



Judgments of 30 June 2026

The European Court of Human Rights has today notified in writing one Chamber judgment¹, which is summarised below;

This judgment is only available in English.

Eikenaar v. the Netherlands (application no. 52053/18)

The applicant, Elisabeth Gertrude Eikenaar, is a Dutch national who was born in 1960 and lives in Hellevoetsluis (the Netherlands).

The case concerns the use of force by a police officer against her late partner, E.C.U. On 23 November 2016 the Rotterdam police received reports of a man, E.C.U., behaving in a confused and aggressive manner. Police officers attended the scene and during the events that followed, one of the officers, Officer X, punched him in the back of the head. E.C.U. was arrested and taken to a nearby police station where he died. The subsequent autopsy concluded that E.C.U. had died of a “cocaine-related death”. In July 2017 the Chief Public Prosecutor closed the criminal investigation, finding that the use of force had been necessary and proportionate and that there was no indication that the force inflicted on E.C.U. had caused or contributed to his death. Ms Eikenaar lodged a complaint against the decision not to prosecute Officer X which was dismissed. The Court of Appeal acknowledged that Officer X should have refrained from administering the punch to the head but held that no criminal offence requiring prosecution had been committed.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Ms Eikenaar complains about the use of force during her partner’s arrest.

Violation of Article 3 (ill-treatment)

Just satisfaction:

non-pecuniary damage: 5,000 euros (EUR)

costs and expenses: EUR 7,000

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¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment’s 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. Under Article 28 of the Convention, judgments delivered by a Committee are final.

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

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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.