



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

THIRD SECTION

DECISION

Application no. 20289/09
by Evelina GEVORGYAN
against Armenia

The European Court of Human Rights (Third Section), sitting on 9 February 2010 as a Chamber composed of:

Josep Casadevall, *President*,

Elisabet Fura,

Boštjan M. Zupančič,

Alvina Gyulumyan,

Ineta Ziemele,

Luis López Guerra,

Ann Power, *judges*,

and Stanley Naismith, *Deputy Section Registrar*,

Having regard to the above application lodged on 20 March 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having regard to the decision to grant priority to the above application under Rule 41 of the Rules of Court,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Evelina Gevorgyan, is an Armenian national who was born in 1920 and lives in Yerevan. She was represented before the Court by Mr H. Alumyan, a lawyer practising in Yerevan. The respondent Government were represented by their Agent, Mr G. Kostanyan,

Representative of the Republic of Armenia at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant, a former singer, does not have a fixed abode. Since 1993 she has lived in a room measuring 3.5 sq. m which was provided to her on a charitable basis by the Music Society of Armenia and was located on the Society's administrative premises.

On 10 April 1995 the applicant was granted the status of victim of Stalin-era political repression, pursuant to the Victims of Political Repression Act.

On an unspecified date the applicant instituted proceedings against the Yerevan Mayor's Office and the Head of the Kentron District of Yerevan, claiming that she was entitled under Section 6 of the above Act to receive a plot of land in the Kentron District of Yerevan measuring 400 sq. m. and seeking to oblige the defendants to provide her with such a plot.

On 22 June 2007 the Kentron and Nork-Marash District Court of Yerevan (*Երևան քաղաքի Կենտրոնի և Նորք-Մարաշ համայնքների աստիճին ատյանի դատարան*) dismissed the applicant's claim.

On an unspecified date the applicant lodged an appeal.

On 2 November 2007 the Civil Court of Appeal (*ՀՀ վերաքննիչ քաղաքացիական դատարան*) granted the applicant's claim in its part concerning the Yerevan Mayor's Office, ordering it to provide the applicant with an appropriate plot of land as required by law.

No appeal was lodged against this judgment so it entered into force.

It appears, however, that this judgment was not enforced by the authorities.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the non-enforcement of the final judgment of 2 November 2007, and under Article 13 of the Convention that she did not have an effective remedy.

THE LAW

On 15 June 2009 the case was communicated to the Government.

On 23 October 2009 the parties signed a friendly settlement agreement on the following terms:

“The Government undertakes *ex gratia*, to give the applicant a plot of land designated for the construction of a house, measuring 600 sq. m., situated in Davidashen district of Yerevan city.

The applicant declares that the above plot of land once received by her shall constitute the final and full settlement of all her claims against the Republic of Armenia under her application before the Court.

The applicant waives any further claims against the Government of Armenia relating to the present application.”

The Court 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 its Protocols and finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stanley Naismith
Deputy Registrar

Josep Casadevall
President