



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

SECOND SECTION

CASE OF LIMP v. HUNGARY

(Application no. 46201/21)

JUDGMENT

STRASBOURG

15 September 2026

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

In the case of Limp v. Hungary,

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

Jovan Ilievski, *President*,

Péter Paczolay,

Juha Lavapuro, *judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 46201/21) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 7 September 2021 by a Hungarian national, Ms Józsefné Limp (“the applicant”), who was born in 1959 and lives in Kiskunhalas, and was represented by Ms I. Bieber, a lawyer practising in Budapest;

the decision to give notice of the application to the Hungarian Government (“the Government”), represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice;

the parties’ observations;

Having deliberated in private on 25 August 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant’s alleged ill-treatment during her arrest by the police and the ineffectiveness of the ensuing criminal investigation.

2. The applicant, a 60-year-old woman at the relevant time, was arrested on 5 May 2019 following her reluctance to comply with traffic police instructions and an ensuing car chase. The parties’ submissions differed regarding the circumstances of the police measures.

3. The Government’s version of the events is as follows. In the early hours of 5 May 2019 in the city of Győr, police officers noticed the applicant, who was driving a car and appeared to be drunk. They stopped her but she suddenly drove off without providing her proof of identity. Several police cars joined the ensuing car chase. The applicant was ultimately stopped by three police cars. Still trying to get away, she collided with two police cars by driving forward and in reverse. Despite repeated requests, she refused to get out of her vehicle, locked the doors and did not switch the engine off. In order to prevent the vehicle from moving and causing an accident, the police officers broke her right window, removed the ignition key and opened the left front door. The police officers had to use physical coercion, arm restraint in particular, to get the resisting applicant out of the vehicle and to handcuff her. While her identity was being verified, it turned out that the applicant was wanted for the execution of a six-year sentence imposed for fraud and

embezzlement. When asked by the police whether she had been injured in the traffic accident or during the police action or whether she was in pain, the applicant replied in the negative. Nevertheless, as the police officers noticed some injuries on her face, they took her to the hospital.

4. The applicant's version of the events is as follows. She did not have time to resist after her car had been stopped because the police officers immediately rushed to her car in a state of rage. One police officer smashed the right window of her car and unbuckled her seatbelt while another dragged her out of the car. Her arms were wrenched as she was forced to the ground face down. One of the police officers knelt on her back. When she complained of pain, her arms were wrenched even harder. The police officers insulted and threatened her and demanded that she lick the boots of one of them.

5. On the basis of her subsequent examination in the hospital, the applicant was diagnosed with a fracture of the left humerus (upper arm bone), a dislocated left shoulder and a fracture of the right ulna (bone in the forearm) next to the elbow. She had an operation on her left arm on the same day.

6. In a report drawn up on 5 May 2019, officer P.H. stated that coercion had had to be applied to get the applicant out of the car because she had resisted. As she had continued to resist, even after her arms were wrenched toward the back and she had been lying on the ground face down, the use of handcuffs had also been necessary. As to the physical coercion used, officer P.H. stated that while he had maintained the stretched arm and shoulder position, officer T.K. had guided the applicant to the ground in such a way as to avoid injury and pain, given her advanced age.

7. The police commander found that all the police officers involved in the applicant's apprehension had carried out the measures in a lawful and professional manner, having regard to the requirement of proportionality.

8. The applicant submitted a criminal complaint against the police officers on 24 May 2019. The prosecutor's office opened an investigation into assault committed in official capacity and battery resulting in permanent disability.

9. On 2 December 2019, at the request of the investigating authorities, a medical expert gave an opinion on the applicant's injuries. The opinion established that the injuries had been caused by the physical coercion used against the applicant. The expert was of the opinion that "having regard to the comminuted fracture of the shoulder joints of the left humerus she could not have answered the question regarding the existence of the pain in the negative." The expert explained that, following her injuries, the applicant had suffered significant pain and the fracture of her left upper arm bone had limited her ability to move to an extent that observers around her must have noticed it. The expert stated with absolute certainty that, contrary to the statements made in the police report, the applicant would have "clearly [been] unable to actively resist with her left upper arm because of the comminuted fracture of her left upper arm bone and the dislocation of her left shoulder joint." The expert also concluded that the injuries had been "caused by force

that exceeded a medium level, possibly even reaching a high level ...”. The applicant’s physique (she was 162 cm tall and weighed 57 kg) had naturally played a role in the occurrence of the injuries, as had the magnitude of the force applied to her. The expert found that the injuries could not have been caused in the way described in the police report (see paragraph 6 above), as in the event that such techniques had been used, the injuries would have been avoidable. The expert found that the police intervention had resulted in the permanent disability of the applicant.

10. In the course of the criminal investigation, the authority examined the applicant’s testimony, various police reports, the witness testimonies of ten police officers present at the apprehension (except for police officers P.H. and T.K.), the applicant’s medical records and the forensic expert opinion. The investigation was discontinued on 1 October 2020 with the conclusion that the police intervention had been necessary and proportionate and that it could not be established beyond reasonable doubt that officers P.H. and T.K. could be held liable for the applicant’s injuries. The applicant lodged a complaint with the Attorney General’s Office, but it was rejected on 8 March 2021. It was found that there was no evidence to suggest that the police officers had intentionally or negligently caused the injuries. The Attorney General was of the opinion that, based on the witness testimonies, the victim’s conduct, including her resistance, contributed to her injuries. The proceedings were accordingly terminated on account of lack of reasonable suspicion that an offence had been committed.

11. The applicant complained under Article 3 of the Convention that the physical harm she had suffered at the hands of the police had amounted to torture and that the investigating authorities had failed to conduct an effective investigation into her allegations.

THE COURT’S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

A. Admissibility

12. The Court notes that the applicant’s complaints that the use of force by the two police officers constituted torture and, at the very least, degrading and inhuman treatment and that the police failed to conduct a proper investigation into her allegations are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. The application must therefore be declared admissible.

B. Merits

1. *Alleged ill-treatment*

13. The general principles concerning ill-treatment by State agents and the substantive aspect of Article 3 of the Convention have been summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 81-90, ECHR 2015).

14. It was not contested by the Government that the applicant's injuries had been inflicted by the two police officers who had applied coercive measures during the applicant's apprehension. The police officers had acted in their official capacity as State agents, therefore their actions were attributable to the State.

15. It was also not disputed that, as a result of the use of force by the police officers, the applicant had been severely injured. This was proven by the medical evidence collected on the day of the incident and subsequently during the investigations.

16. As a result of the police action, the applicant's right ulna next to the elbow and left upper arm were broken and her left shoulder was dislocated (see paragraph 5 above). Even though the applicant's injuries were serious, having regard to the duration of the treatment and the context of heightened tension in which it was applied, the Court does not consider that the ill-treatment to which she was subjected was of such nature and severity as to be characterised as torture. Nevertheless, the severity of the injuries undoubtedly attains the minimum level of severity required to bring Article 3 of the Convention into play (compare also *Bouyid*, cited above, §§ 86-87).

17. 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).

18. The Court notes the Government's assertion that the coercion applied by the police had been necessitated by the applicant's resistance to a lawful measure and that the police officers had acted with due care and diligence in a proportionate manner, taking into account the applicant's age. However, it takes the view that the Government have not provided any convincing arguments which would provide a basis to explain or justify the degree of force used during the operation, that is, a degree of force sufficient to break a bone.

19. The Court notes that the applicant was a 64-year-old woman. She was 162 cm tall, weighed 57 kg and was alone in her car. After her car had been stopped, she was immediately approached by two male police officers who used physical coercion, with a level of force ranging from medium to high (see paragraph 9 above), to get her out of her car. In addition, another ten officers gradually arrived on the scene after the applicant's car had been

stopped. The Government's explanation of the incident sits uncomfortably with the circumstance that several law enforcement agents were involved in the scene and they should have been able to take control of the situation without causing serious injuries to the applicant.

20. In the Court's view, this was so even if the applicant had been unwilling to cooperate with the officers. The Court notes that the duration and extent of the applicant's alleged resistance has been called into question by the medical expert's opinion that, contrary to what was stated in the police report, the applicant would have clearly been unable to actively resist with her left upper arm once she had suffered the injuries in question, had a limited ability to move and suffered significant pain (see paragraph 9 above).

21. Since the Government have not shown the contrary, the Court cannot but conclude that, even assuming that the situation objectively required the use of force, the extent to which it was applied was excessive. Such use of force not only led to severe pain and suffering, but had lasting consequences for the applicant's health (compare also *Necdet Bulut v. Turkey*, no. 77092/01, §§ 26-27, 20 November 2007).

22. In the light of the considerations above, the Court concludes that the force used against the applicant during her arrest was excessive. It follows that there has been a violation of Article 3 of the Convention under its substantive limb.

2. Alleged lack of an effective investigation

23. As regards the alleged violation of Article 3 of the Convention under its procedural limb on account of a failure to conduct an effective investigation into the applicant's allegations of ill-treatment, the Court recalls that the general principles in this regard have been summarised in *Bouyid* (cited above, §§ 114-23).

24. The Court observes that, prompted by the applicant's complaint, the prosecution authorities carried out an investigation into her allegations. The applicant and several police officers present at the time of the events were heard. However, the two police officers who had caused the injuries to the applicant were not questioned in person during the investigation. In that regard, the prosecutor's office merely relied on the report drawn up by officer P.H. A hearing of the officers in person and their eventual confrontation with the applicant would have been of importance because there existed an unresolved contradiction between the testimonies of the applicant and those of the police officers as to the officers' conduct and the insults allegedly uttered (see paragraphs 3 and 4 above).

25. The Court takes note of the Government's argument to the effect that police officers P.H. and T.K. could not be questioned either as witnesses, because of the risk of self-incrimination, or as suspects, in the absence of a well-founded suspicion of a crime. However, the Court has already discarded this argument in several previous cases, finding that such a practice had

deprived the applicants of any opportunity to challenge the alleged perpetrators' version of the events (see, *mutatis mutandis*, *Kmetty v. Hungary*, no. 57967/00, § 42, 16 December 2003, and also *Nagy v. Hungary* [Committee], no. 43441/15, § 36, 26 May 2020; *Csúcs v. Hungary* [Committee], no. 75260/17, § 30, 15 April 2021; and *R.B. v. Hungary* [Committee], no. 48444/18, § 15, 19 January 2023). The questioning of the two police officers and a confrontation between them and the applicant could have contributed to the clarification of the events (see *Kmetty*, cited above, §§ 41-42, and *Borbála Kiss v. Hungary*, no. 59214/11, § 37, 26 June 2012). All the more so, as the opinion of the medical expert stated that the use of force which had resulted in the applicant's permanent disability could not have happened in the way the police officers had stated in their report (see paragraph 9 above). However, no attempts were made by the investigating authorities to further clarify the circumstances of the use of force against the applicant.

26. Having regard to the considerations above, the Court concludes that the investigation into the applicant's allegations of ill-treatment by the police was not adequate. There has accordingly been a violation of Article 3 of the Convention under its procedural limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

27. The applicant claimed 25,000 euros (EUR) in respect of non-pecuniary damage and EUR 5,250 in respect of costs and expenses incurred before the Court. This latter sum corresponds to 35 hours of legal work, billed at EUR 150.

28. The Government considered the applicant's claims excessive.

29. The Court awards the applicant EUR 8,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

30. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 3,500 covering costs 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 application admissible;
2. *Holds* that there has been a violation of Article 3 of the Convention under its substantive limb;
3. *Holds* that there has been a violation of Article 3 of the Convention under its procedural limb;

4. *Holds*

- (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 8,500 (eight thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 3,500 (three thousand five hundred 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 15 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim
Deputy Registrar

Jovan Ilievski
President