



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

FIRST SECTION

DECISION

Application no. 56724/12
Lernik ASATRYAN against Armenia
and 8 other applications
(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,

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 domestic courts to provide relevant and sufficient reasons for their detention were communicated to the Armenian Government ("the Government"). Some applicants also raised other complaints under Article 5 § 1 (c) of the Convention.

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 Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these

complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention

The Government acknowledged that there had been 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 were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

“... for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the failure of the domestic courts to provide relevant and sufficient reasons for detention (see, for example, *Ara Harutyunyan v. Armenia*, no. 629/11, §§ 48 et seq., 20 October 2016).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be

restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the lack of relevant and sufficient reasons for detention under Article 5 § 3 of the Convention.

Some 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;

Takes note of the terms of the respondent Government's declarations concerning the failure of the courts to provide relevant and sufficient reasons for the applicants' detention, and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

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 comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	56724/12 24/08/2012	Lernik ASATRYAN 05/06/1986	Jaghinyan Samvel Yerevan	05/03/2020		1,000
2.	66641/12 05/10/2012	Kristine PETROSYAN 08/08/1975	Hakobyan Karen Yerevan	03/03/2020	05/05/2020	1,400
3.	5786/17 28/12/2016	Edgar DAVTYAN 25/07/1994	Alumyan Hayk Yerevan	21/02/2020	03/04/2020	600
4.	10146/18 20/02/2018	Artak AYVAZYAN 29/11/1981	Alumyan Hayk Yerevan	21/02/2020	03/04/2020	800
5.	10305/18 16/02/2018	Artur AYVAZYAN 24/01/1977	Alumyan Hayk Yerevan	21/02/2020	03/04/2020	600
6.	11934/18 26/02/2018	Spartak PETROSYAN 19/07/1994	Gharagyozyan Ara Yerevan	03/03/2020		1,000

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7.	23929/18 10/05/2018	Zohrab GHUMASHYAN 20/03/1989	Alumyan Hayk Yerevan	21/02/2020	03/04/2020	800
8.	44102/18 10/09/2018	Suren JEYRANYAN 02/02/1991	Tamrazyan Arman Yerevan	17/03/2020		600
9.	53989/18 03/11/2018	Sargis GYULUMYAN 26/03/1989	Grigoryan Hamazaspuhi Yerevan	17/03/2020	25/05/2020	800

¹ Plus any tax that may be chargeable to the applicants.