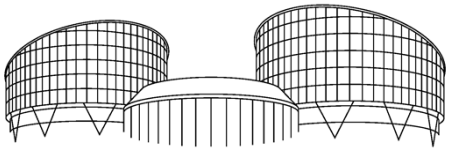

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF MANUKYAN v. ARMENIA

(Application no. 5778/17)

JUDGMENT

This version was rectified on 19 November 2025
under Rule 81 of the Rules of Court.

Art 8 • Private life • Unjustified collection and storage of applicant's personal information by security services and coercion to cooperate with them using threats • Existence of legal basis in domestic law not shown • Coercive methods and threats incompatible with domestic law and fundamentally at odds with the rule of law principles • Interference not "in accordance with the law" • Absence of any demonstrated national security interest at stake • Positive obligations • Lack of effective investigation into serious and plausible allegations of several criminal offences

Prepared by the Registry. Does not bind the Court.

STRASBOURG

13 November 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Manukyan v. Armenia,

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

Kateřina Šimáčková*, President*,
Georgios A. Serghides,
Gilberto Felici,
Andreas Zünd,
Diana Sârcu,
Vahe Grigoryan,
Sébastien Biancheri*, judges*,
and Victor Soloveytchik, *Section Registrar,*

Having regard to:

the application (no. 5778/17) 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, Mr Hrayr Manukyan ("the applicant"), on 28 December 2016;

the decision to give notice to the Armenian Government ("the Government") of the complaints under Articles 8 and 13 of the Convention concerning the allegedly unlawful and unnecessary interference with the applicant's private and family life, the lack of an effective investigation, and the lack of an effective remedy, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 7 October 2025,

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

INTRODUCTION

1. The case concerns the alleged collection, processing and use of the applicant's personal information by security services, coercion to cooperate with them using threats, lack of an effective investigation into these allegations and lack of an effective remedy. It raises issues under Articles 8 and 13 of the Convention.

THE FACTS

2. The applicant was born in 1987 and lives in Amsterdam. He was initially represented by Mr R. Revazyan and subsequently by Ms A. Melkonyan, lawyers practising in Yerevan[1].

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

[1] Rectified on 19 November 2025. The sentence previously read: "He was represented by Ms A. Melkonyan, a lawyer practising in Yerevan."

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

I. BACKGROUND EVENTS

5. In 2014 the applicant was approached by V.H., an agent of the National Security Service of Armenia ("the NSS"), and was asked to cooperate with that service on a systematic basis.

6. On 30 June 2014, following a previous communication, the applicant and V.H. had an in-person meeting in a café. At the time, the applicant was a newly elected member of the standing governing body of the Heritage Party, an opposition party in Armenia. During the meeting, the applicant refused to cooperate, after which V.H. made a series of statements concerning the potential consequences of that refusal. The applicant made an audio recording of the conversation without V.H.'s knowledge. The parties provided the Court with the audio recording, which is approximately 50 minutes long. The most relevant parts of the conversation are as follows:

"**V.H.: ...** So, tell me, what's up, what did you think overnight?

Applicant: No, I am not suitable at all. Firstly, no matter how much you say that it is not about our political [activities] and so on, my position as a member of the [governing body] does not allow me to work with [the NSS], that is impossible ...

V.H.: But I already said, did I not, that it would not hinder your activities ...?

...

Applicant: ...By nature, I am not suited for that kind of work.

V.H.: You do not know the work, that is why you think you are incapable ... I told you last time: this is not some kind of burden, it is not a full-time job from nine to six, where you would have responsibilities and pressure ...

Applicant: I know, it does not matter, you will not persuade me.

...

V.H.: I am not persuading you. I want you to reach the right decision and I want to help you with that. I want us to come to the right decision. [However we approach it], there is only one right [decision], is it not?

Applicant: The right [decision] is that I do not work, that I do not cooperate.

V.H.: You are mistaken about that.

Applicant: Even if I am mistaken.

V.H.: ... I would accept [your] 'Even if mistaken' [answer], if that mistake had no consequences, but this is not the case here ...

Applicant: It cannot have consequences.

V.H.: It is very good that you have confidence in yourself but let us return to the reality... [As] I previously told you – how do you imagine someone saying 'no' to the State [and then] staying in the same State? What will happen, how will things turn out?

...

Applicant: ... I am sure, if I was not a member of the [governing body], the State you are talking about would not even be interested in me.

V.H.: You are 200% wrong. You have been in our field of vision for a long time. The matter of you being a member of the [governing body] has only been discussed for a month or two ... your membership in the [governing body] or even being in Heritage has nothing to do with this at all ... We do not need a [governing body].

Applicant: Then what do you need?

V.H.: I already explained. You are a promising individual; with your education, knowledge, your studies in Europe and so on, you can be [a] promising [individual] for the State, and we want you to be.

Applicant: I will be, but without you.

V.H.: You cannot without us.

Applicant: If I cannot, then I will not be.

V.H.: Forget about achieving anything in this country if you say 'no' to the State.

Applicant: For me, that is not a State; it is a regime, no matter what you say.

V.H.: You are taking the wrong approach, coming to a wrong decision.

Applicant: Let it be wrong.

V.H.: Are you ready for the consequences?

Applicant: Yes, I am ready.

V.H.: Do you realise those consequences, that those do not concern only you? Are you ready for that? ...

Applicant: There cannot be consequences which concern not only me but also others, who are my relatives and people close to me. There may be a lot of things concerning me.

V.H.: It is not 'maybe', it is a lot, it is very, very much. I will not list them one by one just to surprise you, but know that there are very few things that I do not know ...

Applicant: Despite all that, my answer is 'no'.

V.H.: No one says 'no' to us. I do not even want to remotely explain to you the consequences of your 'no'. Do you understand? Let me tell you the tiniest of them. Right now, it is up to me to decide whether to let you go to [the Czech Republic] or not. That is just the tiniest example.

Applicant: You do not have the means.

...

V.H.: You are that sure? Do you have more contacts than we do? ... Even if you go, I would advise you to stay there, because here you definitely have no future. Someone who says 'no' to the State has no future in the State – that is one plus one, plain logic. With your cool diploma, your best job here would be as a watchman at a bakery. Forget any doors opening for you. To put it bluntly, you become blacklisted.

Applicant: I prefer to leave and, even if it is impossible to return to Armenia, stay there ... Look, I know that you carry out a lot of surveillance over there, that you have [various] things.

V.H.: Do you want me to tell you how many people you have spoken to about our meeting? I know that, too.

Applicant: Even better.

V.H.: Then what is this all about? Why are you underestimating us now? ... You are not taking this seriously, and not taking it seriously may lead to very serious consequences – not only for you.

Applicant: Even so, I am still not going to work with you. If all of that already exists ... and I am forced to …

V.H.: I am not forcing you. You should understand me correctly. The first principle is the principle of voluntariness. I told you the same the other day.

Applicant: Well, if it is voluntary, then I am saying 'no'.

V.H.: My duty is to show you the path of 'yes' and also the path of 'no'. The other day I showed you the path of 'yes' – I laid out the [upsides]. Today, I am showing you that of the 'no'. You chose the downsides ...

Applicant: I choose the downsides. I mean, here the entire conversation ends. If, in the event of my 'no', there will be many downsides, then it is over ...

V.H.: Let me lay out another scenario. There may be nothing negative [done] towards you, but towards others because of you. Are you prepared for that, too? Let us say, I do not know, not only sacrificing your career, your future, but also [those of] others ... That decision is definitely not in your favour; there are terribly many [downsides], and I told you plenty of [upsides]. What is the point?

...

Applicant: No, I am going to [the Czech Republic] with my 'no' and I am not coming back. I do not even see the point of you doing anything, pressuring, or harming those close to me.

V.H.: Dear Hrayr, do you know why that is done? It is not done with joy. It is done as an example – to show others that such a thing cannot be done, that one cannot go against the State... Look, dear Hrayr, it is plain logic, you either help the State or refuse to help, thereby damaging it ... I told you the point of that – so that those of your friends who are with us today realise that they made the right choice, and those who still have to make that choice will be properly guided from the outset as to which choice is better. I cannot guarantee that, say, in a couple of months, a bombshell will not explode in the press about Heritage, the [governing body] of Heritage or about you. One person may not believe it, 10 [people] may not believe it, but 1,000 [people] will. I do not want that ... I am persuading the leadership by saying 'no, give this guy one more chance. Maybe the guy is confused about something. Let us give him one more chance and only then move on to your methods' ... I do not even know why I am doing it.

Applicant: All right, we know very well how your methods work. When the nice way does not work, you want to do it the hard way.

...

V.H.: Let me tell you something, the people we started off with bad [methods] actually work even better, believe me. Those we approached straightaway with the hard methods you imagine, some of them now feel even better, normal, very calm. With you, I preferred to talk in a normal way, to start from the upsides, rather than the downsides because I was 99% sure there was no need for downsides, that one could speak about

the upsides with [you], open up [your] future, show you what you could achieve. I was in favour of that approach. And now you are trying to convince me that I was wrong.

Applicant: In general, [the NSS] was wrong when it wanted to cooperate with me.

V.H.: ... now, whether you are recording this conversation or not does not matter to me. I know that I have given you some advice ...

Applicant: I am not recording, I am just checking the time.

V.H.: Let me tell you, explain to you, that I am the star of such recordings. Do you know how many such recordings exist? That is nothing against my recordings.

Applicant: Even with all your recordings**,** I still say 'no', I am not going to work.

V.H.: I sincerely do not want the State to lose someone like you, because you were a promising [individual] – you could have achieved certain things. But since you are saying, 'close the doors in front of me', 'it is OK that those close to me suffer because of me' – if that is what you want, that is what we will do. If you are going for it knowingly. I repeat, if it were only you, I would say, 'no problem, go, do not come back.' Maybe we are so powerless that our reach does not extend to [the Czech Republic]. But you are going and we are staying here. People close to you are here, your party is here ... You are leaving all the [upsides] behind and going after the [downsides] and dragging a group of people with you I do not know where ... I do not know in what other language I can say it.

...

Applicant: So what does that mean? Are you going to [shoot] me? Eliminate me? Go ahead and [shoot] me, eliminate me, what can I say ...

V.H.: You have a very poor and wrong opinion of us. People were [shot] in [1937]. Yes, those who said 'no' to the State were taken and shot against a wall ... [Now] it is done with the more civilised, so-called democratic methods of yours ... Well done on your courage, but you are not alone. There are thousands of minor, filthy issues that are not worth going into, purely from a human perspective. You are putting the human aspect aside and you are forcing us to do the same ... I want to speak about the benefits to you, but you have built some kind of incomprehensible wall that is leading you to danger ... It is a real pity. I have never seen a person who wanted his own downfall like this. Go on, let us see what happens. Just do not be surprised afterwards.

Applicant: I will not be surprised. I will already know the consequences and I will be prepared for that.

V.H.: You will not know. You will not even know the tip of it. You will not even see the tip of it, you will not know anything – because you underestimate, because you do not understand what is best for you.

...

Applicant: Tomorrow I will write a [letter of] resignation and leave the [governing body].

V.H.: Before that, the bombshell may explode and they will remove you ... Those doors that are State-related – and even 99% of the private ones – will be closed to you, be sure of it ...

...

Applicant: No, it does not matter – the answer is 'no'. Do whatever you want, take whatever action you want ...

...

V.H.: We offered you heights. You chose the abyss. Now, you will go into the abyss and we will go on our way. Each of us will bear the consequences accordingly.

Applicant: Shall we ask for the bill? Let's ask for the bill and leave.

V.H.: One thing happened. You have proven your point. Once in a thousand we make a mistake. We have placed our bet on the wrong person. We held a very high opinion of you, very positive, and you proved us the opposite, that you do not approach decisions wisely and you are ready to take a lot of people after you to who-knows-where. It happens.

Applicant: It does happen.

V.H.: I put my neck on the line for you. You still went down that path. Remember, later there should be no hard feelings, no regrets. There is no way back if your decision is final.

Applicant: It is final... I will go. I hope you will give up on me for good.

V.H.: Dear Hrayr, you are giving up on your country.

Applicant: Well, if you consider that I am giving up on the country, then you give up on me too."

7. On 3 July 2014 the audio recording of this conversation was published in, *inter alia*, the hetq.am media outlet.

8. According to the information provided by the Government, the proposal to cooperate with the NSS had been made with the authorisation of the management of the relevant unit of the NSS.

9. On 18 July 2015 V.H. was appointed Press Secretary to the President of Armenia.

10. According to records of the applicant's border crossings between 2014 and 2016, he left Armenia on 11 July 2014 and subsequently crossed the Armenian border twenty-six more times – both entering and exiting – the last of which was his departure from the country on 19 January 2016.

11. On 21 January 2016 the applicant arrived in the Netherlands, where he was granted asylum on 5 April 2016.

II. DOMESTIC PROCEEDINGS

12. On 8 July 2014 the applicant submitted a crime report to the Prosecutor General along with the audio recording of his conversation with V.H.

13. By a letter dated 18 July 2014, the Prosecutor General's Office replied to the applicant that the actions attributed to the agent of the NSS did not contain *prima facie* elements of a criminal offence. Therefore, the applicant's complaint did not constitute a crime report and was not subject to examination under the relevant Articles of the Code of Criminal Procedure. The letter further stated that those circumstances had also been confirmed by the information received from the NSS.

14. The applicant unsuccessfully challenged the inaction of the Prosecutor General's Office before the Kentron and Nork-Marash District Court of Yerevan ("the District Court") and then before the Criminal Court of Appeal. The latter dismissed the applicant's appeal on 14 May 2015.

15. On 5 June 2015 the applicant further appealed to the Court of Cassation. He argued, *inter alia*, that V.H.'s actions had contained elements of the criminal offences proscribed by Articles 144, 161 and 309 of the Criminal Code (see paragraphs 21-24 below).

16. On 30 March 2016 the Court of Cassation delivered its decision on the appeal, finding, *inter alia*, that the applicant's crime report disclosed *prima facie* information about elements of specific criminal acts and that verification of that information could be reasonably expected to reveal sufficient grounds for instituting criminal proceedings. Consequently, it quashed the decision of the Criminal Court of Appeal and remitted the case to that court for fresh examination.

17. On 26 September 2016 the Criminal Court of Appeal, after re-examining the appeal, concluded that the applicant's rights had been violated, as the criminal prosecution authorities had been obliged to take one of the decisions prescribed by Article 181 of the Code of Criminal Procedure (see paragraph 25 below) but had failed to do so. It therefore held that the criminal prosecution authorities were required to eliminate the breach of the applicant's rights.

18. On 13 October 2016 a prosecutor in the Prosecutor General's Office, after re-examining the applicant's crime report, decided to refuse to institute criminal proceedings on the grounds that the actions attributed to the agent of the NSS did not contain *prima facie* elements of a criminal offence. The prosecutor, referring to subsections 1(2) and 3 of section 10 and subsections (1) and (3) of section 12 of the Operative and Intelligence Measures Act (see paragraphs 29-33 below), noted that the cooperation with individuals by operative and intelligence authorities formed part of the operative and intelligence measures which were aimed at preventing, disrupting and detecting crimes and other offences. The prosecutor therefore concluded that the actions, prescribed by law, which were aimed at ensuring such cooperation were lawful and did not contain elements of an offence, let alone a criminal offence.

Furthermore, the prosecutor stated that the applicant's crime report had not described the specific threats allegedly made. He further stated that the content of the audio recording (see paragraph 6 above) refuted any connection between the conversation and a political party, including the Heritage Party, and that the interlocutor had indicated that the cooperation was to be based on the principle of voluntariness.

19. The applicant appealed against the decision of 13 October 2016, first to the Prosecutor General, then to the District Court and subsequently to the

Criminal Court of Appeal. However, all of his appeals were dismissed and the decision was upheld at every level of jurisdiction.

20. On 28 July 2017 the applicant's final appeal on points of law was declared inadmissible by the Court of Cassation for lack of merit.

RELEVANT LEGAL FRAMEWORK

I. CRIMINAL CODE

21. The relevant provisions of the former Criminal Code (in force from 1 August 2003 until 1 July 2022) were as follows.

22. Under Article 144, the use of information which was considered a person's private or family secret without his or her consent or the collection, storage or dissemination of such information through public speeches, publicly displayed works or the media constituted a criminal offence, unless such actions were prescribed by law.

23. Under Article 161 § 1, obstructing the exercise of the right to form associations (public associations or trade unions) or to establish political parties or obstructing or interfering with the lawful activities of an association or a political party constituted a criminal offence.

24. Under Article 309 § 1, the intentional commission of acts by an official that clearly exceeded the scope of his or her authority and caused substantial harm to the rights and lawful interests of individuals or organisations or to the lawful interests of society or the State constituted a criminal offence.

II. CODE OF CRIMINAL PROCEDURE

25. Under Article 181 of the former Code of Criminal Procedure (in force from 12 January 1999 until 1 July 2022), upon receiving information about a criminal offence, the competent authority was required to adopt one of the following decisions: to institute criminal proceedings, to refuse to institute criminal proceedings or to forward a report to the competent authority with jurisdiction.

III. LAW ON PERSONAL DATA

26. Section 7(1) of the Law on Personal Data (in force from 14 February 2003 to 1 July 2015) provided that State and local self-government bodies, as well as State or community institutions, were authorised to process personal data only in the cases and in accordance with the procedures prescribed by law.

IV. OPERATIVE AND INTELLIGENCE MEASURES ACT

27. Under section 4(1)(5), the acquisition of information necessary for safeguarding national security is listed as one of the objectives of operative and intelligence measures.

28. Under section 8(1)(2), the national security services are listed among the State bodies authorised to carry out operative and intelligence measures within the scope of their powers prescribed by law.

29. Under section 10(1)(2), the operative and intelligence authorities are entitled, in the course of performing their duties, to cooperate with individuals who have expressed willingness to cooperate with them in secret.

30. Under section 10(3), operative and intelligence authorities may not exercise their rights either for the benefit or to the detriment of any natural or legal person or to interfere in the activities of State and local self-government bodies or political parties.

31. Under section 12(1), individuals who have reached the age of majority and have legal capacity may be involved in the preparation and conduct of operative and intelligence measures, either free of charge or on a paid contractual basis, provided that the cooperation remains confidential. Such cooperation is permitted with the consent of the individuals concerned.

32. Section 12(2) provides that the procedure for the recruitment, placement and remuneration of individuals cooperating on a confidential basis with the operative and intelligence authorities is to be defined by the normative legal acts of those authorities.

33. Section 12(3) prohibits the involvement of certain public officials (including members of parliament and the government or judges) as cooperating individuals in operative and intelligence activities.

34. Under subsections 1(2) and 3 of section 14, the acquisition of operative information is classified as one of the specific types of operative and intelligence measures which the national security services are authorised to carry out.

35. Section 16 defines the acquisition of operative information as the collection of information concerning persons and facts of operative interest for the purpose of fulfilling the objectives of operative and intelligence activities.

V. LAW ON NATIONAL SECURITY SERVICES

36. Under section 7(6) and (7), information regarding a citizen’s personal and family life obtained in the course of the activities of the national security services may not be collected, stored, used or disseminated without the consent of the citizen, except in cases provided for by law. Employees of the national security services are responsible, in the manner prescribed by law,

for violations of individuals' rights and freedoms committed in the course of the performance of their duties.

37. Under section 9, the national security services are to carry out their activities in the following main areas: intelligence, counterintelligence, military counterintelligence, protection of the state border and combating crime. Other areas of the activities of the national security services are to be determined by law. The activities of the national security services, as well as the methods and means employed by them, must not violate the human rights and freedoms as prescribed by the Constitution and laws of the Republic of Armenia or cause harm to human life, health, property or the environment.

38. Under section 15(c), national security services are authorised to, *inter alia*, conduct operative and intelligence measures.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

39. The applicant complained of an unjustified interference with his private and family life and about the lack of an effective investigation into it. He relied on Article 8 of the Convention, which provides:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

40. The Court notes that this 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

1. The parties' submissions

(a) The applicant

41. The applicant submitted that the conversation between him and V.H. provided clear grounds to believe that information about his private life had been collected, processed and used to exert pressure on him. He further contended that V.H. had used threats concerning him, people close to him and his political party. The applicant asserted that he had perceived these threats as real and that they had had serious consequences for him, noting that he had

left Armenia and had since been living abroad. Lastly, he argued that his crime report had not led to any consequences and that no investigation had followed.

(b) The Government

42. The Government maintained that there had been no interference with the applicant's private and family life. They argued that, irrespective of whether the NSS had collected personal information about the applicant, the mere act of doing so did not inherently constitute interference. They also contended that no action had ever been taken in connection with the collected information. The applicant had not made any specific claims regarding the scope of the allegedly collected information. Despite the alleged threats of a travel ban, the applicant had left Armenia on 11 July 2014 and had subsequently travelled in and out of the country on multiple occasions (see paragraph 10 above). Thus, they submitted that the applicant had not experienced any negative consequences or restrictions.

43. The Government stated that, in the event that the Court found an interference, it should be regarded as complying with the requirements of Article 8 of the Convention. Referring to several provisions of domestic law (see paragraphs 26-35 and 38 above), they asserted that the applicant's data had been collected in accordance with domestic regulations. They further alleged that a detailed legal basis for the actions of the agent of the NSS had also been provided by two classified orders of the Director of the NSS, which had been issued on the basis of section 12(2) of the Operative and Intelligence Measures Act (see paragraph 32 above). The Government argued that the information had been collected for the purpose of facilitating potential cooperation with the applicant, which had been aimed at protecting national security. They further contended that the information collected for that purpose had been strictly limited to what had been necessary to identify and mitigate potential threats.

44. Lastly, the Government acknowledged that the State's positive obligation to ensure effective respect for private life might require an effective investigation and prosecution. While no internal investigation had been conducted by the NSS in relation to the incident, the Government argued that efficient criminal provisions had existed at the material time and that effective criminal investigation had been conducted in relation to the applicant's allegations. In their view, the prosecutor's decision not to institute criminal proceedings, based on an assessment of the crime report and the accompanying audio recording, demonstrated that the existing legal framework had been effectively applied.

2. The Court's assessment

(a) Alleged violation of Article 8 on account of collection and storage of personal information and on account of threats

(i) The existence of interference

45. The Court notes that the applicant's allegations of interference with his private life were based on the recording of his conversation with the NSS agent, V.H. It further observes that neither the authenticity of this recording, nor the identity of the applicant's interlocutor or the contents of the conversation, have ever been disputed in the domestic proceedings or before the Court. During the conversation, V.H. asked the applicant to cooperate with the NSS. When the applicant refused, V.H. made various threats. Most notably, he stated, *inter alia*, that there might be very serious consequences for the applicant and those close to him; he essentially claimed to know almost everything about the applicant; he suggested that damaging information about the applicant and his political party might be leaked to the press; he asserted that it was up to him to decide whether the applicant would be allowed to leave Armenia; and he warned that the applicant would be blacklisted and have no future in the State (see paragraph 6 above). These statements, and the applicant's complaints, reveal two interconnected issues potentially giving rise to an interference with rights protected by Article 8 of the Convention, which the Court will examine below: the collection and storage of information and the use of threats related, in particular, to private matters and the applicant's potential career.

(α) Collection and storage of information

46. The Court has previously held that the collection and storage of data by a public authority on particular individuals constituted an interference with private life (see *Amann v. Switzerland* [GC], no. 27798/95, §§ 65 and 69, ECHR 2000-II; *Rotaru v. Romania* [GC], no. 28341/95, §§ 43 and 46, ECHR 2000-V; and *Glukhin v. Russia*, no. 11519/20, § 67, 4 July 2023).

47. V.H.'s statements – including his claim of knowing nearly everything about the applicant, his suggestion that damaging information might be leaked and the threat of blacklisting – provide at least *prima facie* grounds to believe that the NSS had collected a substantial amount of personal information about the applicant and his political party. It was therefore for the Government, should they have chosen to do so, to discharge the burden of convincingly refuting the applicant's allegations (see, *mutatis mutandis*, *Sabani v. Belgium*, no. 53069/15, § 43, 8 March 2022). The Government did not deny these allegations; on the contrary, they effectively admitted that some information about the applicant had been collected (see paragraphs 42-43 above). V.H.'s statements further suggested that the information remained available to him and to the NSS, which presupposes that it had been stored –

a conclusion further supported by the absence of any indication from the Government that the data was ever deleted or destroyed.

48. The nature and extent of the information in question remain within the exclusive knowledge of the authorities, as it was not disclosed to the applicant or to the Court. It would therefore be unjustified to expect the applicant to specify the scope of that information, as suggested by the Government, especially given the authorities' own failure to clarify the matter through an effective investigation (see paragraph 68 below). Moreover, the Court has previously found an interference even where the content of secret information stored about an individual's private life was unknown (see *Leander v. Sweden*, no. 9248/81, §§ 14, 17 and 48, 26 March 1987). There is no reason to depart from that approach in the present case.

49. The Court is not convinced by the Government's argument that no action was ever taken in connection with the collected information (see paragraph 42 above). In fact, V.H. actively referred to that information when making threats against the applicant. In any event, the mere storage by a public authority of information relating to an individual's private life amounts to an interference within the meaning of Article 8, irrespective of whether the data was subsequently used or whether the applicant experienced any inconvenience (see *Amann*, cited above, §§ 69-70; *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, § 67, ECHR 2008; and *M.D. and Others v. Spain*, no. 36584/17, § 55, 28 June 2022).

50. Accordingly, the Court finds sufficient grounds to conclude that the NSS collected and stored personal information about the applicant. These actions, in and of themselves, constituted an interference with the applicant's private life.

(β) Use of threats

51. The Court reiterates that the notion of "private life" within the meaning of Article 8 of the Convention is a broad term that is not susceptible to exhaustive definition. It encompasses a person's physical and psychological integrity. Personal autonomy constitutes an important principle underlying the interpretation of the guarantees afforded by Article 8 (see *Király and Dömötör v. Hungary*, no. 10851/13, § 41, 17 January 2017).

52. The Court observes that the threats made by V.H. were of a serious nature. They were capable of causing well-founded fear, anxiety and a feeling of uncertainty, affecting the applicant's psychological integrity and well-being. Such threats might also have had a chilling effect on the applicant's ability to act freely and independently, including in matters concerning his career, his public or political activity and place of residence, thereby interfering with his personal autonomy. It is notable that, following the events in question, the applicant relocated to the Netherlands, where he was later granted asylum (see paragraph 11 above).

53. Furthermore, the Court has previously recognised that serious threats – even when not actually materialised into concrete actions – may, in certain cases, affect a person's psychological integrity within the meaning of Article 8 of the Convention (see *Király and Dömötör*, cited above, § 43, and *Hajduová v. Slovakia*, no. 2660/03, § 49, 30 November 2010). While those cases concerned threats from private individuals, the Court considers that such threats carry, *a fortiori*, even greater weight and potential for affecting an individual's psychological integrity and well-being when they originate from an agent of State security services, given the authority, power and influence such agents may exercise. This is especially true in the present case, given the unpredictable and covert nature of the consequences tacitly conveyed in the threats. The mere fact that the applicant was able to travel in and out of Armenia, as noted by the Government (see paragraph 42 above), despite various threats that, *inter alia*, included possible travel restrictions, does not diminish the impact of those threats on the applicant. The Court therefore cannot accept the Government's argument concerning the absence of negative consequences or restrictions.

54. It must further be noted that the interview was sanctioned by the superior officers in the NSS (see paragraph 8 above). The NSS has neither denounced these threats, nor indicated that they were merely unauthorised statements of an individual agent. In the absence of any indication from the NSS that the agent's conduct was disapproved, it would not be unreasonable for the applicant to infer that the threats were part of a deliberate strategy employed against him by the NSS as a whole, thereby exacerbating their perceived seriousness. That perception might further have been reinforced by the subsequent appointment of the agent in question as Press Secretary to the President of Armenia (see paragraph 9 above).

55. Having regard to the serious nature of the threats made by the NSS agent and their potential impact on the applicant's psychological integrity and personal autonomy, the Court considers that they amounted to an interference with the applicant's private life.

(γ) Conclusion concerning the existence of interference

56. In view of the foregoing considerations, the Court finds it established that the NSS collected and stored personal information about the applicant and that serious threats against him were made by its agent. Each of the two actions described above amounted to a State interference with the applicant's private life within the meaning of Article 8 of the Convention. Having reached that conclusion, the Court does not consider it necessary to examine whether the same actions also interfered with the applicant's family life.

(ii) Justification of the interference

57. Any interference with an individual's Article 8 rights can only be justified under Article 8 § 2 if it is in accordance with the law, pursues one or more of the legitimate aims to which that paragraph refers and is necessary in a democratic society in order to achieve any such aim. The wording "in accordance with the law" requires the impugned measure to have some basis in domestic law. It must also be compatible with the rule of law, which is expressly mentioned in the Preamble to the Convention and inherent in the object and purpose of Article 8. The law must therefore be accessible to the person concerned and foreseeable as to its effects (see *Big Brother Watch and Others v. the United Kingdom* [GC], nos. 58170/13 and 2 others, § 332, 25 May 2021).

58. The Government referred to several provisions of the Operative and Intelligence Measures Act and the Law on National Security Services as the legal basis for the impugned interference. Read as a whole, those provisions authorise the NSS to collect information necessary specifically for the fulfilment of its objective of safeguarding national security (see paragraphs 27-28, 34-35 and 38 above) and to engage in cooperation with individuals who express willingness and give consent to secretly cooperate with them (see paragraphs 29 and 31 above).

59. However, the Government failed to provide a meaningful explanation as to how the cited provisions justified the specific actions taken by the NSS. While they contended that the data collection had been aimed at facilitating potential cooperation with the applicant and protecting national security, they did not demonstrate that domestic law authorised the NSS to collect information on an individual with the aim of attempting to coerce him into cooperation with the secret services. Furthermore, they failed to identify any concrete or even alleged national security concern. It was not argued that the applicant, or any person associated with him, posed such a threat or was linked to a criminal or any other offence. On the contrary, in the recorded conversation, V.H. stated that the reason for seeking the applicant's cooperation was that he was a "promising individual". Notably, no reference to any national security concern was made in the prosecutor's decision or in any other material submitted to the Court. The absence of any information concerning national security interests, when considered together with the applicant's political affiliation, gives rise to legitimate concerns about the true motives behind the actions of the NSS and, consequently, their compliance with the basic principles of rule of law.

60. As regards the Government's reference to two classified orders of the Director of the NSS – the contents of which were not disclosed even to the Court – those orders did not satisfy the requirements of "foreseeability" and "accessibility" as defined by the Court's case-law. Moreover, the alleged legislative basis for the issuance of those orders provided that such orders might concern certain procedural aspects of cooperation with the NSS, but

could not provide a substantive legal basis for establishing such cooperation or for the collection of personal information (see paragraph 32 above).

61. Furthermore, domestic law permitted the NSS to cooperate with individuals only on a voluntary basis. V.H.'s attempt to pressure the applicant into cooperation was manifestly incompatible with that requirement. His use of coercive methods and threats was also fundamentally at odds with the principle of the rule of law.

62. These considerations are sufficient for the Court to conclude that the interference in question was not "in accordance with the law".

63. While the above would be sufficient to reach the conclusion that Article 8 of the Convention has been violated, the Court considers it important to refer, in addition, to its finding about the absence of any demonstrated national security interest at stake (see paragraph 59 above). Noting that national security was the sole aim relied on by the Government under Article 8 § 2, the Court concludes that the interference with the applicant's rights did not pursue a legitimate aim (see, *mutatis mutandis*, *Toma v. Romania*, no. 42716/02, § 92, 24 February 2009; *Aliyev v. Azerbaijan*, nos. 68762/14 and 71200/14, § 186, 20 September 2018; and *Yunusova and Yunusov v. Azerbaijan (no. 2)*, no. 68817/14, § 156, 16 July 2020).

64. In the light of the foregoing, the Court finds that the interference with the applicant's private life was not justified under Article 8 § 2 of the Convention. Accordingly, there has been a violation of Article 8 of the Convention.

(b) Alleged violation of Article 8 on account of failure to investigate

65. The first question that arises in respect of the above complaint under Article 8 of the Convention is whether the authorities were required to conduct an effective investigation into the applicant's allegations and, if so, whether such an investigation was carried out.

66. The Court reiterates that, generally, duties to investigate serve to ensure accountability through appropriate criminal, civil, administrative and professional avenues. In this connection, it is important to reiterate that the State enjoys a margin of appreciation in determining the manner in which to organise its system to ensure compliance with the Convention. It has previously recognised a duty to investigate in the context of Article 8 in certain circumstances in respect of acts of private individuals. Moreover, the Court has not excluded the possibility that the State's positive obligation under Article 8 to safeguard an individual's integrity may extend to questions relating to the effectiveness of an investigation. It finds that an obligation to investigate should even less be excluded in the context of Article 8 in relation to acts of State agents if the applicant makes an arguable claim about serious and blatantly unlawful actions of State agents interfering with his private life (see, *mutatis mutandis, Craxi v. Italy (no. 2)*, no. 25337/94, § 75, 17 July

2003; *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 57270/14, § 112, 10 January 2019; and *Basu v. Germany*, no. 215/19, § 32, 18 October 2022).

67. The Court notes that the actions interfering with the applicant's private life were serious. Furthermore, the applicant submitted a crime report and made plausible allegations that V.H.'s actions had contained elements of several criminal offences, including the unlawful collection, storage, use or distribution of information concerning personal or family life; interference with the exercise of the right to freedom of association; and exceeding official powers (see paragraphs 12 and 15 above). Notably, in its first decision of 30 March 2016, the Court of Cassation found that the applicant's crime report disclosed *prima facie* elements of specific criminal offences and warranted verification that might justify instituting criminal proceedings (see paragraph 16 above). No alternative means of effective protection were alleged or shown to exist. The Court finds these circumstances sufficient to trigger the State's positive obligation to conduct an effective investigation.

68. The Court notes that no investigative measures were undertaken to establish the circumstances of the case, including the true motives behind the actions of the NSS and its agent, the nature and extent of the information collected about the applicant and the seriousness of the threats. V.H. and his supervisors were not interviewed. While it appears that the Prosecutor General's Office obtained some information from the NSS concerning the incident (see paragraph 13 above), its content was neither examined nor disclosed.

69. Ultimately, the prosecutor refused to institute criminal proceedings, finding that the NSS agent's actions did not contain *prima facie* elements of a criminal offence (see paragraph 18 above). In taking that decision, the prosecutor merely limited himself to a superficial and selective assessment of the audio recording of the conversation in question (see paragraph 6 above). In particular, he stated that the applicant's crime report had not specified which threats had been made, despite the fact that this information had clearly been provided to him in the form of the audio recording. Moreover, he readily accepted V.H.'s assertion during the recorded conversation that cooperation was meant to be voluntary, while overlooking the obvious threats and coercive remarks, which were manifestly incompatible with the notion of voluntary cooperation. Despite the above-mentioned deficiencies, the prosecutor's decision was upheld on appeal.

70. The Court also observes that the Government have not claimed that an inquiry of any other type – administrative, disciplinary or other – has been conducted. To the contrary, it appears that the blatantly unlawful actions undertaken by a State agent against the applicant remained unaddressed by the public authorities and never prompted attempts to ensure that no such unlawful actions are undertaken again.

71. The foregoing considerations are sufficient for the Court to conclude that there was a failure of the respondent State to comply with its positive obligations under Article 8 of the Convention.

72. Accordingly, there has been a violation of Article 8 of the Convention on account of the State's failure to conduct an effective investigation.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

73. The applicant complained that he had had no effective remedy for his complaints under Article 8 of the Convention, as the national authorities had failed to initiate and conduct an effective criminal investigation into his allegations. He relied on Article 13 of the Convention, which provides as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

74. The Court notes that this complaint is, in substance, the same as the one examined under Article 8 of the Convention in paragraphs 65-72 above. Although this complaint has to be declared admissible, it does not raise a separate issue under Article 13 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

75. 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

76. The applicant claimed 5,000 euros (EUR) in respect of non-pecuniary damage.

77. The Government submitted that a finding of a violation would constitute sufficient just satisfaction and that, in any event, the amount claimed was excessive.

78. The Court considers that the applicant sustained non-pecuniary damage as a result of unjustified interference with his private life and lack of an effective investigation, which cannot be made good by the mere finding of a violation. Ruling on an equitable basis, the Court awards the applicant EUR 5,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

79. The applicant did not claim any costs and expenses.

FOR THESE REASONS, THE COURT

1. *Declares*, unanimously, the application admissible;

2. *Holds*, unanimously, that there has been a violation of Article 8 of the Convention on account of both the interference with the applicant's private life and the lack of an effective investigation;

3. *Holds*, by six votes to one, that no separate issue arises under Article 13 of the Convention;

4. *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, EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State, at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 13 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik	Kateřina Šimáčková
Registrar	President

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

PARTLY DISSENTING OPINION OF JUDGE SERGHIDES

1. As indicated in the introduction to the judgment, the present case raised complaints under Articles 8 and 13 of the Convention and concerned the alleged collection, processing and use of the applicant's personal information by security services, coercion to cooperate with them using threats, lack of an effective investigation into those allegations and lack of an effective remedy.

2. I voted in favour of all points of the operative provisions, except point 3, which holds that no separate issue arises under Article 13 of the Convention.

3. Concerning the aforementioned point 3, paragraph 74 of the judgment concludes as follows:

> "The Court notes that this complaint is, in substance, the same as the one examined under Article 8 of the Convention in paragraphs 65-72 above. Although this complaint has to be declared admissible, it does not raise a separate issue under Article 13 of the Convention."

4. The paragraphs to which the above statement refers concern the "[a]lleged violation of Article 8 on account of failure to investigate" and fall under this heading. The last but one of these paragraphs, paragraph 71, states that "[t]he foregoing considerations are sufficient for the Court to conclude that there was a failure of the respondent State to comply with its positive obligations under Article 8 of the Convention". The subsequent and last paragraph falling under this heading, paragraph 72, states that, "[a]ccordingly, there has been a violation of Article 8 of the Convention on account of the State's failure to conduct an effective investigation".

5. My disagreement with the majority lies in the fact that the content and scope of the procedural obligation to conduct an effective investigation under Article 8 – arising from the development of the Court's case-law on positive obligations[2] – are conceptually and functionally distinct from those of Article 13 of the Convention, which guarantees the right to an effective remedy. The two rights share only the adjective "effective", which, however, denotes distinct legal concepts in each context. Unlike the said procedural obligation, the right under Article 13 is a stand-alone and autonomous right. By declining to examine the complaint under Article 13, we risk conflating two distinct protections: one tied to Article 8, founded on the principle of effectiveness[3], and the other ensuring effective remedies under Article 13. Such an approach undermines the cornerstone of the Convention, namely the

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[2] Originating in 1968 in *Case "relating to certain aspects of the laws on the use of languages in education in Belgium"* (merits), 23 July 1968, Series A no. 6.

[3] It is this principle which, in my view, affords holistic protection of the rights guaranteed, operating through both substantive and procedural limbs. This dual approach reflects the need for States to respect negative obligations, by refraining from unjustified interference, and to fulfil positive duties, by taking measures to secure the effective enjoyment of those rights.

right of individual application under Article 34, which secures the Convention's effectiveness and the very essence of the rule of law.

6. This approach equally undermines the principles of subsidiarity and the exhaustion of domestic remedies. Article 13 gives concrete effect to the subsidiarity principle enshrined in the Preamble to the Convention. By failing to take account of this connection, the Court missed a crucial opportunity to offer States clarification as to the nature and scope of "effective remedies" and what such remedies should entail in practice. In this regard, the Court's reasoning in *Kudła v. Poland* ([GC], no. 30210/96, § 152, ECHR 2000-XI), is particularly instructive:

> "... Article 13, giving direct expression to the States' obligation to protect human rights first and foremost within their own legal system, establishes an additional guarantee for an individual in order to ensure that he or she effectively enjoys those rights. The object of Article 13, as emerges from the *travaux préparatoires* (see the *Collected Edition of the 'Travaux Préparatoires' of the European Convention on Human Rights*, vol. II, pp. 485 and 490, and vol. III, p. 651), is to provide a means whereby individuals can obtain relief at national level for violations of their Convention rights before having to set in motion the international machinery of complaint before the Court. From this perspective, the right of an individual to trial within a reasonable time will be less effective if there exists no opportunity to submit the Convention claim first to a national authority; and the requirements of Article 13 are to be seen as reinforcing those of Article 6 § 1, rather than being absorbed by the general obligation imposed by that Article not to subject individuals to inordinate delays in legal proceedings."

7. Lastly, a right emerging from the Court's case-law, such as the right we examined in the present case under Article 8, cannot displace or diminish a right expressly anchored in the text of the Convention. Relying on a procedural breach of Article 8 of the Convention to avoid an Article 13 review would mean that some rights will have stronger *de facto* remedial protection than others – which is not a coherent remedial architecture. On the basis of the above, it must therefore be recognised that the two rights, being distinct in both scope and function, may give rise to different legal consequences when it comes to assessing an alleged violation. Consequently, the issue is not only of great conceptual importance but also of significant practical importance.

8. In the light of the foregoing, if I had not been in the minority, I would have examined the complaint under Article 13. A blanket practice of saying "there is no need to examine the Article 13 complaint" or, as in the present case, "no separate issue arises under Article 13", risks making Article 13 illusory and undermines the Court's own standard.