



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

FIFTH SECTION

DECISION

Applications nos. 22685/17 and 29315/18
IRAVUNKI YEVROPA MIAVORUM
against Armenia

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

María Elósegui, *President*,

Diana Sârcu,

Sébastien Biancheri, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 22685/17 and 29315/18) 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 6 March 2017 and 12 June 2018 by an Armenian human rights non-governmental organisation, Iravunki Yevropa Miavorum (“Europe in Law” human rights non-governmental organisation (“Իրավունքի Եվրոպա միավորում” իրավապաշտպան հասարակական կազմակերպություն) – “the applicant NGO”), which was represented by Mr T. Yegoryan (both applications), Ms G. Petrosyan (application no. 22685/17), Mr S. Grigoryan and Ms L. Hakobyan (application no. 29315/18), lawyers practising in Yerevan;

the decision to give notice of the applications to the Armenian Government (“the Government”), represented by their former Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters;

the withdrawal of Mr Vahe Grigoryan, the judge elected in respect of Armenia, from sitting in the case (Rule 28 § 3 of the Rules of Court);

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant NGO's complaints under Article 10 of the Convention concerning the domestic authorities' refusal to provide it with information and permission to monitor a competition for posts.

A. Application no. 22685/17

1. Facts submitted by the applicant NGO before notice of the application was given

2. In January and February 2015 the applicant NGO submitted two information requests to the previously existing Council of Justice, seeking to receive information concerning several competitions for the selection of candidates for judicial posts.

(a) Request for information of 27 January 2015

3. On 27 January 2015 the applicant NGO requested the Council of Justice to provide it – as regards the interview stage of the judicial competitions held from 10 to 12 December 2014 and on 26 January 2015 – with the opinion of each Council of Justice member in respect of each candidate and separate opinions. It also requested the Council of Justice to clarify the evaluation criteria at the interview stage and to provide the interview questionnaires given to all candidates, the psychological tests given to the candidates and the results thereof, the evaluation of each candidate by each Council of Justice member, and any other relevant documents pertaining to the relevant competitions.

4. In reply, by a letter of 6 February 2015, the Council of Justice provided the applicant NGO with a copy of a separate opinion (the only one pertaining to the judicial competitions in question) and clarified that the evaluation criteria with respect to the interview stage of the selection process were set out in the relevant provisions of the Judicial Code (which remained in force until 9 April 2018 – “the former Judicial Code”). The Council of Justice refused to provide the applicant NGO the opinions of Council of Justice members and the results of psychological testing, with reference to Articles 115.2 § 10 and 117 § 5 of the former Judicial Code, in accordance with which the results of the psychological tests were not subject to publication, but were to be provided solely to the Council of Justice members after the interviews and were subject to destruction after approval by the president of the selected candidates' list; only the candidates themselves had the right to receive the individual reports summarising the results of their evaluation (“the individual report”).

5. The applicant NGO brought an action, seeking that the Council of Justice be obliged to provide the requested information in its entirety. The

action was dismissed by the Administrative Court in its judgment of 19 October 2015 (case no. ՎԴ/0774/05/15). That judgment was upheld by the Administrative Court of Appeal on 27 April 2016 and became final further to the decision of the Court of Cassation of 17 August 2016, whereby it refused to grant the applicant NGO leave to appeal.

(b) Request for information of 23 February 2015

6. On 23 February 2015 the applicant NGO requested the Council of Justice to provide it with a copy of its decision on supplementing the selected candidates' list drawn up on 26 January 2015 (see paragraph 3 above), the voting results following the interviews held that day, including the number of votes for and against received by each candidate, and copies of dissenting opinions of Council of Justice members, if any. The applicant NGO further requested the Council of Justice to clarify the procedure for the preparation of the relevant psychological tests, including who had drafted them and how, how the relevant specialists had been selected and what kind of questions and material had been used to prepare them.

7. In reply, by a letter of 2 March 2015, the Council of Justice stated that there had been no dissenting opinions concerning its decision of 26 January 2015 and that the decision itself was available on its official judicial website. The Council of Justice further informed the applicant NGO that, pursuant to the relevant procedure, it had chosen the Department of Psychology of Yerevan State University to prepare the psychological tests. Lastly, referring to the relevant provisions of the former Judicial Code to the effect that deliberations and voting following the interviews were to be held in private, the Council of Justice refused to provide the voting results.

8. The applicant NGO's claim seeking that the Council of Justice be obliged to provide the requested information in its entirety was dismissed by the Administrative Court in its judgment of 19 October 2015 (case no. ՎԴ/1169/05/15). That judgment was upheld by the Administrative Court of Appeal on 27 April 2016 and became final further to the decision of the Court of Cassation of 17 August 2016, whereby it refused to grant the applicant NGO leave to appeal.

2. Registration and notice of the application

9. By a letter of 22 August 2017, the Court informed the applicant NGO that its application (lodged on 6 March 2017) had been registered. It was reminded to inform the Court of any major developments regarding its case. The applicant NGO did not inform the Court of any developments.

10. On 1 December 2022 the Court informed the applicant NGO that it intended to examine its application, asking it to confirm that it wished to maintain its application. The applicant NGO replied in the affirmative.

11. On 26 September 2023 the application was communicated to the Government.

3. *Facts submitted by the Government after notice of the application*

12. On 15 March 2017 the applicant NGO lodged two applications with the Constitutional Court, asking it to examine the compatibility of Articles 115.2 § 10 and 117 § 5 of the former Judicial Code (see paragraph 4 above) with the Constitution. The applications were joined in a single set of proceedings.

13. By its decision of 20 June 2017, the Constitutional Court found that Article 115.2 § 10 of the former Judicial Code was incompatible with the Constitution to the extent that it restricted the publication of the results of the psychological testing of persons included in the list of candidates for judicial posts in so far as they related to their qualities relevant to their ability to undertake public judicial responsibility. The Constitutional Court also found that Article 117 § 5 of the former Judicial Code was compatible with the Constitution if interpreted as not restricting the right of third persons to receive individual reports (see paragraph 4 *in fine* above).

14. In September 2017 the applicant NGO applied to the Court of Cassation, seeking the reopening of cases nos. ՎԴ/0774/05/15 and ՎԴ/1169/05/15 (see paragraphs 5 and 8 *in fine* above).

15. On 30 November 2018 the Court of Cassation quashed the decisions of the Administrative Court of Appeal of 27 April 2018 (*ibid.*) and remitted both cases for a fresh examination by the Administrative Court.

16. During the fresh examination of case no. ՎԴ/0774/05/15 (see paragraph 5 above), the applicant NGO was provided with the minutes of sessions held by the Council of Justice in December 2014 and January 2015, which included the individual reports (see paragraph 3 above).

17. On that ground, by a judgment of 11 November 2019, the Administrative Court terminated the proceedings in part, finding that the applicant NGO's request of 27 January 2015 (see paragraph 3 above) had been partly satisfied.

18. By its judgment of 22 November 2019, the Administrative Court dismissed the remainder of the applicant NGO's claim in case no. ՎԴ/0774/05/15 (see paragraph 5 above) on the grounds that the requested results of the candidates' psychological testing could not be provided, since they had been destroyed.

19. In the meantime, within the framework of the fresh examination of case no. ՎԴ/1169/05/15 (see paragraph 8 above) the Administrative Court noted, *inter alia*, that the minutes of the Council of Justice's session held on 26 January 2015, which had been provided to the applicant NGO, included the requested voting results (see paragraph 6 above). Having regard to the applicant NGO's failure to submit its position with regard to the respondent's request to terminate the proceedings on the grounds that the matter had been

resolved, by a decision of 26 August 2019, the Administrative Court terminated the proceedings in case no. ՎԴ/1169/05/15.

20. The applicant NGO did not appeal against the judicial acts mentioned in paragraphs 17 to 19 above.

B. Application no. 29315/18

21. By a letter of 22 December 2015, the applicant NGO requested the Special Investigative Service (“the SIS”) to allow it to monitor a recruitment competition for vacant investigator posts, to be held on 1 February 2016. The applicant NGO stated that it intended to monitor that competition, attaching its statute and certificate of State registration to its letter.

22. On 29 December 2015 the applicant NGO requested information from the SIS concerning recruitment competitions held in November 2014 and April and October 2015, including the number and names of persons who had applied, participated and been selected. The applicant NGO also requested the SIS to provide the names of persons who had previously held the positions for which those competitions had been organised and original copies of printed press articles in which announcements about them had been published.

23. In reply, the SIS provided the number of participants involved in the relevant competitions and clarified that all of them had been selected for the announced posts. The SIS refused to disclose their names for privacy reasons and clarified that the posts in question had been vacant. It also provided the dates and numbers of printed newspapers in which the relevant announcements had been published and stated that the announcements had also been published on its official website.

24. On 22 January 2016 the SIS refused the applicant NGO’s request of 22 December 2015 (see paragraph 21 above), stating, *inter alia*, that it had not been invited to be present at the given competition (under the relevant regulations, invited observers could be present during competitions for posts within the SIS).

25. On 22 February 2016 the applicant NGO lodged a claim with the Administrative Court against the SIS. It argued that the SIS had had no legal basis to refuse its request for the information sought and to refuse its monitoring request. It was clear from the nature of the requested information that its purpose had been to enable the applicant NGO – in its role of “public watchdog” – to oversee the activities of public authorities in order to ensure their transparency and accountability. The applicant NGO referred to its charter to the effect that it was a human rights NGO and stated that it carried out work involving oversight of public officials, within the framework of which it monitored recruitment procedures within various State agencies.

26. The applicant NGO's claim was dismissed at last instance by a decision of the Court of Cassation of 29 November 2017, whereby it refused to grant the applicant NGO leave to appeal.

THE COURT'S ASSESSMENT

27. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

A. Application no. 22685/17

28. The applicant NGO complained that the refusal to allow it access to the information that it had sought from the Council of Justice had been in breach of Article 10 of the Convention.

29. The Government argued that the application was inadmissible as an abuse of the right of individual application, as the applicant NGO had failed to inform the Court of significant new developments in its case, namely the re-examination of cases nos. 42/0774/05/15 and 42/1169/05/15 (see paragraphs 5 and 8 *in fine* above) further to the Constitutional Court's decision of 20 June 2017 (see paragraph 13 above). In the alternative, they argued that the applicant NGO had lost its victim status and that, in any event, the application was manifestly ill-founded.

30. The applicant NGO submitted that it had been under no obligation to inform the Court of the developments in question, as they had no relevance to the case. It had therefore not burdened the Court with communication about those developments. Upon a fresh examination of its claims, the domestic courts had not examined whether there had been a breach of its Convention rights and there had been "concern that [the updates in question] might be used by the Government to present the case in a way that could influence the Court's understanding, potentially resulting in a failure to acknowledge the fact of violation".

31. The general principles concerning the rejection of an application on grounds of abuse of the right of individual application have been summarised in *Gross v. Switzerland* ([GC], no. 67810/10, § 28, ECHR 2014). In particular, the submission of incomplete and thus misleading information may amount to an abuse of the right of application, especially if the information concerns the very core of the case and no sufficient explanation has been provided for the failure to disclose that information. The same applies if important new developments have occurred during the proceedings before the Court and where, despite being expressly required to do so by Rule 47 § 7 of the Rules of Court, the applicant has failed to disclose that information to the Court, thereby preventing it from ruling on the case in full knowledge of the facts (*ibid.*).

32. In its application lodged on 6 March 2017, the applicant NGO complained that by refusing to provide it with the requested information concerning the judicial competitions in issue, including, *inter alia*, the results of the candidates' psychological testing and the breakdown of votes following their interviews (see paragraphs 3, 4, 6 and 7 above), the domestic authorities had breached its right to receive and impart information of public interest.

33. However, the applicant NGO failed to inform the Court that, after examining its applications lodged on 17 March 2017 (less than two weeks after the introduction of the present application – see paragraph 12 above), on 20 June 2017 the Constitutional Court found that Article 115.2 § 10 of the former Judicial Code was incompatible with the Constitution (see paragraph 13 above), which allowed the applicant NGO to successfully request re-examination of cases nos. ՎԴ/0774/05/15 and ՎԴ/1169/05/15 (see paragraphs 5, 8 *in fine* and 14 above). Upon fresh examination of those cases, the applicant NGO was in fact provided with the information sought, in so far as it was still available (see paragraphs 17-19 above).

34. Those facts undoubtedly constituted key factual developments and concerned the very core of the applicant NGO's complaints under Article 10 of the Convention. By not divulging those key developments to the Court, despite having been reminded of the obligation to do so in August 2022 (see paragraph 9 above), the applicant NGO failed to comply with its procedural obligation under Rule 47 § 7 of the Rules of Court (see, for example, *Gevorgyan and Others v. Armenia* (dec.), no. 66535/10, § 36, 14 January 2020). As a result, being unaware of those developments, the Court was prevented from conducting a proper preliminary assessment of the admissibility of the application in September 2023 and learned of them only from the Government's observations (see paragraphs 11-20 above).

35. Additionally, as early as in December 2022, that is, around three years after the applicant NGO had been provided with part of the requested information, it was informed that the Court was going to examine its application (see paragraphs 10 and 16 above). Even then, despite having a further opportunity to comply with its above-mentioned obligation under Rule 47 § 7 of the Rules of Court, it opted not to do so.

36. What is more, the Court finds it established – also on the basis of the applicant NGO's submissions to explain the omission (see paragraph 30 *in fine* above) – that it intentionally prevented the Court from ruling on the case in full knowledge of the facts. It therefore considers that the applicant NGO's conduct in the present case was manifestly contrary to the purpose of the right of individual application.

37. It follows that the application must be rejected as an abuse of the right of individual application, pursuant to Article 35 §§ 3 and 4 of the Convention.

B. Application no. 29315/18

38. The applicant NGO complained under Article 10 of the Convention that the SIS had refused to grant its request for information and its request to be allowed to carry out a monitoring mission.

39. The Government submitted that, in so far as the complaint about the refusal of the SIS to provide the names of the persons who had applied, participated and been selected in the given competitions was concerned, the applicant NGO had failed to demonstrate, either in the domestic proceedings or before the Court, how being in possession of that information had been instrumental for the exercise of its freedom of expression. Article 10 was therefore not applicable to this complaint.

The Government further argued that Article 10 was also not applicable to the applicant NGO's complaint with regard to the refusal of the SIS to grant its request to monitor a recruitment competition, such request, in their view, falling outside the scope of that provision. In the alternative, the Government argued that this complaint had been introduced outside the six-month time-limit.

40. The applicant NGO submitted that it had sought an opportunity to monitor a SIS competition and had requested information in relation to previously held competitions within the framework of the same monitoring mission. There had been information suggesting that in reality the advertised positions had not been vacant, that the investigators holding those positions had been dismissed and that a secret competition had subsequently been conducted to reappoint the same individuals. In those circumstances, the applicant NGO had not only had to obtain information about the number of participants, but had also had to be provided with their names, which would have allowed it to determine whether there had also been external participants.

Furthermore, by denying the applicant NGO's request to carry out real-time monitoring of a competition, the SIS had hindered its capacity to assess the fairness of that competition and consequently to fulfil its role as a "public watchdog". The applicant NGO submitted that it had complied with the six-month time-limit for lodging its complaint in that regard.

41. The relevant principles as regards the right of access to information have been summarised in *Magyar Helsinki Bizottság v. Hungary* ([GC], no. 18030/11, 8 November 2016). In particular, Article 10 does not confer on any individual a right of access to information held by a public authority or oblige the Government to impart such information to that individual. However, such a right or obligation may arise where access to the information in question is instrumental for the individual's exercise of his or her right to freedom of expression (in particular, "the freedom to receive and impart information") and where its denial constitutes an interference with that right (*ibid.*, § 156).

The criteria for determining the latter point are (a) the purpose of the information request; (b) the nature of the information sought; (c) the particular role of the seeker of the information in “receiving and imparting” it to the public; and (d) whether the information is ready and available (*ibid.*, §§ 157-70). These criteria are in principle cumulative (see, as a recent authority, *Khaghaghutyan Yerkkhosutyun v. Armenia*, no. 5497/17, § 45, 4 December 2025).

42. In the present case, whilst the “public watchdog” role of the applicant NGO was undeniably compatible with the scope of the right to solicit access to State-held information, the purpose of its request for information and for permission to monitor a State-held recruitment competition cannot be said to have satisfied the relevant criterion under Article 10 of the Convention. That is because the applicant NGO failed to specify at the domestic level – either before the relevant authority or the domestic courts (see paragraphs 22 and 25 above) – why the disclosure of the identity of the candidates in the relevant competitions held by the SIS (in addition to their number, which had been provided to them, along with other information concerning the competitions in issue – see paragraph 23 above) was necessary for the exercise of its freedom to receive and impart information to others. Likewise, and without ruling out that there may be certain situations where Article 10 of the Convention may be found to be applicable to a request by an entity exercising the function of a “public watchdog” seeking the possibility of having its representative physically present at a certain location and/or event with the purpose of receiving and imparting information to the public, the applicant NGO did not put forward any argument before the domestic authorities (see paragraphs 21 and 25 above) as to why its representative’s presence during a recruitment competition for vacant investigator posts was instrumental for the exercise of its freedom of expression.

43. The applicant NGO submitted before the Court that it had needed the names of the participants of the relevant competitions in order to verify whether there had been possible abuse, since it had received some information suggesting the existence of such abuse and that the opportunity to carry out real-time monitoring of a competition would have allowed it to assess the fairness of that competition (see paragraph 40 above). However, for the criterion concerning the purpose of information requests to be satisfied, it would not be sufficient for an applicant to explain that purpose for the first time in the proceedings before the Court (see *Studio Monitori and Others v. Georgia*, nos. 44920/09 and 8942/10, §§ 40 and 42, 30 January 2020, and *Georgian Young Lawyers’ Association v. Georgia* (dec.), no. 2703/12, § 29, 19 January 2021). In any event, and in so far as the monitoring request was concerned, the applicant NGO failed to clarify even in the proceedings before the Court (see paragraph 40 above) why the physical presence of its representative, as opposed to, for example, a

subsequent information request about the competition in question, was instrumental for the exercise of its relevant right to freedom of expression.

44. It follows that Article 10 does not apply and that this application is to be rejected as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

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

Martina Keller
Deputy Registrar

María Elósegui
President