

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

FIFTH SECTION

CASE OF TADEVOSYAN v. ARMENIA

(Application no. 25928/16)

JUDGMENT

STRASBOURG

22 January 2026

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



In the case of Tadevosyan v. Armenia,

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

Andreas Zünd, *President*,
Mykola Gnatovskyy,
Vahe Grigoryan, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 25928/16) 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") on 28 April 2016 by an Armenian national, Mr Hovhannes Tadevosyan ("the applicant"), who was born in 1986, lives in Vanadzor and was represented initially by Mr. A. Harutyunyan, a lawyer practising in Spitak, and subsequently by Ms M. Simonyan, a lawyer practising in Vanadzor;

the decision to give notice of the complaint under Article 8 of the Convention concerning an alleged arbitrary and unlawful search of the applicant's home to the Armenian Government ("the Government"), represented by their Agent, Mr. Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 11 December 2025,

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

SUBJECT MATTER OF THE CASE

1. The case concerns a search conducted in the applicant's flat. He complained under Articles 6 and 8 of the Convention.

2. On 3 May 2015 criminal proceedings were instituted following the infliction of serious injuries upon a certain D.S.

3. On 4 May 2015 D.S. stated that the applicant had been present at the time of the fight during which he had been injured. He further stated that although he and the applicant had taken part in the fight, the injuries in question had been inflicted by another person unknown to him.

4. On 8 May 2015 the investigator applied for authorisation to search the applicant's flat on the grounds that the instrument of the crime and other items of significance to the investigation might be located there.

5. On 10 May 2015 the Lori Regional Court ("the Regional Court") authorised the search, endorsing the investigator's reasoning.

6. On 13 May 2015 the applicant's flat was searched and nothing of interest to the investigation was found.

7. On 15 July 2015 the investigator requested authorisation to conduct a second search of the applicant's flat. The relevant request for authorisation

stated that reliable "operational information" had been received by the police, according to which it had been the applicant who had injured D.S. and that he was hiding the instrument of the crime – a knife – in his flat.

8. On the same day the Regional Court granted the investigator's request and issued a search warrant authorising a second search of the applicant's flat, which, in so far as relevant, stated as follows:

> "In the present case [the investigator] has submitted a request for [authorisation to conduct] a search of ... the flat of Hovhannes Tadevosyan – the accused in the criminal case under his investigation. [The request has been made on the basis of reasonable grounds] ... to believe that he may be hiding the instrument of the crime – a knife – as well as other items and objects having significance for the case, in his flat and the auxiliary buildings.
>
> The court finds that the request is substantiated, [as] the materials submitted provide grounds for [it] to reasonably believe that [the applicant] may be hiding the instrument of the crime – the knife – as well as other items and objects having significance for the criminal case, in his flat and the auxiliary buildings."

9. On 18 July 2015 the applicant's flat was searched for a second time. No suspicious items were found. According to the search record, the applicant objected to the fact that he had been referred to as "the accused" in the search warrant, even though no criminal charges had been brought against him.

10. It would appear that on 20 July 2015 the applicant applied to the Regional Court for a copy of the search warrant; his application was refused.

11. On 29 July 2015 the applicant appealed against the search warrant of 15 July 2015 (see paragraph 8 above), complaining mainly about the lack of sufficient reasons for authorising a second search of his flat. He argued that the Regional Court had failed to conduct a proper examination of the case file and to evaluate the reasons set out in the investigator's request for authorisation – something which he argued was evident in the court's reference to him as "the accused", even though no criminal charges had been brought against him. The applicant also complained that he had not been served with a copy of the search warrant following the search.

12. On 26 August 2015 the Criminal Court of Appeal dismissed the applicant's appeal, endorsing the lower court's reasoning. It also found that the fact that the applicant had not been served with a copy of the search warrant had not breached his procedural rights, in so far as he had been shown the search warrant before the search had started.

13. On 14 December 2015 the Court of Cassation declared an appeal on points of law lodged by the applicant inadmissible for lack of merit.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

14. The applicant complained that the search of his flat had breached his right to respect for his home guaranteed by Article 8 of the Convention, arguing that the judicial warrant under which the search had been carried out had lacked "relevant and sufficient" reasons to justify the interference and that he had not been provided with sufficient procedural safeguards.

15. The Court notes 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 grounds. It must therefore be declared admissible.

16. The applicant's flat was searched on the basis of a court decision given within the framework of criminal proceedings. It is not disputed that the measure amounted to an interference with the applicant's right to respect for his "home". Furthermore, it can be accepted that the interference was "in accordance with the law" and served a legitimate aim under Article 8 § 2 of the Convention. It remains to be ascertained, however, whether the impugned measure was "necessary in a democratic society".

17. The general principles concerning searches and the resulting interference with the right to respect for one's home have been summarised in *Buck v. Germany* (no. 41604/98, § 45, ECHR 2005-IV). For a more recent recapitulation of the principles, see *Dragan Petrović v. Serbia* (no. 75229/10, § 73, 14 April 2020) and *Tortladze v. Georgia* (no. 42371/08, §§ 55-58, 18 March 2021).

The Court reiterates that, where States consider it necessary to resort to measures such as searches of residential premises in order to obtain evidence of offences, it will assess whether the reasons adduced to justify such measures were relevant and sufficient, and whether the proportionality principle has been adhered to. The criteria the Court has taken into consideration in determining proportionality have included the manner and circumstances in which the order was issued – in particular whether the warrant was based on a reasonable suspicion – and the content and scope of the warrant. The Court will also explore the availability of effective safeguards against abuse or arbitrariness under domestic law and check how those safeguards operated in the specific case under examination (see *Iliya Stefanov v. Bulgaria*, no. 65755/01, § 38, 22 May 2008).

18. The search warrant authorising a second search of the applicant's flat (see paragraph 8 above) was written in broad terms and essentially reproduced the wording of the investigator's request for authorisation (see paragraph 7 above). What is more, it lacked any justification as to why a second search of the applicant's flat – where the same items had already been looked for and not found – was expected to yield the evidence sought the second time around (see *Smirnov v. Russia*, no. 71362/01, § 47, 7 June 2007,

and *Avanesyan v. Russia*, no. 41152/06, § 44, 18 September 2014). The Court is not therefore convinced that a thorough assessment of the circumstances of the case was made.

19. The search warrant in question lacked any assessment of the sufficiency and/or reliability of the "operational information" which the investigator relied on to justify the need for a second search of the applicant's flat.

20. Against this background, the Court finds that the search warrant in question was not sufficiently reasoned to justify the interference with the applicant's right to respect for his home.

21. As regards the scope of the warrant, it referred to "the instrument of the crime" but also indiscriminately referred to "other items and objects having significance for the criminal case". It must be noted that the vagueness and excessively broad terms of search warrants giving the authority executing them unjustified discretion in determining the real scope of the search have been previously criticised by the Court (see, among other authorities, *Bagiyeva v. Ukraine*, no. 41085/05, § 52, 28 April 2016).

22. The Court also observes that the applicant appears to have been placed in a position in which he had to lodge an appeal without having been served with a copy of the warrant following the search, a situation that undermined his right to appeal effectively against the search warrant, which was guaranteed under domestic law.

23. Turning to the manner in which the Criminal Court of Appeal carried out the subsequent judicial review of the search warrant in question, the Court cannot but note that it failed to remedy the above-mentioned shortcomings and to carry out a proportionality analysis in compliance with Article 8 of the Convention.

24. Having regard to the foregoing, the Court considers that both the prior judicial authorisation of the search and the subsequent judicial review failed to provide appropriate safeguards against abuse, as the domestic courts did not carry out a balancing exercise or examine whether the interference with the applicant's rights answered a pressing social need and was proportionate to the legitimate aim pursued.

25. There has accordingly been a violation of Article 8 of the Convention.

II. OTHER COMPLAINTS

26. The applicant also complained, under Article 6 § 1 of the Convention, that the domestic courts had failed to adequately address his complaint under Article 8. Having regard to the facts of the case, the submissions of the parties and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine this remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

27. The applicant claimed 7,000 euros (EUR) in respect of non-pecuniary damage. He did not submit any claims in respect of costs and expenses.

28. The Government contested the claim.

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

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 8 of the Convention admissible;

2. *Holds* that there has been a violation of Article 8 of the Convention;

3. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 6 of the Convention;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 4,500 (four thousand five hundred 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;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 22 January 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller Deputy Registrar	Andreas Zünd President