

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

FIFTH SECTION

CASE OF YENOKYAN v. ARMENIA

(Application no. 10761/16)

JUDGMENT

STRASBOURG

26 March 2026

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



In the case of Yenokyan v. Armenia,

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

María Elósegui, *President*,
Andreas Zünd,
Mykola Gnatovskyy, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 10761/16) 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 22 February 2016 by an Armenian national, Mr Mher Yenokyan ("the applicant"), who was born in 1975, lives in Yerevan and was represented by Ms O. Preobrazhenska and Ms Z. Mezhlumyan, lawyers practising in Strasbourg and Yerevan respectively;

the decision to give notice of the application to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan and subsequently by Mr K. Andreasyan, Representative of the Republic of Armenia on International Legal Matters;

the parties' observations;

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

Having deliberated in private on 5 March 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the conditions of the applicant's detention in Nubarashen Prison. The applicant relied on Article 3 of the Convention. He also raised other complaints under various Articles of the Convention.

2. On 13 July 1996 the applicant was placed in detention. On 29 November 1996 he was found guilty of aggravated murder and sentenced to death. His sentence was subsequently commuted to life imprisonment. In 2005 and 2010 he was also convicted of escaping from prison.

3. At the time of the Convention's entry into force in respect of Armenia on 26 April 2002 and until 17 March 2004, he was detained in Nubarashen Prison, where he was held in various cells. He complained that his detention conditions had been inadequate.

4. From 17 March until 9 December 2004 he was held in Goris Prison. He alleged that the detention conditions there had been almost identical to those in Nubarashen Prison.

5. On 9 or 10 December 2004 he escaped from Goris Prison. He was recaptured on 20 December 2004 and, according to his submissions, was held

in custody at Erebuni police station. He complained about the conditions of his detention there.

6. On 29 December 2004 he was transferred back to Nubarashen Prison, where he was held in various cells, until 27 November 2009, when he escaped again. He was recaptured on 18 December 2009 and, the following day, was placed in cell no. 77 of the same prison. He was held in that cell until 1 June 2018, except for a two-month period in 2011 during which he was held in cell no. 78.

7. On 1 June 2018 he was transferred to cell no. 75, where he was held until 31 August 2021. From 31 August 2021 he was held in other prisons until his release on parole on 18 June 2025.

8. According to the applicant, cell no. 77 of Nubarashen Prison measured approximately 20 sq. m and contained four metal beds for a maximum of four detainees. There was one window in the cell – as shown in photographs submitted to the Court – which was fitted with several layers of grids and bars, limiting access to natural light and fresh air. The ventilation system did not work, leaving the cell stifling in summer temperatures. The cell was humid and in a dilapidated state, with water leaks during rain and snowmelt and visible mould – as shown in photographs. The prison only had central heating from 2017. In addition, as a non-smoker, he had to share the cell with smokers during various periods, and the prison administration denied his requests to move them elsewhere. The fully-partitioned sanitary facility in the cell – apparently equipped with a shower – was in a dilapidated state and was allegedly unhygienic because the prison administration failed to provide the necessary cleaning supplies. It was also located very close to one of the beds and the dining table, causing the cell to be constantly filled with a foul smell. Insects were a constant presence in the cell, but the prison administration took no action to address the infestation. Taking a shower in the cell was not possible and showers outside the cell were not organised regularly. The common shower facility was in an unclean and dilapidated state; the shower head consisted of a narrow tube. The amount of time for showering was 15 minutes. Outdoor exercise was limited and inconsistent. Before 2014 outdoor exercise had been allowed only one to three times a week for an hour, and although it became daily after 2014, violations continued, including shortened or cancelled outdoor exercise. It took place in a 20 sq. m yard covered by a ceiling made of metallic bars; according to the applicant, a later-added canopy blocked sunlight and created a greenhouse effect.

9. The bed was made of steel and had an uneven surface, and the mattress was thin. There was only one narrow chair attached to the table in the cell. Since the quality and quantity of food was inadequate, he had to arrange for food to be supplied by his family. The prison allegedly lacked certain medical specialists and medication, such as iodine. The applicant argued, without providing further detail, that his health had declined owing to the conditions of his detention. Since State-subsidised medical care was allegedly slow and

uncertain, his family paid for his medical and dental examinations in civilian hospitals. His medical check-ups revealed several chronic illnesses, but the applicant did not allege that he had been denied medication for them. He also complained that, until 2002, prison dental care had consisted only of extracting teeth when the pain became intolerable, which led to five of his teeth being removed.

10. In its 2015 report to the Armenian Government on the visits to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT"), the CPT noted that Nubarashen Prison was "in a state of advanced dilapidation", although life-sentenced prisoners' cells "were generally in an acceptable state of repair and cleanliness". By 2019, the CPT reported that conditions in Nubarashen Prison remained "poor".

11. While in prison, the applicant began a university course in 2012, worked as a journalist from 2014, and after completing his law degree, worked as a lawyer.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

12. The applicant complained about the material conditions of his detention at Nubarashen Prison until 1 June 2018 when he was moved to cell no. 75 of the prison.

A. Admissibility

13. In so far as the applicant's complaints of inadequate detention conditions concern the period prior to 26 April 2002, the date of the Convention's entry into force in respect of Armenia, they must be declared inadmissible as falling outside the Court's competence *ratione temporis*. However, when assessing the effects on the applicant of the conditions after that date, the Court may have regard to the overall period during which he was detained (compare *Staykov v. Bulgaria*, no. 49438/99, § 78, 12 October 2006, with further references).

14. The Court further notes that the Government are estopped from raising an objection that the applicant failed to exhaust domestic remedies since they raised it for the first time in their further observations of 18 March 2022 (see *Varyan v. Armenia*, no. 48998/14, § 75, 4 June 2024, with further references).

15. The applicant's detention was broken into several separate periods since he was *de facto* at liberty for two periods following his escapes from prison. The Court has previously held that, in the context of conditions-of-detention complaints, special rules on the calculation of the six-month time-limit, as in force at the relevant time, apply in cases where an

applicant has been serving a sentence under different detention regimes and/or in different facilities. In this connection, the Court has held that a period of an applicant's detention should be regarded as a "continuing situation" as long as the detention has been effected in the same type of detention facility in substantially similar conditions. Short periods of absence during which an applicant has been taken out of the facility for interviews or other procedural measures have no impact on the continuous nature of the detention. However, an applicant's release or transfer to a different type of detention regime, whether within the same facility or elsewhere, would put an end to the "continuing situation". A complaint about conditions of detention must be lodged within six months (four months following the entry into force of Protocol no. 15) from the end of the situation complained of or, if there was an effective domestic remedy to be used, within six months from the final decision in the process of exhaustion (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 78, 10 January 2012, and *Ulemek v. Croatia*, no. 21613/16, § 92, 31 October 2019). The Court has also held that where an applicant has been released between different periods of detention, that amounts to a break in that continuing situation (compare *Seleznev v. Russia*, no. 15591/03, § 35 *in fine*, 26 June 2008, with further references). In the light of the above, the Court discerns no reason why the same approach should not be applied in circumstances where a period of detention has been interrupted and the applicant spent time at liberty following an unlawful escape from prison, notably where the applicant was not recaptured and detained again immediately.

16. In the present case, having regard to the interruptions in the applicant's detention as a result of his having escaped from prison twice, the Court considers that, assuming no domestic remedies were available, any complaints concerning his detention conditions prior to his escapes on 9 December 2004 and 27 November 2009 should have been lodged within six months of the date on which the respective detention period ended. Since he raised those complaints before the Court on 22 February 2016 and 10 July 2024 (as regards the conditions at Erebuni police station), the Court considers that his complaints about his detention conditions between 26 April 2002, the date of the Convention's entry into force in respect of Armenia, and 27 November 2009, the date of his second escape, fall outside the six-month time-limit and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

17. As regards the remaining period, the Court notes that the complaint about the conditions of the applicant's detention in Nubarashen prison between 19 December 2009 and 1 June 2018 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

18. The general principles concerning the application of Article 3 of the Convention to conditions of detention have been summarised in *Muršić v. Croatia* ([GC], no. 7334/13, §§ 99-101 and 122-41, 20 October 2016).

19. No issue of overcrowding arises in the present case. As for the other aspects of the material conditions of his detention, the applicant made very detailed and consistent submissions regarding the conditions of his detention in cell no. 77, where he spent almost all of the relevant period except two months in cell no. 78, where the conditions were apparently similar. The Government, for their part, failed to submit any reliable evidence to contest the applicant's claims (compare *Volodya Avetisyan v. Armenia*, no. 39087/15, § 37, 3 May 2022, with further references). As evidenced by the photographs submitted by the applicant, the cell had limited access to natural light. Furthermore, the Government accepted that there had been no central heating in the prison until 2017. They did not provide any credible evidence to counter the applicant's claim about the absence of properly functioning ventilation system. Photographs showing stains from water leaks and what would appear to have been mould on the ceiling render the applicant's allegation in that regard plausible. His situation was further aggravated by the fact that he was a non-smoker and was exposed to second-hand smoke. The Government did not contest the applicant's submission (or the authenticity of his evidence) that his applications not to be kept with smoking cellmates had been denied by the prison administration.

20. The photographs show that the sanitary facility was in a dilapidated state and, as claimed by the applicant, unhygienic. Given the close proximity of the sanitary facility to the living area – a fact not contested by the Government – the Court finds it plausible that the cell was filled with a foul smell. Moreover, the Government never contested the allegation that the cell had been infested with insects or the authorities' alleged failure to take any remedial measures against them. As to the showering facilities, while the sanitary facility was apparently equipped with a shower, the applicant claimed – and the Government did not deny – that he had taken showers in the communal bathroom, which had been in a dilapidated and unclean state. The shower head consisted of a narrow tube, which would hardly allow for the maintenance of proper personal hygiene, especially given that the time allocated to prisoners for showering was reportedly limited to once per week for only fifteen minutes (compare *Ananyev and Others*, cited above, § 158).

21. Lastly, it was not until 2014 that life-sentenced prisoners could benefit from one hour of daily outdoor exercise. However, even after 2014 time outdoors was irregular and exercise took place in inadequate conditions.

22. The Court does not lose sight of the fact that, in its 2015 report concerning Armenia, the CPT noted that the cells of life-sentenced prisoners "were generally in an acceptable state of repair and cleanliness". In addition,

although the CPT reports indicate that no other out-of-cell activities were offered to life-sentenced prisoners, the applicant engaged in distance-learning and was employed since 2014. However, the Government have failed to cast doubt on either the applicant's submissions or the authenticity of the evidence he provided in support of his complaints regarding the general conditions of his life imprisonment during the period in question. Moreover, in the same 2015 report, the CPT also noted – albeit with regard to the conditions of detention of the general prison population – that the prison had been "in a state of advanced dilapidation". By the time of the CPT's 2019 report, the conditions in the prison remained "poor". In such circumstances and having regard to the cumulative effect of those conditions – in particular the length of the applicant's detention in cell no. 77 – the Court considers that his detention in those conditions amounted to degrading treatment.

23. Having regard to its findings above, and in so far as the applicant's remaining complaints regarding other aspects of the conditions of his detention (see paragraph 9 above) have not been declared inadmissible (see paragraphs 16-17 above), the Court does not find it necessary to address them.

24. In the light of the above, the Court concludes that there has been a violation of Article 3 of the Convention on account of the applicant's detention conditions in Nubarashen Prison between 19 December 2009 and 1 June 2018.

II. OTHER COMPLAINTS

25. The applicant also raised other complaints under various Articles of the Convention. 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 question raised by the case and that there is no need to examine the remaining complaints (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

26. The applicant claimed 130,000 euros (EUR) in respect of pecuniary damage for the cost of food, other parcels, phone cards and a refrigerator, and for the medical costs incurred by him and his family. He also claimed EUR 580,000 in respect of non-pecuniary damage. In addition, he claimed EUR 3,150 for his legal costs and 195,000 Armenian drams (approximately equivalent to EUR 400) for the translation of documents submitted to the Court.

27. The Government contested those claims.

28. The Court does not discern any causal link between the violation found and the pecuniary damage alleged. In any event, it notes that the applicant's costs mainly relate to expenses allegedly incurred by his family,

who are not applicants in the present case (compare *Myasnik Malkhasyan v. Armenia*, no. 49020/08, § 94, 15 October 2020). The Court therefore rejects this claim. However, it awards the applicant EUR 7,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

29. Having regard to the documents in its possession and its case-law (see, among many other authorities, *Stevan Petrović v. Serbia*, nos. 6097/16 and 28999/19, § 186, 20 April 2021), the Court rejects the claim for legal costs because there is nothing in the case file to suggest that the applicant has paid or was under an obligation to pay his representative (see *Hayk Grigoryan v. Armenia*, no. 9796/17, § 73, 3 April 2025). It also rejects the applicant's claim in relation to translation costs.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 3 regarding the applicant's detention conditions between 19 December 2009 and 1 June 2018 admissible, and his complaints about the conditions of his detention prior to that period inadmissible;

2. *Holds* that there has been a violation of Article 3 of the Convention as regards the conditions of the applicant's detention in cell no. 77 of Nubarashen Prison between 19 December 2009 and 1 June 2018;

3. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 7,500 (seven 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 26 March 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller Deputy Registrar	María Elósegui President