

**SECRETARIAT GENERAL**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: Clare OVEY  
Tel: 03 88 41 36 45

**Date:** 09/10/2017

**DH-DD(2017)1129**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1302<sup>nd</sup> meeting (December 2017) (DH)  
Item reference: Action plan (03/10/2017)  
Communication from Armenia concerning the case of Avakemyan v. Armenia (Application No. 39563/09)

\* \* \* \* \*

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1302<sup>e</sup> réunion (décembre 2017) (DH)  
Référence du point : Plan d'action  
Communication de l'Arménie concernant l'affaire Avakemyan c. Arménie (Requête n° 39563/09)  
**(anglais uniquement)**

DH-DD(2017)1129 : distributed at the request of Armenia / distribué à la demande de l'Arménie.

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers. / Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

DGI

03 OCT. 2017

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**The Government of the Republic of Armenia**  
**Action Plan**

**AVAKEMYAN GROUP OF CASES**

(Supervised by the Committee of Ministers under the standard procedure)

Department for Relations with the European Court of Human Rights  
Ministry of Justice of the Republic of Armenia  
3 October 2017

DGI

03 OCT. 2017

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

## EXECUTION OF THE GABRIELYAN GROUP JUDGMENTS

Case of Avakemyan v. Armenia	(no. 39563/09, judgment of 30/03/2017, final on 30/03/2017)
Case of Dngikyan v. Armenia	(no. 66328/12, judgment of 15/06/2017, final on 15/06/2017)
Case of Nikoghosyan v. Armenia	(no. 75651/11, judgment of 18/05/2017, final on 18/05/2017)

### I. INTRODUCTORY CASE SUMMARY

1. These cases concern the delayed enforcement of final domestic courts' judgments in favour of the applicants. All the judgments issued by the domestic courts and favourable to the applicants in a property claim (*cases of Avakemyan and Dngikyan*) and in job reinstatement and forced absence compensation claim (*case of Nikoghosyan*) remained unenforced for more than four years (from 24 October 2007 until 13 February 2012 in the case of Avakemyan, from March 2010 until June 2015 in the case of Nikoghosyan and from 22 October 2004 until now in the case of Dngikyan) due to actions of bailiff (violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention).

2. In the case of Avakemyan the Court also concluded that the applicant did not have an effective domestic remedy to accelerate the enforcement proceedings or to obtain redress for any damage created by the delay in those proceedings (violation of Article 13 of the Convention).

### II. INDIVIDUAL MEASURES

(i) Payment of Just Satisfaction

<i>Case of</i>	<i>Pecuniary Damage</i>	<i>Non-Pecuniary Damage</i>	<i>Costs and Expenses</i>	<i>Total</i>
<b>Dngikyan</b>	---	EUR 3,600	---	EUR 3,600
<b>Paid within time limit</b>				
<b>Nikoghosyan</b>	---	EUR 3,600	---	EUR 3,600
<b>Paid within time limit</b>				

3. With regard to the payment of just satisfaction in *Avakemyan* case, the Government would like to inform that based on Government Decree No. 602-N (N 602-Ն) of 1 June 2017 the amount awarded by the Court was allocated to the Ministry of Justice of the Republic of

Armenia to secure the payment within the time-limit (i.e. 30 June 2017). Furthermore, the Government informed in writing both representatives of the applicant before the Court and the applicant about the Government Decree and the readiness of the authorities to comply with the binding judgment of the Court and make transfer to the applicant once all the required documents are provided. According to the official letter provided by the lawyer, he officially confirmed that he has no information about the applicant. As to the information anticipated from the applicant no response has been received till now. The Government requested information regarding the whereabouts of the applicant from the Police in writing. The Police informed that the applicant had left Armenia and there is no information about his factual place of residence, at the same time a request regarding his whereabouts was sent to the Republic of Iran through local bureau of Interpol.

3. The Government ascertain that the amounts awarded by the Court remain at the applicant's disposal without limitation in time and will be transferred to him swiftly once he provides all the necessary documents. At the same time the Government express their readiness and commitment to continue taking constant steps to contact the applicant (further developments would be provided to the Committee of Ministers).

### **III. GENERAL MEASURES**

#### ***1. Publication and Dissemination of the Judgments***

4. All the judgments of this group were translated into Armenian and published on the official websites of the Ministry of Justice ([www.moj.am](http://www.moj.am)) and the Armenian Government Representation before the European Court of Human Rights ([agent.echr.am](http://agent.echr.am)). Considering the importance of preventing further similar violations, as well as of effectively implementing the Court's judgments, the relevant authorities involved were duly informed about the judgments and provided with the corresponding translation.

5. In addition, the respective training curricula of the Law Institute of the Ministry of Justice<sup>1</sup> have training courses on the Convention and the Court's case-law in general, and judgments delivered in respect of Armenia, in particular for relevant state agents.

#### **2. Reform of The Enforcement Procedure**

6. The Government would like to emphasise that the shortcomings identified in the judgments of Avakemyan group of cases are in the centre of the Government's constant attention. Among the others, it is conditioned by the requirements of 2017-2022 Program of the Government of Armenia<sup>2</sup>. In the area of compulsory enforcement of judicial acts, the Government plan, *inter alia*, to take actions to guarantee the effective cooperation between Judicial Acts Compulsory

---

<sup>1</sup> The Law Institute provides trainings for penitentiary officials and civil servants.

<sup>2</sup> In particular see <http://www.gov.am/files/docs/2219.pdf>

Enforcement Service and the State Committee of Real Estate Cadastre to exclude any possible delays during enforcement procedure, for example to provide the Judicial Acts Compulsory Enforcement Service of the RA Ministry of Justice with access to the database of the Real Estate Cadastre of RA Government. Moreover, they plan to clarify the timeframes for enforcement actions by minimising and making them consistent with a set of tools of the compulsory enforcement body.

7. The Government would like to note that immediately after delivery of the judgment in respect of the Avakemyan's case a meeting of the Standing Ministerial Committee on Legal Affairs was held. During this meeting the Prime Minister specifically instructed the relevant authorities to examine and analyse the shortcomings identified by the Court, to reveal the main causes of the violations and to take all the required steps to prevent further similar violations found.

8. Taking into consideration the nature of the violations found by the Court and its assessments, as well as guided by Prime Minister's specific instruction, the Government initiated a range of practical discussions involving stakeholders (Real Estate Registry, Compulsory Enforcement Service and Department of Legal Support of the Ministry of Justice) concerned. As a result of the discussions many practical problems and shortcomings of legislative regulations were identified and the Ministry of Justice prepared two draft packages of legislative amendments of the law on Compulsory Enforcement of Judicial Acts. At present those two packages have been disseminated among relevant state agencies for their opinions and further discussions. Moreover, the Division for Execution of the ECHR Judgments under the Ministry of Justice was involved in drafting process providing its opinion on the packages mentioned above aimed at specifically addressing the shortcomings identified by the Court. It is important to mention that one of the drafts refers to the violations found by the Court in the case of Avakemyan, and the other is mostly aimed at improving the whole enforcement process including the improvement of the mechanisms of the effective domestic remedy, i.e. to accelerate the enforcement proceedings or to obtain redress for any damage created by the delay in those proceedings.

9. For the comprehensive identification of the practical aspects of the enforcement of judgments in question it is also planned to have working meetings with members of civil society and with the representatives of the applicants (further information about working meetings would be submitted).

#### **IV. Conclusion**

10. The Government would like to note that it gives serious consideration to the shortcomings addressed by the Court. In that respect the Government will periodically update the Committee of Ministers as to the progress of the execution of Avakemyan group of cases.