

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

THIRD SECTION

CASE OF GÜNANA v. BULGARIA

(Application no. 54549/22)

JUDGMENT

Art 3 (procedural and substantive) • Ineffective investigation • Insufficiently prompt and thorough preliminary investigation into applicant's allegations of ill-treatment during detention at police station • Applicant subjected to inhuman treatment by police in view of number and location of bruises found on his body

Prepared by the Registry. Does not bind the Court.

STRASBOURG

7 July 2026

FINAL

07/10/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Günana v. Bulgaria,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis*, President*,
Peeter Roosma,
Darian Pavli,
Diana Kovatcheva,
Úna Ní Raifeartaigh,
Mateja Đurović,
Canòlic Mingorance Cairat*, judges*,
and Milan Blaško, *Section Registrar,*

Having regard to:

the application no.(54549/22) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Turkish national, Mr Remzi Günana ("the applicant"), on 18 November 2022,

the decision to give notice of the application to the Bulgarian Government ("the Government"),

the decision of the Turkish Government not to avail themselves of their right to intervene in the proceedings (Article 36 § 1 of the Convention),

the parties' observations,

Having deliberated in private on 16 June 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present application concerns the applicant's allegations under Article 3 of the Convention that he was ill-treated during his detention at the police station and the alleged lack of an effective investigation into those allegations.

THE FACTS

2. The applicant was born in 1977 and lives in Gözeler, Bingöl, Türkiye. He was represented by Mr M. Ibriyamov, a lawyer practising in Sofia.

3. The Government were represented by their Agent, Ms M. Tsocheva, of the Ministry of Justice.

I. THE APPLICANT'S ARREST

4. On 18 August 2019, during a check at the "Kapitan Andreevo" checkpoint on the Turkish-Bulgarian border, Bulgarian customs officers discovered 38 packages of heroin hidden in the car of a German national, W.R.

5. Criminal proceedings for drug trafficking were brought against W.R., who was placed under arrest and transferred to Haskovo. When questioned by the investigators, W.R. denounced the applicant and named him as his accomplice. On the initiative of the investigators, W.R. contacted the applicant by telephone and, claiming that he had a sudden health problem, asked him to come and pick up his vehicle in Haskovo.

6. The applicant, who was in Germany, boarded a flight to Bucharest, where he took a taxi to Haskovo.

7. On 24 August 2019, at around 2 p.m., the taxi carrying the applicant was stopped at the entrance to the town of Haskovo by a police patrol. The applicant was arrested and taken to Haskovo police station where he was held by the police for 24 hours from 2 p.m. onwards. The detention order was notified to him with the assistance of an interpreter.

8. Later that day, at 3 p.m., the applicant, assisted by the same interpreter, filled out the standard detainee declaration form, stating, *inter alia*, that he did not wish to be assisted by a lawyer of his own choosing or by a legal-aid lawyer and that he did not have any medical problems. He stipulated on the form that he wanted to be examined by a doctor.

9. Between 3.35 p.m. and 3.45 p.m. on the same day, he was examined by an emergency doctor who took his blood pressure and pulse and carried out an electrocardiogram. In the certificate the doctor noted that the applicant had not complained of anything and concluded that there was no impediment to his detention.

10. At 1.35 p.m. on 25 August 2019, the applicant was charged, in the presence of an interpreter and a court-appointed lawyer, with aiding and abetting drug trafficking.

11. On the same day a prosecutor from the Haskovo Regional Prosecutor's Office extended the applicant's detention from 1.50 p.m. onwards and ordered his transfer to the Haskovo pre-trial detention centre, pending his appearance before the competent court to determine whether formally to remand him in custody.

12. During his first examination after being charged, between 2 p.m. and 2.43 p.m., the applicant denied any involvement in the transportation of the heroin found in W.R.'s vehicle.

13. Between 3.30 p.m. and 3.40 p.m. the applicant was examined by another emergency doctor, who took his temperature, pulse and blood pressure and indicated in his certificate that there was no impediment to his detention.

14. At 3.50 p.m. the applicant was taken to Haskovo pre-trial detention centre. During his body search, the prison guards noticed several bruises on his body, which they recorded on a form accompanied by a diagram of the human body showing their respective locations in circles. In particular, the form listed the following bruises: on the surface in front of the body – on the left arm, the ribs on the right, on both sides of the pelvis; on the rear surface

of the body – on the left ear, the skull, the neck, the right arm, and the ribs on the right and left. The form stated that the applicant had not specified who had hit him or when he had been ill-treated.

15. On 26 August 2019, in accordance with an order of the Deputy Minister of Justice of 13 October 2015 (*Заповед № ЛС-04-1416/13.10.2015г.*), the head of the pre-trial detention centre sent a letter to the Haskovo Regional Prosecutor's Office informing it of the injuries in question, enclosing the completed form and the diagram drawn the day before. The letter was received on 27 August 2019. It appears that the regional prosecutor's office did not take any steps after receiving the letter.

II. PRELIMINARY INVESTIGATION INTO THE APPLICANT'S ALLEGATIONS OF ILL-TREATMENT DURING HIS DETENTION

16. On 28 August 2019, the applicant was formally placed in pre-trial detention by the Haskovo Regional Court. During the criminal investigation the applicant was assisted by an officially appointed defence counsel. He remained in Haskovo pre-trial detention centre until the criminal investigation against him and W.R. ended in August 2020, when he was transferred to Sofia Prison.

17. The regional prosecutor's office subsequently drew up an indictment against the applicant and W.R., and the criminal case was referred to the Haskovo Regional Court.

18. On 26 February 2021 the Haskovo Regional Court held its first hearing in the drug-trafficking case. The applicant was assisted for the first time by a lawyer of his choosing, Ms Ibriyamov, whom he had engaged for his trial, and the court released his officially appointed lawyer. Before the court, the applicant complained that he had been beaten by several police officers on 24 August 2019 at the Haskovo police station. The police officers in question had hit him several times, including with an electric baton.

19. The prosecutor from the regional prosecutor's office who was present at the hearing admitted that, on the applicant's arrival at the Haskovo pre-trial detention centre, the prison guards had found signs of assault on his body. He submitted to the court the letter of 26 August 2019, together with the completed form and the circled diagram of the human body drawn on 25 August 2019 (see paragraph 14 above). The public prosecutor observed that the applicant had not explained how he had sustained these injuries.

20. On 19 March 2021, the applicant's new lawyer, Ms Ibriyamov, contacted the Chief Public Prosecutor's Office and asked it to exercise its supervisory powers over the work carried out by the Haskovo Regional Prosecutor's Office after receiving the letter sent to it on 26 August 2019 by the head of the prison. As the regional prosecutor's office had not opened a criminal investigation to establish the events surrounding the applicant's initial detention, the lawyer requested that such an investigation be opened.

On 12 April 2021 the lawyer's complaint was transferred to the Haskovo District Prosecutor's Office.

21. On 28 April 2021, the Haskovo District Prosecutor's Office opened a preliminary investigation (*предварителна проверка*) into the applicant's allegations of ill-treatment by the police. On 11 May 2021 the investigation was entrusted to a police inspector from Haskovo police station.

22. The investigator obtained the documents relating to the applicant's detention: the detention order for the applicant, drawn up by the police officers who had arrested him; the statement form filled in by the applicant on the same day; the record of his initial search; and the medical certificate of 24 August 2019 (see paragraph 9 above). He identified the two police officers who had arrested and taken the applicant to the police station and who had then drawn up the detention order and searched him. In their written statements, the two police officers had stated that no physical force had been used against the applicant. In addition, the interpreter who had assisted the applicant during the day of 24 August 2019 was reached by telephone. She stated that she had no recollection of the applicant's detention, but that she had not witnessed any police violence when she had acted as interpreter.

23. The investigator took a statement from Ms Ibriyamov, who described the course of the hearing on 26 February 2021 and the statement made by the applicant during that hearing (see paragraph 18 above), and the lodging of the complaint on behalf of the applicant on 19 March 2021 (see paragraph 20 above).

24. In his written statement, taken at Sofia Prison through an interpreter, the applicant explained that after his arrest on 24 August 2019 he had been beaten by plain-clothes police officers – four men and one woman – in a room on the first floor of Haskovo police station. He had been punched and kicked several times and electrocuted with an electric baton. The ill-treatment described had lasted for about 50 minutes. The applicant stated that the police officer who had electrocuted him had testified at his trial and that he could identify the other officers if he saw them. He added that he had then been taken to a doctor who had not examined him but had simply handed over pre-filled documents to the police and forced him out of his office.

25. Following those investigative measures, by an order of 2 September 2021, the Haskovo District Prosecutor's Office refused to open criminal proceedings on the grounds that there were no categorical grounds for suspecting the police officers of having committed a criminal offence against the applicant.

26. On 11 November 2021, ruling on the applicant's appeal, a prosecutor from the Haskovo Regional Prosecutor's Office set aside the order of the lower prosecutor's office and ordered further investigations. The public prosecutor considered it necessary to appoint a forensic expert to establish the origin of the bruises found on the applicant's body at the time of his imprisonment. The prosecutor further noted that, for the sake of impartiality,

the investigation should not have been entrusted to the Haskovo police, but to the Internal Security Directorate of the Ministry of the Interior.

27. A new investigator from the Internal Security Department of the Ministry of the Interior was appointed to carry out a further investigation. He commissioned a forensic expert to examine the medical documents in the case file in order to establish the origin and cause of the bruises found on the applicant's body on 25 August 2019. Having examined the medical certificate, the completed form and the circled diagram of the human body dated 25 August 2019, the expert concluded that the information contained in those documents was inconclusive. In particular, he stated that the form did not contain any observations on the general condition of the person being examined, the medical findings and the diagnosis made, and that it had not been signed by a doctor. He added that the diagram of the human body did not contain any description of the bruises indicated at the various encircled locations.

28. By an order of 21 March 2022, the District Prosecutor's Office once again refused to open criminal proceedings on the grounds that there was insufficient evidence to suspect that police officers had committed a criminal offence. That order was upheld on 6 June 2022 by the Haskovo Regional Prosecutor's Office and on 19 July 2022 by the prosecutor's office at the Plovdiv Court of Appeal, as the applicant's lawyer's successive appeals had been dismissed. The prosecutors considered that, in the absence of reliable medical documents duly issued by a doctor, it was impossible to determine the origin and time of the bruising on the applicant's body. Moreover, the applicant had made his allegations only a year and a half after his arrest. The prosecutors also considered that the preliminary investigation in the case had been independent and comprehensive.

III. THE OUTCOME OF THE CRIMINAL PROCEEDINGS AGAINST THE APPLICANT AND HIS ACTION FOR DAMAGES AGAINST THE PUBLIC PROSECUTOR'S OFFICE

29. In a judgment of 23 September 2021 the Haskovo Regional Court convicted the applicant of aiding and abetting drug trafficking and sentenced him to 13 years' imprisonment.

30. On 23 June 2022 the Plovdiv Court of Appeal, ruling on the applicant's appeal, overturned the first-instance judgment and acquitted the applicant. On 2 March 2023 the Supreme Court of Cassation upheld the Court of Appeal's judgment.

31. Following his acquittal, the applicant brought an action for damages for unlawful criminal proceedings against the public prosecutor's office under section 2(1)(3) of the State and Municipalities Liability for Damage Act before the Sofia City Court, which, in a judgment of 19 June 2024, upheld his action and awarded him 150,000 Bulgarian levs (BGN) – approximately

76,694 euros (EUR). In a judgment of 30 April 2025, the Sofia Court of Appeal reduced the amount of compensation awarded to the applicant to BGN 90,000 (approximately EUR 46,016). The applicant appealed on points of law.

32. According to the latest information available, in April 2026 the case was pending before the Supreme Court of Cassation.

RELEVANT DOMESTIC LEGAL FRAMEWORK AND PRACTICE

33. Under section 85 of the Ministry of Interior Act, the use of force by police officers is only permitted when absolutely necessary, *inter alia*, in the event of resistance or refusal to obey, the arrest of a suspect, or an assault on police officers. Officers must take into account the circumstances of the case, the seriousness of the offence and the characteristics of the person concerned, use only the strictly necessary force and take all necessary measures to safeguard the life and health of the person concerned (section 86(2), (3) and (4), of the same Act).

34. The infliction by a State agent of minor bodily harm on another person while carrying out his or her duties is punishable by up to three years' imprisonment (Article 131 § 1 (2), of the Criminal Code). Criminal proceedings in such cases are instituted by the public prosecutor's office of its own motion.

35. Under section 145(1) point 3 of the Judiciary Act, the competent prosecutor may order the police to carry out a preliminary investigation within a time-limit fixed by him or her in order to determine whether there is sufficient evidence to establish the existence of a criminal offence and, consequently, to justify the institution of criminal proceedings.

36. Under Article 213 § 1 of the Code of Criminal Procedure, as worded at the material time, an appeal lay to the higher prosecutor's office against a refusal by the competent public prosecutor's office to open criminal proceedings.

37. Under section 45 of the Obligations and Contracts Act (*Закон за задълженията и договорите*), any person is liable to make good any damage caused to another person by his or her own fault.

38. Section 1 of the State and Municipalities Liability for Damage Act (*Закон за отговорността на държавата и общините за вреди*) provides that the State is liable without fault for damage caused to citizens by unlawful acts of the administration.

LAW

I. PRELIMINARY OBSERVATIONS

39. The Court observes that in his application the applicant relied on Articles 3 and 13 of the Convention to allege that he had been beaten at Haskovo police station and that the Bulgarian authorities had failed to carry out an effective investigation into those allegations.

40. The Court considers that these complaints fall to be examined solely under the substantive and procedural limbs of Article 3 of the Convention (see *Pedev v. Bulgaria*, no. 27165/21, §§ 48 and 49, 27 May 2025). This provision reads as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

II. ALLEGED VIOLATIONS OF ARTICLE 3 OF THE CONVENTION

A. Admissibility

1. The parties' submissions

(a) The Government

41. The Government first objected that the applicant lacked victim status. They considered that the evidence in the case file did not clearly show that the applicant had been subjected to violent treatment by the police. Moreover, they considered that several pieces of evidence gathered during the investigation conducted by the authorities contradicted the applicant's version of events and that he had not explained why he had been slow to lodge a complaint against the police officers with the relevant authorities. Having regard to the conclusions reached by the public prosecutor's office at the end of the investigation, they considered that the applicant's allegations under Article 3 of the Convention were not credible.

42. The Government then contested the compatibility of the application *ratione loci*, arguing that there was no conclusive evidence that the applicant had been ill-treated on Bulgarian territory.

43. The Government submitted that the applicant had also failed to exhaust effective domestic remedies. In particular, he had not challenged the lawfulness of his detention in police custody before the competent court, which would have enabled him to make allegations of ill-treatment before that court, to request a medical opinion and to lodge a claim for compensation. They argued that, after the decision of the public prosecutor's office not to bring criminal proceedings, the applicant could have lodged a criminal complaint against the police officers with the competent court and thus have initiated such proceedings. This would also have enabled him to request a

medical assessment. According to the Government, the applicant could have availed himself of a final remedy, namely an action for compensation under section 45 of the Obligations and Contracts Act, but he had failed to do so.

44. Lastly, the Government submitted that the application was manifestly ill-founded, as the applicant's allegations were wholly unsubstantiated.

(b) The applicant

45. The applicant contested the Government's position and asked the Court to declare his application admissible. He submitted that his allegations were corroborated by the documents that had been drawn up on his arrival at the Haskovo pre-trial detention centre.

46. The applicant claimed that he had exhausted effective domestic remedies by lodging a complaint with the public prosecutor's office when he had had a genuine opportunity to do so and by challenging all the prosecutors' successive refusals to bring criminal proceedings.

2. The Court's assessment

47. The Court considers it appropriate to deal first with the Government's objection concerning the exhaustion of domestic remedies (see paragraph 43 above).

48. It refers to the principles concerning the exhaustion of domestic remedies set out in its judgments in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014) and *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* ([GC], no. 21881/20, §§ 138-146, 27 November 2023). In particular, the obligation to exhaust domestic remedies requires applicants to have made normal use of remedies which are available and sufficient to afford redress in respect of the breaches alleged (see *Vučković and Others*, cited above, § 71, and *CGAS*, cited above, § 139), and there is no obligation to have recourse to remedies which are inadequate or ineffective (see *Vučković and Others*, cited above, § 73, and *CGAS*, cited above, § 141).

49. Under Bulgarian law, the remedy normally available in the event of an allegation of police violence is a complaint to the public prosecutor (see *Assenov and Others v. Bulgaria*, 28 October 1998, § 86, *Reports of Judgments and Decisions* 1998-VIII). The applicant lodged such a complaint with the public prosecutor's office on 19 March 2021 (see paragraph 20 above). Following a preliminary investigation, the Haskovo District Prosecutor's Office decided on 21 March 2022 that no criminal proceedings should be brought as there was insufficient evidence of a criminal offence (see paragraph 28 above). That order was subsequently upheld by all higher prosecutors – the last decision in that regard having been taken on 19 July 2022 by the prosecutor's office at the Plovdiv Court of Appeal (ibid.).

50. The Court considers that the applicant availed himself of the remedy normally available and effective under domestic law in order to raise his complaints of a violation of Article 3 of the Convention. It cannot find fault with him for not having made use of the remedies suggested by the Government (paragraph 43 above), which were irrelevant in the circumstances of the case and in relation to his complaints under Article 3 of the Convention. The Government's objection must therefore be dismissed.

51. The Court observes that the Government's other three objections to admissibility (see paragraphs 41, 42 and 44 above) consist in disputing the applicant's allegations that he was ill-treated by the Haskovo police for lack of relevant and sufficient evidence. In the particular circumstances of the present case, the Court considers that these objections are closely linked to the substance of the applicant's complaint under the procedural limb of Article 3 and should be joined to the merits of that complaint. The Court therefore declares the application admissible.

B. The merits

52. The Court considers it appropriate to begin by examining the applicant's complaint under the procedural limb of Article 3 of the Convention.

1. Complaint under the procedural limb of Article 3

(a) The parties' submissions

(i) The applicant

53. The applicant submitted that the Bulgarian authorities had failed to carry out an effective investigation into his allegations of ill-treatment by the police. He pointed out that on 25 August 2019, upon his arrival at the Haskovo pre-trial detention centre, the prison guards had found signs of assault on his body and had recorded these injuries on a form which they had then sent to the regional prosecutor's office. However, the Government had not taken any investigative measures in that regard.

54. The applicant submitted that he had not lodged a complaint with the Bulgarian authorities against the police officers who had beaten him because he had been prevented from doing so by a variety of circumstances: he had been prosecuted and detained in a foreign country whose language he did not speak and whose rules he did not know, he had been assisted by an officially assigned lawyer who did not speak Turkish, and any communication with him had had to be made using an interpreter appointed by the prosecution authorities. He added that on 26 February 2021, at the first hearing before the Haskovo Regional Court, he had provided his version of the events and the

prosecutor had admitted that the prosecution were in possession of the documents sent by the head of the pre-trial detention centre.

55. The applicant explained that his new lawyer, who spoke Turkish, had then applied to the public prosecutor's office, which had opened a preliminary investigation. However, the investigation had not been carried out independently because it had been entrusted to an inspector from Haskovo police station, which was the same station as that of the police officers who had beaten him.

56. Furthermore, the applicant stated that the investigation had been a preliminary one and that he had had no right to participate actively in it or to inspect the documents in the file. The district prosecutor had refused to open a criminal investigation. In that connection, he pointed out that his appeals against the district prosecutor's refusal had been dismissed by prosecutors of higher rank.

(ii) The Government

57. The Government pointed out that the obligation to carry out an effective investigation depended on the existence of a credible allegation of violence against an individual at the hands of the authorities. In the present case, the applicant's allegations were not credible because they were not supported by sufficient evidence. They further noted that considerable time had elapsed between 24 August 2019, the alleged date of the police violence, and the applicant's lodging of the formal complaint.

58. The Government considered that the applicant's allegations were not sufficiently serious or substantiated and that the Bulgarian authorities were not under an obligation to carry out a criminal investigation. However, they had conducted prompt, effective, thorough and independent preliminary enquiries into the allegations.

59. The Government stated that a preliminary investigation had been opened and entrusted to a police officer who, according to them, had had no links with the officers involved in the applicant's arrest and detention, and that the investigation had been supervised by the public prosecutor's office.

60. The Government explained that the investigator had taken the necessary steps to reconstruct the events surrounding the applicant's arrest and detention: he had gathered written evidence, identified and questioned the police officers involved as well as other witnesses, and ordered a forensic medical report. The evidence gathered had clearly shown the inaccuracy of the applicant's version of events and the district prosecutor's office had decided not to open a criminal investigation.

61. Furthermore, the Government submitted that the applicant had been able to acquaint himself with the prosecutor's submissions and had lodged detailed complaints with all higher prosecutors challenging the refusal to open a criminal investigation. They added that the applicant's appeals had been examined and dismissed by higher prosecutors in reasoned decisions.

(b) The Court's assessment

62. The Court reiterates that where an individual raises an arguable claim that he or she has been seriously ill-treated by the police or other such agents of the State unlawfully and in breach of Article 3, that provision, read in conjunction with the State's general duty under Article 1 of the Convention to "secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention", requires by implication that there should be an effective official investigation. Such an investigation must be capable of leading to the identification and – where appropriate – the punishment of those responsible (see *Assenov and Others*, cited above, § 102, and *Giuliani and Gaggio v. Italy* [GC], no. 23458/02, § 301, ECHR 2011 (extracts)).

63. Such an investigation must be "effective" in the sense that it is capable of leading to a determination of whether the force used by the police was or was not justified in the circumstances (see *Zelilof v. Greece*, no. 17060/03, § 55, 24 May 2007). One of the essential aspects of an effective investigation is its promptness – the authorities have an obligation to open such an investigation as soon as an official complaint has been lodged. Even in the absence of an express complaint, an investigation should be undertaken if there are other sufficiently clear indications that torture or ill-treatment might have occurred (see, for example, *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. 71156/01, § 97, 3 May 2007). Likewise, a requirement of promptness and reasonable expedition is implicit in this context (see, for example, *Bouyid v. Belgium* [GC], no. 23380/09, § 121, ECHR 2015, and *Labita v. Italy* [GC], no. 26772/95, §§ 133 and 134, ECHR 2000-IV).

64. The investigation in question must be sufficiently "thorough and effective" to meet the requirements of Article 3 This means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis of their decisions (see, among other authorities, *Assenov and Others*, cited above, §§ 103-105). They must take all reasonable steps available to them to secure the evidence concerning the incident, including, *inter alia*, eyewitness testimony and forensic evidence (see *Zelilof*, cited above, § 56). Any deficiency in the investigation which undermines its ability to establish the cause of injuries or the identity of the persons responsible will risk falling foul of the required standard of effectiveness (see *Bouyid*, cited above, § 120, and *Boicenco v. Moldova*, no. 41088/05, § 123, 11 July 2006).

65. Lastly, the applicant's right to effective participation in the proceedings must be secured (see *Dedovskiy and Others v. Russia*, no. 7178/03, § 92, ECHR 2008, and *Denis Vasiliev v. Russia*, no. 32704/04, § 157, 17 December 2009).

66. Turning to the facts of the present case, the Court observes, firstly, that the applicant's allegations of violence by the Bulgarian police are

corroborated by the content of the completed form and the diagram of the human body drawn at the time of his arrival at the Haskovo pre-trial detention centre on 25 August 2019 (see paragraph 14 above). Although these two documents were not drawn up by a doctor, they clearly show nine bruises on different parts of the applicant's body. This discovery was made after the applicant had been in the custody of the Bulgarian police for more than 24 hours following his arrest (see paragraph 7 above), shortly after he was charged with drug trafficking (see paragraph 10 above) and following his first examination (see paragraph 12 above). That evidence was sufficient to give rise to at least a reasonable suspicion that the applicant had been ill-treated while in police custody, thus requiring an investigation by the authorities in compliance with the requirements of Article 3 of the Convention (see *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 186, ECHR 2012). In accordance with his obligation under a ministerial order, the head of the pre-trial detention centre promptly referred the information to the regional prosecutor's office with copies of the relevant documents (see paragraph 15 above).

67. The Court considers that, taken as a whole, all these elements should have alerted the competent Bulgarian prosecutor's office to a possible excessive use of force against the applicant during the period between 2 p.m. on 24 August 2019 and 3.50 p.m. on 25 August 2019. It cannot be overlooked that even though the prison report reached the Haskovo Regional Prosecutor's Office on 27 August 2019, the prosecutors did not take any steps to clarify the facts surrounding the first day after the applicant's arrest (see paragraph 15 above).

68. The Court notes that the Government criticised the applicant for not having immediately lodged a complaint against the police officers (see paragraph 57 *in fine* above) and for waiting until the first hearing on the merits of his criminal case before formulating his version of events. It considers that the applicant's explanation for this delay appears relevant: he was detained in a foreign country and charged with a serious criminal offence, he did not speak Bulgarian, he was assisted by an officially assigned lawyer who did not speak Turkish and communication with him required the services of an interpreter, which had to be provided by the authorities (see paragraph 54 above). In any event, having regard to its relevant case-law (see paragraph 63 above) and in the specific circumstances of the present case, the Court considers that the authorities should have opened a formal investigation as soon as they received the communication from the pre-trial detention centre, without any need for the applicant to have lodged a formal complaint.

69. During the first hearing on the merits of his criminal case, held on 26 February 2021, the applicant submitted that he had been beaten by police officers (see paragraph 18 above). The prosecutor present at the hearing confirmed that the regional prosecutor's office had documents in its possession indicating that signs of assault had been visible on the applicant's

body on 25 August 2019 (see paragraph 19 above). However, no spontaneous action had been taken by the public prosecutor's office following that statement by the applicant. It was only after his new lawyer had lodged a complaint with the Chief Public Prosecutor's Office that a preliminary investigation was opened, on 28 April 2021 (see paragraphs 20 and 21 above).

70. The Court considers that the passive attitude of the public prosecutor's office during such a lengthy period, between 27 August 2019 and 28 April 2021, undermined the effectiveness of the subsequent preliminary investigation as soon as it was opened. In particular, given that the bruises observed on 25 August 2019 had long since disappeared, the forensic doctor responsible for issuing an expert opinion as to how they had been caused could only consult the documents in the file, essentially the form and the body diagram (see paragraph 27 above). Both documents indicated the number, type and location of the injuries, but did not contain any indication of their respective shapes, dimensions and colours. Thus it was impossible for the expert to draw any conclusions as to to how the injuries had been caused or when they had been sustained, as he explained in his report (ibid.).

71. The lack of promptness in the actions of the competent authorities also had a detrimental effect on the quality of the testimony obtained during the preliminary investigation: the interpreter, who had assisted the police officers during the first hours of the applicant's detention, stated that she could not remember anything about the applicant's case (see paragraph 22 *in fine* above).

72. The Court further considers that those responsible for the preliminary investigation essentially confined themselves to obtaining the documents relating to the applicant's detention, the statements of the two officers who had arrested him, the interpreter who had assisted them, the applicant and his new lawyer (see paragraphs 22-24 above). In his statement, the applicant emphasised that he had been ill-treated by four men and a woman in civilian clothes, that one of those police officers had testified during his trial and that he could identify the officers if he saw them; he also indicated the location of the room where he had allegedly been beaten (see paragraph 24 above). It appears that the investigative authorities did not seek to verify this version of events, for example by identifying and questioning other police officers present at Haskovo police station that day.

73. On the basis of these factors, the Court considers that the preliminary investigation conducted in the present case was not sufficiently prompt and thorough. It therefore lacked the requisite effectiveness under Article 3 of the Convention.

74. The Government's objections of inadmissibility, which have been joined to the merits of this complaint, must therefore be dismissed (see paragraph 51 above). The Court accordingly finds a violation of Article 3 of the Convention under its procedural limb.

2. Complaint under the substantive limb of Article 3 of the Convention

(a) The parties' submissions

75. The applicant alleged that he had been beaten by police officers during his detention at Haskovo police station. In his submission, this amounted to a violation of the right not to be subjected to inhuman and degrading treatment enshrined in Article 3 of the Convention.

76. The Government contested the applicant's version of the facts and submitted that his allegations of a violation of Article 3 under its substantive limb were not corroborated by adequate and convincing evidence. They referred in that connection to the prosecutors' findings following the preliminary investigation conducted in the present case (see paragraph 28 above).

(b) The Court's assessment

77. The Court reiterates that, according to its case-law, allegations of ill-treatment in breach of Article 3 must be supported by appropriate evidence. In order to establish the alleged facts, it adopts the standard of proof "beyond reasonable doubt", although such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see *Bouyid*, cited above, § 82). On the latter point, the Court has explained that where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, as in the case of persons within their control in custody, strong presumptions of fact will arise in respect of injuries occurring during such detention. The burden of proof is then on the Government to provide a satisfactory and convincing explanation by producing evidence establishing facts which cast doubt on the account of events given by the victim (ibid., § 83).

78. In the present case, the signs of assault on the applicant's body were discovered and recorded on a form the day after his arrest and at the end of his police custody (see paragraphs 7-14 above). It is therefore for the Government to provide a convincing explanation of the cause of his injuries.

79. The Court reiterates that it has found that the investigation carried out by the authorities into the applicant's allegations was not sufficiently prompt and effective and did not establish the cause of the applicant's numerous bruises (see paragraphs 66-73 above). In these circumstances, the Court considers that the Government have not provided a satisfactory and convincing explanation for the injuries found and have not adduced any evidence capable of casting doubt on the applicant's version of events (see, *mutatis mutandis*, *El-Asmar v. Denmark*, no. 27753/19, §§ 75-80, 3 October 2023, and *Dokukiny v. Russia*, no. 1223/12, §§ 26-30, 24 May 2022).

80. On the basis of those factors, and having regard to the number and location of the bruises found on the applicant's body (see paragraph 14 above), the Court considers that the applicant was subjected to inhuman

treatment by the police in violation of Article 3 of the Convention under its substantive limb.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

81. Under Article 41 of the Convention,

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

82. The applicant asked the Court to award him only compensation for non-pecuniary damage and left the amount of such compensation to the Court's discretion.

83. The Government contested the applicant's position and asked the Court not to award him any sum under this head.

84. The Court considers that the applicant sustained some non-pecuniary damage as a result of the violations of Article 3 of the Convention found. Making its assessment on an equitable basis, the Court awards the applicant 7,500 euros (EUR) in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

85. As the applicant has not claimed any sum in respect of costs and expenses, the Court considers that no award should be made under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Dismisses* the Government's preliminary objection of non-exhaustion of domestic remedies;

2. *Joins to the merits* of the complaint under the procedural limb of Article 3 all other objections of inadmissibility raised by the Government and *rejects* them, accordingly declaring the application admissible;

3. *Holds* that there has been a violation of Article 3 of the Convention under its procedural limb;

4. *Holds* that there has been a violation of Article 3 of the Convention under its substantive limb;

5. *Holds*,

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 7,500 (seven thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in French, and notified in writing on 7 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško Registrar	Ioannis Ktistakis President