the Roma family had to leave the settlement immediately.

Under such circumstances an agreement was reached in the presence of 200 policemen from the special police unit, that the Roma family would be moved the following day to an abandoned military barracks 60 km away in Postojna and would never return to its home.

Thus the Roma family was temporarily displaced and moved to the former military barracks at the outskirts of Postojna. Upon the displacement a search to find a new permanent residence started.

The state's intention to help the Roma family to find a new home was met at the local level by concrete acts in attempts to prevent the settlement of this family into their surroundings or to prevent the family from returning to its former home. As soon as there were rumours that members of the Roma family or state officials would come to visit a possible location for the new home, the residents of that area barricaded roads and organised a day and night watch to prevent any such visit, or the return of the Roma family to its former home. Roads were blocked with vehicles, large pieces of wood, bonfires and crowds of angry local population. Any police intervention was met by active resistance.

After almost a year following the displacement a location close to Ljubljana was found. Soon afterwards an agreement was reached and a contract signed by which the State and the Roma family exchanged the piece of land owned by the Roma family in the vicinity of Ambrus for a piece of land with a house on this new location. By that time the family has already moved from Postojna to their new dwelling place.

So, at last, the agony was over at the end of 2007 and the whole story with all its incidents has slowly disappeared from the media attention.

Let me also say that the whole event with its ups and downs was highly politicized from the very beginning. Such an atmosphere rendered the work of state prosecutors even more challenging if not difficult. There were unacceptable attempts from all sides, including from the politicians on national and local level, to influence the work and decisions of the state prosecutors dealing with the case. It is not an easy task to stay strictly within the legal framework and neutral when prosecutors under pressure what to do and faced with allegations that their decisions are politically motivated or biased.

In my presentation the work of the state prosecutors and their results will be described.

Perhaps the most interesting from the view of hate crimes are the court proceedings dealing with the prosecutors' bills of indictment lodged against two citizens from Ambrus for "inciting hatred, strife and intolerance based on violation of principle of equality" (what is a criminal offence under Section 300 of the Criminal Code). The indictment against them was based on their threats expressed at a gathering of local population on 22 October 2006 and shown on the national TV that they would physically attack members of the Roma community and the Strojjan family, that it would be a massacre, everyone would be burned and slaughtered and that it would be done "one hundred percent".

The first instance court issued a judgement of acquittal for both the offenders on the grounds that under Section 300 of the Criminal Code only national minorities are protected against the incitement of hatred, strife or intolerance and not also ethnic groups. Since members of the Roma community belong to an ethnic group and are not a national minority, a criminal offence under Section 300 of the Criminal Code cannot be committed against them.

An appeal was lodged against the two judgements and we are now waiting for the outcome of the appellate procedure. I share the opinion of my colleagues district prosecutors that the literal interpretation of Section 300 of the Criminal Code as applied by the court, is too narrow and that it can only be used together with logical interpretation. But if the appeal will be turned down and the first court decision upheld then the State Prosecutor General will propose that Section 300 of the Criminal Code is amended accordingly.

Ljubljana, 27 February 2008