

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

SECOND SECTION

CASE OF ZIGMANTAVIČIUS v. LITHUANIA

(Application no. 57967/22)

JUDGMENT

STRASBOURG

12 May 2026

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



In the case of Zigmantavičius v. Lithuania,

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

Oddný Mjöll Arnardóttir*, President*,
Gediminas Sagatys,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 57967/22) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 2 December 2022 by a Lithuanian national, Mr Danis Zigmantavičius ("the applicant"), who was born in 2001, lives in Jonava and was represented by Mr V. Jaroščenka, a lawyer practising in Jonava;

the decision to give notice of the application to the Lithuanian Government ("the Government"), represented by their Agent, Mr R. Dzikovič;

the parties' observations;

Having deliberated in private on 7 April 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged ill-treatment of the applicant by a police officer, using an electroshock device, and the effectiveness of the domestic authorities' investigation into the matter.

I. ALLEGED ILL-TREATMENT OF THE APPLICANT

2. On 8 April 2022, at around 10 p.m., the Jonava police were notified by the applicant's neighbour that noise possibly consistent with domestic violence was coming from the applicant's flat. Two police officers arrived at the scene.

3. The video recordings captured by the police officers' body cameras show that the stairwell had been in darkness and the police officers had been using torches, when, at around 10.10 p.m., the applicant opened the door of his flat, began yelling at the officers and tried to kick and punch them; he then locked himself back in the flat. At around 10.20 p.m. two more officers arrived. Their colleagues informed them that the applicant had "consumed something, but it was unclear what". At that time, the light was on in the stairwell. At around 10.21 p.m. the applicant opened the door slightly and closed it again. Officer G.P. called to the applicant to come out into the stairwell. During that time, the police officers were pointing electroshock devices at the door of the flat. The other three police officers were standing at the bottom of the flight of stairs leading up the applicant's flat, while G.P.

himself was standing halfway up the stairs. Approximately six seconds after G.P. had called to the applicant (at around 10.21 p.m.), the applicant suddenly emerged from the flat. As the applicant was closing the door behind him, G.P., who had started to retreat and was now at the bottom of the flight of stairs, fired an electroshock device once at him. The applicant fell down the stairs and hit his head. The police handcuffed him and summoned an ambulance, which took him to hospital.

4. The applicant's medical file indicated that at the time of the events at issue the applicant had been drunk. As a result of hitting his head on the cement stairs, he had sustained a cerebral contusion and a fracture of the skull vault, and had suffered a traumatic haemorrhage.

II. PRE-TRIAL INVESTIGATION

5. In April 2022 the applicant's mother asked the relevant authorities to open a pre-trial investigation into her son's ill-treatment by the police.

6. In his official report, drawn up on 9 April 2022, Officer G.P. indicated, in particular, that when the applicant came out of his flat and suddenly approached the officers, the officers had been unable to see whether he was carrying anything. Moreover, the applicant had previously acted in an aggressive and unpredictable manner and had attacked the officers; thus, it had not been possible to use another means of restraint.

7. Officer M.P. presented a similar account.

8. When questioned by the police, the applicant stated that he had been drinking prior to the incident and that, because of his inebriated state, he could not remember the circumstances surrounding the incident. He said that he had spent eleven days in hospital as a result of his injuries.

9. On 4 May 2022 the chief investigating officer of the Kaunas Regional Division of the Immunity Board of the Police Department refused to open a pre-trial investigation, on the grounds that there was no evidence that a criminal offence had been committed. Having examined the official reports submitted by the police officers and the video recordings from their body cameras, the investigating officer established that at the relevant time the stairwell had been in darkness; the officers had been using torches, and the resulting limited visibility had made it difficult for them to assess whether the applicant had been carrying "any prohibited items". When the applicant had opened the door of his flat for the first time, he had acted aggressively towards the officers and had tried to attack them physically. When he had opened the door for the second time, Officer G.P. had been obliged to defend himself quickly by using an electroshock device, in order to avoid a possible repetition of the applicant's aggressive conduct; G.P. had not had time to warn the applicant in advance about the possible use of the electroshock device. Moreover, there had been only a short distance between the applicant and G.P. and any delay in taking action would have endangered the police

officer himself. Accordingly, the officer's actions had been lawful, necessary and proportionate. Lastly, the police officers had not intended to injure the applicant.

10. The applicant's mother appealed against that decision. On 27 May 2022 her appeal was dismissed by the prosecutor, who held that the police officers had acted in accordance with the law, since the applicant had himself provoked the use of the electroshock device by his clearly unlawful actions. Moreover, his injuries had been sustained accidentally, when he had fallen down the stairs while drunk. Further appeals lodged by the applicant's mother were dismissed by the pre-trial investigation judge on 17 June 2022 and the Kaunas Regional Court on 3 August 2022. The latter decision was final.

III. CRIMINAL PROCEEDINGS AGAINST THE APPLICANT

11. In April 2022 a pre-trial investigation was opened against the applicant on suspicion of resisting the lawful orders of police officers. The applicant admitted his guilt and on 5 December 2022 the Kaunas District Court convicted him of that criminal offence.

IV. THE APPLICANT'S COMPLAINT

12. The applicant complained under Article 3 of the Convention that he had been ill-treated by the police and that the investigation into his allegations had not been effective.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

13. The Court notes that the application 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.

A. Procedural limb: alleged lack of an effective investigation

14. The general principles concerning the State's obligation to carry out an effective investigation into allegations of ill-treatment have been summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 114-23, ECHR 2015).

15. In particular, the investigation must be prompt and conducted with reasonable expedition, independent, allow for the victim to participate effectively in the investigation and thorough, which 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 (ibid.).

16. Turning to the circumstances of the present case, the Court observes that an inquiry into the lawfulness of the use of force against the applicant was opened promptly after his mother lodged a complaint and that the investigation was conducted speedily (see paragraphs 5, 9 and 10 above). The Court has no reason to doubt the independence of those investigations because, as the Government noted, the investigation had been entrusted to a special unit of the police and not assigned to a police officer serving in the same police station as the officers involved in the event in question (see paragraph 9 above) and the case had subsequently been examined by judicial authorities (see paragraph 10 above). Moreover, throughout the investigation, the applicant, represented also by his mother, was constantly and actively involved in the proceedings, and was interviewed about the events in question (see paragraphs 5 and 8-10 above).

17. As for the thoroughness of the investigations, it is apparent from the material in the Court's possession that the domestic authorities sought to establish the exact circumstances of the use of the electroshock device against the applicant (contrast, for instance, *Kanciał v. Poland*, no. 37023/13, §§ 92-93, 23 May 2019). In particular, they examined the video recordings from the police officers' body cameras and interviewed the police officer having used the electroshock device, another police officer present at the scene and the applicant himself. They further took measures to determine how many times the electroshock device had been used against the applicant; during the pre-trial investigation it was also examined whether the applicant's actions had attained the requisite level of dangerousness to justify the use of an electroshock device. The domestic authorities further examined whether any advance warning had been given to the applicant and, if not, whether the legal conditions for dispensing with a warning had been fulfilled; they also investigated whether any less coercive measures had been considered and why they had not been used (see paragraphs 9 and 10 above). The Court therefore considers that no obvious failure to collect relevant evidence or to examine the essential circumstances can be attributed to the authorities. Lastly, no evidence was allowed to deteriorate during the proceedings and all the relevant evidence was presented for judicial review before the courts at two levels of jurisdiction.

18. Having regard to these elements, the Court considers that there are no grounds to consider that the investigation into the complaints concerning the applicant's ill-treatment was not thorough and "effective". It follows that there has been no violation of Article 3 of the Convention under its procedural limb.

B. Substantive limb: alleged inhuman and degrading treatment

19. The general principles concerning the prohibition of ill-treatment at the hands of law-enforcement officers have been summarised in *Bouyid* (cited above, §§ 81-90).

20. In particular, in respect of a person who is deprived of his or her liberty, or, more generally, is confronted with law-enforcement officers, any recourse to physical force which has not been made strictly necessary by his or her own conduct diminishes human dignity and is, in principle, an infringement of the right set forth in Article 3 (ibid., § 88).

21. In the present case, it is not disputed that, when the police officers arrived at the scene and the applicant opened the door of his flat for the first time at 10.10 p.m., he tried to kick one police officer and to punch another, and refused to comply with their orders (see paragraphs 3 and 9 above). It is also established that eleven minutes later, at 10.21 p.m., the applicant opened the door for the second time and that immediately, without any advance warning, one of the four police officers present used an electroshock device against him; following its use, the applicant fell down the stairs and sustained head injuries (see paragraphs 3, 4 and 9 above).

22. The Government submitted that, having assessed the applicant's aggressive behaviour towards the police officers, G.P. had been entitled to use an electroshock device in order to defend himself. Equally, the absence of any advance warning about the potential use of the electroshock device had been justified, given that the applicant had run suddenly out of the flat and the short distance between him and G.P. (see paragraph 9 above).

23. In the present case, the Court finds that in the light of all the evidence collected, it has not been convincingly shown that the officer's recourse to the electroshock device, which resulted in the applicant sustaining serious injuries (see paragraph 4 above), had been made strictly necessary by the applicant's own conduct. It was not demonstrated that the applicant's actions when he came out of his flat for the second time at 10.21 p.m. could be considered having posed a real threat to the officers' life or limb, thus warranting the use of the electroshock device against him (see paragraph 3 above). In particular, the material in the Court's possession shows that the police officers ordered the applicant to come out of the flat and that he complied with that order. After he opened the door and came out, the electroshock device had been used immediately. The Court emphasises that approximately eleven minutes passed between the first incident, when the applicant had been aggressive, and the second incident, when he had opened the door and emerged from his flat. The police officers did not allege that, after the applicant came out, he had been violent or behaved in any way which might have caused them to have a well-founded fear for their life or limb (see paragraphs 6 and 7 above); nor is there anything in the case file to indicate that this had been the case. The Court also notes that the light was on

in the stairwell when the applicant came out of his flat and that the officers were not standing directly next to the applicant but were separated from him by a flight of stairs (see paragraph 3 above), which further reduced the immediacy of any risk that the applicant might have posed to the officers' life or limb.

24. Furthermore, the material in the Court's possession shows that the applicant was not warned either that physical force might be used against him or, specifically, about the possible use of an electroshock device (see paragraph 3 above). Given the number of police officers present, the distance between them and the applicant, and the applicant's conduct at that point in time, the Court is unable to find that it was impossible to give such a warning or indeed that it would have caused any danger to the police officers (see paragraph 3 above; see also, for an example concerning the feasibility of an advance warning, *Znakovas v. Lithuania* [Committee], no. 32715/17, § 48, 19 November 2019).

25. In the light of the above considerations, the Court concludes that it has not been demonstrated that the extent of the physical force used against the applicant had been made strictly necessary by his own conduct. That use of force therefore amounted to inhuman and degrading treatment, in violation of Article 3 of the Convention under its substantive limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

26. The applicant did not submit a claim for just satisfaction in accordance with the requirements laid down in Rule 60 of the Rules of Court. Accordingly, and in the absence of exceptional circumstances which would warrant that the Court make an award in the absence of a claim properly made (see for the relevant principles *Nagmetov v. Russia* [GC], no. 35589/08, §§ 61 and 75-76, 30 March 2017), the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been no violation of Article 3 of the Convention under its procedural limb;

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

Done in English, and notified in writing on 12 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Oddný Mjöll Arnardóttir President