



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Legal summary

July 2026

S.T. v. the Czech Republic - 28273/23

Judgment 16.7.2026 [Section V]

Article 2

Article 2-1

Effective investigation

Ineffective investigation into the death of the applicant's brother following a police intervention during which he was held in the prone position: *violation*

Article 3

Effective investigation

Ineffective investigation into the death of the applicant's brother following a police intervention during which he was held in the prone position: *violation*

Article 2

Positive obligations

Article 2-1

Life

Failure to train law enforcement officers to ensure they possessed the requisite high level of competence when employing the prone position; failure to provide timely medical assistance to the applicant's brother: *violation*

Article 3

Degrading treatment

Handcuffing, prone position and kneeling on the upper back, shoulder blades and neck area of the applicant's brother, who was injured and intoxicated, even after he had calmed down: *violation*

Article 14

Discrimination

Failure to take all reasonable steps to uncover any racist motive behind the police intervention: *violation*

Facts – The applicant's brother S.T. died following a police intervention after being immobilised in the prone position for over eleven minutes while handcuffed, intoxicated and injured and with one officer simultaneously kneeling on him for over four minutes. A preliminary inquiry was carried out which led to a decision not to carry out a formal investigation and to close the case. The applicant unsuccessfully challenged those decisions.

Law – Articles 2 and 3 (procedural limb):

The police officers who had intervened against S.T. had been members of a police department hierarchically directly linked to the Criminal Police of the Ústí nad Labem Regional Police Directorate that had subsequently initiated an investigation into the incident. The Criminal Police therefore had not met the requirements of hierarchical and institutional independence under Articles 2 and 3.

It had been the Criminal Police that had conducted all early investigative measures which had been of crucial importance. Although the Ústí nad Labem Regional Department of the General Inspection of Security Forces ("the GISF") which had conducted a preliminary inquiry generally complied with the requirements of independence, being both hierarchically and institutionally independent of the police, it had taken over the evidence collected by the Criminal Police and had relied on that evidence both in its decision not to initiate a formal investigation and in the final decision to close the case after its preliminary inquiry. The reasoning of both those decisions indicated that the GISF had not engaged in a formal investigation as the evidence which had been collected by the Criminal Police and the early results of its investigation had not suggested that an offence had been committed by a police officer. The Court had previously held that the practice of relying on another body's conclusions to justify refusal to initiate formal investigation, where that body lacked the requisite hierarchical and institutional independence, could not satisfy the requirement of genuine and independent investigation.

The Court found the foregoing notably problematic when it came to the GISF's reliance on the forensic expert report which had constituted a key piece of evidence in the case and based on which both the Criminal Police and the GISF had concluded that there had been no link whatsoever between the manner in which the police officers had used force against S.T. and his death. The Court expressed doubts about the objectivity, reliability, and impartiality of that piece of evidence as it had been commissioned by the Criminal Police which had lacked independence. It also considered it likely that there had been regular and established professional and economic ties between the investigative body and the experts. The Court also considered it striking that the expert report had not engaged at all with the potential dangerousness of the prone position, despite the well-documented threat to life it might pose, especially if combined with being knelt on and handcuffed, and used against an intoxicated person. Furthermore, some of the statements included in the report had indicated a lack of a respectful and professional attitude towards the victim.

In addition, despite gaps in the police officers' statements concerning the key questions in the investigation, the GISF had relied on their statements rather uncritically, accepting their version of facts despite contradicting statements of the paramedics. Nor had the GISF critically assessed why the body camera on one of the police officers had not been switched on, despite a clear legal obligation to do so, or account for how the police officers had monitored S.T.'s health and how S.T. had responded to their alleged communication attempts.

Lastly, the GISF had not fulfilled its duty to keep the applicant informed about the progress of the investigation to allow her to safeguard her legitimate procedural interests and to prevent any appearance of collusion in or tolerance of unlawful acts.

Accordingly, the investigation into S.T.'s death and his alleged ill-treatment had not complied with the Convention requirements of effectiveness.

Conclusion: violation (unanimously).

Article 2 (substantive limb):

After S.T. had been immobilized in the prone position and handcuffed had been under the police officers' control who had demonstrably been aware that he had been severely intoxicated and injured and thus, in a vulnerable situation.

The law enforcement authorities had failed to conduct an effective investigation in the case and establish the circumstances surrounding S.T.'s death in an objective and comprehensive manner. Consequently, the Court considered that it could not uncritically rely on the conclusions reached by the GISF as to the facts.

Furthermore, the authorities had not explained nor investigated in any way why the body camera on one of the officers had not been switched on during the intervention. In that respect, the Court shared the position taken by the Czech Constitutional Court in one of its judgments that an unjustified failure to switch on the body camera to capture the intervention raised doubts about the legality and proportionality of the intervention itself, as it unduly limited the State's ability to challenge the applicant's allegations and prove the opposite. Without underplaying the stress and tension the police officers could have been experiencing during the intervention, the Court considered that body cameras were conceived to be used precisely in situations of heightened tensions and action, as in the present case. Their role was to clarify the circumstances of the intervention, and to protect the police officers against potentially inaccurate or false accusations. If the Court were to accept that the police officer in question did not have time to switch on the body camera simply because the intervention had happened quickly, the use of body cameras in similar types of interventions would be a generally futile measure.

The Court also had doubts about the reliability of the finding of the domestic expert reports that there had been no causal link between S.T.'s death and the police intervention. Notwithstanding that finding, it reiterated that the very use of the prone position, even without pressure applied on the chest by kneeling on the upper back or neck area, might have been dangerous and life-threatening, especially when used against vulnerable persons in an agitated state and considered that the manner in which the police intervention had been conducted at the very least had put the applicant's brother at an imminent risk of death or serious health impairment, which in itself engaged the State's responsibility under Article 2.

(1) *The legal framework and practice concerning the use of the prone position at the material time* – The Court had no reason to doubt that the police officers involved had acted in line with the law applicable at the material time and with the training they had received. While the police authorities had adopted a new guideline in 2022 which dealt with risks associated with positional asphyxia during a prone position and outlined the ways to prevent those risks, no similar guidance or training had been applicable at the time of the intervention in question. The Court also noted with concern that the potential risks associated with the position S.T. had been placed in, had not at all been reflected in the domestic investigation. The Court found such a failure alarming, given the Court's existing case-law on the subject and the developments in other European countries which had reflected the risks in their internal regulations as early as 2011.

The Court concluded that the relevant domestic framework in place at the material time did not provide clear and adequate instructions on placing individuals in a prone position, with or without kneeling on a person's body, with a view to reducing to a minimum the risks to his or her health and life. Consequently, the Court was also not satisfied that, at

the material time, the State authorities had adequately discharged their obligation to train their law-enforcement officers in such a manner as to ensure that they had possessed the requisite high level of competence when employing the prone position.

(2) *Failure to provide timely medical assistance* – The Court accepted that the police officers might not have been fully aware of the seriousness of the risk entailed in the use of the prone position at the material time and might not therefore have understood that S.T.'s life had indeed been at a risk owing solely to the position in which he had been placed. They had however been clearly aware from the outset of their intervention that S.T. had been highly intoxicated, injured and bleeding from his mouth; those were of themselves strong indications that he had needed medical help. S.T. had been in a vulnerable situation, of which the intervening officers had been aware. The officers had not done all they reasonably could to monitor his health and consciousness to be able to provide timely help. The circumstances of the case indicated that the police officers had kept a person in a vulnerable situation in a potentially lethal position without monitoring his health sufficiently to realise he had lost consciousness while under their control. Consequently, they had failed to promptly react to that situation by at least changing the position or attempting to administer first aid.

The State had thus failed to uphold its positive obligation to provide adequate medical assistance to a person under its agents' control.

Conclusion: violation (unanimously).

Article 3 (substantive limb):

The Court observed that the recommendations on the use of the prone position agreed that once a person was under the police officer's control and his or her hands were cuffed behind his or her back, that person should immediately be turned from his or her stomach onto his or her back, or placed in a sitting position. It further noted that the domestic internal regulations and training had been put in line with the above recommendations in 2022 and 2024.

Nevertheless, in the present case, all those forms of force – handcuffing, prone position and kneeling on the upper back, shoulder blades and neck area – had been simultaneously used against S.T. for over four minutes, even after he had demonstrably calmed down. Moreover, such force had been used against an injured person in an intoxicated state. The combination of the above factors led the Court to conclude that the police officers had used disproportionate force against S.T.

Conclusion: violation (unanimously).

Article 14 in conjunction with Articles 2 and 3:

(1) *Whether the authorities had a duty to investigate the potential racist motive in the present case* – Drawing inspiration from the bias indicators developed by the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights for identifying discriminatory motives in crimes, the Court examined the three key factors which were particularly relevant in assessing whether racial bias might have played a role in the present case. Firstly the police officers had knowingly intervened in a Roma neighbourhood against a Roma individual. Secondly, as already found that the use of force against S.T. had been disproportionate. The actions of the officer who had knelt on S.T.'s upper back or neck area for approximately four minutes while S.T. had lain handcuffed on the ground without being able to see his face and without monitoring his condition and making no attempt to verify his vital signs once S.T. ceased moving had showed a striking disregard for S.T.'s life and the suffering he had endured. Thirdly, the foregoing had to be viewed against the backdrop of

international reports expressing concern about systemic discrimination and anti-Gypsyism in the Czech Republic, as well as the fact that the Grand Chamber's judgment in *D.H. and others v. the Czech Republic*, suggesting that the Czech Republic had not made adequate progress in combating systemic discrimination.

Those combined indicators had been sufficient to alert the authorities to the possibility that racial bias might have played a role in the intervention. Consequently, the State had been under a duty to take all reasonable steps to investigate any potential racist motive.

(2) *Whether they took all reasonable steps to unmask any racist motive* – The authorities had made no attempt to explore the possibility that institutional racism could have influenced the police officers' conduct. The decisions contained no indication that they had engaged with the presence of the above-mentioned bias indicators. Taking into account the strong racial connotations of the case, the Court found that the authorities had demonstrated a manifest lack of diligence in investigating both the intervention as a whole and its potential racial dimension in particular. No formal investigation had ever been opened into the officers' actions. The GISF had only conducted a preliminary inquiry, relying heavily on the early investigative steps taken by the Criminal Police, which had lacked institutional independence. Moreover, the GISF's inquiry had failed to clarify several key aspects of the case, despite public demands for a thorough and independent investigation. Overall, the authorities' response had conveyed the impression that the matter had not been taken sufficiently seriously.

Accordingly, the authorities had failed to demonstrate that they had taken all reasonable steps to uncover any racist motive behind the police intervention against S.T.

Conclusion: violation (unanimously).

Article 41: EUR 20,000 in respect of non-pecuniary damage.

(See *D.H. and Others v. the Czech Republic* [GC], 57325/00, 7 February 2006, [Legal Summary](#); *B.Ü. v. the Czech Republic*, [9264/15](#), 6 October 2022; *V v. the Czech Republic*, 26074/18, 7 December 2023, [Legal Summary](#); *Kalkan v. Denmark*, [51781/22](#), 27 May 2025 ; *Magherini and Others v. Italy*, [32707/19](#), 15 January 2026)

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