

The introduction of a prosecutorial police as a guarantee of more efficient investigation of cases of alleged state violence

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Human life, its physical and mental integrity and dignity are values which occupy the highest place in the hierarchy of human rights and are therefore protected by state constitutions as well as by a number of international instruments. However, precisely these rights tend to be violated by police officers and other officials in the exercise of their powers. International instruments thus impose on states the duty to abstain from intrusion into these rights. An important duty of every state is therefore to protect as efficiently as possible the aforementioned fundamental rights and to investigate in an impartial way all possible groundless infringements of these rights by repressive state agencies.

The Republic of Slovenia has been twice condemned by the European Court of Human Rights for inhuman police conduct in the last six years and in both cases it was reproached for not having taken enough care for the efficient investigation of the alleged police violence. The Slovene Constitutional Court has come to the same conclusion when deliberating on police measures taken in the case of the death of a suspect during his arrest by police. The principal topics addressed in this contribution are: what is supposed to be an independent investigation in Slovenia, has Slovenia gained an appropriate agency by the introduction of a special prosecution department with prosecution police and what other solutions to the problems considered in this paper are possible.

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