

The Public Committee

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THE INTERNATIONAL CRIMINAL COURT

Office of the Prosecutor Communications

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The Hague

The Netherlands

Email: otp.informationdesk@icc-cpi.int

In Bratislava, Slovak republic on 26th April 2021

**IN THE MATTER OF COMMITTED CRIMES AGAINST HUMANITY and
WAR CRIMES**

**(The Rome Statute of the International Criminal Court, art. 15.1 and
art.53)**

(The Slovak Republic as ratification Party of the Rome Statute of ICC in the
New York, as of 11th April 2002)

SUBJECT OF COMPLAINT:

**Violation of the Rome statute – mass testing as army operation to
support segregation of the untested**

We, the “**The Public Committee**”, a fellowship composing of physical persons including attorneys-at-law, MDs, physicians, public and general activists etc. (partial list of members of this fellowship is attached as Annex 1 to this Complaint) who freely and wilfully made a decision to exercise their democratic right not to participate in the experimental nation-wide mass medical testing (performed by Sars-COV-2 antigen tests), who know and feel that great pressures and illegal actions had been exercised on the population of the Slovak Republic on behalf of the Government of the Slovak Republic (hereinafter referred as to „**Government**”), members of the Parliament, the President of the Slovak Republic, ministers, Army and Police officials, senior officials, heads of municipalities and many individuals appointed to decisive positions by the Government temporarily for the period of lasting of the pandemic of Sars-COV-2 . It is necessary to state that our country is in the international community being officially recognised as a democratic state based on rule of law principle. We do not live in a dictatorship country.

This is our 2nd complaint aiming only for specific area of mass testing that was not covered by first complaint filed on 12th of April 2021.

1. Brief summary of the facts and basic legal facts according to domestic laws

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- 1.1 First round of **mandatory mass testing** of the population of the Slovak Republic called officially and ironically by the Government operation “Mutual Responsibility” was performed on 31st October 2020 and 1st November 2020 on the legal basis of Government resolution no. 693 from 28th October 2020 (published in under no. 298/2020 Coll.). It is important to mention that the testing was called only formally as voluntary but legally it must be considered as a pure obligation as not attending the mass testing was sanctioned in different ways as mentioned in our complaint from 12th April 2021.
- 1.2 The Government has adopted a Resolution no. 665/2020 Coll. on use of armed forces of Slovak Republic to secure and perform the operation (hereinafter referred as to the Resolution 665) that made the operation “Mutual Responsibility” **an operation of armed forces**.
- 1.3 Resolution 665 in its par. A.2 states as follows: Use of armed forces of Slovak Republic to secure and perform the mass testing of the people of Slovak Republic on Covid-19 disease prevalence in time and in scope of elimination of the consequences of a state of emergency.
- 1.4 According to Slovak laws during the state of emergency, only the President may, at the proposal of the Government, order the performance of emergency service to professional soldiers (as stated in par. 5 sec. 4 a) of constitutional law no. 227/2002 Coll.).
- 1.5 Emergency service of professional soldiers is incorporated in Slovak legal order in par. 1 sec. 2 c) and e) of law no. 570/2005 Coll. and **it must be ordered to professional soldier**.
- 1.6 To sum up, as stated above, it is clear that the Government had the competence to appoint the Resolution 665 on use of armed forces **only as a proposal**. But **it did not ask the President** of Slovak republic for formal approval decision and directly decided to use the Army **which made the use of armed forces illegal**.
- 1.7 Illegal use of Armed forces of Slovak republic to secure the mass testing took place on 23rd October 2020 – 25th October 2020, 31st October 2020 – 1st November 2020, 7th November 2020 – 8th November 2020 and 21st November 2020 – 22nd November 2020.
- 1.8 This illegal use of Armed forces **created a precedent** for similar use of Army ordered by the Government only in time of emergency (but in time of peace) against its own population to enforce the unlawful fundamental rights limitations as stated in par. 2 of this Complaint and led to breaches of Rome Statute.
- 1.9 **The President** of Slovak republic **remained** legally and also publicly **silent** (did not take any action to prevent such illegal activities which we find as perpetration caused by omission).
- 1.10 The operation order line of illegal operation Mutual Responsibility looked roughly like this:
 - a) Government (as per Resolution 665)
 - b) Minister of defence (task from Minister to Chief of staff)
 - c) Chief of Staff of Slovak Armed forces (e.g. directives)
 - d) Mutual operations headquarters (e.g. operating plans)
 - e) Regional operations headquarters (e.g. operation orders)
 - f) Common structures of Armed forces (written military orders to clarify the performance of military service).

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- 1.11 The operation took place despite the fact that according to par. 132 sec. 2 of Act no. 281/2015 Coll. "A military order, regulation, order and instruction **may not be issued in violation of** the Constitution of the Slovak Republic, **constitutional laws**, legally binding acts of the European Union, laws, other generally binding legal regulations, military oath ...", and despite the fact that in pursuant to par. 132 sec. 5 of Act no. 281/2015 Coll. "**A professional soldier is obliged to refuse to comply with a military order**, regulation, order or instruction of the commander **if his compliance would commit a crime or misdemeanor ...**".
- 1.12 Military police of Slovak republic were also involved (see Annex no.3, posted on 18th November 2020). As stated on their official website, 48 military **policemen were in charge of places of biological material collection** (test places) in Slovak cities and villages. The operation was officially reported as successful.
- 1.13 Partial operation of Military police was called "**Courier**" (see Annex no. 4). Military policemen were ordered to secure the distribution of the tests and other material by the Army and to serve as mobile patrol.
- 1.14 As per information published on website of 2nd mechanized brigade (see Annex no.5), 720 soldiers were allocated to secure the mass testing **under the command** of general Vladimír Kubáň (at detached command centre in Presov).
- 1.15 Auxiliary military operation also took place called **Mutual wall** (Spoločná hradba). Professional soldiers were ordered to regulate and inform people at the entrances of hospitals, selecting the patients, trace contacts of positive tested (task performed for regional offices of Health office) etc.
- 1.16 The **military operation** Common Responsibility was **actively supported by Roman catholic church**. 18 military priests and 2 substitutes of Vicary of Army were selected and at least 7 of them **directly in charge of places of biological material collection** (see Annex no. 6). It is worth to mention that even those priests called it directly a military operation without any doubts (e.g. kpt. Mgr. Jan Cupalka). It is worth to mention that some of the priests in charge used the military operation opportunity to administer sacraments (see Annex no.7).
- 1.17 General Daniel Zmeko, Chief of General Staff, **directly called the Mutual Responsibility a military operation** with identifying **tasks to plan it, perform, being in charge of it and its coordination** (Annex no.8).
- 1.18 Names of potential 1009 witnesses of military operation is attached (Annex no. 9) as sent to municipalities in Snina region by the District Office (under Ministry of Interior) and provided to us under the Freedom of information Act. **Annex no. 9 lists the soldiers who were in charge of places of collection of biological material.**

2. Legal breaches

2.1 There are 2 main legal lines of breaches as we see them:

- a) Persecution, discrimination and sanctions imposed on soldiers who legally refused the orders as mentioned in par. 1.11 and

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- b) Persecution, discrimination and sanction imposed on common people of Slovak republic by Armed forces assisting Police of Slovak republic (also acting without legal competence) everywhere in the Slovak republic. This was aimed on the common population to enforce illegal bans e.g. curfew, checking of covid-19 negativity health certificates without given competence. It is good to mention that the antigen test had the validity of 7-14 days even if we assume that scientifically they are of no use just after the testing was done (no symptomatic clinical testing was performed, healthy individuals were sanctioned as well. The “blue paper certificate” has been considered since as a ticket to freedom, shopping opportunities, exercising the right to work, right for education and many more).

3. Rome statute breaches

- 3.1. The aforementioned breaches of the domestic laws shall be considered as crimes against humanity at least but not limited to Art. 7 par. 1 sec. e), h) and k).
- 3.2. The condition of an attack directed against any civilian population was definitely fulfilled by wilful commission of multiple forced mass testings of entire population by Government targeted on its own civil population causing multiple physical, psychical and social harms.
- 3.3. Peoples’ movement liberty was severely deprived and actively controlled by Armed forces and the Police. This was done at road checkpoints (1 soldier and 1 policeman at least), anywhere in the streets (even by ununiformed policemen), at the outskirts of the districts and border crossings.
- 3.4. Persecution means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.
- 3.5. The aforementioned forced mass testings in connection with illegal enforcement by Army and Police of the Slovak Republic shall be considered as persecution of untested ones against tested ones causing a “health certificate apartheid” in fact.
- 3.6. Mental health of the people was affected to a great degree as this physical enforcement was supported by the continuous mass media propaganda fearing people by misinterpretation of the data on illness of covid-19, defending the measures taken by the Government and by misinterpretation of statistic data on sanctions imposed to spread the fear further and make the people obey.
- 3.7. The aforementioned breaches of the Code shall be also considered as war crimes at least but not limited to Art. 8 par. 2 sec. b (xxi).
- 3.8. Art. 8 par. 1 condition of severity is also fulfilled as the mass testings were planned as Armed forces operation in advance, financed from abroad and effectively forced by the Government.
- 3.9. Forced mass testing shall be beyond any doubts considered as biological experiment as per Art. 8 par. 2 sec. a(II) as mentioned in our complaint from 12th April 2021.
- 3.10. Performance of forced mass testings caused great and continuous suffering of population, including many documented serious injuries to body and health (ready to be filed and witnessed upon opening of an investigation).

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- 3.11. Untested ones are experiencing outrages upon personal dignity, in particular well documented humiliating and degrading treatment; all supported by the Police, Armed Forces and the Government.
- 3.12. The Fellowship is of the opinion that there is a reasonable basis to believe that a broad range of wilful conduct constituting war crimes and crimes against humanity were committed and that there is definitely a reasonable basis for further investigation.

4. Examples of dealing with soldiers that refused the orders

- 4.1 On 20th November 2020 the commander of the ammunition depot Nováky mjr. Ing. Jozef Blaho filed to a sergeant Juraj Dobrotka a written order to clarify the performance of state service no. 224 from 20th November 2020, where in Art. 1, on the basis of partial order (FRAGO) No. 001 of the Commander of the Topoľčany Regional Command (RHQ-TO) for the operation "Mutual Responsibility" rev.2-no.: 1.mb-345-83/2020 of the Regulation of the Commander of the Operational Headquarters Topoľčany (Annex no. 10) and ordered as follows: *"Participate in the Mutual Responsibility operation where you will be assigned for the needs of RHQ Topoľčany as an administrative worker of the designated collection point in the period from 20.11.2020 to 22.11.2020"*.
- 4.2 This order was considered as illegal by sergeant Juraj Dobrotka for the abovementioned reasons and he refused to comply with it. Therefore he was directly sanctioned and on 28th December 2020, an investigator from the District Directorate of the Police in Prievidza, dept. of criminal police by resolution (ČVS: ORP-741/1-VYS-PD-2020) was charged of the crime of disobeying an order under par. 393 sec. 1, sec. 4 of the Criminal Code in reference to par. 134 sec. 2 letter a) of the Criminal Code (the accusation was connected with a temporary suspension of the military service and a reduction of salary). Since then he is continuously being charged of various misdemeanors in direct connection to the aforementioned refusal of order (Annex no. 2).
- 4.3 Another case of soldier named Richard Šranko. He was on the foreign mission in Latvia when ordered to undergo testing. He legally refused, was disciplinary charged and the Army started the proceeding of dismissal from military service (Annex no. 11). Only for not being tested. This is what is the real meaning and application of the word "voluntary" these days in Slovakia.
- 4.4 This applies similarly also to the Police of the Slovak Republic. There is also publicly known case of judge Mr. Dalibor Miľan from District Court Zvolen tried in disciplinary proceeding only for not obeying illegal health regulations that are illegally limiting his fundamental rights (see e.g. <https://dennikn.sk/2356960/nechce-nosit-respirator-ani-rusko-testovanie-odmieta-sudcovi-zo-zvolena-hrozi-strata-funkcie/?ref=tit>). There are many more. The problem is that continuous use of Army and Police against population of Slovak republic gives false legitimacy and factual power to other non-military people to openly discriminate the non-tested (e.g. security service at store, cashiers, common administrative workers at state facilities etc.). It seems to be only a matter of time when tested people would physically approach the non-tested and attack.
- 4.5 These days remind many of period of normalization after occupation of Czechoslovakia by Warsaw Pact Army. At that time, the UN was officially approached but did not do anything to help the people of Czechs and Slovaks. How many tries do we need to reach the justice at international soil?

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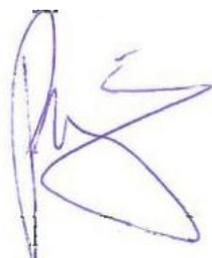
Therefore, and considering the stated above, but not limited to, we address your honour with these main demands:

- 1. To instruct the Government to step all the legislative proceedings of use of Armed Forces and Police against its own population without any legal basis and**
- 2. to instruct the Government to stop discriminating and sanctioning the soldiers and police officers who deny the fulfilment of illegal orders.**

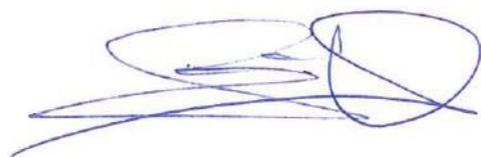
Legal representation and election of domicile

The applicants will be represented for the purposes of this procedure by

Respectfully



JUDr. Peter Weis
Attorney



JUDr. Pavol Gráčik
Attorney

Consequently, all subsequent correspondence should be sent only to the mailing and/or e-mail addresses given above. Any notification within the meaning of the Statute of the Court addressed in this way will be considered valid.

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ANNEXES:

Annex No.1 List of the fellowship members

Annex No.2 Documents on sergeant Dobrotka's case

Annex No. 3 Web article: Operation Mutual Responsibility – Military Police in first line

Annex No. 4 Web article: Military Police in operation “Mutual Responsibility”

Annex No. 5 Web article: Mass testing in scope of operation “Mutual Responsibility”

Annex No. 6 Web article of Ordinariate of Army: Operation Mutual Responsibility I.

Annex No. 7 Web article of Ordinariate of Army: Operation Mutual Responsibility II.

Annex No. 8 General Daniel Zmeko to the Army

Annex No. 9 List of soldiers in charge of places of collection of biological material

Annex No. 10 Operation order of Regional Headquarters in Topolčany

Annex No. 11 Documents on Richard Šranko's case