

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

FIRST SECTION

CASE OF TATIČ v. SLOVAKIA

(Application no. 8280/23)

JUDGMENT

STRASBOURG

4 September 2025

This judgment is final but it may be subject to editorial revision.



In the case of Tatič v. Slovakia,

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Artūrs Kučs, *President,*
Alena Poláčková,
Anna Adamska-Gallant*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 8280/23) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 14 February 2023 by a Slovak national, Mr Ján Tatič ("the applicant"), who was born in 1974 and is currently detained in Leopoldov, and who was represented by Mr T. Bacsó, a lawyer practising in Košice;

the decision to give notice of the application to the Slovak Government ("the Government"), represented by their Agent, Ms M. Bálintová;

the parties' observations;

Having deliberated in private on 3 July 2025,

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

SUBJECT MATTER OF THE CASE

1. The present case concerns thorough strip searches (*dôkladné osobné prehliadky* – "TSS" or, in the plural, "TSSs") which included, *inter alia,* undressing and squatting, to which the applicant was subjected, in particular before and after each transfer within the prison system (including for interrogations and court hearings), and the alleged lack of an effective domestic remedy in this regard.

2. The applicant has been detained since 2015, at first on remand and later for the purposes of serving a prison sentence. It appears from the case file that between March 2015 and November 2022 the applicant was transferred within the prison system at least on forty-one occasions.

3. The Government did not provide a record of the TSSs to which the applicant was subjected, as no report would have been drawn up if the performance of a TSS revealed no prohibited items.

4. On 11 October 2022, the applicant lodged a complaint with the Public Prosecution Service ("the PPS") in respect of the TSSs carried out on the occasion of his transfer from the Leopoldov prison on 2 May 2022 and during all previous transfers. During the proceedings before the PPS, the prison authorities submitted comments stating that TSSs were performed in accordance with, and to the extent required by the applicable legal regulations. Their purpose was to discover prohibited items, such as drugs. Detainees might be ordered to, *inter alia*, perform squats. The prison authorities also pointed out that the applicant had been convicted of a serious

offence committed as a member of an organised group. The aim of his treatment had therefore been to prevent him from undermining the purpose of his detention and to ensure security and order on the protected premises and during transfers.

5. According to an evaluation report of 9 June 2023 prepared by the authorities at Leopoldov Prison, the applicant's conduct and behaviour during his pre-trial detention and while serving the prison sentence had been at the required standard. The applicant had followed the orders and instructions of the prison officers. He had avoided or had not provoked contentious situations, had received three disciplinary awards and had not been sanctioned in respect of any disciplinary matters.

6. On 3 July 2023, the applicant was transferred from a maximum-security to a medium-security prison.

7. The applicant complained that he had been systematically subjected to TSSs during transfers within the prison system without any justification on security grounds and that this treatment was contrary to Articles 3, 8 and 13 of the Convention.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

A. Admissibility

8. The Government's objection that the applicant had failed to exhaust domestic remedies by not asserting his rights before the domestic authorities (in the form of a complaint to the prison governor or a complaint under the Prison and Court Guard Service Act or the Public Prosecution Service Act), and, in particular, before the Constitutional Court cannot be accepted. In *Adamčo v. Slovakia (no. 2)* (no. 55792/20, § 60, 12 December 2024), the Court examined the wording and interpretation of the rules governing the obligation to carry out a TSS in instances such as, *inter alia*, those complained of by the applicant and held that the obligation stemmed directly from the legal provisions and that these left no discretion in their application. This appears to also be confirmed by the prison authorities' statement made in the proceedings before the PPS (see paragraph 4 above). The alleged violation thus could not have been effectively challenged at the domestic level (see, for example, *Laduna v. Slovakia* (dec.), no. 31827/02, 20 October 2010, and, most recently, *Ribár v. Slovakia*, no. 56545/21, §§ 71 and 82-85, 12 December 2024, with further references).

9. The same applies to the Government's objection that the applicant should have lodged an action for the protection of personal integrity. The Court notes that it has already examined and rejected the effectiveness of that remedy in a very similar context (see *Adamčo*, cited above, § 52, with further

references). The Court sees no reason to depart from that conclusion in the present case and therefore rejects the Government's objection in that regard.

10. The Court, furthermore, cannot accept the Government's submission that since the applicant had first complained at the national level about the TSS of 5 May 2022 (see paragraph 4 above), all previous TSSs were outside its temporal jurisdiction. The Court observes that the applicant challenged before the PPS the TSS of 5 May 2022 and all previous TSSs carried out on him in the context of his transfers within the prison system. Since the Government have neither argued nor shown that there would be any significant change in the conditions of the applicant's transfers, the situation may be regarded as a continuing one within the meaning of the Court's case-law (see *Fetisov and Others v. Russia*, nos. 43710/07 and 5 others, § 75, 17 January 2012, with further references). The applicant can therefore not be required to lodge a domestic complaint concerning all other instances of TSS carried out on his person (see *Adamčo*, cited above, §§ 57-63).

11. It follows that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

12. The general principles concerning strip searches have been summarised, for example, in *Roth v. Germany* (nos. 6780/18 and 30776/18, §§ 64-69, 22 October 2020).

13. It was not contested that the applicant had been subjected to a TSS before and after each transfer within the prison system and that on those occasions he had to undress and been ordered to perform a squat. It was also undisputed that, during his transfers, the applicant had been under the direct supervision of the prison officers and had had no contact with other persons, such as other prisoners or his lawyer.

14. The Government, however, contested that the TSSs had been carried out routinely and without justification. In this regard they argued that any security concerns were inherent in the applicant's conviction for serious criminal offences and his membership in an organised group. The purpose of the TSSs had been to establish that the applicant had not been injured or concealing prohibited items.

15. The applicant disagreed and argued that he had been subjected to more than one hundred TSSs. Furthermore, he had not been found to be in possession of any prohibited items and had received four disciplinary awards. Although he had been subjected to TSSs before his transfers, he had also been subjected to TSSs on his arrivals, even though he had had no opportunity to acquire anything illegal during the transfers. The assessment of whether a person had been free of injuries had had to be carried out by the prison medical staff and not by the prison officers during a TSS.

16. The Court notes that it has already found a violation of Article 3 of the Convention as regards the practice of systematic strip searches in the context of transfers within the prison system combined with the absence of concrete security reasons (see *Adamčo*, cited above, §§ 82-102, with further references).

17. The Court reiterates that strip searches are in principle a very invasive and potentially degrading measure that requires a plausible justification (see *Milka v. Poland*, no. 14322/12, § 48, 15 September 2015). Turning to the facts of the present case, the Court is not convinced by the Government's arguments. Although the reference to the offences committed by the applicant is not entirely unfounded, the applicant's subsequent behaviour while serving his sentence must also be taken into account (*Adamčo*, cited above, §§ 91-92). In that regard, the Court notes that the applicant did not receive any disciplinary sanctions, but received at least three disciplinary awards and has been transferred to a prison with a medium security level as a result of his positive attitude (see paragraphs 5 and 6 above). Moreover, the Government have neither argued nor established that the applicant was found in possession of any prohibited objects, despite the fact that he had been in prison for a long time, had been transferred many times and had been regularly subjected to TSSs in that context.

18. Given the absence of any records, the exact number of instances in which the applicant was subjected to a TSS cannot be established. There is nevertheless no doubt that he was subjected to them frequently and on many occasions, considering the lack of any discretion on the part of the prison authorities. In this regard, the Court notes that, since 2015, the applicant was transferred within the prison system at least forty-one times and that each time he was required to submit to a TSS before and after the transfer. In particular, as regards the TSSs carried out after the transfers, the Court is not persuaded that they were justified by any security concerns, given that the applicant had no contact with other persons during the transfers and was under the constant supervision of the prison officers. The fact that this arrangement significantly reduced the risk of him acquiring illegal items does not appear to have been taken into account at all.

19. It appears, therefore, that during his detention, despite other security arrangements, the applicant was subjected to a systematic practice of routine TSSs in the absence of convincing security reasons. The Court thus sees no reason to depart from its conclusion in *Adamčo* (cited above, § 97).

20. There has, accordingly, been a violation of Article 3 of the Convention.

II. OTHER COMPLAINTS

21. The applicant also complained under Articles 8 and 13 of the Convention (see paragraph 7 above). Having regard to the facts of the case,

the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal question raised by the case and that there is no need to examine the admissibility and merits of the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. The applicant claimed 51,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,000 in respect of costs and expenses incurred before the Court.

23. The Government contested the claim concerning the non-pecuniary damage as overstated and had no objection to the claim in respect of costs and expenses.

24. The Court awards the applicant EUR 15,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

25. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 1,000 for costs and expenses for the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 3 of the Convention admissible;

2. *Holds* that there has been a violation of Article 3 of the Convention;

3. *Holds* that there is no need to examine the admissibility and merits of the complaints under Articles 8 and 13 of the Convention;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts:
      (i) EUR 15,000 (fifteen thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 4 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt Deputy Registrar	Artūrs Kučs President