

the War Grave ACT  
of 16 March 2005

The Slovak Republic National Council has decided on this Act:

§ 1

**Subject matter of the Act**

The Act stipulates the rights and duties of a community with regard to the taking care of war graves, the granting of financial contribution from the state budget (hereinafter the “Contribution”) for war graves and Slovak war graves abroad, competency of the state administration bodies related to the war graves, and sanctions for the breaching of duties stipulated by the Act.

§ 2

**Definition of basic terms**

For the purposes of the Act the following terms have the following meaning:

- a) a war grave means a place where the remains of a war victim are placed, together with a tombstone, a memorial, other pious symbols or a commemorative place that remind of a war event,
- b) a war victim is means a member of the armed forces, a prisoner of war or a civil person who died due to a war event since 1914,
- c) taking care of a war grave means a preservation of the war grave in a proper condition, especially an arrangement of the war grave and its immediate surroundings, a placement of the tombstone, memorial or other commemorative symbol containing information on the war victim, exhumation of the war victim, establishment, movement, and reconstruction of the war grave, and the keeping of records of the war grave,
- d) a Slovak war grave abroad means a place outside the territory of the Slovak Republic where the remains of a war victim are placed, namely
  1. a member of the Austria-Hungary armed forces who was a citizen of Austria-Hungary with a permanent residence in the territory of the present Slovak Republic,
  2. a member of the Czechoslovak Republic armed forces who was a citizen of the Czechoslovak Republic with a permanent residence in the territory of the present Slovak Republic,
  3. a member of the Slovak State armed forces of the Slovak Republic armed forces who was a citizen of the Slovak State or the Slovak Republic,
  4. a prisoner of war or a civil person who were citizens of the states stated in the first to the third paragraph with a permanent residence in the territory of the present Slovak Republic.

§ 3

**Taking care of war graves**

- (1) A community takes care of the war graves that are located in its territory.
- (2) The community is further obligated to:
  - a) ensure that, in the immediate surroundings of the war grave, there is no thing or facility that is irreconcilable with a respect to this place,
  - b) publish, at request of the state administration war grave bodies, information from the records of war graves that it keeps,
  - c) inform a county office, not later than 30 April of the calendar year, on a number of war graves and their technical condition for the previous calendar year.
- (3) The community can establish, move, reconstruct or abolish a war grave only on a basis of a written application and after a written consent of the Slovak Republic Ministry of Interior (hereinafter the “Ministry”); in order to establish a war grave it is necessary to obtain a consent of the owner of the real estate where the war grave is to be established, and in order to move the war grave it is necessary to obtain a consent of the owner of the real estate where the war grave is to be moved to.

(4) The Ministry's consent under paragraph 3 does not affect provisions of special regulations.

(5) If a war grave is located outside a public burial ground, the owner, lessee or other user of the real estate is obligated to provide for the access to the war grave in order to take care of the war grave or to pay respect to the war victims.

#### § 4

##### **The granting of the Contribution**

(1) In order to take care of a war grave, the community will be granted the Contribution for a calendar year for each war grave in the amount of a five times the minimal hourly wage stipulated by a special regulation.

(2) The Contribution can be further granted to the community especially to

- a) fulfill its obligations arising from international war grave agreements by which the Slovak Republic is bound,
- b) carry out works on a war grave on a social or international occasion,
- c) arrange the public burial ground where the war graves are located,
- d) abolish the war grave,
- e) remove the consequences of a natural disaster or other extraordinary event or vandalism related to the war grave.

(3) The community is entitled to ask the county office, not later than 30 April of a calendar year, for the Contribution for the upcoming budgetary year in order to take care of the war grave and to fulfill the tasks under paragraph 2.

(4) The application under paragraph 3 must be in a written form and must contain a purpose, which the Contribution is asked for, the community's bank account number, and the address of the community office; as far as the Contribution under paragraph 1 is concerned it is also necessary to state the number of war graves, which the Contribution is asked for.

(5) The Contribution can also be granted to establish, move, arrange, reconstruct or abolish a Slovak war grave abroad. Detailed terms and conditions of the granting of the Contribution will be stipulated in a written contract that the Ministry makes with a foreign entity.

#### § 5

##### **Compensation for a restriction of the ownership right**

(1) If a war grave is located outside a public burial ground, the owner of the real estate is entitled to a one-time adequate compensation for a restriction of his ownership right; this does not apply if the real estate is owned by the Slovak Republic.

(2) The claim for compensation can be exercised at a county office in which territorial area the real estate is located. This is to be done within one year from the day of the restriction of the ownership right, otherwise the claim expires.

(3) For the restriction of the ownership right the county office will grant a monetary compensation corresponding to the scope of this restriction.

#### § 6

##### **Execution of the state administration**

(1) The war grave state administration is executed by the Ministry and the county office.

(2) The Ministry, as a central body of the war grave state administration

- a) administers and inspects the execution of the war grave state administration,
- b) coordinates the care of the war graves,
- c) grants its consent to establish, move, reconstruct and abolish a war grave,
- d) decides in cases of doubts about what is a war grave and a Slovak war grave abroad,

- e) decides on the exhumation of a war victim,
  - f) grants the Contribution under § 4, sections 2 and 5,
  - g) keeps central records of war graves,
  - h) executes supervision.
- (3) The county office
- a) coordinates the care of war graves within the county territory,
  - b) decides on the compensation for the restriction of the ownership right under § 5, section 3,
  - c) submits, not later than 31 May of a calendar year, to the Ministry the information on the number of war graves and on their technical condition for the previous calendar year,
  - d) submits, not later than 31 May of a calendar year, to the Ministry its application for the Contribution under § 4, sections 1 and 2, for the upcoming budgetary year,
  - e) grants the Contribution under § 4, section 1,
  - f) keeps records of war graves that are located in the county territory,
  - g) executes supervision and imposes fines under § 9.

#### § 7

#### **Supervision**

The Ministry and the county office, within the scope of their competency, supervise the compliance with provisions of the Act and decrees issued on the basis of the Act.

#### § 8

#### **Misdemeanors**

- (1) Misdemeanors related to the war graves are committed by the one who will
- a) establish, move, reconstruct or abolish a war grave without the Ministry's consent,
  - b) damage or dirty a war grave,
  - c) breach duties under § 3, section 5.
- (2) A fine up to SKK 50,000.00 can be imposed for a misdemeanor under section 1.
- (3) The fine is due within 30 days from the day on which the decree of its imposition went into force.
- (4) A special act applies to misdemeanors and their hearing. 3)

#### §9

#### **Other administrative offences**

- (1) A war grave administrative offence is committed by a legal entity or a physical entity – entrepreneur which will
- d) establish, move, reconstruct or abolish a war grave without the Ministry's consent,
  - e) damage or dirty a war grave,
  - f) breach duties under § 3, section 5.
- (2) The county office will impose a fine up to SKK 500,000.00 for the administrative offence under section 1.
- (3) When imposing the fine, the county office takes into account the seriousness, way, time, duration, and consequences of an illegal act.
- (4) The fine can be imposed within two years from the day on which the county office learned about the breaching of duty, however, not later than three years from the day of the breach of duty.
- (5) The fine is due within 30 days from the day on which the decree of its imposition went into force.

## **Common, temporary, and final provisions**

### **§ 10**

#### **Common provisions**

- (1) A general administrative proceedings directive 4), except § 6, section 2(f), and § 6, section 3(e) applies to the action under the Act.
- (2) The war grave records consist of information on a war grave, if known, as follows:
- a) first name, surname, date of birth, date of death, and nationality of the war victim or information on the fact that this is an unknown war victim,
  - b) name of community of military district, name of the cadastre territory and the site number where the war grave is located,
  - c) information on the owner of the real estate where the war grave is located, i.e. first name, surname, date of birth and permanent residency if this applies to a physical entity, or name, headquarters, and registration number if this applies to a legal entity,
  - d) war event which the war grave relates to,
  - e) number of war graves,
  - f) number of war victims buried in the war grave,
  - g) photo-documentation of the war grave.
- (3) If a war grave is located in the territory of a military district, the rights and duties stipulated by the Act to the community relate to the budgetary organization or not-for-profit organization established by the Slovak Republic Ministry of Defense that administers the war grave under special act.

### **§ 11**

#### **Temporary provisions**

- (1) If a war grave is located outside a public burial ground as of 30 April 2005, the owner of the real estate can, at the county office, in which territory the real estate is located, exercise a claim for compensation for restriction of the ownership right not later than 31 December 2005, otherwise the claim expires; this does not apply if the real estate is owned by the Slovak Republic.
- (2) In 2005, the community is entitled to ask the county office for the Contribution under § 4, sections 1 and 2, not later than 31 May 2005.
- (3) The Ministry, county office, and the community will provide for the keeping of records of war graves in compliance with the Act until 31 December 2006.

### **§ 12**

#### **Canceling provisions**

The following legislation is cancelled:

1. Act No. 441/2002 Coll. on War Graves,
2. The Slovak Republic Ministry of Interior Ordinance No. 710/2002 Coll. that stipulates the details on the terms and conditions of the granting of financial means set aside by the state budget to provide for, maintain, and take care of the war graves.

### **§ 13**

#### **Effectiveness**

The Act goes into effect on 1 May 2005.

**Ivan Gašparovič** in his own hand  
**Pavol Hrušovský** in his own hand  
**Mikuláš Dzurinda** in his own hand

- 1) For example, Act No. 50/1976 Coll. on Territorial Planning and Construction Order (the Construction Act) in the wording of later regulations, Act No. 49/2002 Coll. on Protection of Memorial Fund.
- 2) The Slovak Republic Government Regulations No. 525/2004 Coll. that stipulates the amount of the minimal wage.
- 3) The Slovak National Council Act No. 372/1990 Coll. on Misdemeanors in the wording of later regulations.
- 4) Act No. 71/1967 Coll. on Administrative Proceedings (the Administrative Order) in the wording of later regulations.
- 5) The Slovak Republic National Council Act No. 278/1993 Coll. on the State Property Administration in the wording of later regulations