



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

FIFTH SECTION

CASE OF ISANYANS v. ARMENIA

(Application no. 40610/17)

JUDGMENT

STRASBOURG

22 October 2026

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

In the case of Isanyans 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 20 April 2017.

2. The applicant was represented by Mr T. Yegoryan, 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 under Article 5 of the Convention of the unlawful deprivation of liberty. He also raised additional complaints under Article 6 of the Convention.

THE LAW

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

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

7. The Court reiterates that “[i]n order for deprivation of liberty to be considered free from arbitrariness, it does not suffice that this measure is executed in conformity with national law; it must also be necessary in the circumstances” (see *S., V. and A. v. Denmark* [GC], nos. 35553/12 and 2 others, § 77, 22 October 2018, with further references).

8. The Court has already found on a number of occasions a violation of Article 5 of the Convention in respect of issues similar to those in the present case (see, by way of example, *Kiviryan v. Armenia* [Committee], nos. 17997/16 and 73070/16, 9 April 2026, *Kiviryan v. Armenia*

[Committee], no. 1593/16, 30 April 2026, and *Abroyan and Others v. Armenia* [Committee], nos. 26897/18 and 57499/18, 11 June 2026).

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 the complaints in the present case. Having regard to its case-law on the subject, the Court considers that in the instant case neither the police reports nor the domestic judgments demonstrated that the statutory condition justifying the applicant's administrative arrest under Article 259 of the Code of Administrative Offences, namely the impossibility to draw up an administrative-offence report on the spot, had been met. No other conditions under Article 259 of the Code had been invoked by the domestic authorities. The Government appeared to justify the applicant's administrative arrest by arguing that the police had sought to prevent an offence given the applicant's repeated failure to comply with police orders. Nevertheless, that ground had never been invoked by the domestic authorities and cannot now be relied upon retrospectively.

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

II. REMAINING COMPLAINTS

11. The applicant also raised a complaint under Article 6 § 1 of the Convention.

12. 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, the 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 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and its case-law (see *Minasyan and Geravetyan v. Armenia* [Committee], nos. 4892/16 and 24052/16, § 31, 30 April 2026), 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 complaint concerning the unlawful deprivation of liberty admissible and the remainder of the application inadmissible;
2. *Holds* that this application discloses a breach of Article 5 § 1 of the Convention concerning the unlawful deprivation of liberty;
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 remainder of the applicant's claims for just satisfaction.

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 5 § 1 of the Convention
(unlawful deprivation of liberty)

Application no. Date of introduction	Applicant's name Year of birth	Date of arrest	Specific defects	Other relevant information	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
40610/17 20/04/2017	Dvin ISANYANS 1989	13/05/2014	The domestic authorities failed to establish the necessity of the applicant's administrative arrest under Article 259 of the Code of Administrative Offences	On 13/05/2014 the applicant took part in a protest held in the Mashtots park in Yerevan, where the Armenian and French Presidents were to meet there. According to the findings of the domestic courts, which were based on police reports and a video recording of the incident, the applicant had repeatedly attempted to pass through a police cordon to access the area where the Presidents were supposed to meet and had refused to comply with orders to cease those attempts. As a result, he was subjected to a three-hour-long administrative arrest and escorted to a police station for the purpose of drawing up an administrative-offence report. The police subsequently instituted administrative proceedings against the applicant, seeking to have a fine imposed on him. The applicant filed a counterclaim challenging the lawfulness of the police's actions. The Administrative Court examined both claims jointly, deciding to impose a fine of 50,000 Armenian drams on the applicant for his failure to comply with a lawful order of the police. It dismissed the applicant's counterclaim. Those findings were upheld by the Administrative Court of Appeal. As regards the necessity of the applicant's arrest under Article 259 of the Code of Administrative Offences – which allowed an administrative arrest, <i>inter alia</i>, in order to prepare an administrative-offence report if it could not be done on the spot – the Court of Appeal found that the police had not breached the law by not preparing an offence report at the site of the protest. Given the nature of the applicant's socially disruptive conduct, the police had been authorised to take preventive measures. The final court decision was served on the applicant on 20/10/2016. Article 259 of the Code permitted an individual to be deprived of his or her liberty in order to: (i) halt the commission of an administrative offence where other preventive measures had proven ineffective; (ii) establish a person's identity; (iii) draw up an administrative offence report if it is mandatory that such a report be drawn up but cannot be done on the spot; or (iv) ensure the timely and orderly examination of cases of administrative offences and the execution of decisions in respect thereof.	1,600	1,000

¹ Plus any tax that may be chargeable to the applicant.² Plus any tax that may be chargeable to the applicant.