

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

FIFTH SECTION

CASE OF ARAMYAN v. ARMENIA

(Application no. 12933/23)

JUDGMENT

STRASBOURG

26 February 2026

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Aramyan v. Armenia,

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

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 5 February 2026,

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

PROCEDURE

1. The case originated in an application against Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 16 March 2023.

2. The applicant was represented by Ms N. Rshtuni, a lawyer practising in Yerevan.

3. The Armenian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the unlawful detention. He also raised a complaint under Article 5 § 3 of the Convention.

THE LAW

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

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

7. The Court reiterates that, in order to comply with Article 5 § 1 of the Convention, the detention in issue must take place "in accordance with a procedure prescribed by law" and be "lawful". The Convention here refers essentially to national law and lays down the obligation to conform to the substantive and procedural rules of national law, but it requires in addition that any deprivation of liberty should be in keeping with the aim of Article 5, namely to protect the individual from arbitrariness (see *Hutchison Reid v. the United Kingdom*, no. 50272/99, § 47, ECHR 2003-IV; *Assanidze v. Georgia* [GC], no. 71503/01, § 171, ECHR 2004-II; and *Vasenin v. Russia*, no. 48023/06, § 108, 21 June 2016). The absence of any grounds given by the judicial authorities in their decisions authorising detention for a prolonged

period of time may be incompatible with the principle of the protection from arbitrariness enshrined in Article 5 § 1 (see *Stašaitis v. Lithuania*, no. 47679/99, § 67, 21 March 2002; *Nakhmanovich v. Russia*, no. 55669/00, § 70, 2 March 2006; and *Yeloyev v. Ukraine*, no. 17283/02, § 54, 6 November 2008).

8. In the leading case of *Vardan Martirosyan v. Armenia* (no. 13610/12, 15 June 2021), the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the decision of the First Instance Court of General Jurisdiction of the Ararat and Vayots Dzor Regions of 18 February 2021 did not afford the applicant adequate protection from arbitrariness which is an essential element of the lawfulness of detention within the meaning of Article 5 § 1 of the Convention, and that, therefore, the applicant's detention from 18 February 2021 to 26 November 2024 failed to comply with the requirements of Article 5 § 1 of the Convention.

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

II. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. The applicant submitted another complaint which also raised issues under Article 5 § 3 of the Convention, given the relevant well-established case-law of the Court (see appended table). The Government argued that the application was inadmissible for failure to exhaust the domestic remedies. Having examined the Government's arguments and supporting evidence, the Court does not discern sufficient grounds to accept their objections, which must therefore be rejected (compare *Arzumanyan v. Armenia*, no. 25935/08, §§ 30-32, 11 January 2018; *Vardan Martirosyan*, cited above, § 72; and *Avushyan v. Armenia* [Committee], no. 34684/13, § 18, 31 January 2023). It follows that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation of the Convention in the light of its findings in *Buzadji v. the Republic of Moldova* [GC] (no. 23755/07, §§ 84 et seq., 5 July 2016) and *Ara Harutyunyan v. Armenia* (no. 629/11, §§ 48 et seq., 20 October 2016).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vardan Martirosyan,* cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 5 § 1 of the Convention concerning the unlawful detention;

3. *Holds* that there has been a violation of the Convention as regards the other complaint raised under the well-established case-law of the Court (see appended table);

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 26 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Andreas Zünd President

APPENDIX

Application raising complaints under Article 5 § 1 of the Convention (unlawful detention)

Application no.	Applicant's name Year of birth	Representative's name and location	Period of unlawful detention	Court which issued detention order/examined appeal	Specific defects	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
12933/23 16/03/2023	**Manvel ARAMYAN** 1959	Rshtuni Narine Yerevan	18/02/2021 - 26/11/2024	Court of First Instance of General Jurisdiction of Ararat and Vayots Dzor Regions	decision on detention without a time-limit	Art. 5 (3) - excessive length of pre-trial detention (20/09/2020 – 26/02/2025) – failure to indicate relevant and sufficient grounds justifying the applicant's prolonged detention Muradkhanyan v. Armenia, no. 12895/06, §§ 79-87, 5 June 2012	4,000	250

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