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

SECOND SECTION

DECISION

Application no. 24570/22
Doan MEMISHOSKI
against North Macedonia

The European Court of Human Rights (Second Section), sitting on 5 May 2026 as a Committee composed of:

Péter Paczolay*, President*,
Jovan Ilievski,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 24570/22) against the Republic of North Macedonia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 10 May 2022 by a citizen of the Republic of North Macedonia, Mr Doan Memishoski ("the applicant"), who was born in 1993, lives in Bitola, and was represented by the European Roma Rights Centre, a non-governmental organisation based in Brussels, which had been granted leave to represent the applicant by the President of the Section;

the decision to give notice of the complaints under Article 3 of the Convention concerning allegations of ill-treatment of the applicant by police officers during his arrest and the alleged failure of the domestic authorities to carry out an effective investigation into those allegations to the Government of the Republic of North Macedonia ("the Government"), represented by their Agent, Ms D. Djonova, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns allegations of ill-treatment of the applicant by police officers.

2. On 15 June 2020 the Basic Court in Bitola issued an arrest warrant for the applicant, who is of Roma origin, as he had repeatedly failed to appear at court hearings in an ongoing criminal case against him.

3. On the evening of 20 June 2020, acting on the arrest warrant, uniformed police officers located the applicant in a public place with other people present. When the applicant saw the officers, he attempted to flee. While trying to climb over a wall, he allegedly fell, causing his trousers to be damaged and to fall off.

4. Three police officers reached the applicant and, while they attempted to apprehend him, he resisted by pulling and dragging himself in an effort to escape.

5. A bystander videorecorded part of the arrest and published the video online. The footage shows some members of the public verbally protesting against the arrest, while the applicant, in his underwear and handcuffed, was being transported to the police van by two officers using arm-locks as he resisted their efforts.

6. After being placed in the police van, the applicant was taken to the police station.

7. The detention report noted that, as a result of the arrest, the applicant had scratches on his hands, elbows and knees, and that he had not requested medical assistance.

8. The applicant spent the night in custody at the police station and was transferred to a prison facility the following morning, where it was recorded that he had had a bruise on his left shoulder and no other injuries. He was examined by the prison doctor, who administered methadone therapy in response to the applicant's claim that he was a drug-dependent individual and was experiencing withdrawal-related pain.

9. The applicant was released from detention on 10 July 2020.

10. On 27 August 2020 the applicant lodged a criminal complaint against the police officers involved in his arrest, alleging ill-treatment. He proposed two eyewitnesses, namely his girlfriend and a friend who had been allegedly present at the scene, and relied on the video-recording of part of his arrest.

11. In the following days, a prosecutor of the Specialised Department for the Prosecution of Criminal Offences Committed by Persons with Police Powers and Members of the Prison Police requested from the authorities the complete documentation concerning the applicant's deprivation of liberty, including records from the prison authorities and his medical file. The prosecutor further identified the three police officers involved in the arrest and questioned them, as well as the applicant and his mother. He also reviewed the video-recording of the arrest.

12. In his statement to the prosecutor, the applicant alleged that he had been attacked by individuals whom he had not initially recognised as police officers. He claimed that they had beaten him with batons while he had been on the ground, during which his trousers had been torn, and that they had then

lifted him and placed him in a police van. The applicant asserted that the assault had continued after he had been taken to the police station.

13. In her statement to the prosecutor, the applicant's mother stated that she had visited her son at the police station following his arrest. She reported that he had been handcuffed, had been wearing no trousers and had been covered in bruises, appearing as though he had been badly beaten and in severe pain.

14. In their statements to the prosecutor, the three police officers involved in the incident stated that, acting on a court-issued arrest warrant, they had located the applicant. When the applicant had seen the police van, he had attempted to flee. The officers had pursued him, during which he had jumped over a fence and had fallen on the other side, damaging his trousers in the process. The officers had subsequently caught him, but he had resisted arrest by pulling and dragging himself. The officers had secured the applicant and had begun transporting him to the police van while a large crowd had gathered and had shouted in support of the applicant and expressed hostility towards the officers. Fearing for their safety, the officers had sought to remove him from the area as quickly and safely as possible. During transport, they had observed that the applicant's trousers had come off and could not be pulled up because they had been damaged. Given the increasingly tense situation, they had proceeded to place the applicant in the police van.

15. On 18 October 2021 the prosecutor dismissed the applicant's criminal complaint, finding that the conduct of the police officers had been lawful. The prosecutor noted that there was no indication that the officers had harassed or ill-treated the applicant on purpose or with intention, that the applicant had been fleeing and resisting arrest and that the officers had used the measures necessary to detain him, resulting in only minor bodily injuries. It was further established that the Department of Internal Control within the Ministry of the Interior had conducted a separate investigation into the officers' conduct and had concluded that their actions did not constitute any criminal or misdemeanour offence. The prosecutor informed the applicant that he could pursue a civil remedy. The applicant appealed against the prosecutor's decision, but his appeal was subsequently dismissed by the Higher Prosecutor and the decision was served on the applicant on 10 November 2021.

16. The applicant complained under Article 3 of the Convention that he had been ill-treated by the police and that the State had failed to investigate his allegations of police brutality.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

17. The Court considers that it is not necessary to decide on the Government's preliminary objections concerning the exhaustion of domestic

civil remedies and the applicability of Article 3, since the applicant's complaints are in any event inadmissible for the following reasons.

A. Alleged ill-treatment

18. The relevant general principles with regard to complaints under the substantive head of Article 3 are summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 81-90, ECHR 2015), and *M.F. v. Hungary* (no. 45855/12, §§ 42-45, 31 October 2017).

19. Furthermore, the Court has held on many occasions that Article 3 does not prohibit the use of force by police officers during an arrest. Nevertheless, any recourse to physical force which has not been made strictly necessary by the person's conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention (see *Bouyid*, cited above, §§ 88 and 100, and *Gutsanovi v. Bulgaria*, no. 34529/10, § 126, ECHR 2013 (extracts)).

20. Turning to the present case, the Court notes that the police used physical force during the applicant's arrest. According to the officers' statements and other material evidence, the applicant attempted to flee when he saw the uniformed officers and, in the process, his trousers came off. He was subsequently apprehended. As is evident from the video-recording of the incident, which has been submitted to the Court by the applicant, two police officers, using arm-locks, transported the applicant to the police van while he resisted by dragging himself and pushing back with his feet in an effort to avoid being placed in the vehicle. The video further shows that the arrest took place on a public street, where bystanders had gathered, vocally confronting the officers and contributing to an increasingly tense situation.

21. The foregoing sequence of events, as presented by the Government, is further supported by the material evidence. This evidence indicates that on the night of his arrest, the applicant had superficial scratches on his hands, elbows and knees, and that on the following morning, upon his admission to the prison facility, he was found to have a bruise on his left shoulder and no other injuries (see paragraphs 7 and 8 above). No serious injuries were documented that would corroborate the applicant's account that he had been beaten by the officers during his arrest or while at the police station. The medical reports also did not indicate any psychological trauma or other mental-health issues resulting from the incident and the applicant did not submit any documents or evidence to the contrary.

22. Having regard to all documents in its possession, the Court therefore has no basis upon which to reach a different conclusion than the one reached by the domestic authorities. It finds that the allegation that the officers used excessive force against the applicant which has not been made strictly necessary by his conduct has not been substantiated in the present case (compare *Bartav. Hungary*, no. 26137/04, §§ 68-72, 10 April 2007, and

Stojnšek v. Slovenia, no. 1926/03, §§ 95 and 96, 23 June 2009). Accordingly, his complaint under the substantive limb of Article 3 of the Convention must be rejected as being manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

B. Alleged lack of an effective investigation

23. The relevant general principles in the Court's case-law concerning the procedural aspects of the State's obligations under Article 3 of the Convention are summarised in *Bouyid* (cited above, §§ 114-23) and *X and Y v. North Macedonia* (no. 173/17, § 50, 5 November 2020).

24. Turning to the instant case, the Court notes that in response to the applicant's complaint of ill-treatment, the domestic authorities carried out a criminal investigation and took all the steps necessary to verify the applicant's accusations (see paragraphs 11-15 above, contrast *Ciorap v. the Republic of Moldova (no. 5)*, no. 7232/07, §§ 58-68, 15 March 2016). In particular, the prosecutors reviewed the material gathered in connection with the investigation, including the video-recording of the arrest, and heard the officers, the applicant and his mother. The Court takes note of the fact that the authorities considered that it was not necessary to hear the two witnesses proposed by the applicant (see paragraph 10 above) in view of other evidence which had been examined. Given that the video-recording was examined by the prosecutor, and in the absence of any substantiated argument from the applicant as to how the two proposed witnesses could have meaningfully contributed to clarifying the circumstances of his arrest, the Court does not find that their non-examination undermined the effectiveness of the investigation. Apart from this, the applicant does not allege that he was unable to participate effectively in the investigation and the Court discerns nothing in the material in its possession to suggest that the domestic authorities' approach in the present case lacked promptness, expeditiousness or thoroughness. Furthermore, the investigation was carried out by a specialised department of the prosecutor's office. The applicant failed to advance any argument or evidence suggesting that the independence of the prosecutor responsible for the case had been compromised in any respect (see also, *mutatis mutandis*, *Stojnšek*, cited above, § 102). The foregoing considerations are sufficient to enable the Court to conclude that the investigation into the applicant's complaint of ill-treatment during his arrest was effective.

25. Accordingly, the applicant's complaint under the procedural limb of Article 3 of the Convention must also be rejected as being 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 28 May 2026.

Dorothee von Arnim Deputy Registrar	Péter Paczolay President