



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

FIFTH SECTION

CASE OF GEVORGYAN v. ARMENIA

(Application no. 231/16)

JUDGMENT

Art 10 • Freedom of expression • Unjustified interference with the applicant's journalistic work during the performance of her professional duties at a leaflet distribution event, her subsequent arrest and seizure and inspection of her journalistic equipment during her time in police custody

Art 3 • Recourse by police officers to some physical force to apparently seize the journalist's camera during the event, in case-circumstances not reaching the threshold of degrading treatment • Applicant's grievances related to the police force obstructing her journalistic work examined under Art 10 • Manifestly ill-founded

Prepared by the Registry. Does not bind the Court.

STRASBOURG

22 May 2025

FINAL

22/08/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Gevorgyan v. Armenia,

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

Mattias Guyomar, *President*,
Armen Harutyunyan,
Stéphanie Mourou-Vikström,
Gilberto Felici,
Diana Sârcu,
Andreas Zünd,
Mykola Gnatovskyy, *judges*,

and Victor Soloveytschik, *Section Registrar*,

Having regard to:

the application (no. 231/16) 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”) by an Armenian national, Ms Ani Gevorgyan (“the applicant”), on 3 December 2015;

the decision to give notice to the Armenian Government (“the Government”) of the complaints concerning an alleged use of force by the police and a failure by the authorities to carry out an effective investigation into that incident, communicated under Article 3, and the complaint under Article 10 (alleged attempts by the police to grab her camera by force and the alleged seizure and damaging of the applicant’s memory cards at the police station) and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated in private on 1 and 23 April 2025,

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

INTRODUCTION

1. The case concerns an alleged use of force by the police against the applicant journalist and the authorities’ alleged failure to carry out an effective investigation into that incident, alleged attempts by the police to grab the applicant’s camera, as well the seizure of and damage to memory cards belonging to her while at the police station. The applicant relied on Articles 8 and 10 of the Convention.

THE FACTS

2. The applicant was born in 1988 and lives in Yerevan. She was represented by Mr S. Grigoryan and Mr E. Sahakyan, lawyers practising in Yerevan and London respectively.

3. The Government were represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters.

4. The facts of the case may be summarised as follows.

I. THE INCIDENT ON MASHTOTS AVENUE AND THE APPLICANT'S ARREST

5. At the time of the impugned events the applicant was a journalist for an Armenian newspaper.

6. On 12 February 2014 a group of supporters of the Armenian National Congress ("the ANC"), an opposition political party, were handing out leaflets on Mashtots Avenue in Yerevan to inform the public about an upcoming ANC demonstration. The applicant, equipped with her camera, was there to cover the event.

7. As can be seen in the video footage of the event, at some point a group of young people, supporters of the then ruling Republican Party, approached and tried to disrupt the distribution of leaflets by bullying the ANC activists and behaving aggressively, including by pushing them and grabbing the leaflets. Some minutes later several police cars arrived and the police officers started arresting supporters of both parties.

8. In the video footage it can be seen that at first one of the police officers (identified as V.G., see paragraph 15 below), and later two others (identified as A.A. and G.M., see paragraph 27 below), tried to pull an object out of the applicant's hand, while she resisted, shouting: "Let go of my camera, I'm a journalist!" Police Officer V.G. could be heard uttering: "Let go of it!" Shortly afterwards the applicant was put into a police car and taken to the Kentron police station, together with another journalist, her brother S.G. The incident had taken place on a lane of the road near the pavement, where the police officers had parked their cars and a crowd had gathered, effectively halting traffic on that part of the street.

9. The arrest record drawn up in respect of the applicant stated that she had been arrested on suspicion of hooliganism. Once at the police station she was taken to an office where she was subjected to a search of her person. According to the search record, the applicant's belongings, including her camera and memory cards, were seized for inspection.

10. The applicant was released about three hours later and her belongings were returned to her, for which she signed a receipt.

11. On 13 February 2014 criminal proceedings were opened in respect of hooliganism (case no. 13115414) with reference to the fact that on 12 February 2014 a group of persons, including the applicant, had been involved in an altercation, thereby deliberately and grossly disrupting public order and demonstrating flagrant disrespect towards the public.

12. On 13 and 17 February 2014 several police officers, including G.M., K.K. and A.M. (see paragraph 27 below), were interviewed within the scope of the above-mentioned criminal case. They gave similar statements to the effect that on 12 February 2014, having noticed an altercation on the sidewalk of Mashtots Avenue, they had intervened and had taken the offenders to the police station.

II. INVESTIGATION INTO THE ALLEGED USE OF FORCE AND OBSTRUCTION OF THE APPLICANT’S JOURNALISTIC WORK

13. On 15 February 2014 the applicant filed a criminal complaint with the Special Investigative Service (“the SIS”) complaining, *inter alia*, that on 12 February 2014 Police Officer V.G. had obstructed her journalistic activity by trying to take hold of her camera by pulling at and hitting her hand. At the police station Officer S.M. had seized a memory card, which had not been returned to her, from her camera.

14. On the same day an SIS investigator ordered that a forensic medical expert examination be carried out to determine the applicant’s injuries. The applicant told the forensic expert that, on the day of the incident, a police officer had pulled at her hand while trying to take away her camera and, as a result, she had suffered an injury to that hand; she complained of pain in the arm and wrist. According to the relevant expert report, only an injury in the form of a small haematoma (measuring 0.6 by 0.5 cm) – which was described as not meeting the criteria for light damage to health – had been recorded on the back of her right wrist. During the subsequent interview the expert did not rule out the possibility that the injury could have been inflicted on the applicant as a result of the police officers grabbing and pulling at her hand in the street.

15. On 18 February 2014 an investigator dealing with the applicant’s case took a statement from her. The applicant submitted that, during the incident of 12 February 2014, Police Officer V.G. had shouted: “Grab the cameras”. Then, first Officer V.G., and later two other police officers (later identified as Officers A.A. and G.M, see paragraph 27 below), had grabbed and pulled her camera, trying to take hold of it, and had hit, twisted and pulled at her hands. Before long, V.G. had ordered that the applicant and her brother S.G., who was also a journalist and had been there filming the incident, be put in a police car and taken to a police station. The applicant submitted that, in the police car and later in the police station, the police officers had again attempted to grab their cameras. At the police station she had been subjected to a search of her person, and her belongings, including her camera and memory cards, had been taken for inspection. However, the memory card seized from her camera had never been given back: during the search of her person, Police Officer S.M. had taken the camera outside the examination room and when she had returned, she had announced that the camera had contained no memory card. Moreover, three other memory cards, previously functional and containing footage of the incident on Mashtots Avenue, had been returned to her damaged. The applicant also submitted that on Mashtots Avenue she had had a press card attached to her bag and that she had later shown it at the police station.

16. On 19 February 2014 the applicant was interviewed by the investigator as a witness within the scope of the hooliganism case (see

paragraph 11 above). She reiterated her statements summarised in paragraph 15 above.

17. On 24 February 2014, on the basis of the applicant's criminal complaint, criminal proceedings (case no. 62203514) were opened in respect of the offences established in Article 164 § 2 (obstruction of a journalist's lawful professional activities, committed by a public official through abuse of official position, see paragraph 36 below) and Article 309 § 2 (exceeding official authority accompanied with violence, see paragraph 38 below) of the former Criminal Code.

18. In March 2014 three police officers, including S.M., and two attesting witnesses, who had been present during the search of the applicant's person, were interviewed about the applicant's time in police custody. They gave similar statements to the effect that the applicant's camera had not been taken out of the examination room and that no memory card had been found inside the card slot of her camera, which had been opened and examined in front of her. Only five memory cards had been found in the applicant's pockets and bag, which had neither been put in any device nor copied by the police. After the completion of all formalities, the applicant's belongings, packed and sealed, had been sent to the investigative department.

19. Confrontations were held between the applicant and the above-mentioned police officers (including S.M.), during which the parties maintained their statements.

20. In June 2014 Police Officer L.K. testified that after the applicant had been searched she had handed the applicant a package containing her belongings at the investigative department. The applicant had checked the contents of the package before signing a receipt for them.

21. On 17 March 2014 Police Officer V.G. testified as a witness that on 12 February 2014, seeing a group of persons brawling on Mashtots Avenue, he had intervened with other police officers to restore public order. Some of the people involved, including the applicant, had been taken to a police station. V.G. emphasised that neither he nor any of the other police officers had tried to obstruct the applicant's journalistic activities or had subjected her to violence. Rather, the applicant had been arrested for disrupting public order since she had been among the group quarrelling, trying to prevent the arrest of the ANC activists and yelling on the road. V.G. noted that, while the applicant had had a camera in her hand, he had not tried to snatch it from her, but had grabbed and pulled at her hands in order to move her off the road and to put her into the police car. He had not seen any press card on the applicant.

22. In March and April four bystanders testified – two of whom had witnessed the incident from the opposite side of the street – that they had seen a group of men brawling on the pavement of Mashtots Avenue. Shortly afterwards the police had arrived and tried to calm them down. All the witnesses claimed that they had seen a woman on the road, resisting and yelling at the police officers who had been trying to pull her from the road

onto the pavement. None of the witnesses had seen any police officers grabbing that woman's camera or hitting her or any other person.

23. On 28 March 2014 the applicant was questioned as a witness and reiterated her statements of 18 February 2014 (see paragraph 15 above).

24. On 15 April 2014 the investigator decided to order a technical examination of the damaged memory cards.

25. On 13 May 2014 the examination was completed. According to the conclusion of the relevant expert report, the memory cards in question no longer worked but it was impossible to determine the cause of the malfunction. It was also noted that the malfunction of such a memory card could be caused by mechanical or physical damage, or by a failure of the memory card itself.

26. On 3 and 6 June 2014 three journalists who had also been reporting on the incident on Mashtots Avenue, including the applicant's brother S.G., gave similar statements to the effect that the applicant had been filming the arrest of opposition activists near the police car when the police officers had started to pull at her, trying to grab her camera. Journalist L.M. further stated that the police officers had also tried to grab her mobile phone, which she had been using to record video footage. In addition, S.G. also added that the police officers had forced both him and the applicant into a police car, where they had continued their attempts to take away their cameras. While in police custody, S.G. had heard the applicant shouting for her memory card to be returned to her and, once at liberty, the applicant had told S.G. that Officer S.M. had stolen her memory card.

27. On 9 June 2014 five police officers were interviewed as witnesses. Specifically, Officers A.A. and G.M., whom the investigation identified as the officers who had been pulling at the applicant's hands together with V.G., submitted that none of them had tried to take hold of the applicant's camera. Rather, she had violated public order by obstructing traffic and yelling on a busy street. Therefore, they had simply tried to move her off the road. Given the applicant's obstructive behaviour, they had arrested her. They had not known that she was a journalist. Three other police officers questioned on that day, namely K.K., T.M. and A.M., also gave similar statements. They further submitted that in the police car Officer K.K. had tried to prevent the applicant from distracting the driver with her attempts to film in the car, but that nobody had tried to take hold of her camera.

28. On 17 June 2014 confrontations were held between the applicant and Officers V.G. and K.K., during which both sides maintained their statements.

III. TERMINATION OF THE CRIMINAL CASE AND THE APPLICANT'S APPEALS

29. On 24 June 2014 the investigator dealing with the criminal case refused to prosecute the police officers and discontinued the case for lack of

corpus delicti in their actions. The decision stated that on 12 February 2014 the police officers, having noticed an altercation on Mashtots Avenue, had intervened in order to restore public order and arrest the offenders. As regards the applicant, she had been taken into custody because she had also been violating public order: she had obstructed traffic on a busy street, had yelled, had interfered with the actions of the police and had failed to obey their orders to leave the road. As a result, and in order to ensure her own safety, the police officers had grabbed her hands and, overcoming her resistance, had moved her off the road and taken her to the police station. The use of force had taken the form of grabbing and pulling at her hands, which had been substantiated by the video footage. In consequence, she had suffered an injury to her wrist, with not even light damage to her health. The police officers had thus acted within their authority as laid down in section 30 of the Police Act (see paragraph 41 below) and there had been no hindrance of the applicant's journalistic activities. As stated by the police officers, the applicant had been arrested for disturbing public order and not because she was a journalist. No one had tried to grab her camera, but they had pulled at her hands in order to remove her from the road. In the police car, Officer K.K. had simply prevented the applicant from distracting the driver with her camera. The applicant's allegations about the seized and damaged memory cards had not been proved either. The decision to close the case was upheld by a prosecutor.

30. On 15 August 2014 the applicant appealed against the decisions of the investigator and the prosecutor in the Kentron and Nork-Marash District Court of Yerevan ("the District Court"). She submitted, *inter alia*, that the investigator had failed to undertake a proper assessment of facts and evidence. The applicant pointed out that, notwithstanding her request, the investigator had failed to accord her the status of a victim of the crime, thereby shifting the burden of proof onto her and depriving her of any procedural status and the possibility of challenging the actions of the investigating authority. The applicant further argued that the violence inflicted on her by V.G. had been evident from the video footage submitted, whereas the investigator had only relied on V.G.'s statements and found no criminal conduct in his actions. While she had merely been exercising her professional duties, the actions of the police, and in particular those of V.G., had been unlawful, resulting in their exceeding their authority and hindering her professional journalistic activities. As a result of those actions, she had been taken to the police station where her memory cards had been damaged and her video footage had been lost.

31. On 26 August 2014 the criminal investigation opened into hooliganism (see paragraph 11 above) was discontinued for lack of *corpus delicti*. In particular, the decision stated that the persons involved in the altercation, including the applicant, had not had any intention of grossly disrupting public order because the incident had been of an interpersonal nature and had only lasted for a short period.

32. On 30 September 2014 the District Court rejected the applicant's appeal of 15 August 2014. It found that the applicant's complaint that she had been taken to the police station in order to obstruct her professional journalistic activities had been examined and disproved by the investigating authority, relying not only on the witness statements of the police officers but also on those of relatively neutral bystanders. The court emphasised the fact that other journalists who had been reporting on the same event had been able to exercise their duties without any obstruction from the police and that the applicant had submitted videos captured by them to the investigating authority. Having examined the said video footage, the court found that there had been no obstruction of the applicant's professional activity and that there was no factual information supporting her allegations that the police officers had tried to take hold of her camera. Rather, the video footage had confirmed the statements of the police officers that the applicant had been forcibly taken from the road to the police car and afterwards to the police station, which, in the context of the reasons provided by the police officers, did not amount to obstruction of journalistic activities. As regards the applicant's allegations that one of her memory cards had been seized and not returned to her while others had been damaged, the court held that they had been disproved not only by the statements of the police officers but also by those of the disinterested attesting witnesses. The court emphasised the fact that the applicant, who had persistently refused to sign any of the documents drawn up at the police station, had signed a receipt accepting her belongings, in which she had listed everything seized from her without mentioning anything about the allegedly damaged memory cards, even though she had had a genuine opportunity to check the content of those cards on the spot. While acknowledging that the investigating authority should have accorded the applicant the status of a victim and interviewed the police officers involved as suspects, the court found that both the applicant and the police officers had been on an equal footing – the applicant had had an opportunity to participate in confrontations, submit evidence and, at her suggestion, the investigator had interviewed other journalists who had witnessed the incident. In any event, the impugned decision had been served on the applicant, thereby allowing her to contest it.

33. On 10 October 2014 the applicant appealed against the above-mentioned decision, reiterating the complaints she had raised with the District Court.

34. On 20 November 2014 the Criminal Court of Appeal rejected the applicant's appeal and endorsed the decision of the District Court.

35. On 10 December 2014 the applicant lodged an appeal on points of law, which was rejected by the Court of Cassation on 25 May 2015. A copy of that decision was notified to the applicant on 3 June 2015.

RELEVANT LEGAL FRAMEWORK

RELEVANT DOMESTIC LAW AND PRACTICE

A. Former Criminal Code (in force until 30 June 2022)

36. Article 164 § 1 of the former Criminal Code provided that obstructing a journalist’s lawful professional activities or forcing him or her to disseminate or withhold information, was punishable by a fine of 200 to 400 times the fixed minimum wage. Article 164 § 2 provided that the same acts, when committed by a public official in abuse of his or her official position, were punishable by a fine of 400 to 700 times the minimum wage, or by up to three years’ imprisonment, with or without the right to hold certain positions or engage in certain activities for up to three years.

37. Article 258 § 1 classified “hooliganism” as a gross and intentional violation of public order manifested through an expressly disrespectful attitude towards society, and provided that it was punishable by a fine of up to 50 times the minimum wage or by detention of up to one month.

38. Article 309 § 2 (“Exceeding one’s official authority”) provided that intentional actions committed by a public official that obviously fell outside the scope of his or her authority and caused significant damage to the rights and lawful interests of individuals or legal entities, or to the lawful interests of society or the State, if accompanied by the use of violence, firearms or “special means”, were punishable by imprisonment for a period of two to six years, and by forfeiture of the right to hold certain posts or to carry out certain activities for a period not exceeding three years.

B. Code of Administrative Procedure

39. Article 69 § 3 (Claim for acknowledgment [*Ճանաչման հայց*]) provides that a plaintiff, by means of lodging a claim for acknowledgment, may seek acknowledgement of the unlawfulness of an interfering administrative measure that no longer has any legal force or an action (or non-action) that has ended by performance or by some other means (*կատարմամբ կամ որևէ այլ կերպ իրեն սպառնաժողովրդային կամ անգործությունը*), provided that the plaintiff has a legitimate interest in having the measures or action (or non-action) in question acknowledged as unlawful – that is, if (1) there is a risk of a similar interfering administrative measure being adopted or a similar action being undertaken in a similar situation; (2) the plaintiff intends to claim compensation for pecuniary damage; or (3) the plaintiff seeks to rehabilitate his or her honour, dignity or business reputation.

C. Civil Code

40. Article 162.1 § 2 of the Civil Code provides that a person, or, in the event of his or her death or legal incapacity, his or her spouse, parent, adopter, child, adoptee or guardian, has the right to claim compensation in respect of non-pecuniary damage from the court through judicial procedure, if it has been established by an investigating authority, a prosecutor or a court that, as a result of a decision, action or omission by a State or local self-governance body or one of its officials, his or her fundamental rights guaranteed by the Constitution and the Convention, including the right to freedom of expression, have been breached.

D. Police Act

41. Section 30 of the Police Act provides that a police officer, for the purpose of preventing or thwarting offences, catching and taking offenders into custody, as well as in the case of failure to comply with a lawful order of a police officer or resistance being shown to a police officer, or for the purpose of self-defence, is entitled to use force (including hand-to-hand combat techniques), as well as any objects at hand, with respect to the offenders, if recourse to non-violent measures does not ensure the fulfilment of police duties.

E. Case-law of the Administrative Court

42. The Government submitted a decision of the Administrative Court (no. VD/2188/05/16) to suspend a set of administrative proceedings pending the outcome of criminal proceedings against a former police officer on charges, *inter alia*, of obstruction of a journalist's professional work under Article 164 § 1 of the former Criminal Code. Specifically, the plaintiff in that case (a non-governmental organisation) complained that during a demonstration a police officer had seized and damaged its journalist's camera. The said officer was eventually convicted as charged. After the conclusion of the criminal proceedings the Administrative Court resumed its proceedings, and the case is currently pending.

43. The Government also referred to another decision of the Administrative Court (no. VD/6967/05/16) in which that court discontinued a set of administrative proceedings because the plaintiff's complaint that her unlawful arrest at a demonstration, effected with excessive use of force and allegedly in breach of, *inter alia*, her right to freedom of expression, could contain elements of a criminal offence and thus her claim should be examined firstly within the criminal procedure. That decision was upheld by the Administrative Court of Appeal which noted, *inter alia*, that the plaintiff

could pursue an administrative remedy only where the impugned acts did not involve criminal conduct and did not pertain to the domain of criminal law.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

44. The applicant complained that she had been subjected to police violence when the police officers tried to take her camera by force during the incident on Mashtots Avenue and that no effective investigation had been carried out into her complaint. She relied on Article 8 of the Convention. The Court, 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, § 126, 20 March 2018), and taking into account the applicant's submissions as a whole, considers that the crux of her complaint in the present case falls under Article 3 of the Convention, which reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

A. The parties' arguments

1. *The Government*

45. The Government submitted that there was no evidence in the case file that the applicant had been subjected to ill-treatment prohibited under Article 3 of the Convention. In that connection they referred to the finding of the forensic expert report that the applicant had suffered only a minor injury, with no damage to her health (see paragraph 14 above). They claimed that the forensic expert had not ruled out the possibility that such an injury could have been a result of a proportionate use of force being applied in respect of the applicant while she had been resisting the police officers. They submitted that the investigation had not in fact confirmed that the applicant's injury had been a result of the use of force. In any event, it had further established that the actions of the police officers in question had been prescribed by law, namely the Police Act. In particular, the police officers had merely aimed to stop the applicant's unlawful behaviour and overcome her resistance – the use of force had thus been rendered strictly necessary by the applicant's own conduct and could not be said to amount to ill-treatment. The Government referred to the testimony of the police officers involved to the effect that the applicant had been arrested on suspicion of having committed hooliganism because she had refused to comply with the lawful orders of the officers to leave the road, thereby disrupting traffic and public order (see paragraphs 21 and 27 above). Therefore, they had resorted to physical force in order to bring her to the pavement and later to take her to the police station. The witness testimony of

the said officers had been supported in the submissions of eyewitnesses to the incident (see paragraph 22 above), as well as the video footage of journalists reporting on the same event. The Government concluded that the threshold of severity required under Article 3 had not been reached given that the use of force had been lawful, had been rendered strictly necessary by the applicant's disruptive conduct and had resulted in only a minor injury.

46. The Government submitted that the investigation into the applicant's alleged ill-treatment had complied with the requirement that such an investigation be effective. The authorities had promptly responded to the applicant's criminal complaint. They had questioned her and had immediately decided to order a forensic medical examination in order to determine the applicant's injuries. Subsequently, the SIS had opened a criminal investigation into the applicant's allegations and had identified the police officers involved in her arrest and several eyewitnesses, all of whom had been interviewed in relation to the incident. Moreover, a confrontation had been held between the applicant and the relevant police officers, during which the applicant had been able to put her questions to them. Therefore, the investigation had been prompt, adequate and thorough, and the applicant had been able to actively participate in it. Lastly, the investigation had been conducted by an independent authority, that is the SIS.

2. *The applicant*

47. Relying on the video footage of the incident that was submitted to the Court, the applicant claimed that it was quite plain from the said video footage that the police officers had used force on her by pushing her to the pavement and attempting to grab her camera, despite her demands to let go of it. In support of her statements, the applicant referred to the testimony of other journalists, who had witnessed the police officers grabbing her camera and filmed the incident (see paragraph 26 above), reports by human rights non-governmental organisations discussing, among other things, the incident at issue, as well as a report by the US Department of State which also mentioned the incident. The applicant essentially argued, with reference to the case of *Bouyid v. Belgium* ([GC], no. 23380/09, ECHR 2015) and related case-law, that the gravity of her injury had no bearing on the classification of the actions of the police officers as ill-treatment because the use of force had not been rendered strictly necessary by her own conduct, and the Government had failed to offer any explanation for her injury. In fact, the forensic expert had not ruled out the possibility that her injury could have been caused as a result of someone grabbing and pulling at her hand (see paragraph 14 above). She had therefore fallen victim to ill-treatment proscribed by Article 3 of the Convention. She asserted that the incident had profoundly affected her, and that she had been appalled by the conduct of the police officers.

48. The applicant also contested the Government's suggestion that, according to the forensic expert, her injury could have been a result of

proportionate use of force, as such an assessment, according to the applicant, had been outside the remit of a forensic expert. In any event, the expert had never made any statement about the proportionality of the use of force. She also pointed to the fact that within the criminal proceedings in the hooliganism case the police officers in question had never argued that the applicant had disrupted public order by obstructing traffic (see paragraph 12 above).

49. The applicant asserted that the investigation into her alleged ill-treatment had been neither adequate nor thorough. Specifically, the decision not to prosecute the police officers had relied chiefly on the testimony of the police officers who had subjected her to the use of force and on that of eyewitnesses, ignoring the witness evidence of her fellow journalists and the video footage of the incident. The applicant also pointed out that she had not had any opportunity to confront or put questions to the eyewitnesses who had denied in their testimony that force had been used against her.

B. The Court's assessment

50. The relevant general principles are summarised in the case of *Bouyid* (cited above, §§ 81-90). Any conduct by law-enforcement officers *vis-à-vis* an individual which diminishes human dignity constitutes a violation of Article 3 of the Convention. That applies in particular to their use of physical force against an individual where it is not made strictly necessary by his or her conduct, whatever the impact on the person in question (*ibid.*, § 101).

51. One of the criteria informing the characterisation of treatment being examined under Article 3 is the severity of the treatment (see *Gremina v. Russia*, no. 17054/08, § 83, 26 May 2020). Even in the absence of actual bodily injury or intense physical or mental suffering, where treatment humiliates or debases an individual, showing a lack of respect for or diminishing his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance, it may be characterised as degrading and also fall within the prohibition set forth in Article 3. It should also be pointed out that it may well suffice that the victim is humiliated in his or her own eyes, even if not in the eyes of others. Indeed, it has previously been established that an assault on a person's dignity and physical integrity may constitute degrading treatment even if he or she does not undergo serious physical or mental suffering (see *Bouyid* [GC], cited above, §§ 88, 90 and 112).

52. In the present case, the domestic investigation established that the police officers had used physical force in respect of the applicant, as a result of which she had suffered an injury to her wrist (see paragraph 29 above). Therefore, in view of the authorities' acknowledgment of the cause of the applicant's injury, the Court finds it established that her injury, while minor

in nature, resulted from the use of physical force by the police (compare *İşik v. Türkiye*, no. 42202/20, § 52, 8 October 2024).

53. The Court observes that the investigator's conclusion, as upheld by the domestic courts, that the police officers had used physical force because the applicant had been on a busy street obstructing traffic, had been hindering the work of the police and had failed to comply with their orders in that respect, do not reflect the full picture of the incident as depicted in the video footage submitted. Rather, the video footage (the authenticity of which was not contested by the Government) available to the Court reveals that there was a brief altercation between the applicant and the police officers over an object held in the applicant's hands, most likely her camera. Indeed, in the video footage the applicant could be heard shouting "Let go of my camera, I'm a journalist!" and V.G. seemingly replies "Let go of it!" That said, and while the police officers used some physical force to pull the object out of her hands and, during the encounter, even pushed her towards the pavement, it cannot be said beyond doubt that the applicant was the target of the police force or that, prior to her arrest, she was under their control (contrast *Bouyid*, cited above, §§ 84 and 106-07; *Tiziana Pennino v. Italy*, no. 21759/15, §§ 41 and 45, 12 October 2017; *Pranjić-M-Lukić v. Bosnia and Herzegovina*, no. 4938/16, §§ 75 and 79, 2 June 2020; *Mîtu v. the Republic of Moldova*, no. 23524/14, §§ 32-35, 30 June 2020; and *Zakharov and Varzhabetyan v. Russia*, nos. 35880/14 and 75926/17, §§ 67-73, 13 October 2020; see also the case of *Cazan v. Romania*, no. 30050/12, § 40, 5 April 2016, where the Court, *inter alia*, referred to situations falling within the control of the authorities, including arrests, questioning, identity checks, or entering a police station). After the incident she was arrested and placed in a police car, but no obvious signs of use of force can be observed either during or after her arrest. It appears that, as a result of the encounter, the applicant suffered a pea-size bruise which did not cause damage to her health. The Court considers that these aspects of the case demonstrate that, although the police officers made recourse to some physical force to seize an object, which seems to have been the applicant's camera, there is no indication that they had the intention to humiliate her. It is true that absence of such intention cannot conclusively rule out a finding of a violation under Article 3 (see *Bouyid*, cited above, § 86). However, where such complaints concern the use of physical force, the Court attaches particular importance also to the type of injuries sustained and the circumstances in which force was used (compare *Şakir Kaçmaz v. Turkey*, no. 8077/08, § 80 *in fine*, 10 November 2015). The Court considers that the above-noted elements, as well as the applicant's own arguments, should be taken into account with a view to assessing whether the impugned conduct of the police could be considered as diminishing her dignity and thus being in breach of Article 3.

54. In the present case, while the applicant asserted that the incident had profoundly affected her and she had been appalled by the conduct of the

police (see paragraph 47 above), she did not substantiate that assertion with reference to objective characteristics of the treatment in question so as to allow the Court to conclude that the conduct of the police officers humiliated her or amounted to an attack on her dignity (compare *Ilievi and Ganchevi v. Bulgaria*, nos. 69154/11 and 69163/11, §§ 58-62, 8 June 2021; contrast *Gremina*, cited above, §§ 38 and 89-90, and *Skorupa v. Poland*, no. 44153/15, §§ 266-67, 16 June 2022; see also, in the context of a police operation to arrest the applicant in that case, *Castellani v. France*, no. 43207/16, §§ 5 and 56, 30 April 2020). Therefore, the combination of these elements – in particular, the applicant’s not having been under the control of the police officers or the target of the police force, 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 observed in the video footage provided to the Court, as well as the very minor nature of her injury – 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.

55. The Court is mindful of the fact that the impugned conduct may have certainly caused the applicant a feeling of frustration or unfairness in that she was impeded in doing her journalistic work. However, such matters are to be examined under Article 10 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. Therefore, 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 10 OF THE CONVENTION

56. The applicant complained that the police officers had tried to take her camera by force while she had been filming the incident on Mashtots Avenue, as well as later in the police car and during her search at the police station, where they had seized and had never returned one of her memory cards and had damaged three others in order to prevent her from making her video footage public. She relied on Article 10 of the Convention, which reads as follows:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

A. Admissibility

1. *Applicability of Article 10 of the Convention*

57. The Government contended that there had not been an interference with the applicant's right to freedom of expression. They stated that the applicant had been subjected to the use of force and had been subsequently arrested because of her conduct on Mashtots Avenue, namely obstruction of traffic and failure to comply with the lawful orders of the police. Therefore, the measures applied by the police had not been directed at the applicant as a journalist but as an offender who moreover had been actively involved in the distribution of leaflets and had expressed her discontent at the arrest of the ANC activists. As regards the seizure of her camera and damage to her memory cards, they submitted that those allegations had been disproved by the investigation. Moreover, the applicant had signed a receipt upon being returned her belongings without making any note regarding the alleged seizure of or damage to her memory cards.

58. The applicant contested the Government's assertions.

59. The Court finds that the question of whether there has been an interference with the applicant's right to freedom of expression is closely linked to the merits of that complaint. It therefore considers that the Government's objection should be joined to the merits of the applicant's complaint.

2. *Non-exhaustion of domestic remedies*

60. Without contesting the effectiveness of a criminal investigation under Article 164 of the Criminal Code as a remedy in respect of the applicant's grievances under Article 10, the Government claimed that she had failed to exhaust domestic remedies: referring to the case-law examples summarised in paragraph 42 above, they argued that after the investigator had decided not to prosecute the police officers in question, the applicant could have applied to Armenia's Administrative Court. In particular, she could have lodged an acknowledgement claim under Article 69 § 3 of the Code of Administrative Procedure (see paragraph 39 above). Provided that her acknowledgement claim was allowed (and, consequently, the actions of the police declared unlawful), she could then have lodged a compensation claim under Article 162.1 of the Civil Code (see paragraph 40 above).

61. The applicant replied that she had exhausted the only effective remedy, which in the present case was lodging a criminal complaint against the police officers. She argued that since the actions of the police had contained elements of criminal conduct, the matter could not fall within the jurisdictional competence of the Administrative Court.

62. The general principles concerning the exhaustion of domestic remedies have been summarised in *Vučković and Others v. Serbia*

((preliminary objection) [GC], nos. 17153/11 and 29 others, § 69 et seq., 25 March 2014) and *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* ([GC], no. 21881/20, § 138 et seq., 27 November 2023). The obligation to exhaust domestic remedies requires an applicant to make normal use of remedies which are available and sufficient in respect of his or her Convention grievances (ibid., § 139, and the authorities cited therein).

63. If more than one potentially effective remedy is available, the applicant is only required to have used one of them (see *Moreira Barbosa v. Portugal* (dec.), no. 65681/01, ECHR 2004-V (extracts); *Jeličić v. Bosnia and Herzegovina* (dec.), no. 41183/02, ECHR 2005-XII (extracts); and *Karakó v. Hungary*, no. 39311/05, § 14, 28 April 2009). When one remedy has been attempted, use of another remedy which has essentially the same purpose is not required (see *Riad and Idiab v. Belgium*, nos. 29787/03 and 29810/03, § 84, 24 January 2008; *Kozacıoğlu v. Turkey* [GC], no. 2334/03, §§ 44 et seq., 19 February 2009; and *Micallef v. Malta* [GC], no. 17056/06, § 58, ECHR 2009). It is for the applicant to select the remedy that is most appropriate in his or her case (see *O'Keeffe v. Ireland* [GC], no. 35810/09, §§ 110-11, ECHR 2014 (extracts)). To sum up, if domestic law provides for several parallel remedies in different fields of law, an applicant who has sought to obtain redress for an alleged breach of the Convention through one of those remedies is not necessarily required to use others which have essentially the same objective (see *Jasinskis v. Latvia*, no. 45744/08, §§ 50 and 53-54, 21 December 2010).

64. In the present case, the investigation under Article 164 § 2 of the Criminal Code (see paragraph 36 above) was aimed at establishing whether the actions of the police officers in question had amounted to an obstruction of the applicant's lawful professional work as a journalist – a criminal offence under the domestic law. Therefore, in view of the facts of the case and the state of the domestic criminal law, the applicant's recourse to a criminal-law remedy does not appear unreasonable. Moreover, the Government themselves agreed that a criminal investigation was an effective remedy to address the substance of the applicant's complaints under Article 10 of the Convention (see paragraph 60 above).

65. As regards the possibility to apply to the Administrative Court, the Government failed to submit an example of such a claim having succeeded following the termination of a criminal investigation on grounds of lack of proof of criminal conduct (see paragraphs 42 and 43 above). Nor did they specify what the purpose of the administrative proceedings would have been had the applicant lodged an acknowledgment claim given that the investigation had concluded that the use of force in respect of the applicant had complied with domestic law (namely section 30 of the Police Act, see paragraph 41 above) and that her allegations as to the alleged attempts to grab her camera in the police car, as well as the alleged seizure of and damage to her memory cards, had not been proved. The Court observes in that regard

that the District Court, having examined the video footage of the incident, concluded that no grabbing of the applicant's camera could be observed on it (see paragraph 32 above), a conclusion which was upheld by the higher instances. In such circumstances, it was not unreasonable for the applicant to believe that another judicial body would reach the same factual conclusion. Therefore, while the Court does not rule out the possibility that, in certain circumstances, recourse to the Administrative Court could be effective in respect of complaints under Article 10 with regard to the conduct of the police (compare, *Ishkhanyan v. Armenia*, no. 5297/16, §§ 124-29, 13 February 2025 (not yet final), where an acknowledgment claim was found to be an effective remedy to contest the dispersal of a demonstration by the police), in the specific circumstances of the present case it considers that the applicant cannot be required to have availed herself of an additional legal avenue in the form of an acknowledgment claim. The Court is satisfied that the applicant has thus exhausted domestic remedies.

66. In such circumstances, the Court does not deem it necessary to examine the question of whether the applicant had a possibility of claiming compensation in respect of non-pecuniary damage because, as stated by the Government, that would have depended on the success of the acknowledgment claim.

67. In view of the above, the Court dismisses the Government's objections of non-exhaustion of domestic remedies.

3. Conclusion

68. The Court notes that the complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

69. The applicant asserted that the actions of the police officers, which were aimed at grabbing her camera, both on Mashtots Avenue and in the police car, as well as the seizure of and damage to her memory cards, had not been necessary under Article 10 of the Convention.

70. The Government's arguments are summarised in paragraph 57 above.

71. The Court reiterates that public measures preventing journalists from doing their work or adversely affecting the exercise of their functions may raise issues under Article 10 (see *Pentikäinen v. Finland* [GC], no. 11882/10, § 83, ECHR 2015, and *Najaflı v. Azerbaijan*, no. 2594/07, § 68, 2 October 2012).

72. At the outset, and contrary to the Government's submissions, the Court notes that in the video footage submitted to it the applicant could be seen filming the event with her camera and announcing to the police officers

that she was a journalist (see paragraph 8 above). Moreover, during the investigation the applicant claimed that she had had her journalist's badge attached to her bag. The encounter with the police effectively hindered the exercise of her journalistic work. She was then arrested and her journalistic equipment was inspected and confiscated for the duration of her time in police custody. Accordingly, the Court considers that there has been an interference with the applicant's rights under Article 10 of the Convention (compare *Pentikäinen*, cited above, § 83) and dismisses the Government's objection regarding the applicability of Article 10 (see paragraph 57 above).

73. As to whether the actions of the police officers were justified, the Court has already established in paragraph 53 above that there is nothing in the case file to suggest that the applicant had blocked the road, hindered the arrests of the ANC activists or failed to comply with the police orders made in that respect. In fact, no such order can be heard in the video footage. Rather, said footage reveals that the police officers aimed to seize an object, most likely the applicant's camera, from her hands despite her demands that the camera be released as she was a journalist (see paragraph 8 above). All the above elements therefore suggest that the object of the altercation between the applicant and the police officers was in fact her camera. The Government failed to demonstrate that the conduct of the police officers was justified for the maintenance of order or on other legitimate grounds. In addition, while there is no evidence capable of proving beyond reasonable doubt that the police officers continued with what appears to have been attempts to grab the applicant's camera following her arrest, or that they stole one of her memory cards and damaged three others, the fact remains that a journalist was arrested and her journalistic equipment was temporarily retained and inspected without her having behaved in a manner that could have justified resort to such measures (contrast, *Pentikäinen*, cited above §§ 97-105, and compare *Mammadov and Abbasov v. Azerbaijan*, no. 1172/12, § 62, 8 July 2021). As mentioned above, there is nothing in the case file to indicate that the applicant belonged to the quarrelling crowd, hindered the actions of the police arresting the activists or obstructed the traffic, which might have justified her being taken into police custody and the subsequent police measures applied in her respect.

74. Having regard to the above, the Court finds that the interference was not justified under paragraph 2 of Article 10. It was not shown convincingly by the Government that it was lawful or pursued any legitimate aim. In any event, it is clear that such interference as occurred in the present case cannot be deemed "necessary in a democratic society".

75. There has accordingly been a violation of Article 10 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

76. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

77. The applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage.

78. The Government contested this claim as excessive.

79. The Court awards the applicant EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

80. The applicant also claimed EUR 2,341 (which, she submitted, was the equivalent of 1,290,000 Armenian drams) for the costs and expenses incurred before the Court.

81. The Government asserted that the claim was exaggerated and that, in any event, according to the retainer agreement submitted by the applicant, she was under an obligation to pay her representatives only at the stage of the execution of the judgment to be delivered by the Court. The Government thus argued that the applicant had not incurred any costs as such and her claim should thus be dismissed.

82. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see, among many authorities, *Magyar Kétfarkú Kutya Párt v. Hungary* [GC], no. 201/17, § 125, 20 January 2020). In the present case, the applicant substantiated her claim for legal costs by submitting a retainer agreement (compare *Mnatsakanyan v. Armenia*, no. 2463/12, §§ 99-101, 6 December 2022). Regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 1,000 covering costs for the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT

1. *Declares*, unanimously, the complaint under Article 10 admissible and, by a majority, the remainder of the application inadmissible;

2. *Holds*, unanimously, that there has been a violation of Article 10 of the Convention;
3. *Holds*, unanimously,
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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*, by five votes to two, the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 22 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik
Registrar

Mattias Guyomar
President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the separate opinion of Judges Harutyunyan and Sârcu is annexed to this judgment.

PARTLY DISSENTING OPINION OF JUDGE HARUTYUNYAN JOINED BY JUDGE SÂRCU

I agree with the majority that, in the present case, there has been a violation of Article 10 of the Convention. That said, with all due respect, I am unable to subscribe to the majority’s opinion regarding the complaint, examined under Article 3, about the police violence.

In my view, the present judgment deviates from the bright-line rule established by the Grand Chamber in the case of *Bouyid v. Belgium* ([GC], no. 23380/09, ECHR 2015), in accordance with which any use of force by law-enforcement officers against an individual where it has not been made strictly necessary by that person’s own conduct, diminishes human dignity and is an infringement of the right set forth in Article 3, irrespective of the impact on the person in question (*ibid.*, § 101).

Having ascertained that the applicant had been subjected to physical force (see paragraph 52 of the present judgment), the Chamber should have examined whether the use of such force had been rendered strictly necessary by her own conduct in order to determine whether it was in breach of Article 3 (compare *Bouyid*, cited above, §§ 100-01, and *İşik v. Türkiye*, no. 42202/20, § 53, 8 October 2024). In fact, the Chamber did establish that the use of police force had not been necessary in the circumstances of the case (see paragraphs 53 and 73 of the present judgment). However, instead of applying the *Bouyid* case-law, which would have led to the conclusion that there had been a breach of Article 3 (*ibid.*, § 101; compare *Zakharov and Varzhabetyan v. Russia*, nos. 35880/14 and 75926/17, § 74, 13 October 2020, and *Navalnyy and Gunko v. Russia*, no. 75186/12, §§ 48-49, 10 November 2020), the Chamber went on to conclude that the police officers’ conduct could not be described as having reached the threshold of degrading treatment (see paragraph 54 of the present judgment).

I respectfully disagree with the majority’s conclusion. In my view, it goes against the *Bouyid* case-law (cited above), which set aside the severity threshold test in instances where an individual is deprived of liberty or, more generally, *confronted with law-enforcement officers* and the latter resort to the use of force (*ibid.*, § 101). In my view, while not in police custody, the applicant – a female journalist – was unexpectedly subjected to force by three male officers (see paragraph 8 of the present judgment). The latter’s conduct was wholly uncalled for and obviously lacked a legal basis: as stated in paragraphs 53 and 73 of the present judgment, there was nothing to indicate that the applicant had committed any offence that could have warranted the police officers’ intervention. Such conduct on the part of those law-enforcement officers must have aroused in the applicant the sense that she was being treated arbitrarily, as well as feelings of fear and helplessness, likely to make her feel humiliated. In fact, as mentioned by the applicant, the incident profoundly affected her and she had been appalled by the police

officers' conduct. The applicant's feeling of humiliation in her own eyes was likely made worse by the fact that the incident took place on a public street in front of numerous people and was later reported in the media (compare *Gremina v. Russia*, no. 17054/08, § 89, 26 May 2020, and *Navalnyy and Gunko*, cited above, § 48 *in fine*). More importantly, the applicant was merely doing her job and, as can be seen in the video-footage, she attempted to identify herself as a journalist (see paragraph 8 of the present judgment). There is nothing to suggest that she posed a threat to the police or to public order (compare *Rizvanov v. Azerbaijan*, no. 31805/06, § 50, 17 April 2012). Therefore, the police officers' uncalled-for recourse to physical force inflicted humiliation on the applicant and was thus in breach of Article 3 of the Convention.

I also believe that the investigation was not adequate in the present case, and fell short of the requirements of Article 3 of the Convention.