



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

FIFTH SECTION

CASE OF GHUKASYAN v. ARMENIA

(Application no. 5195/17)

JUDGMENT

STRASBOURG

27 August 2026

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

In the case of Ghukasyan 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 23 February 2017.

2. The applicant was represented by Ms A. Maralyan, a lawyer practising in Strasbourg, and Ms I. Petrosyan and Mr K. Mezhlumyan, lawyers 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 unlawful detention and raised other complaints under the provisions of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 1 OF THE CONVENTION

6. The applicant complained of the unlawful detention. He relied on Article 5 § 1 of the Convention.

7. The Court reiterates that, in order to comply with Article 5 § 1 of the Convention, the detention in issue must take place “in accordance with a procedure prescribed by law” and be “lawful”. The Convention here refers essentially to national law and lays down the obligation to conform to the substantive and procedural rules of national law, but it requires in addition that any deprivation of liberty should be in keeping with the aim of Article 5, namely to protect the individual from arbitrariness (see *Hutchison Reid v. the United Kingdom*, no. 50272/99, § 47, ECHR 2003-IV; *Assanidze v. Georgia* [GC], no. 71503/01, § 171, ECHR 2004-II; and *Vasenin v. Russia*, no. 48023/06, § 108, 21 June 2016). The absence of any grounds given by the

judicial authorities in their decisions authorising detention for a prolonged period of time may be incompatible with the principle of the protection from arbitrariness enshrined in Article 5 § 1 (see *Stašaitis v. Lithuania*, no. 47679/99, § 67, 21 March 2002; *Nakhmanovich v. Russia*, no. 55669/00, § 70, 2 March 2006; and *Yeloyev v. Ukraine*, no. 17283/02, § 54, 6 November 2008).

8. In the leading case of *Vardan Martirosyan v. Armenia* (no. 13610/12, 15 June 2021), the Court already found a violation in respect of issues similar to those in the present case.

9. 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 this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the decision of the Erebuni and Nubarashen District Court of Yerevan of 25 July 2017 did not afford the applicant adequate protection from arbitrariness which is an essential element of the lawfulness of detention within the meaning of Article 5 § 1 of the Convention, and that, therefore, the applicant's detention from 25 July 2017 to 7 May 2018 failed to comply with the requirements of Article 5 § 1 of the Convention.

10. This complaint is therefore admissible and discloses a breach of Article 5 § 1 of the Convention.

II. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. The applicant submitted other complaints which also raised issues under Article 5 §§ 3 and 4 of the Convention (the latter as regards the speediness of review of the lawfulness of his detention by the Criminal Court of Appeal), given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Buzadji v. the Republic of Moldova* [GC] (no. 23755/07, §§ 84 et seq., 5 July 2016); *Ara Harutyunyan v. Armenia* (no. 629/11, §§ 48 et seq., 20 October 2016); *Muradkhanyan v. Armenia* (no. 12895/06, §§ 79-87, 5 June 2012); *Idalov v. Russia* [GC] (no. 5826/03, §§ 154-58, 22 May 2012); *Mamedova v. Russia* (no. 7064/05, § 96, 1 June 2006); and *Kadem v. Malta* (no. 55263/00, §§ 44-45, 9 January 2003).

III. REMAINING COMPLAINTS

12. The applicant further raised another complaint under Article 5 § 4 of the Convention as regards the speediness of review of the lawfulness of his detention by the Court of Cassation. The Court has examined this complaint 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 complaint must be rejected in accordance with Article 35 § 4 of the Convention.

13. The applicant lastly raised a complaint under Article 18 of the Convention in conjunction with Article 5 § 1 of the Convention with regard to his detention. Having regard to the Court's findings under Article 5 § 1 of the Convention, the Court considers that there is no need to give a separate ruling on the present complaint.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vardan Martirosyan*, cited above), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 5 §§ 1, 3 and 4 of the Convention (the latter concerning the speediness of review of the lawfulness of the applicant's detention by the Criminal Court of Appeal) admissible and the complaint under Article 5 § 4 of the Convention (concerning the speediness of review of the lawfulness of the applicant's detention by the Court of Cassation) inadmissible, and *finds* that there is no need to examine separately the applicant's complaint under Article 18 of the Convention;
2. *Holds* that this application discloses a breach of Article 5 § 1 of the Convention concerning the unlawful detention;
3. *Holds* that there has been a violation of the Convention as regards the other complaints raised under the well-established case-law of the Court (see appended table);
4. *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.
5. *Dismisses* the remainder of the applicant's claims for just satisfaction.

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
Deputy Registrar

Andreas Zünd
President

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APPENDIX

Application raising complaints under Article 5 § 1 of the Convention
(unlawful detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of unlawful detention	Court which issued detention order/examined appeal	Specific defects	Other complaints under well- established case-law	Amount awarded for non- pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
5195/17 23/02/2017	Andrias GHUKASYAN 1970	Maralyan Anna Strasbourg Petrosyan Inessa Yerevan Mezhlumyan Karen Yerevan	25/07/2017 - 07/05/2018	Erebuni and Nubarashen District Court of Yerevan	decision on detention without a time-limit	Art. 5 (4) - excessive length of judicial review of detention - The Criminal Court of Appeal examined the applicant's appeals lodged on 02/08/2016, 26/09/2016, 28/11/2016, 03/04/2017 and 20/10/2017 in twenty-two, twenty-nine, twenty-four, twenty-four and twenty-eight days, respectively (see <i>Idalov v. Russia</i> [GC], no. 5826/03, §§ 154-58, 22 May 2012; <i>Mamedova v. Russia</i> , no. 7064/05, § 96, 1 June 2006 and <i>Kadem v. Malta</i> , no. 55263/00, §§ 44-45, 9 January 2003),	4,300	500

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

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

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Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of unlawful detention	Court which issued detention order/examined appeal	Specific defects	Other complaints under well- established case-law	Amount awarded for non- pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
						Art. 5 (3) - excessive length of pre-trial detention - Failure of the Arabkir and Kanaker-Zeytun District Court of Yerevan, the Erebuni and Nubarashen District Court of Yerevan and the Criminal Court of Appeal to indicate relevant and sufficient grounds justifying the applicant's prolonged detention between 30/07/2016 and 07/05/2018 (see <i>Muradkhanyan v. Armenia</i> , no. 12895/06, §§ 79-87, 5 June 2012)		