



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## FIRST SECTION

### DECISION

Applications nos. 1939/18 and 10169/18  
Vladimir KHANDAMIRYAN against Armenia  
and Arshak SARGSYAN against Armenia  
(see appended table)

The European Court of Human Rights (First Section), sitting on 3 September 2020 as a Committee composed of:

Krzysztof Wojtyczek, *President*,

Linos-Alexandre Sicilianos,

Armen Harutyunyan, *judges*,

and Liv Tiggerstedt, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

Having deliberated, decides as follows:

### FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 5 § 3 of the Convention concerning the failure of the courts to provide relevant and sufficient reasons for their detention were communicated to the Armenian Government ("the Government"). The applicants also raised complaints under Article 5 § 1 (c) of the Convention.

The Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged a violation of the applicants' rights guaranteed under Article 5 § 3 of the Convention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with

Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

The applicants informed the Court that they agreed to the terms of the declarations.

## THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify the continued examination of the applications.

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the failure of the courts to provide relevant and sufficient reasons for the applicants' detention.

The applicants also raised complaints under Article 5 § 1 (c) of the Convention.

The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Decides* to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the lack of relevant and sufficient reasons for the applicants' detention;

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*Declares* the remainder of the applications inadmissible.

Done in English and notified in writing on 24 September 2020.

Liv Tigerstedt  
Acting Deputy Registrar

Krzysztof Wojtyczek  
President

APPENDIX

List of applications raising complaints under Article 5 § 3 of the Convention

(lack of relevant and sufficient reasons for detention)

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non- pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
1.	1939/18 08/12/2017	<b>Vladimir KHANDAMIRYAN</b> 03/09/1991	Zalyan Arayik Vanadzor	17/03/2020	17/05/2020	2,300
2.	10169/18 20/02/2018	<b>Arshak SARGSYAN</b> 03/05/1991	Gharagyozyan Ara Yerevan	03/03/2020	28/04/2020	1,000

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<sup>1</sup> Plus any tax that may be chargeable to the applicants.