

# European Court of Human Rights: new judgment reaffirms the principle of non-obstruction of journalistic work

**IRIS 2025-6:1/16**

*Tarlach McGonagle  
Institute for Information Law (IViR), University of Amsterdam*

The European Court of Human Rights has found a violation of a freelance journalist's right to freedom of expression as a result of an assault by police officers and the confiscation of his camera while filming a demonstration that turned violent. The Fifth Section of the Court delivered its judgment in the case of *Hayk Grigoryan v. Armenia* on 3 April 2025.

On 17 July 2016, an armed group stormed and seized a police building in Yerevan; took police officers hostage; and made political demands, including for the Armenian President to resign. In the days that followed, protest rallies in connection with the seizure of the police premises were staged across the capital. On 19 July, the applicant, Hayk Grigoryan, was present at one of the protests, in his capacity as a freelance journalist, and he and another journalist, T.Y., filmed it. At one point violence erupted and demonstrators and the police clashed.

In video footage, the applicant can be seen filming the confrontation. No press card can be seen although he alleged that he did have a press card when he started filming. The applicant can be seen approaching three police officers who were surrounding a man sitting on the ground, to film them from close up. The applicant was then accosted by four other police officers, one of whom can be heard saying, "Who are you filming, huh?" and another says, "I have not deleted [it] yet; I will delete [it]...". The images also show some of the police officers grabbing the applicant, striking and kicking him, and the applicant shielding his head with his hands. It is unclear in the footage if the blows actually landed on the applicant. One police officer can then be seen taking the applicant's camera, opening it and walking away. T.Y. shouts several times that the applicant is a journalist, demanding his release. The applicant and T.Y. can be seen pleading with the police to return his camera immediately, but they only do so some time later – after the intervention of a senior police officer. That evening, the applicant presented to a medical centre, where he was examined and treated: a laceration to his upper lip required suturing; the bruising on his lip later developed into scars.

The authorities opened a criminal investigation on 23 July 2016 and subsequently interviewed the applicant and T.Y. in mid-2016, but the first police officer involved

in the alleged assault on the applicant was not interviewed until early 2022. These delays were incurred despite the availability of the video evidence of the incident; testimonies by the applicant and T.Y.; and medical documents confirming the applicant's injuries. The investigation period had to be extended and the investigation had not been concluded when the applicant lodged his complaint at the European Court of Human Rights.

There was some discussion about whether the applicant had exhausted domestic remedies. The Armenian Government contended that domestic remedies had not been exhausted, given that the criminal investigation had not yet been concluded when the applicant lodged his application in Strasbourg. However, the possibility for the applicant to successfully claim compensation for non-pecuniary damage was directly linked to the outcome of the criminal investigation and the conviction of the police officers in question. This possibility (to which the government referred in its arguments about non-exhaustion) was therefore not an effective remedy for the applicant and the Court accordingly declared the case admissible.

In its consideration of the merits of the case, the Court reiterated that issues may arise under Article 10 of the European Convention on Human Rights (ECHR) when measures taken by public authorities prevent journalists from doing their work or adversely affect the exercise of their functions (see also the Grand Chamber judgment in *Pentikäinen v. Finland* (2016), IRIS 2016-1:1/2).

More specifically, in the circumstances of the case, the Court emphasised that the police officers should reasonably have known – notwithstanding the absence of a press card – that the applicant was a journalist, or in any case that he was pursuing an activity relating to freedom of expression and information. The applicant and his colleague had informed the police that he was a journalist and the verbal reaction of the police officers moreover indicated an awareness of his filming activities. The Court also emphasised that the applicant was grabbed, dragged and assaulted (by at least one police officer) and that his camera was confiscated and only returned some time later after the intervention of a senior police officer (and, as alleged by the applicant, after the video footage had been deleted, although he was later able to retrieve the footage).

Having regard to these circumstances, the Court concluded that the police officers' actions "effectively disrupted and impeded the applicant's journalistic work and thus amounted to an interference with his right to freedom of expression". For the Court, the circumstances were already "sufficient to conclude that the attack on the applicant and the seizure of his camera while he was filming, seriously hampered the exercise of his right to receive and impart information". The Court therefore did not consider it necessary to establish whether the police officers had also deleted the video footage from the applicant's camera or had seized his mobile phone. No reasonable justification or

explanation was given for the police officers assaulting the journalist or taking his camera.

The Court's finding of a violation of Article 10 was unanimous; it was a clear reaffirmation of states' obligation to refrain from obstructing journalistic activities.

***Hayk Grigoryan v. Armenia, No. 9796/17, 3 April 2025.  
ECLI:CE:ECHR:2025:0403JUD000979617***

<https://hudoc.echr.coe.int/eng?i=001-242528>

