



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

FIFTH SECTION

CASE OF KUYUMJYAN v. ARMENIA

(Application no. 24627/16)

JUDGMENT

STRASBOURG

27 August 2026

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

In the case of Kuyumjyan v. Armenia,

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

Andreas Zünd, *President*,

Vahe Grigoryan,

Sébastien Biancheri, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 2 July 2026,

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

PROCEDURE

1. The case originated in an application against Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 22 April 2016.

2. The applicant was represented by Ms I. Petrosyan, a lawyer practising in Yerevan.

3. The Armenian Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained of the lack of relevant and sufficient reasons for his detention. He also raised another complaint under Article 5 § 4 of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

6. The applicant complained of the lack of relevant and sufficient reasons for his detention. He relied on Article 5 § 3 of the Convention.

7. The Government argued that the application was inadmissible for failure to exhaust the domestic remedies. Having examined the Government’s arguments, the Court does not discern sufficient grounds to accept their objection, which must therefore be rejected (compare *Avushyan v. Armenia* [Committee], no. 34684/13, § 18, 31 January 2023).

8. The Government further argued that the applicant had failed to comply with the six-month time-limit in respect of his detention, as extended by the decisions of the Kentron and Nork-Marash District Court of Yerevan of 19 January and 19 May 2015. The Government submitted that each period of detention should be considered separately, noting that the applicant’s complaint related to the alleged lack of relevant and sufficient reasons for each period of his detention. The Court, however, has held that consecutive

periods of detention must be regarded as a whole, with the six-month time-limit running from the end of the final period of detention (see *Solmaz v. Turkey*, no. 27561/02, § 36, 16 January 2007). In the present case, the applicant's pre-trial detention began on 24 November 2014 and continued until at least 24 November 2015. The Court therefore dismisses the Government's objection.

9. The Court reiterates that, according to its established case-law under Article 5 § 3 of the Convention, the persistence of a reasonable suspicion that the person arrested has committed an offence is a condition *sine qua non* for the lawfulness of the continued detention, but after a certain lapse of time it no longer suffices. In such cases, the Court must establish whether the other grounds given by the judicial authorities continued to justify the deprivation of liberty. Where such grounds were "relevant" and "sufficient", the Court must also ascertain whether the competent national authorities displayed "special diligence" in the conduct of the proceedings. The Court has also held that justification for any period of detention, no matter how short, must be convincingly demonstrated by the authorities. When deciding whether a person should be released or detained, the authorities are obliged to consider alternative measures for ensuring this person's appearance at trial. The requirement for the judicial officer to give "relevant" and "sufficient" reasons for the detention – in addition to the persistence of reasonable suspicion – applies already at the time of the first decision ordering detention on remand, that is to say "promptly" after the arrest (see, among other authorities, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, §§ 87 and 102, 5 July 2016).

10. In the leading cases of *Muradkhanyan v. Armenia* (no. 12895/06, 5 June 2012) and *Ara Harutyunyan v. Armenia* (no. 629/11, 20 October 2016), the Court already found a violation in respect of issues similar to those in the present case.

11. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the domestic courts failed to provide relevant and sufficient reasons for the applicant's pre-trial detention.

12. This complaint is therefore admissible and discloses a breach of Article 5 § 3 of the Convention.

II. REMAINING COMPLAINTS

13. The applicant also raised another complaint under Article 5 § 4 of the Convention arguing that his right to challenge effectively the lawfulness of his detention had been infringed by the failure of the Kentron and Nork-Marash District Court of Yerevan to serve on him the decision of 18 July 2015, extending his detention.

14. The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of

are within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Muradkhanyan*, cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the lack of relevant and sufficient reasons for the applicant's detention admissible, and the remainder of the application inadmissible;
2. *Holds* that the complaint discloses a breach of Article 5 § 3 of the Convention concerning the lack of relevant and sufficient reasons for the applicant's detention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (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.

Done in English, and notified in writing on 27 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
President

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APPENDIX

Application raising complaints under Article 5 § 3 of the Convention
(lack of relevant and sufficient reasons for detention and excessive length of pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of detention	Court which issued detention order / examined appeal	Length of detention	Specific defects	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
24627/16 22/04/2016	Ashot KUYUMJYAN 1978	Petrosyan Inessa Yerevan	24/11/2014 to 24/11/2015	Kentron and Nork- Marash District Court of Yerevan Arabkir and Kanakaner- Zeytun District Court of Yerevan Criminal Court of Appeal	1 year and 1 day	fragility of the reasons employed by the courts	700	500

¹ Plus any tax that may be chargeable to the applicant.

² Plus any tax that may be chargeable to the applicant.