

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

23 June 2021 EUR 71/4329/2021

# CZECH REPUBLIC: CONCERNS OVER POSSIBLE UNLAWFUL KILLING BY THE POLICE

Following the death of a Roma man after a police intervention against him, Amnesty International calls on the Czech authorities to carry out an immediate, impartial and thorough investigation of the police action. Amnesty International considers that the neck restraint technique used by the police during the arrest was reckless, unnecessary and disproportionate, and therefore unlawful. Amnesty International further calls on the Czech authorities to prohibit the use of such technique as a means of control, as it severely restricts breathing.

According to the video-footage from the arrest, published by a news server Romea.cz, three police officers used force against a Roma man in Czech town of Teplice on 19 June 2021.<sup>1</sup> The video shows the man lying on the ground while the police restrain him. One of the police officers is kneeling on the man's neck during the entire intervention, which lasted at least five minutes according to the footage. The policeman continues the knee restraint even after the man is handcuffed and does not show any resistance.

Amnesty International consider the police action, as captured on the video, abusive and unlawful. Restraint of a neck restricts breathing and presents a significant danger for human life, this is all the more serious if applied for a prolonged period of time.

Under international human rights law and standards, including the European Convention on Human Rights, the use of force by the police must be lawful, necessary and proportionate. These principles are binding for the Czech Republic.

The Act no. 273/2008 Coll. on Police Forces regulates the obligations of police officers when on duty. It obliges them not to interfere with rights of others more than to the extent unavoidable to pursue the legitimate aim they are following. Use of force is permitted only if it is necessary and proportionate. The law obliges the police to ensure not to cause any harm "disproportionate to the risks caused by the behavior [the police] are trying to prevent".<sup>2</sup>

On the basis of the video-footage from the police intervention against the man in Teplice, Amnesty International considers that the requirements for necessity and proportionality were not met. In particular, the level of resistance of the man, as captured on the video, did not justify the use of such an inherently dangerous technique, and even less after he had already been restrained and for such long duration.

Amnesty International is also concerned about the statement of the Minister of Interior, who on 21 June 2021 declared on the social media that the police officers who intervened against the man in Teplice have his "full support".<sup>3</sup> He further stated that those "who break the law under the influence of addictive substances must know that the police will intervene against them."<sup>4</sup> This can only be understood as giving carte blanche for law enforcement officials to resort to unnecessary or excessive use of force when handling with any person under the influence of drugs, providing a dangerous sense of impunity and being above the law.

According to a police statement released on 21 June 2021, preliminary autopsy identified as a possible cause of death of the man in Teplice drugs. The police statement refers to a finding from the autopsy, according to which the man's cardiovascular system had pathological alterations.<sup>5</sup> In this regard, Amnesty International advises that when investigating

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<sup>1</sup> Romea.cz, 21 June 2021, "Romani man dies after Czech Police kneel on his neck, they say drugs caused his death. Romani activists see parallels to George Floyd", <http://www.romea.cz/en/news/czech/romani-man-dies-after-czech-police-kneel-on-his-neck-they-say-drugs-caused-his-death.romani-activists-see-parallels-to>

<sup>2</sup> Art. 53.3-5, Law 273/2008 Coll.

<sup>3</sup> <https://twitter.com/jhamacek/status/1407080987243298822>

<sup>4</sup> <https://twitter.com/jhamacek/status/1407080987243298822>

<sup>5</sup> Czech Police, 21 June 2021, "TEPLICE - Policisté museli proti agresivnímu muži použít donucovací prostředky." <https://www.policie.cz/clanek/aktualizace-vyjadreni-k-sobotnimu-zakroku.aspx>

the causes of death, it is not necessary to establish that the weapon or a technique was the sole cause. It is sufficient if it was a contributory factor without which death would not have occurred.<sup>6</sup>

In the present case, given the long period of time the breath restricting technique was applied and the serious pain and stress that must have been involved for the victim, there seems to be a high probability that the excessive use of force has contributed to the deterioration of any possibly pre-existing problem due to illness or drug use and the death could be therefore attributable to the police officers' action.

Amnesty International reminds the Minister of Interior, the police and other authorities involved in law enforcement in the Czech Republic, that under their international human rights obligations, they must promptly, independently, thoroughly and effectively investigate the death in Teplice. Pursuant to the case law of the European Court of Human Rights, when investigating violent incidents, the authorities have also the duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role.<sup>7</sup>

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<sup>6</sup> Amnesty International Netherlands, 2019. *Projectile Electric-shock weapons*, p.10

[https://www.amnesty.nl/content/uploads/2019/03/AI\\_position\\_paper\\_pesws\\_extended.pdf?x28092](https://www.amnesty.nl/content/uploads/2019/03/AI_position_paper_pesws_extended.pdf?x28092)

<sup>7</sup> See: *Lingurar v. Romania* (No. 48474/14), 16 April 2019, para. 78.

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-192466%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-192466%22]}); *Stoica v. Romania Nachova and Others v. Bulgaria* [GC], (Nos. 43577/98 and 43579/98), [https://hudoc.echr.coe.int/tur#{%22itemid%22:\[%22001-69630%22\]}](https://hudoc.echr.coe.int/tur#{%22itemid%22:[%22001-69630%22]})