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

SECOND SECTION

DECISION

Application no. 14355/22
Darius ZABITA
against Lithuania

The European Court of Human Rights (Second Section), sitting on 30 June 2026 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. 14355/22) 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 7 March 2022 by a Lithuanian national, Mr Darius Zabita ("the applicant"), who was born in 1984, lives in Miklusėnai and was represented by Mr D. Dargevičius, a lawyer practising in Vilnius;

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, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's alleged ill-treatment by the police during a traffic stop and the effectiveness of the domestic authorities' investigation into the matter.

A. Alleged ill-treatment of the applicant

2. According to the police, on 17 February 2020, at around 3 a.m., a car driven by the applicant and containing two passengers failed to stop for police officers despite being signalled to do so. The car was speeding and two police cars gave chase. While pursuing the car, the police officers used their

emergency lights and sirens. At around 3.20 a.m. the car was stopped by the police in an area close to the Lithuanian-Polish border. The road was blocked by a marked police car. When the car stopped, a device designed to stop vehicles was placed in front of it (*vadinamasis ežys*). At that time four police officers were present.

3. As can be seen in a video-recording captured by a camera installed on one of the police cars, Officer T.J. ran towards the applicant's car after it had stopped; initially holding a gun in his hand, Officer T.J. holstered the weapon before approaching the car and opening the door on the driver's side. A second police officer, M.Š., ran towards that door as well. Within seconds, T.J. and M.Š. had pulled the applicant out of the car and forced him to the ground. It can be seen in the video-recording that the applicant was subsequently handcuffed.

4. The applicant was taken to the police station at 3.25 a.m. and held there until 4.50 a.m. Later that same day he went to hospital, and the following day he went to the State Forensic Medicine Service. His medical examinations showed that he had sustained scrapes on his face and right knee, bruises on his right eyelid and right wrist, and a contusion on his right elbow which had caused a rupturing of the elbow ligaments. Those injuries were classified collectively as a minor health impairment (*nesunkus sveikatos sutrikdymas*).

B. Pre-trial investigation

5. In February 2020 the applicant asked the relevant authorities to open a pre-trial investigation into the police officers' conduct. He submitted that armed police officers had come running towards the car and that, when he had opened the driver's door window, he had heard them shout "police", "get out of the car" and "get on the ground". However, before he could open the door and get out of the car, the officers had dragged him out, thrown him on the ground, bent his arms behind his back and handcuffed him, tightening the cuffs excessively.

6. The investigation was entrusted to a chief investigator of the Immunity and Internal Investigation Division of the Alytus County Police Headquarters.

7. According to the official reports submitted by the police officers present during the incident and dated 17 February 2020, the applicant had been speeding and had broken traffic rules while overtaking another car. The police officers had therefore given chase using their emergency lights and sirens, but the applicant had not stopped the car. The officers had also suspected that the car might have been stolen. Officers Š.R., E.M. and M.Š. subsequently explained that such suspicion was based on the fact that the applicant had been driving a new car at high speed at night when there had been no border guards on duty at the Lazdijai border crossing and they had been unable to stop him. Moreover, there had been frequent attempts to enter

Lithuania through the Lazdijai border crossing in cars stolen in other countries.

8. On two occasions, on 3 March and 2 April 2020, the chief investigator of the Immunity and Internal Investigation Division of the Alytus County Police Headquarters refused to open an investigation, but those decisions were quashed by higher authorities or the courts, which stated that they were unfounded and that further investigative measures were necessary to clarify the circumstances of the event in question.

9. A pre-trial investigation was opened on 8 July 2020.

10. During the pre-trial investigation two passengers who had been in the applicant's car at the time of the events were questioned by the police. M.L. explained that had been sleeping intermittently and he had not seen any police cars. When the police officer had run towards the applicant he had told him to get out of the car. The applicant had been pulled out of the car, but how exactly he had not seen because at that time he himself had been going out of the car. L.D. noted that he had been sleeping at that time and the police officers had not given them any orders to exit the car but had pulled them out of the car instantly.

11. In a report dated 14 April 2021 on the on-site verification of evidence, Police Officers T.J. and M.Š. stated that, when they had approached the stopped car, the applicant had failed to comply with lawful and clearly stated orders to exit the vehicle; accordingly, the applicant had been grabbed by the arm so that his movements could be controlled and anticipated as he exited the car. It was stated that only tactical measures had been used when removing the applicant from the car and placing him on the ground because he had hesitated to comply with the order to get out of the vehicle.

12. On 1 June 2021 the authorities conducted a face-to-face confrontation between the applicant and Officer T.J., who stated that he had run toward the car with a weapon as a means of psychological coercion. Upon approaching the car, he had holstered the weapon, opened the car door and ordered the applicant to get out of the vehicle; upon seeing that the applicant had his seatbelt fastened, he had ordered him to unbuckle it. However, the applicant had not unfastened the seatbelt immediately, and only after the order had been repeated he done so. Officer T.J. stated that he had not been pushed onto the roadway, but had been laid down on the asphalt using a light amount of force and controlling his actions. He stated that as the applicant had not resisted arrest, his movements had not been strictly controlled; his injuries could have been caused by his own movements while he had been lying on the road. The applicant claimed that he had not had time to get out of the car and had been forcibly pulled out of it and pinned to the ground, and that his arms had been twisted behind his back and handcuffed.

13. During the pre-trial investigation, the authorities questioned S.L., a specialist from the State Forensic Medicine Service, who observed that, given the location of the applicant's injuries, it was likely that they had been

sustained when he had fallen and struck a flat surface with the right side of his body.

14. On two occasions, on 20 October 2020 and 14 June 2021, a prosecutor from the Kaunas Regional Prosecutor's Office discontinued the pre-trial investigation on the grounds that the police officers had acted in accordance with the law and within their remit. In the decision of 14 June 2021 to discontinue the investigation, it was noted that Officer T.J., as a psychological tactic employed to influence the applicant, had approached the car with a weapon and had ordered him to get out of the vehicle; however, the applicant had not complied with the order and had not opened the door. Officer T.J. had then holstered the weapon and loudly ordered the applicant to get out of the car; since the applicant had not complied with the order, it was held that Officers T.J. and M.Š. had been entitled to take active measures against him – namely, to use physical restraint measures to remove him from the car, place him on the ground and thereby ensure physical control of his hands. It was also held that the principles of adequacy and proportionality of the use of physical force had not been violated, given that the police officers had chased the applicant after he had committed several traffic violations, that the chase had posed a real danger to bystanders, that the physical force had been used against him after psychological coercion had failed to produce the desired effect, and that subsequently the applicant had failed to follow immediately the police officers' lawful verbal instructions to get out of the car. It was noted that the applicant had had the possibility to comply with the order immediately, he had not been in a particularly vulnerable situation (*bejėgiškos būklės*). It was also observed that the force against the applicant had been used to ensure continued control over his actions and to counter any potential resistance. However, the decisions to discontinue the pre-trial investigation were quashed by the courts on the grounds that there existed doubts of the police officers' abuse of powers.

15. In particular, on 11 August 2021, when quashing the prosecutor's decision to discontinue the investigation, the Kaunas District Court held that there was no objective data that could confirm that the applicant could have heard sirens and that he indeed had not complied with the police officers' order to stop the car. It also observed that the video-recording of the incident showed that the applicant had been pulled out of the car and thrown to the ground within a few seconds of the police officers' approaching him. However, the police officers themselves had confirmed that the applicant and the other two passengers of the car had not resisted their orders. Accordingly, the court held that the applicant might have sustained injuries on account of the possibly unlawful actions of the police officers, and that it was therefore necessary to continue the investigation.

16. However, in a final decision of 7 September 2021, the Kaunas Regional Court quashed the decision of the lower court and upheld the decision to discontinue the pre-trial investigation. The Kaunas Regional

Court dismissed as unfounded the applicant's allegations that he had not seen the police officers who had been attempting to stop him. Having regard to the circumstances of the event in question and the distance between the police officers and the applicant, the court noted that the applicant must have seen the emergency lights of the police cars driving behind him, but had nevertheless failed to stop when signalled to do so (see paragraph 2 above).

17. The Regional Court also decided that the prosecutor had reasonably held that the police officers – in stopping the car driven by the applicant, pulling him out of it, laying him on the ground, and handcuffing him – had acted within their remit because the applicant had been driving dangerously and had refused to stop the car; moreover, the police officers had had suspicions that the car might have been stolen. It also observed that administrative-offence proceedings had been instituted against the applicant and that by a final decision in those proceedings he had been found liable for speeding and other related administrative offences (see paragraph 19 below). The court further noted that, after the applicant had been stopped, a police officer had asked him to get out of the car, but that the applicant had failed to comply with that order for a short period of time, lasting about four seconds. For that reason, an officer had started pulling him out of the car. After that officer had not succeeded in doing so immediately, another officer had intervened.

18. Lastly, the court observed that S.L., the specialist from the State Forensic Medicine Service, had confirmed that the applicant's injuries could have been sustained when he had fallen or struck a flat surface with the right side of his body (see paragraph 13 above). There was therefore no evidence that the injuries had been caused by the applicant's being beaten rather than by his being detained and handcuffed.

C. Administrative-offence proceedings against the applicant

19. In 2020 administrative-offence proceedings were initiated against the applicant. By a final decision of 16 December 2020, the Kaunas Regional Court found that he had committed several administrative offences relating to exceeding the speed limit, dangerous driving and other violations of the Road Traffic Rules. According to an expert's assessment, the highest average speed on the roads used by the applicant was 78,3 km/h, but the applicant had been driving at the average speed of 159 km/h.

THE COURT'S ASSESSMENT

Alleged violation of Article 3 of the Convention

20. The applicant complained that he had been ill-treated by the police and that the investigation into the matter had been ineffective. He relied on Article 6 § 1 and Article 13 of the Convention.

21. 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, § 126, 20 March 2018), the Court finds that these complaints fall to be examined under the substantive and procedural limbs of Article 3 of the Convention.

1. Substantive limb: alleged inhuman and degrading treatment

22. The general principles concerning the prohibition of ill-treatment at the hands of law-enforcement officers have been summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 81-90, ECHR 2015).

23. 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). Accordingly, the use of force in the context of an arrest, even if it causes injury, does not necessarily entail a breach of Article 3, particularly in circumstances where it is shown that recourse to that force was made necessary by the applicant's own conduct (see *Berliński v. Poland*, nos. 27715/95 and 30209/96, §§ 64-65, 20 June 2002).

24. In determining whether, in the circumstances of the case, the recourse to physical force against the applicant has been made strictly necessary by his own conduct, the Court has no reason to question the domestic authorities' assessment that the applicant's car stopped when the road was blocked by a marked police car (see paragraph 2 above). It also has no reason to question the domestic authorities' findings that, at the time of the event in issue, the applicant had been driving in breach of the Road Traffic Rules and the police officers were therefore entitled to stop him and ask him to get out of the car (see paragraphs 16 and 19 above).

25. The applicant submitted that, after having been stopped, he had been forcefully pulled out of the car by police officers, thrown to the ground and handcuffed. That description of events is corroborated by the material in the Court's possession, notably the video-recording of the incident (see paragraph 3 above). Moreover, the injuries which the applicant sustained on the day of his arrest were also consistent with his allegations (see paragraphs 4 and 13 above). The Government acknowledged that those injuries had resulted from his arrest.

26. The Government submitted that there had been an isolated use of force, by way of which the officers had sought to apprehend the applicant, who had been suspected of committing violations of law. Moreover, when the police officers had approached the car driven by the applicant, he had displayed hesitation and reluctance to get out of it, which had warranted an urgent response from the officers.

27. The Court notes that, as established by the domestic courts, approximately four seconds elapsed between the police officers' order for the applicant to get out of the car and the moment he was pulled out after failing to comply immediately with that order (see paragraph 16 above). Seeing that no cogent evidence has been provided to lead the Court to depart from the domestic authorities' findings, it accepts the version of the events as established by the investigating authorities and subsequently confirmed by the domestic courts.

28. The Court can further accept that, in the circumstances of the case, recourse to some physical force had been made necessary by the applicant's own conduct in order to secure his arrest. The applicant had made it clear that he intended to evade his apprehension in that, as established by the domestic courts, he failed to stop after the police officers' signal to do so for a prolonged period of time and, in the circumstances, the officers did not and could not know why he was driving away or indeed whether the car had been stolen. Furthermore, the applicant subsequently – even if for a very short time – displayed hesitation and reluctance to get out of the car, without there being any signs of evident vulnerabilities, and the police officers used force to ensure further control over the applicant's actions, who had fled from the police in a particular dangerous manner (compare and contrast *Rehbock v. Slovenia*, no. 29462/95, § 72, 28 November 2000, ECHR 2000-XII; see paragraphs 2, 14 and 16 above). The Court takes into account, in particular, the context in which force was used for securing the applicant's arrest, namely the night time and the atmosphere of heightened tension and emotions which must have prevailed after the police had pursued the applicant's car at high speed (with the applicant's average speed of 159 km/h) for some 20 minutes (see for the relevant principles in this regard *Bouyid*, cited above, § 86) (see paragraph 19 above).

29. The Court also notes that, while the applicant suffered injuries as a result of his arrest, there are no sufficient grounds to claim that those injuries and his associated suffering resulted from the use of excessive force against him (see paragraph 4 above). In that regard, the Court does not see any reasonable grounds to question the Government's observations that all of the applicant's injuries could have been sustained as a result of a single traumatic impact – when he had fallen and hit the right side of his body against a flat surface, namely, after having been pulled out of the car and brought to the ground by the police officers (see paragraph 13 above). The Kaunas Regional Court also noted that there was no evidence confirming that the traumatic

injuries to the applicant had been inflicted by his being beaten rather than by his being detained and handcuffed (see paragraph 16 above).

30. Accordingly, the Court can accept that the recourse to the physical force in question against the applicant has been made strictly necessary by his own conduct. Therefore, the applicant's complaints in this respect are manifestly ill-founded.

2. Procedural limb: alleged lack of an effective investigation

31. The general principles concerning the State's obligation to carry out an effective investigation of allegations of ill-treatment have been summarised in *Bouyid* (cited above, §§ 114-23).

32. In particular, the investigation must be 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., § 123).

33. Turning to the circumstances of the present case, the Court observes that a chief investigator twice refused to open a pre-trial investigation into the lawfulness of the use of force against the applicant, and that subsequently an investigation was opened and pursued before being discontinued (see paragraphs 8, 9 and 14 above). All those decisions were quashed by higher authorities or the courts, which indicated the need to further clarify the circumstances of the event in question (see paragraphs 8 and 14 above). There are no signs that the investigation at any stage became dormant, without any further procedural action being taken by the relevant authorities (see paragraphs 8-14 above). The investigation, which lasted from February 2020 until September 2021, when the Kaunas Regional Court confirmed the decision to discontinue the investigation, was accordingly conducted promptly and with reasonable expedition.

34. As for the thoroughness of the investigation, it is apparent from the material in the Court's possession that the domestic authorities sought to establish the exact circumstances of the event in question. In particular, they examined the video-recordings from the cameras installed on the police officers' cars, interviewed the police officers and two passengers in the applicant's car, organised a face-to-face confrontation between the applicant and Officer T.J. and questioned S.L., the specialist from the State Forensic Medicine Service (see paragraphs 11-13 above). The domestic authorities took various measures to determine the exact circumstances of the event in question, and the applicant did not argue before the Court that any further investigative actions had to be carried out. The Court therefore cannot discern any deficiency in the investigation, such as an obvious failure to collect relevant evidence or to examine the essential circumstances, which could have undermined the authorities' ability to establish the relevant facts.

35. The Court also has no reason to doubt the independence of the investigation, because, as the Government noted, it had been entrusted to a

special unit of the police (see paragraph 6 above). Moreover, the decision to discontinue the investigation had been issued by a prosecutor from the Kaunas Regional Prosecutor's Office (see paragraph 14 above) and the case was subsequently examined by judicial authorities (see paragraphs 15 and 16 above). The applicant's arguments that the administrative-offence proceedings against him were instituted in response to his complaint concerning the police officers' actions are not sufficient to lead the Court to doubt the Government's position that the relevant authorities acted within their remit in investigating the actions of both the applicant and the police officers (see paragraph 19 above).

36. The Court further observes that, throughout the investigation, the applicant was actively involved in the proceedings, he was interviewed about the event in question on several occasions, and the authorities organised a face-to-face confrontation between him and Officer T.J. (see paragraph 12 above).

37. Having regard to these elements, the Court considers that there are no grounds to hold that the investigation into the complaints concerning the applicant's ill-treatment was not thorough and "effective".

38. In the light of the foregoing, the Court holds that the application is inadmissible for being manifestly ill-founded and must be rejected in accordance with 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 27 August 2026.

Dorothee von Arnim Deputy Registrar	Oddný Mjöll Arnardóttir President