



Violations of the Convention in case concerning police brutality

In its committee judgment in the case of [Csonka v. Hungary](#) (application no. 48455/14) the European Court of Human Rights has unanimously held, that there had been:

two violations of Article 3 (prohibition of inhuman or degrading treatment/investigation) of the European Convention on Human Rights.

The case concerned the applicant's allegation that he had been slapped, kicked and punched by the police when taken in for questioning about a theft of timber.

His complaint to the Hungarian authorities was dismissed because it could not be concluded beyond reasonable doubt that he had been injured during his interrogation.

The Court pointed out, however, that, where an individual such as the applicant had been taken into custody in good health but had been released with an injury, the onus was on the State to provide a plausible explanation for how it had occurred. Suggesting that the applicant had signed a waiver before his release without mentioning any ill-treatment and that he could have been hit by an acquaintance was not, in the Court's opinion, convincing. Furthermore, the investigation into the applicant's allegations had been superficial.

The judgment is final.

Principal facts

The applicant, Zsolt Csonka, is a Hungarian national who was born in 1988 and lives in Szigetvár-Becefa (Hungary).

According to the police record, Mr Csonka waived his right to counsel and immediately confessed to the theft during his questioning on 4 February 2013.

A few days later, however, he initiated proceedings alleging that he had been ill-treated in order to make him confess. He testified to the investigating authorities that police officers had slapped him in the face, kicked him in the chest and punched him in the stomach. The police officer in charge of the questioning denied the allegations, and suggested that an accomplice in the theft had hit Mr Csonka when they had argued shortly after his release the same day.

The prosecuting authorities discontinued the investigation in November 2013 because they could not conclude beyond reasonable doubt that Mr Csonka had been injured while in police custody. They also pointed out that his claim that he had received several blows was contradicted by a medical report confirming just one blunt blow to his mouth.

He lodged a complaint against this decision, arguing that the authorities had failed to question witnesses, namely his aunt and cousin, who had seen him with a bleeding mouth just after his release. Nor had they organised an identification parade or confrontation between him and the accused police officers. The courts rejected his complaint, finding that there was no need for further investigation.

The investigation against Mr Csonka for theft was discontinued in December 2013 because he had withdrawn his confession and his brother had provided him with an alibi.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 17 June 2014.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Csonka complained that he had been ill-treated in police custody and that the investigation into his allegations had been neither effective nor thorough.

Judgment was given by a Committee of three judges, composed as follows:

Georges **Ravarani** (Luxembourg), *President*,
Marko **Bošnjak** (Slovenia),
Péter **Paczolay** (Hungary),

and also Andrea **Tamietti**, *Deputy Registrar*.

Decision of the Court

The Court observed that Mr Csonka had been in good health before being taken into custody, but that he had had at least one injury after his release, as corroborated by the medical report.

It found that the Government had failed to provide a satisfactory and convincing explanation for that injury. The fact that Mr Csonka had signed a waiver before his release without mentioning his ill-treatment carried no weight, as he had still been at the police station and under the influence of police officers. There was no evidence to support the suggestion that he had been hit by an acquaintance shortly after his release.

It therefore held the State responsible for Mr Csonka's injury and concluded that he had been subjected to degrading treatment, in violation of Article 3.

It also held that there had been a procedural violation of Article 3, finding that the authorities' reluctance to question certain witnesses and to organise an identification parade or a confrontation between Mr Csonka and the police officers had undermined the effectiveness of the investigation.

Just satisfaction (Article 41)

The Court held that Hungary was to pay Mr Csonka 8,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,400 in respect of costs and expenses.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.