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Czech Republic: Allegations of excessive use of force by the police must be investigated

Amnesty International calls on the Czech authorities to promptly and thoroughly investigate the circumstances of the dispersal of an assembly and allegations of unnecessary and excessive use of force by the riot police during a demonstration in Prague on 13 December.

The demonstration was held against the eviction of a squat known as *Klinika* which aimed to serve as a social centre and was located in a former hospital building in Prague. At 2pm, about 900 people assembled on the Jiřího z Poděbrad square from which they marched to *Klinika*, about two kilometres away. The planned demonstration formally finished after 4:30pm. At that time, about 30 participants entered the evicted building of *Klinika*. When the police asked them to vacate the premises, they followed the instructions. Shortly afterwards, riot police arrived at the location and asked all the remaining 300 demonstrators who were outside of the building to immediately leave. According to some of those present, the riot police warned that the failure to comply with the order would result in the use of force. The demonstrators interviewed by Amnesty International alleged that the riot police did not provide any reasons for such order and that there was a general lack of communication between the law enforcement officers and the protesters, who were entirely peaceful.

Amnesty International obtained testimonies of several witnesses who said the riot police proceeded to use unnecessary and excessive force to disperse the remaining protesters. The spokesperson of the police publicly rejected these allegations and stated that the police action was appropriate. According to the testimonies of the participants interviewed by Amnesty International, the tensions escalated after the beating and arrest of the organizer of the protest by the riot police. The demonstrators started chanting “Stop violence” and “Let him be!”, but remained peaceful. After the arrest, the riot police proceeded with the dispersal of the protesters, reportedly using of truncheons, pepper spray, kicks and other force, as they charged the crowd. Some of participants suffered injuries – most of them minor. Witnesses interviewed by Amnesty International stated that the protesters remained peaceful and that some of them were shouting at the riot police to stop.

The organizer of the assembly told Amnesty International, that for no obvious reason and without warning, a riot police officer grabbed him by his neck and punched him in the face after which he fell on the ground. He further reported that the riot police officer knelt on him and struck him on the head four or five times. The officer reportedly refused to show his ID and subsequently arrested him. As he suffered minor injuries, the organizer was taken to the hospital and asked to report at the police station the next day to provide a statement. Currently there are ongoing proceedings against him for a failure to comply with an order of a law enforcement agent. He is considering a criminal complaint against the police.

Amnesty International sent a letter today to the Minister of Interior and the President of the Police urging them to investigate the allegations of unnecessary and excessive use of force during the dispersal demonstration on 13 December.

Under international human rights standards, law-enforcement officials have the obligation to avoid or minimize the use of force. The principles of proportionality and necessity must be applied at all times. All incidents of arbitrary or abusive use of force must be investigated and

those law enforcement officials who are found to have used force unlawfully must face disciplinary and, where appropriate, criminal proceedings.

Amnesty International also considers that the fact that the demonstration formally ended at 4:30pm should not lead automatically to a decision to disperse the assembly. It also would not justify the use of force in its dispersal. The dispersal is an extreme restriction on the right to freedom of peaceful assembly which can only be justified when necessary and proportionate. Even where dispersal is justified, force should not be used against peaceful demonstrators.

Background

The building of the *Klinika*, owned by the state, has been unoccupied for five years. At the end of November 2014, a group of activists arrived to the premises, cleaned the interior of the building and announced that they aimed to open a cultural and social centre there. Their negotiations with the local authority in Prague district 3 to formalize their use of the building failed and the Office Representing the State in Property Matters issued an eviction order. A demonstration in support and solidarity with the *Klinika* project was announced on Saturday, 13 December 2014,

Under international human rights law, the Czech authorities must ensure that everyone within their territory can enjoy their human right to peaceful assembly, and that the rights to life and to be free from torture and other ill-treatment are respected at all times.

These rights are protected by law and standards including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other documents.

They clarify that it is the right of people to assemble peacefully to express themselves. Public assemblies should thus not be considered as the “enemy”. The command hierarchy must convey a clear message to law enforcement officials that their task is to facilitate and not to restrict a peaceful public assembly. This must be clearly understood by all law enforcement officials taking part in the management of the assembly.

The European Court of Human Rights has clarified in several cases that any decision to disperse an assembly should be taken in line with the principle of necessity and proportionality, only when there are no other means available to protect public order from an imminent risk of violence.