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Budapest, Brussels 27 July 2026

Criminal Complaint and Formal Request for Immediate and Effective Investigation Concerning the Police Action Taken against B. Tamás in Százhalombatta on 8 July 2026 and his Subsequent Death

To Whom it May Concern,

The European Roma Rights Centre (ERRC)¹ is a Roma-led international public interest law organisation working to combat anti-Roma racism and human rights abuses of Roma through legal advocacy, research and policy development, and human rights training.

The European Roma Rights Centre (ERRC) submits this formal

criminal complaint

¹ www.errc.org

against the presently unidentified police officers who took action against B. Tamás in Százhalombatta on 8 July 2026, as well as against any other person who may bear criminal responsibility for the events.

We urge your office to immediately initiate a criminal investigation the death of B. Tamás. In case, the criminal investigation has already been initiated, we request that this submission be joined to the criminal investigation already pending in the matter. Furthermore, we ask to carry out all the necessary steps to investigate any potential racial motivation behind actions of police officers.

I. Summary of Facts

According to publicly available reports,² on 8 July 2026, four police officers took action against B. Tamás, a young Romani man, in Százhalombatta (Hungary), initially for the purpose of establishing his identity allegedly on suspicion of drug use. B. Tamás has been diagnosed with mild schizophrenia.

According to the police account, B. Tamás resisted the police action and subsequently attempted to flee. The police officers then brought him to the ground.

According to press reports, an electroshock device was used against B. Tamás on at least four occasions during the police action. The exact number, duration, sequence, target area and stated justification for each use are currently unknown.

According to statements by relatives and eyewitnesses reported by the Roma Press Centre, B. Tamás may have been assaulted or kicked after he was already lying on the ground. While lying restrained on the ground, his breathing stopped and he fell into a coma. He sustained a broken nose, fractured facial bones, and severe brain damage.

On 23 July 2026, B. Tamás died from his injuries in hospital.

² E.g.: 24.hu: Meghalt a férfi, aki rendőri intézkedést követően esett kómába – büntetőeljárás indult, 23.07.2026, available here: <https://24.hu/belfold/2026/07/23/b-tamas-rendori-intezkedes-koma-meghalt/> or hvg.hu: Meghalt a férfi, aki egy százhalombattai rendőri intézkedés után kómába esett, 23.07.2026, available here: https://hvg.hu/itthon/20260723_halaleset-szazhalombatta-rendori-intezkedes-nyomozas-bantalmazas

The Pest County Police Headquarters stated that the police officers had acted lawfully and proportionately and had not engaged in violent or cruel conduct.

II. Duty of Effective Investigation including racial motivation

Even though, police officers have the right under certain circumstances to use coercive measures, their powers are not unlimited. Based on available information, the ERRC believes that the use of force by the intervening police officers was disproportionate and unnecessary.

Section 301(1) of Act C of 2012 on the Criminal Code, hereinafter referred to as the **Criminal Code**, provides: *“A public official who physically assaults another person in the course of official proceedings shall be guilty of a felony punishable by imprisonment for one to five years.”*

Section 301(2) provides for a more severe penalty in certain aggravated circumstances, including where the offence is committed by a group

In accordance with the second sentence of Paragraph (1) of Article 2 of the Police Act, the police shall respect and protect human dignity and safeguard human rights.

Pursuant to Section 15 of the Police Act, the police measure may not cause any disadvantage that is manifestly disproportionate to the legitimate aim of the measure, so the police measure or coercive measure must be chosen from among several possible and suitable police measures or coercive means that, while ensuring effectiveness, causes the least restriction, injury or damage to the person affected by the measure (so-called the principle of proportionality). Accordingly, pursuant to Article 16 of the Police Act, a police officer may use coercive means only if the conditions laid down by law are met, taking into account the principle of proportionality, and in such a way that the person subject to the measure is not disproportionately harmed. No further use of coercive means shall be permitted if the resistance has been broken, and the effectiveness of the police action can be ensured without such use.

From several provisions (§ 39 (1) and § 40 (1) of the Decree on the rules of service of the police, Decree No 18/2008 (OT 10.) ORFK Instruction Annex 9.1), it is also clear that the use of physical coercion - as in the case of all coercive measures - is possible within strict limits, in the event of resistance and only to the extent and only with the necessary nerve. Since the purpose of coercive measures is to break the will and physical resistance of the person subject to

the measure, their use directly and necessarily affects the right to general freedom of action and bodily integrity, which are intrinsic elements of human dignity. Accordingly, the use of means of coercion which go beyond the limits of the law is in all cases a violation of the human dignity of the person subjected to the measure.

To complement the domestic legal framework, Article 2 and Article 3 of the European Convention of Human Rights also protect the most fundamental values of the democratic societies that make up the Council of Europe. They also require that the State authorities carry out effective investigation into similar cases as the present one.

Article 2 § 2 of the Convention describes situations in which it is permissible to "use force" which must be no greater than "strictly (absolutely) necessary" to achieve one of the purposes listed in subparagraphs (a), (b) or (c) (*McCann and Others v. the United Kingdom*, application no. 18984/91, § 148). In determining whether the force used is compatible with Article 2 § 1 of the Convention, the ERRC highlights that the use of force is not necessary to achieve one of the purposes listed in subparagraphs (a), (b) or (c). 2 of the Convention, it is also relevant whether the operation was planned and directed so as to minimise, as far as possible, the use of lethal force or the incidental loss of life (*Pârvu v. Romania*, application no. 13326/18, § 76). Moreover, the ECtHR has held that it is crucial whether the authorities were aware or ought to have been aware that the person was in a state of vulnerability which required a high degree of caution. In such a case, they should have adapted the particular choice of the method of intervention (*Scavuzzo-Hager and Others v. Switzerland*, application no. 41773/98, § 61). In that judgment, the ECtHR also formulated the presumption that if the victim died while the police officers were trying to restrain him, it cannot be excluded that the force used for that purpose caused the fatal result (*Scavuzzo-Hager and Others v. Switzerland*, §§ 59-60). On a substantive level, Article 2 of the Convention also implies an obligation to provide timely medical assistance if the person's state of health so requires (*Anguelova v. Bulgaria*, application no. 38361/97, § 121 et seq.).

With reference to Article 2 § 2 (b) of the ECHR, the legitimate aim of effecting a lawful arrest can only justify putting human life at risk in circumstances of absolute necessity. In principle there can be no such necessity where it is known that the person to be arrested poses no threat to life or limb and is not suspected of having committed a violent offence, even if a failure to use lethal force may result in the opportunity to arrest the fugitive being lost (see e.g. *Nachova and others v Bulgaria* [GC], no. 43577/98, 43579/98, § 95).

When a person is confronted with law-enforcement officers, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is, in principle, an infringement of the right set forth in Article 3 (see e.g. *Bouyid v Belgium* [GC], no. 23380/09, § 88).

Where there is a reasonable suspicion that a person may have been the victim of conduct contrary to Article 2 or Article 3 of the ECHR, the competent authorities are obliged to conduct an effective investigation into the matter. For the investigation to be considered as effective, it should meet the criteria of independence and impartiality, adequacy, promptness, public scrutiny and victim participation (see e.g. *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, §§ 182-185).

When investigating violent incidents and, in particular, deaths at the hands of State agents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights. A failure to make a distinction in the way in which situations that are essentially different are handled may constitute unjustified treatment irreconcilable with Article 14 of the Convention (see, *mutatis mutandis*, *Thlimmenos v. Greece* [GC], no. 34369/97, § 44).

Given B. Tamás's Roma ethnicity, there is a need to investigate whether racial bias influenced the police's actions, in line with Article 14 of the ECHR.

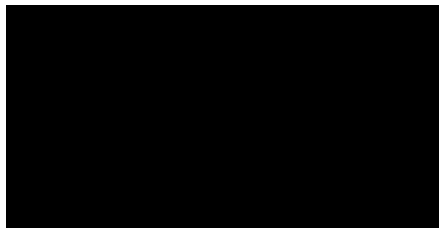
III. Conclusion

In light of the above, the ERRC formally requests that the Public Prosecutor's Office initiate criminal investigation and ensure that effective investigation complying with all the criteria under the national and international law is carried out into the matter including examination of potential racist motivation.

We believe that the statements made by police and declaring the officers' actions lawful and proportionate appear premature and raise concerns about the independence and impartiality of the investigation. The investigation should be conducted by an independent body.

We kindly ask you to inform us about the steps taken in investigating the matter and about any conclusions of such investigation via email to: legal@errc.org or by post to the European Roma Rights Centre, Avenue de Cortenbergh 71, 4th floor, Brussels 1000, Belgium.

Yours sincerely,



Đorđe Jovanović

President
ERRC

