

Police treatment of journalist during 2016 hostage-crisis protests violated his freedom of expression

In today's **Chamber** judgment¹ in the case of [Hayk Grigoryan v. Armenia](#) (application no. 9796/17) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned an incident in which Mr Grigoryan, at that time a freelance journalist, was covering a demonstration in the Sari Tagh neighbourhood of Yerevan in the evening of 19 July 2016 when he was allegedly grabbed by police officers, hit, and had his mobile telephone and camera seized. The protests followed the storming of the premises of the Patrol Service Regiment of the Armenian Police. The police returned the camera to Mr Grigoryan with the footage of the police reaction to the protests allegedly deleted.

The Court found in particular the assault on Mr Grigoryan and seizure of his camera by the police while he had been working had neither been lawful nor had a legitimate aim.

Principal facts

The applicant, Hayk Grigoryan, is an Armenian national who was born in 1982 and lives in Yerevan.

On 17 July 2016 a group of armed men stormed the premises of the Patrol Service Regiment of the Armenian Police. Hostages were taken. Widespread protests, with demands for the resignation of the then Armenian president, followed.

During those events Mr Grigoryan, at that time a freelance journalist, was covering a demonstration in the Sari Tagh neighbourhood of Yerevan in the evening of 19 July 2016. The protest turned violent, involving clashes with the police. At one point Mr Grigoryan tried to film in close-up with a camera a group of police officers who were allegedly assaulting a demonstrator. The officers allegedly grabbed Mr Grigoryan, hit him, seized his mobile telephone and camera. The camera was returned to him after the intervention of a senior police officer. Allegedly his footage of the protests was deleted.

Following this Mr Grigoryan went to Surb Grigor Lusavorich Medical Centre with a bleeding and swollen lip.

An investigation into the incident was launched and is still pending.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression) of the Convention, Mr Grigoryan complained that, while carrying out journalistic activities, police officers had assaulted him, taken away his equipment and, even though they had returned his camera, they had deleted his footage.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

The application was lodged with the European Court of Human Rights on 19 January 2017.

Judgment was given by a Chamber of seven judges, composed as follows:

Mattias **Guyomar** (France), *President*,
Armen **Harutyunyan** (Armenia),
Stéphanie **Mourou-Vikström** (Monaco),
Gilberto **Felici** (San Marino),
Andreas **Zünd** (Switzerland),
Diana **Sârcu** (the Republic of Moldova),
Kateřina **Šimáčková** (the Czech Republic),

and also Victor **Soloveytchik**, *Section Registrar*.

Decision of the Court

The Court observed that although Mr Grigoryan had not been wearing a press card, he and his colleague had informed the police officers that Mr Grigoryan was a journalist at work. Despite the commotion around them, the officers could not have missed seeing him working, and indeed they had acknowledged the fact he was filming. It was clear from footage provided to the Court (the Government had not contested its authenticity) that Mr Grigoryan had been assaulted by at least one officer, which had resulted in his sustaining some injuries. Despite repeated requests, it took considerable time for Mr Grigoryan's equipment to be returned, and only following the intervention of a senior officer.

Given this, the Court held that the police officers had interfered with Mr Grigoryan's work as a journalist. It did not consider it necessary to establish whether the officers had also deleted his video footage from the camera or had seized his mobile telephone because the foregoing considerations were sufficient to conclude that the attack on the applicant and the seizure of his camera had seriously hampered the exercise of his right to receive and impart information.

No reasonable justification had been put forward by the officers for their actions against Mr Grigoryan, who had been neither violent nor armed, and who, the Court held, had not been threatening.

The Government had failed to show that there had been a lawful and legitimate aim behind the actions of the officers in this case. Therefore, such interference was not considered to have been "necessary in a democratic society". As a result, the Court found a violation of Article 10.

Just satisfaction (Article 41)

The Court held that Armenia was to pay the applicant 4,500 euros (EUR) in respect of non-pecuniary damage.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.