



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

FIFTH SECTION

CASE OF NERSESYAN v. ARMENIA

(Application no. 15847/17)

JUDGMENT

STRASBOURG

22 October 2026

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

In the case of Nersesyan v. Armenia,

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

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Sébastien Biancheri, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 1 October 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 2 February 2017.

2. The applicant was represented by Mr T. Yegoryan, Ms L. Hakobyan and Ms G. Petrosyan, 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 disproportionate measures taken against him as a participant of a public assembly. He also raised other complaints under the provisions of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

6. The applicant complained principally of the disproportionate measures taken against him as a participant of a demonstration, namely his arrest followed by his conviction for an administrative offence. He invoked Articles 10 and 11 of the Convention in relation to his complaint, which falls to be examined under Article 11, interpreted where appropriate in the light of Article 10 (see *Kudrevičius and Others v. Lithuania* [GC], no. 37553/05, §§ 85-86, ECHR 2015).

7. The Court refers to the principles established in its case-law regarding freedom of assembly (see *Kudrevičius and Others*, cited above, with further references).

8. In the leading cases of *Galstyan v. Armenia*, no. 26986/03, 15 November 2007, *Ashughyan v. Armenia*, no. 33268/03, 17 July 2008 and

Barseghyan v. Armenia, no. 17804/09, 21 September 2021, as well as in a number of cases that followed (see, for demonstrative purposes, *Kiviryan v. Armenia* [Committee], nos. 17997/16 and 73070/16, 9 April 2026; *Gaspari v. Armenia* [Committee], nos. 1606/16 and 19579/16, 30 April 2026; and *Kiviryan v. Armenia* [Committee], no. 1593/16, 30 April 2026), the Court already found a violation in respect of issues similar to those in the present case.

9. In the case at hand, the domestic courts established that the applicant had failed to comply with a police order to desist from blocking an inter-regional highway, and that the authorities had had a legitimate reason to restore traffic (see the appended table). However, the applicant's failure to comply with police orders did not dispense the domestic authorities with their obligation to assess the necessity of the resulting interference with his right to freedom of assembly. In this connection, the administrative proceedings against the applicant were pursued on the grounds that he had been one of four "more active" participants in the demonstration during negotiations to reopen the road. The domestic courts, however, failed to establish what was meant by that description, let alone identify any specific conduct attributable to the applicant, apart from his participation in the collective blocking of the highway, which had been carried out by a large crowd of protesters. Nor did they assess how the applicant's allegedly "more active" conduct had exacerbated the existing obstruction. There is no mention in the domestic judgments that the applicant was an organiser of the blockage or that he had hindered police efforts to open the road. More importantly, the applicant was arrested several hours after the demonstration had ended, which suggests that his conduct during the demonstration was not such as to disrupt the efforts of the police to clear the road; at the very least, this has not been established in the domestic judgments. The domestic courts found that the interference with the applicant's freedom of assembly had been proportionate on the grounds that he was not a member of the community affected by the project against which the protest had been held. Such reasoning is hard to reconcile with the guarantees afforded by Article 11 of the Convention. The Court reiterates that Article 11 guarantees everyone the right to participate in an assembly, irrespective of their place of residence or membership in the community whose interests the demonstration seeks to advance.

10. In such circumstances, while the domestic courts' finding that the applicant had failed to comply with a lawful police order to clear the road, was relevant to the assessment of the necessity of the interference, it was not sufficient, in the circumstances of the present case, to justify the restrictions of his right to freedom of assembly, namely his arrest and the imposition of the fine. Accordingly, the interference cannot be regarded as having been necessary in a democratic society. The relevant leniency of the fine imposed on the applicant – around ninety euros – does not alter that conclusion.

11. The complaint is therefore admissible and discloses a breach of Article 11 of the Convention.

II. REMAINING COMPLAINTS

12. The applicant also raised other complaints under various Articles of the Convention.

13. 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, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do 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 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession, the Court finds 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 concerning the disproportionate measures taken against the applicant as a participant in a public assembly admissible, and the remainder of the application inadmissible;
2. *Holds* that this application discloses a breach of Article 11 of the Convention concerning the disproportionate measures taken against the applicant as a participant in a public assembly;
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.
4. *Dismisses* the reminder of the applicant's claims for just satisfaction.

NERSESYAN v. ARMENIA JUDGMENT

Done in English, and notified in writing on 22 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
President

APPENDIX

Application raising complaints under Article 11 of the Convention (disproportionate measures against organisers and participants of public assemblies)

Application no. Date of introduction	Applicant's name Year of birth	Name of the public event Location Date	Administrative offence	Relevant facts and the reasoning of the domestic courts	Penalty	Final domestic decision Name of the court Date	Amount awarded for non-pecuniary per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
15847/17 02/02/2017	Yeghia NERSESYAN 1979	A protest against the construction of a hydroelectric power plant Ashtarak-Aparan highway 06/03/2014	Article 182 of CAO	On 06/03/2014 the applicant participated in a protest against the construction of a hydroelectric power plant, during which a large number of protesters blocked an inter-regional highway in opposition to the project. The police intervened, and it appears that the ensuing negotiations proved fruitful and the protesters reopened the road. The applicant returned to Yerevan where he was arrested for his earlier failure to comply with police orders to open the road. Later the police instituted administrative proceedings against him. It was stated in the police reports that, during the negotiations, the applicant had been one of four “more active” protestors, had failed to comply with lawful police orders, had obstructed traffic and had blocked the road for an hour and a half. The applicant counter claimed. The Administrative Court found the applicant guilty of an administrative offence and fined him. It referred to the police material that, while the road had been blocked by a huge crowd, the applicant had been among four “more active” individuals who had disobeyed the lawful police orders during the negotiations and had obstructed traffic. It also relied on video materials, stating that the police had given orders to open the road to the applicant individually which he had ignored. It further noted the duty of the police to maintain public order, having found that the blockade had disrupted traffic and that the	50,000 Armenian drams	Court of Cassation 13/07/2016 (notified to the applicant on 05/08/2016)	2,000	1,000

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

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

NERSESYAN v. ARMENIA JUDGMENT

Application no. Date of introduction	Applicant's name Year of birth	Name of the public event Location Date	Administrative offence	Relevant facts and the reasoning of the domestic courts	Penalty	Final domestic decision Name of the court Date	Amount awarded for non-pecuniary per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
				police order had therefore been lawful. When assessing the proportionality of the interference, the Administrative Court noted that the applicant was not a resident of the community concerned by the construction project, whereas the demonstration was meant to address problems faced by that community. In such circumstances, the interference with his right to freedom of assembly had been proportionate. As regards his subsequent arrest, the Administrative Court found that it had not been necessary under Article 259 of the Code of Administrative Offences, and accordingly found a violation of his right to liberty. Nevertheless, since the applicant had been arrested hours after the end of the demonstration, his arrest had not interfered with his right to freedom of assembly. The above judgment was upheld on appeal.				