



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

FIFTH SECTION

DECISION

Application no. 21915/18
Gagik YEGHIAZARYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 17 September 2026 as a Committee composed of:

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Sébastien Biancheri, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application 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 3 May 2018,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant’s details are set out in the appended table. The applicant was represented by Mr D. Gyurjyan and S. Grigoryan, lawyers practising in Yerevan.

On 30 November 2015 the Yerevan Municipality was notified that demonstrations would be held in Freedom Square between 1 and 10 December 2015. On the same day, the Municipality refused the organiser’s request to permit the installation of tents in Freedom Square during the demonstrations. The organiser undertook to comply with that decision and not to install any tents.

According to the findings of the domestic courts, which were disputed by the applicant, during the demonstration on 8 December 2015, the applicant attempted to set up a tent in Freedom Square and failed to comply with police orders to desist. The police officers attempted to arrest him, but other participants intervened, allowing the applicant to leave the scene. The officers

confiscated the tent and, several hours later, apprehended the applicant for the purpose of drawing up an administrative offence record under the Code of Administrative Offences.

Following an application by the police, the Administrative Court fined the applicant 75,000 Armenian drams for failing to comply with a lawful police order aimed at ensuring the normal and peaceful conduct of the protest. This constituted an administrative offence under Article 180.1 § 15 of the Code. The applicant did not attend the court hearing. His appeals against the Administrative Court's decision were subsequently dismissed.

The applicant's complaints under Article 11 of the Convention concerning the disproportionate measures against organisers and participants of public assemblies were communicated to the Armenian Government ("the Government").

THE LAW

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

The applicant invoked Article 6 § 1, and Articles 10 and 11 of the Convention in relation to his complaint about the events on 8 December 2015. Being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 110-26, 20 March 2018), the Court views this complaint as one primarily falling under Article 11 of the Convention, interpreted where appropriate in the light of Article 10 (see *Kudrevičius and Others v. Lithuania* [GC], no. 37553/05, §§ 85-86, ECHR 2015).

The Government raised objections regarding the non-exhaustion of remedies and non-compliance with the six-month rule in force at the time (four months following the entry into force of Protocol No. 15 to the Convention). The Court, however, does not need to address these objections since, for the reasons outlined below, the application is in any event inadmissible.

The Court is prepared to accept that the applicant's arrest and the administrative fine imposed on him for his conduct during the rally amounted to an interference with his right to freedom of assembly. The interference was prescribed by law, namely the relevant provisions of the Code of Administrative Offences. It also pursued the aim of preventing disorder by ensuring compliance with the conditions imposed on the demonstration.

As to the question whether the alleged interference was necessary in the circumstances, the Court observes that the organiser's request to set up tents in Freedom Square during the demonstrations of 1 to 10 December 2015 had been dismissed by the Municipality. That decision was not contested by the organiser. It therefore appears that the applicant knowingly ignored that fact,

including the police orders that no tents had been allowed. More importantly, he failed to argue, let alone substantiate that the absence of a tent would have hindered his participation in the demonstration or otherwise limit the exercise of his rights under Article 11, or Article 10 for that matter. Rather, he essentially contested the fact of having committed the imputed offence. In this connection, the Court reiterates that the machinery of protection established by the Convention is subsidiary to the national systems safeguarding human rights (see, among other authorities, *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, §§ 138 and 160, 27 November 2023), and emphasises that it is not a court of first instance. In the course of adversarial proceedings, and having assessed the evidence before them, the domestic courts established that on-duty police officers had ordered the applicant to desist from setting up a tent in Freedom Square, referring to the refusal by the Municipality of Yerevan. The applicant, however, had failed to comply and had by his actions committed the administrative offence under Article 180.1 § 15 of the Code of Administrative Offences, namely failure to comply with a lawful order of the police to ensure normal and peaceful conduct of the protest. The Court finds nothing arbitrary in the domestic courts' findings. As regards the proportionality of the fine, the applicant failed to submit any argument in this respect either before the domestic courts or the Court. In such circumstances, it has not been shown that the authorities exceeded their margin of appreciation when arresting and fining the applicant for his obstructive conduct during the demonstration (contrast *Galstyan v. Armenia*, no. 26986/03, §§ 116-18, 15 November 2007, and *Ashughyan v. Armenia*, no. 33268/03, §§ 92-94, 17 July 2008).

In view of the above, the Court finds that the complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 8 October 2026.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
President

YEGHIAZARYAN v. ARMENIA DECISION

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	Representative's name and location	Name of the public event Location Date	Administrative offence	Penalty	Final domestic decision Name of the court Date
21915/18 03/05/2018	Gagik YEGHIAZARYAN 1983	Gyurjyan Davit Yerevan Sergey Grigoryan Yerevan	Demonstrations of 01-10/12/2015 Freedom Square 08/12/2015	Article 180.1 § 15 of CAO	75,000 Armenian drams	Court of Cassation 25/10/2017; served on the applicant on 03/11/2017