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

FIFTH SECTION

DECISION

Application no. 5567/16
Gevorg SAFARYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 2 October 2025 as a Committee composed of:

Gilberto Felici, *President*,
Diana Sârcu,
Sébastien Biancheri, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 5567/16) 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 16 January 2016 by an Armenian national, Mr Gevorg Safaryan ("the applicant"), who was born in 1985, lives in Tsaghkadzor and was represented by Mr T. Yegoryan, Ms L. Hakobyan and Ms G. Petrosyan, lawyers practising in Yerevan;

the decision to give notice of the complaints under Articles 5, 6, and 11 of the Convention 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;

the decision to reject the Government's objection to examination of the application by a Committee;

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, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaints about his alleged unlawful arrest after a demonstration and an alleged violation of his right of

access to a court. The applicant relied on Articles 5, 6, 10 and 11 of the Convention.

A. Facts submitted by the applicant before notice of the application was given

2. On 6 March 2014 the applicant was arrested several hours after the end of a demonstration held on a public road for failing to comply with a lawful order issued by the police not to block the road (an administrative offence under Article 182 of the Code of Administrative Offences). The police justified taking the applicant into custody by referring to the need to draw up an administrative-offence record. The applicant was subsequently released. The duration of the applicant's detention in police custody is disputed by the parties.

3. The police applied to the Administrative Court for an administrative penalty to be imposed on the applicant under Article 182 of the Code of Administrative Offences.

4. The applicant learnt of the administrative proceedings against him only after the case had been set down for trial before the Administrative Court, because the court had sent the relevant notices to the wrong address.

5. The applicant lodged a counterclaim against the police, asking the Administrative Court to declare their actions unlawful. He contested the lawfulness of both the police order not to block the road and his arrest. On 15 January 2015 the Administrative Court rejected his counterclaim on the grounds that it had been lodged after the case had been set down for trial. The applicant lodged appeals against that decision which were rejected by the Administrative Court of Appeal and the Court of Cassation on 3 April and 24 June 2015 respectively (he was notified of the final court decision on 16 July 2015).

6. At the time of the submission of his application to the Court on 16 January 2016, the applicant did not provide any information about the outcome of the administrative proceedings against him.

7. By a letter of 18 February 2016, the Court informed the applicant that his application had been registered. He was reminded that he should inform the Court of any major developments regarding his case and provide it with any relevant decisions of the domestic authorities.

8. By a letter received on 25 July 2016, the applicant informed the Court that on 23 June 2016, following an application which he had made, the Constitutional Court of Armenia had declared unconstitutional the relevant domestic provision on the basis of which the Administrative Court and the higher courts had rejected his counterclaim as out of time. The Constitutional Court had held, *inter alia*, that the expiry of the time-limit for lodging a counterclaim was not foreseeable to claimants because it depended solely on the decision of a judge to set a case down for trial.

9. Although the applicant stated in his above-mentioned letter that the decision of the Constitutional Court would allow him to lodge an extraordinary appeal, he did not inform the Court of any such developments.

10. On 8 February 2021 the Court informed the applicant that it intended to examine his application, asking him to confirm that he wished to maintain his application. The applicant replied in the affirmative.

B. Facts submitted by the Government after notice of the application was given

11. In their observations of 16 June 2022, the Government informed the Court that on 20 November 2015 the Administrative Court had allowed the application of the police and had fined the applicant 50,000 Armenian drams ((AMD) – approximately 100 euros at the material time).

12. On 18 July 2016, relying on the decision of the Constitutional Court, the applicant lodged an extraordinary appeal with the Court of Cassation, asking it to review its decision of 24 June 2015.

13. On 25 December 2017 the Court of Cassation allowed the applicant's appeal and quashed the decision of the Court of Appeal of 3 April 2015 and the decision of the Administrative Court of 15 January 2015. Accordingly, in so far as it concerned the applicant's counterclaim, the case was remitted to the Administrative Court for fresh examination.

14. On 13 April 2018 the Administrative Court of Appeal quashed the decision of the Administrative Court of 20 November 2015 on the grounds that the applicant's counterclaim against the police was yet to be examined by the Administrative Court. It noted that in order to ensure the proper exercise of the applicant's rights, the claims brought by both the applicant and the police should be examined simultaneously.

15. On 1 July 2019 the Administrative Court examined both the application of the police and the applicant's counterclaim. It allowed the applicant's counterclaim in part in so far as it acknowledged that his right to liberty had been violated because his arrest after the demonstration had not been necessary and had thus been unlawful under domestic law. At the same time, it fined the applicant AMD 50,000 for his failure to comply with the orders issued by the police not to block the road, and dismissed his claim that his arrest had violated his right to freedom of expression and right to freedom of assembly.

16. On 9 June 2021 the Administrative Court's judgment of 1 July 2019 was upheld on appeal. The applicant did not lodge an appeal on points of law.

THE COURT'S ASSESSMENT

17. The Government submitted that the applicant had failed to provide the Court with all the facts relevant to his complaints under Article 5 § 1 and

Article 6 § 1 of the Convention. Specifically, they argued that he had failed to inform the Court that, following the decisions of the Constitutional Court and the Court of Cassation (paragraphs 8 and 13 above), the Administrative Court had accepted his counterclaim for examination, had addressed his Convention grievances and had acknowledged that his right to liberty had been breached. According to the Government, the applicant's conduct constituted an abuse of the right of individual application.

18. In the alternative, the Government argued that the applicant had either lost his victim status, given that the alleged breach of his rights had, in their view, been remedied by the national authorities, or had failed to exhaust domestic remedies. As regards the latter argument, the Government submitted that the applicant had not sought compensation in respect of non-pecuniary damage following the acknowledgment that his rights had been breached.

19. The applicant replied that at no stage of the proceedings had the domestic authorities acknowledged that his right of access to a court had been breached, which, moreover, was the core of his complaint before the Court. The Constitutional Court had merely addressed the constitutionality of the relevant domestic provision which the domestic courts had relied on in rejecting his counterclaim, and that could not amount to an acknowledgment that his right had been breached. He had therefore been under no obligation to inform the Court of the developments that had taken place after the case had been reopened, because they had no relevance to his case pending before the Court. Similarly, he could claim to be a victim of a violation of Article 6 § 1 of the Convention, because there had been no acknowledgment that his right had been breached in that regard. Moreover, in the absence of such an acknowledgment, he could not submit a claim for compensation.

20. The relevant principles applicable to abuse of the right of individual application have been summarised in *Gross v. Switzerland* ([GC], no. 67810/10, § 28, ECHR 2014). The Court further reiterates that, according to Rule 47 § 7 of the Rules of Court, applicants are obliged to keep the Court informed of all circumstances relevant to the application (see *Gevorgyan and Others v. Armenia* (dec.), no. 66535/10, § 36, 14 January 2020).

21. In his application lodged on 16 January 2016, the applicant complained that by rejecting his counterclaim, the national courts had breached his right of access to a court as guaranteed under Article 6 § 1 of the Convention. He also complained that his administrative arrest had been unlawful and in breach of his rights under Article 5 § 1, Article 10 and Article 11. The applicant subsequently informed the Court of the decision of the Constitutional Court of 23 June 2016 (see paragraph 8 above). However, he failed to inform it that as early as 18 July 2016, on the basis of the Constitutional Court's above-mentioned decision, he had lodged an extraordinary appeal with the Court of Cassation which had in fact been successful, and that the appeal had resulted in the Administrative Court

examining his counterclaim and acknowledging that his administrative arrest had been unlawful. Those facts undoubtedly constituted key factual developments and concerned the very core of the applicant's complaints under Article 5 § 1 and Article 6 of the Convention, as formulated in his application. However, by not divulging those key developments to the Court of his own motion, despite the fact that he had been informed of the obligation to do so as early as 18 February 2016 (see paragraph 7 above), the applicant failed to comply with his procedural obligation under Rule 47 § 7 of the Rules of Court (compare *Dimo Dimov and Others v. Bulgaria*, no. 30044/10, §§ 43-44, 7 July 2020). In addition, on 8 February 2021, that is, after his counterclaim had already been examined and allowed in part by the Administrative Court, the applicant was informed that the Court was going to examine his application. Even then, despite having an opportunity to comply with his above-mentioned obligation, he opted not to do so. As a result, the Court was prevented from conducting a proper preliminary assessment of the admissibility of the application on 9 December 2021, and was not made aware of those developments until the Government submitted their observations of 16 June 2022.

22. Admittedly, the above-mentioned decisions were adopted after the application had been lodged with the Court, and the applicant could not have anticipated such a turn of events. However, according to Rule 47 § 7 of the Rules of Court, applicants are required to keep the Court informed of all circumstances relevant to the application (compare *Gevorgyan and Others*, cited above, § 36). The Court further attaches importance to the fact that the applicant was represented before it by three professional lawyers, who knew or should have known the applicant's procedural obligations before the Court. It cannot accept the applicant's explanation for his failure to comply with his procedural obligation. The impact of those developments on his victim status was independent of his obligation under Rule 47 § 7 of the Rules of Court and, moreover, was a matter to be determined by the Court. In the present case, the decisions of the Constitutional Court and the Court of Cassation (see paragraphs 8 and 13 above) had the practical effect of restoring the applicant's access to a court, which allowed him to have his grievances examined by the domestic courts and even to obtain an acknowledgment of the breach of his right to liberty. Pursuant to their obligations under Rule 47 § 7 of the Rules of Court, both the applicant and his representatives should have informed the Court of such critical developments immediately, but they failed to do so and did not even provide a justifiable explanation for such a serious procedural omission.

23. Against that background, the Court finds that there is sufficient information to establish that the applicant, by failing to comply with his duty under Rule 47 § 7 of the Rules of Court, intentionally prevented the Court from ruling on the case in full knowledge of the facts.

24. In the light of the foregoing, the Court considers that the applicant's conduct in the present case was manifestly contrary to the purpose of the right of individual application. Moreover, while his omissions directly concerned only two of the complaints of which the respondent Government were given notice, the Court considers that his improper conduct should have implications for the admissibility of his entire application (compare *Safaryan v. Armenia* (dec.), no. 16346/10, § 30, 14 January 2020).

25. It follows that the application as a whole must be rejected as an abuse of the right of individual application, pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 23 October 2025.

Martina Keller Deputy Registrar	Gilberto Felici President