



## CASE OF TADEVOSYAN v. ARMENIA

Application no. 41698/04

**Country:** Armenia

**Region:** Europe

**Year:** 2008

**Court:** The European Court of Human Rights (Third Section), European Court of Human Rights

### Facts

The applicant, Mr. Myasnik Tadevosyan, was a regional leader of the opposition party. He was arrested twice in 2004 and sentenced to ten-day detention each time for disobeying official orders and for using foul language with an officer. The applicant alleged that the arrest had been orchestrated to prevent him from participating in political demonstrations against the legitimacy of the presidential elections. The applicant was kept in a ten square-meter cell with nine other inmates; each inmate had approximately one square-meter of personal space. The cell was poorly ventilated with "a small window" that was practically closed. Moreover, access to sanitary facilities and drinking water was limited to twice a day. Detainees were given one meal per day and forced to sleep on the floor. The applicant alleged that he suffered mental distress as a result of living in fear of attacks from other inmates because of his role as a former police chief. However, no such attacks took place and he failed to produce medical verification from a doctor to prove the same.

The applicant brought a claim to the European Court of Human Rights in November 2004, alleging that his detention condition violated Article 3 of the European Convention on Human Rights (ECHR) which prohibited inhuman and degrading treatment/ punishment. The applicant also claimed that the Armenian authorities violated Article 5 of ECHR which provided protection against arbitrary detention and Article 6 of ECHR, provided protection against the unfair administrative proceedings during the trial hearing.

### Decision and Reasoning

The European Court of Human Rights found the complaint admissible. It referred to the 2002-2006 Reports on Armenia by the Committee for the Prevention of Torture (CPT), which talked about the criteria which should be used to assess the standard for detention facilities. The Court reasoned that, while persons in detention will face some inevitable discomfort as the natural consequence of their punishment, detention conditions ought not to deprive individuals of their human dignity and the health and well-being of the detainees must be respected. The Court agreed with the Armenia government that there was a lack of sufficient evidence which linked the alleged health problems with the applicant's detention experience. However, given that the applicant's allegations on the state of the detention facilities were uncontested, the Court held that the combined effects of the overcrowding, limited ventilation, lack of proper sleeping facilities, and restricted access to toilet and drinking water violated the applicant's basic human needs. Hence, there was a violation of Article 3 of ECHR.

The Court maintained that there was no violation of Article 5 of ECHR for arbitrary detention because the detention was imposed after a trial. It further said that the detention order was issued by the competent court. However, the Court found a violation of Article 6 as the applicant had been kept in police custody and banned from outside contact prior to the trial hearing.

The Court held that the applicant's detention condition violated Article 3 and the unfair administrative proceedings violated Article 6. The Court ordered the State to financially compensate the applicant for the damage suffered by him.

### Decision Excerpts

"The Court observes at the outset that Article 3 enshrines one of the most fundamental values of a democratic society. It prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the victim's conduct. It reiterates that ill-treatment must attain a minimum level of severity if it is to fall within

the scope of Article 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the nature and context of the treatment or punishment, the manner and method of its execution, its duration, its physical or mental effects and, in some instances, the sex, age and state of health of the victim.â€•(Para 44)

â€œIt is incumbent on the State to ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured. When assessing conditions of detention, an account has to be taken of the cumulative effects of those conditions, as well as the specific allegations made by the applicant.â€• (Para 50)

â€œ[W]hile the length of a detention period may be a relevant factor in assessing the gravity of suffering or humiliation caused to a detainee by the inadequate conditions of his detention, the relative brevity of such a period alone will not automatically exclude the treatment complained of from the scope of Article 3 if all other elements are sufficient to bring it within the scope of that provision.â€• (Para 55)

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