

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

FIFTH SECTION

DECISION

Applications nos. 5760/17 and 9973/22
Arman SHKHRDUMYAN and Norayr GHUKASYAN
against Armenia
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 12 March 2026 as a Committee composed of:

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications 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 the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 §§ 1 and 3 (d) of the Convention concerning the unfair trial in view of restrictions on the right to examine witnesses were communicated to the Armenian Government ("the Government").

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Article 6 §§ 1 and 3 (d) of the Convention (unfair trial in view of restrictions on the right to examine witnesses)

In the present applications, having examined all the material before it, the Court considers that, for the reasons stated below, the applicants' complaints alleging unfair trial because of the lack of effective possibility to examine prosecution witnesses in court are inadmissible.

In particular, the Court notes that in the light of the principles established in the case-law under Article 6 §§ 1 and 3 (d) of the Convention (see notably *Al-Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05 and 22228/06, §§ 118-47, ECHR 2011, and *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, ECHR 2015), the applicants' defence rights were not restricted to an extent incompatible with the guarantees provided for by Article 6 of the Convention (for further details see the appended table).

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 2 April 2026.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 6 §§ 1 and 3 (d) of the Convention (unfair trial in view of restrictions on the right to examine witnesses)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witnesses' absence
1.	5760/17 24/12/2016	**Arman SHKHRDUMYAN** 1979		Court of Cassation 05/10/2016 Organisation of illegal migration by a group of persons through abuse of authority	H.S. and Z.S. The witnesses - daughter and father - stated during the investigation that the applicant had advised on and assisted them with the matters related to H.S.'s migration, such as the plane tickets, hotel reservations, etc. in order to mislead the relevant authorities abroad. Z.S. did not recognize the applicant at the investigation identification parade but later stated at an additional interrogation that the person who had assisted him and his daughter was the applicant.	distant region/out of the country, could not be located	Sufficient: - strong supporting evidence, including the applicant's and his co-accused's statements that he had indeed been present at the meeting with H.S. and Z.S. and had advised them on the matters related to plane tickets, hotel reservations, etc. albeit without any financial incentive; the transcripts of secret surveillance measures, including of the recording of the meeting between the applicant, his co-accused and the witnesses pointing out the organisation of H.S.'s illegal migration; the transcript of the conversation between the applicant and his co-accused where the applicant promises to facilitate H.S.'s passing through the customs and other recordings attesting to the applicant's participation in the organisation of H.S.'s illegal migration; the applicant's proven assistance with the booking of H.S.'s flight tickets; transfer of H.S.'s passport with illegally obtained Schengen visa and other documents by the applicant to his co-accused, etc. - H.S.'s statement was not relied on by the appeal court; - opportunity afforded to the applicant to challenge the credibility of the witnesses' statements in court and to give his own version of the events; - the absent witnesses' statements did not contain any specific incriminating information against the applicant that was not reproduced in the secret surveillance recordings or supported by the plethora of evidence.
2.	9973/22 05/02/2022	**Norayr GHUKASYAN** 1983	Simonyan Liparit Yerevan	Court of Cassation 21/12/2021	D.S. and D.Sh. D.S. and D.Sh. were security guards at the company where the attempted robbery had taken place. D.S. identified the applicant as a person who had broken into the company's	distant region/other country, could not be located	Sufficient: - overall strong body of evidence against the applicant; - summoning and examining in court the second security guard whose statement was similar to that of D.Sh., - opportunity afforded to the applicant to challenge the credibility of the witnesses' statements in court and to give his own version of the events;

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witnesses' absence
				Attempted burglary committed in a group	headquarters, whom he had followed from a watch tower until the applicant had been caught outside the company's building by two other security guards, including D.Sh. D.Sh. and the second security guard stated during the pre-trial investigation (the second guard also in-court) that they were chasing the alleged thieves in the dark upon D.S.'s instructions and saw the applicant only outside the company building. The other evidence included a footprint near the fence of the company building which, according to the forensic expert report, could have been left by the applicant's shoe, as well as any other shoe with similar features; a sack with the attempted loot found in the vicinity of the company's fence not far from the place where the applicant was caught; the applicant's mobile phone's call record details showing that his phone had been served by the cell phone towers near the company on the evening and the night of the robbery, etc.		- the written statements by the absent witnesses were carefully examined and verified against other evidence; - the appeal court considered that the applicant's conviction would be secured even without the witness statements in question.