



Individual attached to his hospital bed while guarded by prison officers: degrading treatment

The case of [Pedev v. Bulgaria](#) (application no. 27165/21) concerned an applicant who took part in a demonstration in 2020 and complained that he had been subjected to ill-treatment during his arrest by the police, while detained in a police station and while in hospital, where he was attached to the bed with leg restraints and handcuffs.

In today's **Chamber** judgment¹ the European Court of Human Rights held, unanimously, that there had been **two violations of Article 3 (prohibition of degrading treatment/obligation to conduct an investigation)** of the European Convention on Human Rights in respect of the applicant's immobilisation while in hospital.

The Court found in particular that the use of restraints to attach Mr Pedev to his hospital bed, even for the relatively short period of one day, had not been strictly necessary. The measure had been capable of humiliating and debasing him in his own eyes. Furthermore, he had been kept attached to his bed during a visit by his mother, thus intensifying the psychological impact of this measure. He had therefore been subjected to degrading treatment. The authorities had also failed to comply with their obligation to carry out an effective investigation into Mr Pedev's allegation that he had been subjected to degrading treatment while in hospital.

With regard to the alleged police violence during Mr Pedev's arrest and detention, the Court noted that in 2022 the Bulgarian authorities had opened a new, thorough and effective criminal investigation, which had concluded that the injuries noted on the applicant's body when he was discharged from hospital had not been inflicted by law-enforcement officers, as he had claimed in his application. This complaint was therefore manifestly ill-founded. With regard to the complaint about the lack of an effective investigation into those allegations, the Court considered that the applicant had lost his victim status, since the Bulgarian authorities had acknowledged the ineffectiveness of the 2020 preliminary investigation and had conducted a new and effective investigation.

Principal facts

In July 2020 a protest movement began against the Bulgarian government in power. Rallies and demonstrations were organised in various locations in Sofia city centre.

The applicant, Dimitar Ivanov Pedev (a Bulgarian national who was born in 1991 and lives in Sofia), took part in one of these gatherings on 10 July 2020.

On the same day Mr Pedev verbally abused several police officers at a junction and was arrested. His arrest was photographed by a passer-by and the image was used in media coverage of the event. He was subsequently taken to a police station, where he was held for 24 hours from 9.30 p.m. onwards. He was examined by an emergency doctor at 10.15 p.m. the same evening.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

The following day, Mr Pedev was again examined by a doctor at the police station, then taken to hospital to be treated for concussion and dizziness. While there, from 9 p.m. on 11 July 2020 to 5.30 p.m. on 13 July, he was guarded by teams of two prison officers working in 12-hour shifts.

Mr Pedev was discharged from hospital on 14 July 2020 after being examined by a forensic medical examiner, who noted the presence of injuries, scratches and haematoma on several parts of his body, including his elbows, wrists, knees, arms and back.

A few days after being discharged from hospital, Mr Pedev lodged a complaint against a person or persons unknown. He alleged that he had been beaten, handcuffed and dragged along the ground by officers during his arrest and detention, and that he had then been attached to his bed for part of his three-day stay in hospital. Following a preliminary investigation, the public prosecutor's office decided not to institute proceedings against the officers, finding that there was insufficient evidence of a criminal offence. The authorities simultaneously conducted a disciplinary inquiry into the events in question, which concluded that no disciplinary offence had been committed.

In parallel, the authorities charged Mr Pedev with breaches of public order, namely, swearing and spitting at the arresting officers and attempted physical assault (by punching and kicking at them). At the end of the proceedings, Mr Pedev was convicted of those offences and agreed to submit to various compulsory probationary measures for a period of one year.

Complaints

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, Mr Pedev alleged that he had been subjected to ill-treatment during his arrest by police officers and while detained at the police station. He also alleged that he had been attached to his bed with leg restraints and handcuffs for part of his stay in hospital. He further complained that the authorities had failed to conduct an effective investigation in order to identify and punish those responsible.

The Court decided to examine these complaints under Article 3 of the Convention alone.

Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 29 April 2021.

Judgment was given by a Chamber of seven judges, composed as follows:

Ioannis **Ktistakis** (Greece), *President*,
Peeter **Roosma** (Estonia),
Lətif **Hüseynov** (Azerbaijan),
Oddný Mjöll **Arnardóttir** (Iceland),
Diana **Kovatcheva** (Bulgaria),
Mateja **Đurović** (Serbia),
Canòlic **Mingorance Cairat** (Andorra),

and also Milan **Blaško**, *Section Registrar*.

Decision of the Court

[Article 3: alleged police violence and failure to conduct an investigation in that respect](#)

The Court noted that, following communication of this application to the Bulgarian Government, the Bulgarian authorities had found the 2020 preliminary investigation to be ineffective; on 1 September 2022 they had opened a new criminal investigation into the applicant's allegations of police violence.

In the Court's view, this investigation constituted appropriate and sufficient redress in order to remedy, at the domestic level, the violation of the right guaranteed by Article 3 of the Convention under its procedural limb. The applicant had therefore lost his victim status in respect of his complaint about the lack of an effective investigation into his allegations of police violence.

In addition, the Court considered that the 2022 criminal investigation had enabled the authorities to gather all the necessary evidence and to ascertain the circumstances surrounding the applicant's arrest, transfer and detention at the police station. In particular, it had been established that the applicant had consumed alcohol during the day on 10 July 2020, and that he had been involved in a clash with unidentified demonstrators a short time before arriving at the junction where he had verbally and physically abused the police officers; the latter had used necessary and proportionate force to restrain, handcuff and take him to police station no. 1. While being booked in at the police station, the applicant had suddenly tried to stand up from his chair but had tripped and hit his head on the floor. He had been hospitalised on the advice of the emergency doctors summoned by the police, and diagnosed in hospital with concussion. The investigating authorities had concluded that the applicant had not been ill-treated by the police officers involved in his arrest, transfer and detention.

The Court considered that the facts thus established were reasonable and supported by a large body of consistent evidence, gathered in the course of a thorough and effective criminal investigation. The authorities had therefore provided a satisfying and convincing explanation of the origin of the injuries noted on the applicant's body when he was discharged from hospital, and had shown that they had not been inflicted by law-enforcement officers, as the applicant had claimed in his application. It followed that this complaint was manifestly ill-founded.

[Article 3: alleged immobilisation in hospital](#)

Alleged ill-treatment

The Court noted that there was no indication in the case file that the applicant had behaved aggressively towards the police officers or hospital staff, or that he had attempted to injure himself. As to the risk of his absconding, it observed that there was no evidence that he had attempted to leave the hospital after being admitted on the morning of 11 July 2020. In addition, he had been constantly guarded by two officers. Thus, in view of the applicant's condition, and although the window in his room had not been barred, the permanent presence, number and placement of the officers appeared to have been sufficient to offset any hypothetical risk of absconding.

In consequence, the Court considered that the use of restraints to attach the applicant to his hospital bed, even for the relatively short period of one day, had not been strictly necessary in the present case. The measure had been capable of humiliating and debasing him in his own eyes. Furthermore, he had been kept attached to his bed during a visit by his mother, which had intensified the psychological impact of the measure. It followed that the applicant had been subjected to degrading treatment and there had been a violation of the substantive limb of Article 3 of the Convention.

The investigation

The Court noted that the authorities responsible for the preliminary investigation had not attempted, in good faith, to establish the circumstances surrounding the applicant's immobilisation while in hospital.

With regard to the criminal investigation opened in 2022, the Court observed that it had concerned only the actions of the officers accused by the applicant, and in particular their actions during his arrest and detention at the police station. This investigation did not therefore include the actions of those prison officers who had used restraints to attach the applicant to his bed on 12 July 2020.

Admittedly, the investigator requested and obtained documents relating to how the applicant had been guarded while in hospital, which confirmed that he had indeed been attached to his bed on

12 July 2020. However, this information had not been taken into account by either the public prosecutor or the courts which ruled on the applicant's subsequent appeals.

The authorities had therefore failed to comply with their obligation to carry out an effective investigation into the applicant's allegation that he had been subjected to degrading treatment while in hospital. It followed that there had been a violation of the procedural limb of Article 3 of the Convention.

Just satisfaction (Article 41)

The Court held that Bulgaria was to pay the applicant 6,500 euros (EUR) in respect of non-pecuniary damage and EUR 3,510.73 in respect of costs and expenses.

The judgment is available only in French.

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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.