

Wednesday 14 June 2023 3rd day of trial

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1 ATMOSPHERE OF THE DAY

Initially, Wednesday 14 June was planned to be the last day of the trial, when the prosecution's closing arguments were to be presented, as well as the closing arguments of the plaintiffs and the defense. This last pre-sentence phase is postponed to Monday 19 June at 8:30 a.m., is also open to public and is taking place in the Montbenon courtroom.

On Wednesday, we hear the defendants again, one after the other. It seems clear that they are adapting their versions to what has been said previously by their colleagues. So they were in a comfort zone, reaching one of the high points of the trial's theatricality: it may be hard to imagine what these police officers can excel at, and all the more at acting. After their version of the events had seriously been challenged by Mr Ntah on the first day, the defendants spat out what they had prepared and rehearsed with their lawyers to serve a common strategy. With that, they aim at covering their tracks while avoiding to blame a single one of them. The recital began with indecent declarations of condolence and empathy falsely addressed to Mike's family (they were actually addressed to the President). If they've pushed the disrespect this far, it's mostly their way of saying they've done everything right. May the truth be given to Mike's family.

A heavy atmosphere hangs over this lie that is staged in the courtroom. Tension builds as the day progresses, against the backdrop of the disclosure - released during the night - of the photo of a cop displaying the "Thin Blue Line" sign at the entrance to the courtroom the night before.

Article "thin blue line"

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2 THE POLICE OFFICERS' VERSION

The questions asked by the police lawyers and the answers given by the police contain many similar elements, demonstrating a common, airtight defense: protecting oneself while protecting others. At the end of these hearings, the strategy is obvious: the defense lawyers (of the police) block out any possibility of accusations of intentionality, and the same themes systematically reappear. Among other things, it's the defendants' perception of Mike that recurs in the questions addressed to the police officers.

**The racist figure of the black man, overpowered and dangerous**

Mike is described as overpowered, and the defendants claim to have never known anyone showing such strength and opposition. The racist portrayal of the power and dangerousness of black bodies is omnipresent to justify the violence inflicted on Mike.

This incredible so-called "strength of opposition" is intended to legitimize the violence and means of coercion used. Yet this lexicon betrays the fact that Mike showed no active resistance: the police refer to his "virulence" and the fact that he was "gesticulating". These are vague terms illustrating the absence of concrete evidence that Mike showed any form of active opposition. In fact, every policeman had to confirm that Mike didn't strike a blow, that he didn't push them nor defend himself.

an instant, wanton and totally disproportionate violence

Using specific terms, they justify themselves by referring to their training, speaking of "controlled strikes in the genitals", of "transition" when it comes to moving on to another measure, namely the use of pepper spray, and "gradation of means deployed". With this language, they want to disguise the murderous disproportion of their intervention.

This version is pathetic. There was no gradation: the first policeman who stopped Mike claims that he first "spoke to him in English", presenting this as a de-escalation strategy. But his first action was to punch Mike in the genitals three times and then spray him in the face, which again attests to instantly gratuitous and totally disproportionate violence. Racist violence.

### **Cries of agony or opposition?**

The police are systematically asked if they have heard any screams from Mike, and if they can tell the difference between cries of pain and cries of resistance. They all reply that the cries were not cries of distress, but cries of opposition. One of the police officers even insinuated that Mike's cries were intended to alert the other "dealers" so that they could escape, or even to alert the public so that they could intervene. They also put another argument forward: a person who screams in pain is not resisting, because if they want to stop suffering, they stop resisting. According to them, Mike was resisting "virulently", so he wasn't suffering. We're speechless...

### **Obesity vs.**

The autopsy found Mike to be obese, but the police constantly described him as "hefty", "strong", "husky", and "massive" to emphasize that they hadn't noticed he was overweight. They do so with the objective in mind to absolve themselves from the obligation to take precautions, because according to their training, being overweight increases the risk of asphyxiation during restraint techniques taught to the police, and is therefore a factor that could be considered criminally aggravating.

### **Cops in action, but no leader?**

A question that hung in the air throughout the trial: which police officer was in charge of this intervention?

In the days leading up to the trial, we were sometimes told that the first officer to arrive was in charge by default, and sometimes that there was no leader because "natural leadership comes out". On this third day, we learn from a police officer that there is indeed a "patrol leader" and that he is appointed here in this courtroom, without necessarily clarifying whether his authority extends to all the officers who were present. By diluting its responsibilities, Vaud police is losing all credibility when it comes to describing its operational methods.

Once again, the versions are lacking in detail, abstract and contradictory with the aim of casting ambiguity and diluting individual responsibility without really allowing a credible version of the facts to emerge after this phase of instruction.

### 3 Blame it on the training

Unanimously, the defendants assert that if they found themselves in the same situation, they would act the exact same way, that they don't find they've done anything wrong, and above all, that they haven't changed their practice since, which amounts to saying that they would kill Mike again. (It's worth remembering here that most of them are still working "in the field"). This statement further displays the bad faith of their main lines of argument:

#### **The famous "exception that makes the rule".**

They claim to have used the prone position technique many times, and that it has apparently never caused any problems. The fact that it has already led to death once in their careers would not be a valid reason to question it. One of them bluntly states that he has very often used this kind of constraining and painful method (armlocks and leglocks, for example) on oppositional people, and that in the majority of cases, these people end up returning to "better feelings". The abominable implication is that it was because Mike cried out in pain that they kept him crushed to the ground until his heart stopped.

#### **Theory and practice**

As they did before, agents affirm that they've only done as they've been taught. We hear that their training lacks documentation, that they don't have systematic access to manuals and that, in any case, theory is important but that practice is different. Officers continue to hide behind hierarchical validation for not complying with operational procedure, including when they keep a person handcuffed, supposedly because that person is oppositional in prone position.

This line of defense diverts attention from the lack of compassion, even sadism, of the accused. It does, however, have the merit of highlighting the direct responsibility of the police hierarchy in Mike's death.

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#### 4 THIN BLUE LINE SWITZERLAND, AN UNANNOUNCED GUEST TO THE TRIAL

Thin Blue Line Switzerland came as an unannounced guest to the trial after the present article was published during the night between Tuesday night.

Late in the morning, the lawyer of Mike's family submits a new piece of evidence. A policeman providing "security" at the entrance to the courtroom, wearing a "Thin Blue Line Switzerland" badge. This corporatist badge is a symbol of rally for those who defend the impunity of police forces. This badge is increasingly worn by extreme right-wing and white supremacist groups.

During the long break that followed, the atmosphere suddenly weightens. The prosecutor wears a serious expression, and the police commander, present in the audience, seems tense.

During the successive in camera sessions, the lawyer of one of the defendants repeatedly points the finger at Mike's family supporters, pointing them out to the higher up police staff. A growing hostility is felt towards members of the public who are intimidated, filmed or photographed, and stared at by police officers on duty in front of the court and the courtroom.

It took the court a whole hour to realize that the same police officer who had displayed the "Thin blue line Switzerland" badge was still stationed outside the courtroom door, but that he wasn't wearing the symbol in question anymore.

This corporatist badge is a symbol of rally for those who defend the impunity of police forces. This badge is increasingly worn by extreme right-wing and white supremacist groups.

Back in the courtroom, the judge answers to the family's lawyer demand to forbid this emblem in the surroundings of the trial. After long negotiations, he declares that the demand is accepted while refusing to make a statement on this emblem and saying that he is not aware of the existence of this symbol. The information is transmitted to the trial's security team, and all parties sign the declaration. By refusing to openly make a stance against the scandalous use of this badge, the Public Prosecutor's Office and the judges participate once again in tolerating a racist atmosphere, or even encouraging it.

We learn today, through the media, that Vaud police commanding staff declares that « [...] this symbol is no longer going to be used by the staff in uniform ».

We remind that this emblem reveals systemic racism, situated in the heart of Vaud police forces. This also shows something else : a strong will to intimidate the plaintiffs, an unshaken defense of police impunity as well as an indefectible support to the murderers. Showing this symbol as part of Mike Ben Peter's murder is a violent insult to his memory, to his family and to all of his supports.

The media coverage (24 heures) of this incident sets our claims for truth and justice in opposition with police militantism. We remind that « police cause » does not exist. Police is never a victim. In the context of increasing murders of black people by Vaud police force in the last years, none of the policemen involved was ever convicted.

We fight against any form of racist and violent ideology existing in police forces, and against its legitimization by the media and the state.

Police is never a victim.

These drifts or incidents are not drifts nor incidents, they are a radicalization of police forces, tolerated and thus encouraged by the state and by justicial institutions. Police forces more and more become an autonomous organ defending their own privileges and the dominant's, maintaining inequalities and their own interest.

#### 5 REQUISITIONS REFUSED AGAIN, LAZINESS AND COMPLACENCY

At the end of the hearings and in view of all the inconsistencies and contradictions of the police testimonies, the lawyer of Mike's family reiterates the initial requisitions made on Monday at the start of the trial:

- Re-auditioning eyewitnesses (to highlight the contradictions of the cops' testimonies)
- Re-auditioning of the experts of the autopsy reports (in view of the progress of the scientific literature on the issues and consequences of ventral tackle)
- Transfer of the personal files of the 6 agents (In a homicide investigation, it is customary to examine in detail the background of the defendants, whoever they are. Significantly, the "positive" elements of their service records have nevertheless been partially selected and added to the file by their lawyers)
- Broadening of the spectrum of the indictment, by considering "homicide by malicious intent" (in order to study all the facts and above all, the degree of intentionality of the cops. We recall here that "malicious intent" is that the cops knew their actions could lead to Mike's death, and they accepted the fatal outcome.)

The requests are once again refused by the public prosecutor and the judges after a 5-minute suspension of the hearing. Out of laziness and convenience, the court does not wish to concede to these requisitions.

At the end of the investigation phase, our dominant feeling is that of a President using all the tips and tricks acquired at the end of a (too?) long career to prevent the light from really being shed on the objective circumstances of Mike's death. The prosecutor, for his part, was conspicuous by his candid bias in favor of the police force. The lack of preparation of the cops' lawyers and the absurdity of the police statements, however, cast lasting discredit on Lausanne police. The only elements emerging from this judicial slump, the relevance of Mr Ntah's strategy and the shocking declarations of Mike's family, allow little hope for the outcome of the trial.

We are shocked by the course of this trial and the comments made by the police. Politically, this once again demonstrates the glaring problem of police impunity and ambient and manifest racism in the highest spheres of the State and justice.

We will never give up and we will keep fighting.

The trial will resume Monday, June 19 at 8:30 a.m. at the Court of Montbenon for the pleadings of the lawyers and the public prosecutor. The verdict will be announced on Thursday, June 22.

Strength to family and loved ones, JUSTICE FOR MIKE! REST IN POWER AND PEACE!