European Court of Human Rights: New judgment again finds a violation of Article 10 for unjustified interference with a journalist's work

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For the second time in the space of a couple of months, the European Court of Human Rights (Fifth Section) has found a violation of a journalist's right to freedom of expression in Armenia. In its judgment in *Gevorgyan v. Armenia* of 22 May 2025, the Court found a violation of Article 10 of the European Convention on Human Rights as a result of the arrest of a journalist while performing her professional work and the temporary confiscation and inspection of her camera while in custody, without justification. In its judgment in *Hayk Grigoryan v. Armenia* (3 April 2025, IRIS 2025-6:1/16), the Court had also found that a similar interference with a journalist's work amounted to a violation of Article 10.

On 12 February 2014, the applicant journalist was covering a leaflet-distribution event by the Armenian National Congress (ANC), an opposition political party, in Yerevan. A group of young people – supporters of the government – disrupted the event with aggressive behaviour. Police arrived at the scene and arrested members of both groups. Video footage shows police officers trying to pull an object out of the hands of the applicant, who resisted, shouting at them to let go of her camera and that she was a journalist. She was subsequently arrested and spent three hours in custody. At the police station, she was searched and her belongings, including her camera and memory cards, were taken for inspection. Her belongings were later returned to her (for which she signed a receipt) and she was released. The applicant later claimed that one of the memory cards was not returned to her and that three other memory cards were damaged during the inspection.

The applicant was appalled by the behaviour of the police officers and she filed a criminal complaint. The investigator subsequently decided not to prosecute the accused police officers for lack of *corpus delicti* in their actions – a decision which was upheld by a prosecutor. The applicant's appeals against the decision to discontinue the case were rejected, in turn, by the District Court, the Criminal Court of Appeal and the Court of Cassation.

Before the European Court of Human Rights, the applicant claimed that her rights under Article 3 (prohibition of torture) and Article 10 had been violated. As is often the case, the applicant and the State authorities differed in their respective

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versions of the facts of the case. Notwithstanding the availability of video footage, it was not possible for the Strasbourg Court to determine with certainty, for example, whether the police officers continued to try to grab the applicant's camera after they had arrested her, or whether one memory card had indeed been stolen and three others damaged during the inspection. Be that as it may, the Court still reached two main conclusions in respect of Article 3 and Article 10.

The authorities claimed that the police officers had removed the applicant from the scene as she was obstructing traffic on the road. The physical force used by the police officers caused a pea-sized bruise on the applicant's wrist. The Court considered several elements carefully, in particular: "the applicant's not having been under the control of the police officers or the target of the police force, the very brief nature of the encounter, which was minimal in intensity, the absence of any, or at least any obvious, intention on the part of the police officers to humiliate the applicant, their attitude as observed in the video footage provided to the Court, as well as the very minor nature of her injury". These elements led the Court to find that the conduct of the police officers did not reach the threshold of degrading treatment required to trigger Article 3 and it rejected the applicant's claim based on the same article as manifestly ill-founded.

As for the claim based on Article 10, the Court did not dwell on the need to determine all the finer factual details, insisting instead on the basic principle of non-interference with journalistic work. It held: "the fact remains that a journalist was arrested and her journalistic equipment was temporarily retained and inspected without her having behaved in a manner that could have justified resort to such measures". It elaborated that "there is nothing in the case file to indicate that the applicant belonged to the quarrelling crowd, hindered the actions of the police arresting the activists or obstructed the traffic, which might have justified her being taken into police custody and the subsequent police measures applied in her respect".

Gevorgyan v. Armenia, no. 231/16, 22 May 2025. ECLI:CE:ECHR:2025:0522JUD000023116

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