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

THIRD SECTION

DECISION

Application no. 60279/21
Lyubomir Darinov DANKOV
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 27 January 2026 as a Committee composed of:

Peeter Roosma*, President*,
Diana Kovatcheva,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 60279/21) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 December 2021 by a Bulgarian national, Mr Lyubomir Darinov Dankov ("the applicant"), who was born in 1963, lives in Sofia and was represented by Ms S. Petkova, a lawyer practising in Sofia;

the decision to give notice of the application to the Bulgarian Government ("the Government"), represented by their Agent, Ms B. Simeonova, from the Ministry of Justice;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's complaints under Article 3 of the Convention (he also invokes Article 13) that he was ill-treated by the police during his arrest and subsequent police custody and that the authorities did not carry out an effective investigation into his complaints.

2. The applicant was apprehended between 5.15 p.m. and 6 p.m. on 14 August 2020 by two police officers sent to the scene (a public nudist beach) of an alleged child molestation incident following reports by members of the public. One of the officers having handcuffed the applicant after having

had to run after him, both officers drove him, his adult female companion and two children (daughters of a family friend of the applicant's) who had been with them, to the Nesebar police station.

3. The applicant was informed of his rights. He declared in writing at 6 p.m. that he did not have health problems, did not want to be examined by a doctor, either of his choice or otherwise, and did not wish to meet a lawyer or to contact his family. He did not make any complaints about having been threatened or ill-treated after his apprehension by the police.

4. He was detained for 24 hours, starting at 6 p.m. on 14 August 2020, on suspicion of sexual abuse of a minor.

5. Thereafter the applicant was taken to a detention cell in the police station. At an unspecified time later on, a police officer, I.K-ev., took the applicant's statement concerning the allegations against him. Two other officers, D.D. and I.K-ov., were present. According to written statements made by the officers during a subsequent inquiry into the applicant's complaints of ill-treatment (see paragraph 9 below), they had interviewed him on 15 August 2025. According to the applicant, he had been interviewed at around 11 p.m. on 14 August 2025. At the time of giving his statement, the applicant did not complain about having been threatened or ill-treated by police officers after his apprehension.

6. At an unspecified time while in police custody, the applicant was examined by a nurse from a centre for medical emergency aid, who issued a medical certificate dated 15 August 2025. The certificate indicated that the applicant was clinically healthy and in a state to be detained for up to 24 hours. The applicant did not complain to the nurse about having been threatened or ill-treated by police officers after his apprehension. Neither did he request to see a doctor of his choice or to meet with a lawyer.

7. The applicant was released at 5.40 p.m. on 15 August 2020.

8. On 20 August 2020 he was examined by a forensic doctor in Sofia, whom he told that he had been beaten by several men in police uniforms at about 7.30 p.m. on 14 August 2020. The medical certificate issued on that date recorded three yellowish-green haematomas on the left side of his chest, two of which measured two by two centimetres each, and one of which measured four by four centimetres. It also recorded two larger haematomas "of bluish-purple dark brownish greenish colour" on his thighs: one on the inner side of his right thigh measuring 10 by 8 centimetres, and the other on the outer side of his left thigh measuring 25 by 15 centimetres. The certificate stated that the injuries had caused him pain and suffering, had been inflicted by hard blunt objects and could have been sustained at the time and manner described by him. A laboratory urine-sediments analysis of the applicant of 11 September 2020 recorded the presence of erythrocytes.

9. On 20 October 2020 the applicant complained to the prosecutor about police officers having threatened him with murder and having inflicted on him minor bodily harm, on 14 August 2020. He claimed that, while in the car

being driven to the police station, one officer repeatedly had told him "I will kill you and bury you deep in the sand!"; the applicant's protestations against such language as this was scaring the children were ignored. Also, he alleged that at about 7.30 p.m. on 14 August 2020 at the police station five to eight officers had accompanied him into a corridor leading to a detention cell and one of them had punched him with a fist in the face. After the applicant had fallen to the ground the other officers had repeatedly hit and kicked him on the chest and legs, on one shoulder and in the kidney area. The applicant allegedly had difficulty walking and hobbled to the detention cell.

10. The Burgas District Prosecutor ordered a preliminary inquiry into the applicant's complaints on 22 October 2020. It comprised detailed instructions for concrete steps which had to establish, *inter alia*: the applicant's state of health when he had been taken to the police station; whether he had been medically examined in custody and with what conclusions; whether officers had used physical force against him and, if yes, how, when and why; the officers who had arrested him and driven him to the police station and those who had worked with him there; video footage from the CCTV cameras from within the police station. Those steps were carried out, save for recovery of video footage of 14 August 2020 from inside the station. Footage being generally preserved for about 20 days, it had been deleted by the time the applicant had complained. The applicant, his adult companion, the person who had called the police, as well as the nurse who had examined him in detention and the officers who had arrested him and who had taken his statement, were questioned, including about whether he had been threatened with death or physically ill-treated.

11. On 5 March 2021 the district prosecutor refused to open criminal proceedings, finding that the evidence collected did not allow to conclude that the alleged acts had been committed.

12. First, it had not been established that the police officers had made the statements complained of and, even if this had happened, no elements suggested that they had sought to alter the applicant's conduct. No death threat could be said to have been made vis-à-vis him.

13. Then, the applicant had complained of a blow to his face but the 20 August 2020 medical certificate had noted no signs of it. A nurse who had examined him in detention on 15 August 2020, which was after the alleged assault, had not noted or recorded any signs of ill-treatment on him; neither had the applicant complained to her then about the beating. He had not mentioned any beating to the officers who had taken his statement several hours after the alleged assault of 7.30 p.m. on 14 August 2020; neither had the officers seen any signs of ill-treatment on him. He had only gone to a forensic doctor five days after his release, despite there being a forensic medical surgery about 30 km from the place where he had stayed. The period of time between the alleged beating and the medical certificate of 20 August 2020 and the laboratory results of 11 September 2020 made it possible for the

applicant to have sustained his injuries in a different manner after his release. It could not be concluded that he had been beaten while in detention.

14. The applicant's appeals were all rejected by the higher prosecutors (final decision of 1 October 2021 of the Supreme Cassation Prosecutor's Office).

THE COURT'S ASSESSMENT

15. Being master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), the Court will examine the applicant's complaints solely under Article 3 of the Convention.

16. The Government argued that the applicant lacked victim status, since he had not been ill-treated by the police. He had failed to exhaust domestic remedies as he had neither challenged the lawfulness of his detention nor brought a private criminal prosecution or sought damages. His application was also manifestly ill-founded.

17. The Court will not deal with the Government's objections about victim status and non-exhaustion of remedies, since the application is inadmissible for the reasons below.

18. The general principles concerning the prohibition of ill-treatment and effective investigations into complaints of ill-treatment have been set out, *inter alia*, in *Labita v. Italy* ([GC], no. 26772/95, §§ 119-121 and 131, ECHR 2000-IV), and those on the subsidiary nature of the Court's role, including in the context of Article 3 complaints, and in respect of the assessment of evidence, can be found in *Gäfgen v. Germany* ([GC], no. 22978/05, §§ 92–93, ECHR 2010).

19. Having regard to the evidence collected, the prosecutor concluded that there was no case to answer in respect of the applicant's complaint about the police having threatened him with murder (see paragraph 12 above). It being, as a general rule, for the domestic authorities to assess the evidence before them, the Court, having examined the documents in its possession, finds no reason to doubt the assessment by the prosecution service (compare, *mutatis mutandis*, *A, B and C v. Latvia*, no. 30808/11, § 172, 31 March 2016). While a mere threat of conduct prohibited by Article 3 may itself be in conflict with that provision (see *Campbell and Cosans v. the United Kingdom*, 25 February 1982, § 26, Series A no. 48), such threat must be sufficiently real and immediate to constitute treatment reaching the threshold required for the application of Article 3 (see *Gäfgen*, cited above, § 91). There is no evidence showing that the contested statements, even if made by a police officer vis-à-vis the applicant, cannot be regarded as a spontaneous act lacking a clear element of intention, or that they could be considered proximate or realistic so as to be capable of provoking in the applicant suffering of the level inherent in the notions proscribed by Article 3. While usage of threatening or

denigrating language has no place in the context of law enforcement, the Court is not satisfied that in the present case real and immediate threats of deliberate and imminent ill-treatment were effectively made by a police officer to the applicant for the purpose of extracting information from him (contrast *Gäfgen*, cited above, §§ 94-95 and 100). Neither does it find that any alleged improper statements attained the minimum level of severity to bring the impugned conduct within the scope of Article 3 (contrast *Gäfgen*, cited above, §§ 103-108), regardless of the consequences that such conduct may attract in an administrative or disciplinary framework domestically.

20. On the basis of the available material in the file the Court cannot conclude that the applicant's physical injuries, as recorded on 20 August 2020, had been sustained at the time and context alleged by him (contrast, on the facts, *Mitev v. Bulgaria* [Committee], no. 34197/15, § 35, 5 October 2017, and *Anzhelo Georgiev and Others v. Bulgaria*, no. 51284/09, § 69, 30 September 2014, and compare, *mutatis mutandis*, *Çelik v. Turkey* (dec.), no. 2600/06, § 24, 8 January 2013, and *Svoboda and Others v. Czech Republic* (dec.), no. 43442/11, § 53, 4 February 2014). The applicant had numerous occasions during which to raise his complaints with the authorities, yet he did not do so at any point in time before 20 October 2020, which was over two months after his release. This delay precluded the authorities from collecting video footage from inside the police station at the time of the alleged attack; such footage could have served as compelling evidence to support or dispel the applicant's allegations. He had described having been punched in the face with a fist and having hobbled after the alleged beating, yet neither the medical specialist who had examined him and signed the certificate of 15 August 2020, nor the officers who had taken his statement, had noted any injuries on him or difficulties walking.

21. While, regrettably, the applicant was not medically examined at the point of his release, even though the importance of independent and thorough examinations of persons on release from detention has been repeatedly emphasised by the Court (see *Akkoç v. Turkey*, nos. 22947/93 and 22948/93, § 118, ECHR 2000-X), the sequence of events in the present case, as established by the domestic authorities on the basis of the evidence collected, does not allow the Court to conclude that the applicant had been ill-treated as alleged.

22. His complaint under the substantive limb of Article 3 is manifestly ill-founded and must be dismissed under Article 35 §§ 3(a) and 4 of the Convention.

23. As regards the alleged ineffective investigation of his complaints of ill-treatment, the prosecutor ordered a preliminary inquiry as soon as the applicant had made his allegations. Numerous adequate investigative measures were ordered and carried out. There were no delays in the process and it cannot be said that the authorities rushed to reach hastened conclusions ignoring any obvious lines of action. Being mindful of its subsidiary role, the

Court is unable to conclude that the examination of the applicant's allegations revealed significant shortcomings (see, regarding the "significant flaw" test in the context of investigations, *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, § 118, 10 January 2019, with further references). The authorities acted diligently and adequately in verifying the applicant's allegations (compare *Iliev v. Bulgaria* (dec.), no. 74137/01, 12 January 2010).

24. The applicant's complaint under the procedural limb of Article 3 must be dismissed as manifestly ill-founded, pursuant to Article 35 §§ 3(a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 February 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President