

European Roma Grassroots Organisations Network together with other Roma and pro-Roma and antiracism civil society organisations demand justice for Stanislav Tomáš

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European Roma Grassroots Organisations (ERGO) Network, together with other Roma and pro-Roma and antiracism civil society organisations, would like to express our sincere condolences to Stanislav Tomáš's family and loved ones, and hope that justice will be swiftly served.

We therefore call for an independent, thorough and objective investigation into the death of Stanislav Tomáš, a Romani man from Teplice, Czech Republic, who died soon after two police officers kneeled on him to immobilise him.

We are greatly disturbed by the footage showing Stanislav's last moments of life during a police attempt to detain him by employing excessive force.

The amount of constant pressure applied to Stanislav's upper body, neck and nape are totally inadequate and disproportionate to the act of immobilizing and handcuffing a person. Moreover, the immobilising and pressure continued long after he was handcuffed, until after he stopped screaming and moving. While the video ended before knowing for certain if he was still alive before the ambulance arrived, we can see that he was silent and inert. However, in the preliminary statements by the police, they deny that the officer's tactics could have caused or contributed to Stanislav's death, claiming that he died in the ambulance. Moreover, they declared that, according to the preliminary autopsy report, they had reason to conclude that he was under the influence of a foreign substance of an amphetamine nature, and the autopsy discovered pathological changes to the coronary arteries of the heart. Regardless of these circumstances, the actions of the police officers were thoroughly unjustifiable and disproportionate, and an abuse of power.

It is concerning that high-ranking Czech government officials, particularly the Minister of Interior and the Prime Minister, have backed the police officers when their role is to remain impartial and await the results of the official investigation into the case, allowing the justice system and those directly involved in the investigative process to do their job. Moreover, the Prime Minister rushed to conclude that Stanislav did not die as a result of the police intervention, based only on preliminary autopsy results, without waiting for the final results of the investigation process. Both officials also characterized Stanislav in derogatory ways to justify the police action and methods.

Establishing moral hierarchies about who should be protected before the law or about the level of a police response based on moral judgments and characterizations is very dangerous, especially coming from the highest level of the Czech political leadership and would constitute a violation of the police code of conduct and responsibilities. Police, especially in democratic societies and in the European Union, are there to serve and protect, regardless of the circumstances of a situation or the persons involved. In this particular case, there is no evidence proving that the person posed any immediate threat to himself and / or others, and therefore the use of excessive force and constant pressure on his windpipe was neither legitimate, nor proportionate.

- We urge the EU institutions to call for an independent, effective and unbiased investigation into the situation, so that the police officers are thoroughly and duly investigated and sanctioned proportionately per the level of offense and harm perpetrated.
- We are also calling attention to the need to protect the privacy and safety of eyewitnesses, including shielding them against potential threats from non-state actors and police, if they are willing to be a party in the investigation and / or court hearings.
- It is crucial that the investigation into the police intervention also takes into account racial motivation, in line with European Court of Human Rights jurisprudence.
- We call on the EU leadership, the Czech Government, the media and non-governmental actors to take a clear stance against antigypsyism and police violence, including in their public statements. Moreover, we call on state officials and the Czech media to refrain from blaming the victim and stigmatizing his family and loved ones. The focus should remain on the adequacy of the police response or lack thereof leading to the passing of Stanislav, and nothing else.
- We call on the Czech Parliament, the Public Defender of Rights, and other responsible institutions to start an investigation into the biased, derogatory, public statements and possible related actions by the Prime Minister and Interior Minister vis-a-vis this case.
- We call on the EU institutions to launch a European-wide review of nationally-recommended police techniques and methods, including whether the authorized methods for immobilizing and detaining someone include using the method of kneeling on the neck and to work with Member States to ban dangerous methods that can cause irreversible harm or death.

As human rights defenders, we take a strong stance against police violence and inadequate police response, particularly when interacting with people from racialised minorities.

Roma Lives Matter!

Background

Amateur video footage was posted to Facebook on Saturday, 19 June featuring troubling images of the arrest of a man by three police officers in front of a group of bystanders who were visibly worried for the man's safety, as he was kept immobilized by the application of continuous pressure to his neck and nape area for several minutes.

According to the spokesperson for the emergency rescue services in the Ústecký Region, Prokop Voleník, a scuffle had been reported between two people who were under the influence of narcotics at the time. "When the police patrol arrived at the scene, one of the men fled while the other was subdued by the officers and handcuffed," police spokesperson Veronika Hyšplerová told the tabloid news server Blesk.cz. Police declared that the officers called an ambulance because the arrested man was under the influence of drugs.

Police spokesperson Daniel Vitek stated that "According to the preliminary autopsy report, there was reason to suspect the man had been under the influence of a foreign substance of an amphetamine nature, and the autopsy discovered pathological changes to the coronary arteries of the heart." According to police, Stanislav Tomáš collapsed and subsequently died in the ambulance called to the scene.

Czech Prime Minister Andrej Babiš, who also chairs the Czech Government Council for Romani Minority Affairs, declared that "The court autopsy has clearly demonstrated that he did not die due to the intervention by police. This is sad, but a normal, respectable person would have a hard time getting into such a situation." He backed the police officers in Teplice and thanked them for their intervention against Stanislav Tomáš. "If somebody destroys a car, is aggressive, and even bites a police officer, he cannot expect to be handled with kid gloves," the PM commented.

Prior to the statement made by the Prime Minister, Czech Interior Minister Jan Hamáček also backed the police officers. "The intervening police officers have my full support. Anybody under the influence of addictive substances who breaks the law has to count on the police intervening. It is mainly thanks to the work of policemen and policewomen that we are among the top 10 safest countries in the world," Hamáček commented in response to a police tweet insisting the Teplice incident is not an example of a "Czech George Floyd".

Looking at the amateur footage, we can observe at second 0.6 the three police officers trying to immobilise a man who was already prone on the ground and who was resisting the way he was being handled, under the close scrutiny of a bystander. In about 10 seconds, two police officers manage to immobilise the man by sitting on him and using a lot of physical pressure: one police officer was positioned at the man's head, pushing his left knee first onto his head against the pavement, and his right leg laterally and partially on his back, while bringing his hands together behind his back to place them in handcuffs with the help of the third officer, who also kneeled on the man's back horizontally. The second officer, at first, just sat on the man's leg, placing his whole-body weight onto his leg and then briefly changed into a kneeling position, using his left knee to press against both of the man's knees while keeping his ankles still. In less than 1 minute, the third officer managed to place the handcuffs around the man's wrists, but the two police officers continued to kneel on him, applying strong bodily pressure, despite the fact that he was already handcuffed. The police officer kneeling on the man's legs then used his police phone (probably calling the ambulance) while continuing to press with both knees on the man's legs; simultaneously the first police officer continued to apply pressure to the upper part of the man's body and his right shoulder using his left arm, as well as on his coccyx using his right arm, while pushing his left knee onto his nape and neck, with his right knee probably pressed into the man's back as well. At this point, people from the adjacent buildings started to scream and signal to the police officers, visibly concerned at the whole scene as it unravelled. Three minutes into this constantly-applied pressure, the second officer stood up while the first officer continued to apply the same pressure to the upper part of the man's body, including his windpipe. Two passers-by came very close to the scene, one kneeling and trying to get a closer look at the man's face and to talk to him, it seems. Around 4 minutes and 30 seconds into the video, the third police officer approached and again kneeled on the man's right leg from the side, while applying pressure with his hands on his left leg. Five minutes into the intervention, the immobilised man stopped screaming or fighting visibly in the footage. After another 30 seconds, the first police officer finally removed himself from the man's upper body, kneeling next to him instead and seemingly checking his breathing. The footage ended before we could understand if the man was still breathing and alive before the ambulance arrived.

Czech attorney Miroslav Krutina stated on the CNN Prima News channel's 360° program that "Kneeling is quite a dangerous instrument", adding that "if it were to be demonstrated that the kneeling was directly on the nape of the neck or on the neck itself, then it would not be proportionate." He affirmed that he has consulted the Police Academy that trains officers in such methods. "Kneeling that would aim for the neck decidedly does not belong among the range of safe procedures. The reason is that it's difficult to control the force of the pressure exerted," he said, adding that in tense moments the technique can cause serious injury or strangulation.

According to Ondřej Moravčík, spokesperson for the Police Presidium, officers must pay attention to the principles of legality and proportionality when intervening. “The officer must assess the situation and decide which means of force will make it possible to achieve a purpose that is lawful and essential to overcome the resistance or the escape of the person being intervened against,” Moravčík previously explained to news server Aktuálně.cz.

At the close of the video that was published on social media, it can be seen that the man stops making any movements or sound. “If the person is quiet, stops shouting, stops moving, then it would be time to start testing his vital signs,” news server Romea.cz reported that a police trainer said while watching the closing phase of the video of the police intervention, when Stanislav Tomáš has stopped moving and shouting.

Reporter Richard Samko, who watched the footage together with the police instructor, asked him whether the officers actually proceeded correctly if the video shows that the man had not been moving for about 30 seconds while the officer’s knee remained on his neck; the instructor said: “The patrol is beginning to examine what’s going on with him. He isn’t communicating anymore, but we can’t assess what happened there, what kinds of pressures were exerted.”

Unfortunately, the death of George Floyd, an African-American man subjected to a similar police approach in the USA, has not yet led to a ban of the police technique of using the knee on someone’s neck across all European countries, despite European wide outrage and follow-up European Parliament resolution. However, after the death of George Floyd, police officers in France stopped using the manoeuvre and have also stopped teaching it at their police academies. “During arrests it will be forbidden to apply pressure to the neck or nape of the neck,” the then-Interior Minister of France, Christophe Castaner, announced at the time.

Monika Šimůnková, the Czech Deputy Public Defender of Rights, has announced in an interview for ROMEA TV that she will be investigating Saturday’s intervention by the police patrol in Teplice after which 46-year-old Stanislav Tomáš, a Romani community member, died. “After watching the video of the intervention in Teplice and reading all of the available information, I’ve decided to use my competencies and the scope of activity made possible by the law on the Public Defender of Rights with respect to the Police of the Czech Republic to begin an investigation on my own initiative,” she told ROMEA TV. “This investigation will focus on the proportionality of the methods of force used during the intervention in Teplice,” Šimůnková said. According to her, the investigation will be launched in the next few days and the results will depend on how quickly the Czech Police provide her office with the relevant materials. “I don’t dare predict the timeframe, it could be weeks, it could be

months. I am bound by my duty to maintain confidentiality until the case is closed and the entire matter has been investigated, but I will try to conduct this investigation as quickly as possible,” she said.

The Council of Europe (CoE) also published a statement on 23 June, “calling for an urgent, thorough, and independent investigation into the recent death of a Romani man in the Czech Republic after he had been apprehended by the police. Footage taken on 19 June from Teplice, Czech Republic, showing police intervention against a Romani man who later died in an ambulance is alarming and raises numerous questions about the circumstances of this tragic incident,” the statement by the Spokesperson of the Secretary General reads.

Signatories

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European Roma Rights Centre, Brussels

European Network against Racism, Brussels

Equinox Initiative for Racial Justice, Brussels

ILGA-Europe, Brussels

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