



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

FIFTH SECTION

CASE OF SARGSYAN v. ARMENIA

(Application no. 53846/16)

JUDGMENT

STRASBOURG

3 September 2026

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

In the case of Sargsyan v. Armenia,

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

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 53846/16) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 25 August 2016 by an Armenian national, Ms Gohar Sargsyan (“the applicant”), who was born in 1960, lives in Yerevan and was represented by Ms A. Melkonyan and Ms H. Harutyunyan, lawyers practising in Yerevan;

the decision to give notice of the complaints concerning Article 3 and Article 11 of the Convention to the Armenian Government (“the Government”), represented by their former Agent, Mr Y. Kirakosyan, and subsequently by Mr K. Andreasyan, Representative of the Republic of Armenia on International Legal Matters, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 2 July 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged use of force against the applicant during a small-scale demonstration. The applicant relied on Article 3 and Article 11 of the Convention.

2. On 11 February 2015 the applicant – who is the mother of Tigran Ohanjanyan, a conscript who died while performing compulsory military service (see *Ohanjanyan v. Armenia*, no. 70665/11, 25 April 2023) – and five other parents of conscripts who had also died during military service held a small-scale demonstration near the main entrance gates of the President’s Office, demanding an effective investigation into their sons’ deaths and a response to letters they had sent to the President apparently concerning the lack of such an investigation. On-duty police officers ordered them to relocate to the pavement opposite the President’s Office – which was separated from it by six lanes of traffic – or else to contact the internal mail department of the President’s Office about their letters¹. The police repeated their request several times, after which they formed a cordon around the protestors and began pushing them to the opposite pavement. The applicant resisted,

¹ [Video footage](#) of the protest.

shouting: “Don’t push, I won’t leave”. She broke through the police cordon, stepped onto the road, and then returned to the pavement, apparently attempting to sit on the ground. Two police officers then grabbed the applicant – who was still resisting – by the arms and forcibly dragged her across the road to the opposite pavement. In consequence, she fainted and an ambulance was called to give her medical help; she recovered shortly after. The video footage reveals that the protest ended once the police forcibly moved the protestors across the street.

3. On 16 February 2015, following an internal investigation by the Yerevan police, Officers V.V. and A.H., who had dragged the applicant to the opposite pavement, were reprimanded for unethical, disrespectful and unrestrained behaviour towards a protestor.

4. On 3 March 2015 a human rights NGO (“the NGO”) lodged a criminal complaint, requesting the authorities to investigate the use of force by the police during the dispersal of the demonstration. Referring to the video footage of the incident, the NGO submitted that, as a result of the use of force by the police, the applicant had fainted and been dragged by two police officers to the opposite pavement.

5. On 27 March 2015 an investigator in charge of the case, relying on the findings of the above-mentioned internal investigation and having examined the video footage of the incident, refused to open criminal proceedings. The police had repeatedly requested that the protestors relocate to the opposite pavement so as not to disrupt public order, traffic, or the functioning of the President’s Office, but the protestors (including the applicant) had refused to comply and had sat on the ground. Subsequently, having assessed the situation, Officers V.V. and A.H. had grabbed the applicant’s arms and carried her to the opposite pavement by force. Given those circumstances, there had been nothing criminal in the actions of the police and the use of force had been lawful. That decision was upheld by a prosecutor.

6. The NGO lodged an appeal with a first-instance court, claiming, *inter alia*, that the protestors had suffered ill-treatment in respect of which no effective investigation had been carried out. It was further argued that the protestors had done nothing to warrant the use of force.

7. The Nork-Marash District Court of Yerevan rejected the appeal, finding that the police officers had resorted to the use of force after the protestors had failed to comply with the repeated requests to relocate. The use of force had been exceptional but lawful in the circumstances of the case.

8. That decision was upheld on appeal and the NGO was given notice of the final court decision on 25 February 2016.

9. On 1 February 2016 the applicant applied to the Administrative Court. She complained, in particular, that her forcible removal to the other side of the street had amounted to an unjustified interference with her right to freedom of assembly. She pointed out that she had previously been allowed to protest in front of the President’s Office without any hindrance. The protest

near the gates of the President's Office could not have jeopardised its normal functioning, given the peaceful nature of the protest and the fact that, in any event, the administrative part of the building was located approximately 40 metres away.

10. The Administrative Court rejected her claim. It held that the actions of the police had been lawful. In particular, pursuant to section 19(1)(3) of the Freedom of Assemblies Act, a protest was prohibited if it was to be held at such a distance from, *inter alia*, the President's Office as to threaten its normal functioning. In each case, the police had discretion under section 19(1)(3) to determine whether the proximity of a protest to the President's Office could threaten its normal functioning, considering factors such as the number of protestors, their intentions, the course of the protest and so on. In addition, section 30 of the Police Act authorised a police officer to use force, *inter alia*, where an individual failed to comply with a lawful order and non-coercive measures were insufficient. Despite lawful orders of the police to move the protest across the street, the applicant had failed to comply and had subsequently been removed by force, which was deemed lawful under the circumstances. Nothing prevented her from protesting across the street. The protest in question could have reasonably threatened the normal functioning of the President's Office. It sufficed that the police could reasonably foresee such a risk; it was not necessary for the threat to have actually materialised.

11. On 18 April 2018 the Administrative Court of Appeal dismissed an appeal by the applicant, upholding the lower court's judgment. It noted that the protestors' conduct, namely their presence near the entrance gates of the President's Office, had impeded access to the office, in which circumstances the order of the police to move across the street and the subsequent use of force had been justified.

12. On 11 June 2018 the applicant appealed on points of law, counting the one-month time-limit for appeal from the date of receipt of the appeal court's decision. Specifically, the applicant noted in her appeal that she had received the decision of the Administrative Court of Appeal on 10 May 2018. She further stated that the delay in service was corroborated by the seal on the envelope in which the decision had been enclosed.

13. On 4 July 2018 the Court of Cassation declared the applicant's appeal inadmissible, finding that it had been lodged outside the one-month time-limit for appeal (counted from the date of the Administrative Court of Appeal's decision), and that no request to restore the time-limit had been submitted. It relied on Article 160 § 1 (1) of the Code of Administrative Procedure, under which an appeal lodged out of time without a request to restore the time-limit was to be declared inadmissible.

14. The applicant complained under Article 3 that she had been subjected to the excessive use of force and that no effective investigation had been

carried out in that connection. She also complained that her forcible removal and the dispersal of the protest had been in breach of Article 11.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

15. The applicant's complaint under Article 3 is summarised in the previous paragraph.

16. The relevant general principles are summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 81-90, ECHR 2015).

17. In the present case, although the police officers made recourse to some physical force to move the applicant across the street while she was trying to sit on the ground, there is no indication that they had the intention to humiliate her. The encounter was brief, and the force employed was limited to taking hold of the applicant's arms and escorting her to the opposite pavement. Although the applicant fainted as a result, no claim has been made that she suffered any harm to her health. In such circumstances, the combination of these elements – in particular, the very brief nature of the encounter, which was minimal in intensity; the absence of any, or at least any obvious, intention on the part of the police officers to humiliate the applicant; their attitude as depicted in video footage provided to the Court; and the absence of any evidence showing any damage to the applicant's health – leads the Court to the conclusion that the conduct of the police officers in this particular case could not be described as reaching the threshold of degrading treatment.

18. The Court is mindful of the fact that the impugned conduct may have certainly caused the applicant a feeling of frustration and unfairness, all the more so as her protest concerned the authorities' failure to investigate the tragic death of her son (see *Ohanjanyan*, cited above, §§ 140-61) – an issue of deep personal sensitivity. However, such matters are to be examined under Article 11 of the Convention and do not constitute a sufficient basis for a conclusion that the applicant has made an arguable claim of ill-treatment proscribed by Article 3. Accordingly, the complaint, under both the substantive and procedural heads, is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

19. The Government submitted that the applicant had failed to exhaust the available domestic remedies. The criminal proceedings could not have provided redress for her complaints under Article 11 since they had concerned only the question whether the use of force against the applicant had been justified and whether the actions of the police had amounted to a criminal offence. At the same time, while the applicant had applied to the

Administrative Court, she had failed to comply with the rules of appeal: she had submitted an out-of-time appeal with the Court of Cassation and had not lodged a request to restore the time-limit.

20. The Court has previously found that an application to the Administrative Court is an effective remedy for complaints under Article 11 (see *Ishkhanyan v. Armenia*, no. 5297/16, §§ 121-29, 13 February 2025), and it notes that the applicant raised her complaint under Article 11 before that court. As to the question whether she complied with the rules of appeal, the Court has previously held that where contested decisions have not been served on appellants (or made available to them) within the period prescribed by law – namely, by the day following the pronouncement in administrative proceedings – the parties concerned can reasonably expect that the missed time-limit for appeal will be restored and their appeals lodged within one month of the date of service will be admitted for examination. Under the applicable case-law of the Constitutional Court, the restoration of a time-limit that was missed owing to a delay in service was a legal requirement and not open to judicial discretion. In such circumstances, calculating the time-limit for appeal from the date of pronouncement had not been foreseeable (see *Vachik Karapetyan and Others v. Armenia*, no. 15736/16, §§ 94-101, 15 May 2025). Although the applicant in the present case did not submit a formal request to restore the time-limit, her submissions clearly referred to the delay in service – which the Government did not contest – as well as to the factual basis supporting her claim (see paragraph 12 above). In the Court’s view, this amounted to an implied request which the Court of Cassation failed to assess, rendering its refusal to examine the appeal unduly formalistic (compare *Minasyan v. Armenia*, [Committee], no. 54620/16, §§ 12-13, 6 November 2025). In such circumstances, it cannot be said that the applicant failed to comply with the rules of appeal and the Government’s objection should therefore be dismissed.

21. As to their remaining objection that there had been no interference with the applicant’s right to freedom of assembly, in the present case the police forcibly moved the applicant and other protestors across the street, which effectively ended the protest organised near the entrance gates of the President’s Office. There has therefore been an interference with the applicant’s right to freedom of assembly and the Government’s objection should be dismissed.

22. The Court further notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

23. The general principles concerning Article 11 of the Convention have been summarised in *Kudrevičius and Others v. Lithuania* ([GC], no. 37553/05, ECHR 2015). Even assuming that the interference was “prescribed by law” and pursued “legitimate aims”, it needs to be seen whether it was “necessary in a democratic society”.

24. In the present case, the authorities justified the applicant's removal from the pavement adjacent to the President's Office on the grounds that the protestors could have breached public order, impeded traffic or interfered with the normal functioning of the President's Office. There is however no evidence in the case file that the applicant – or, indeed, any of the protestors – acted violently or intentionally disrupted ordinary life to an extent that warranted intervention by the police. It is difficult to see how the presence of just six middle-aged individuals – bereaved parents – near the entrance gates of the President's Office could have posed any threat to its normal functioning or obstructed access to it, especially given the substantial police presence. This was not explained, let alone substantiated either by the authorities in the course of the domestic proceedings or by the Government before the Court. As to the question whether the protest could have been held across the street, the Court observes that the location of the protest – that is, immediately before the gates of the President's Office – was not incidental. Specifically, the protestors were seeking a response to letters they had sent to the Head of State and Commander-in-Chief and calling for an effective investigation into the deaths of their sons during their compulsory military service (see *Ohanjanyan*, cited above, for more information concerning the applicant's son). In such circumstances, making them move across the street to a location which was separated from the pavement in front of the President's Office by six lanes of traffic significantly reduced the visibility of their message, striking at the very core of the applicant's right to freedom of assembly. In such circumstances, given the absence of any real threat posed by the applicant, the disruption of the demonstration by her forcible removal to the other side of the street cannot be considered to have been necessary under Article 11 § 2.

25. There has accordingly been a violation of Article 11 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

26. The applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage. She did not submit any claims in respect of pecuniary damage or costs and expenses.

27. The Government contested her claim.

28. The Court awards the applicant EUR 9,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 11 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 11 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 9,000 (nine thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, 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 amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

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

Martina Keller
Deputy Registrar

Andreas Zünd
President