



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

FOURTH SECTION

CASE OF VASSILYAN AND OTHERS v. ARMENIA

*(Application no. 20193/15 and 2 others –
see appended list)*

JUDGMENT

STRASBOURG

23 June 2022

This judgment is final but it may be subject to editorial revision.

In the case of Vassilyan and Others v. Armenia,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Jolien Schukking, *President*,

Armen Harutyunyan,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 2 June 2022,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Armenian Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings. In applications nos. 20193/15 and 36396/17, the applicants also raised complaints under Article 13 of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicants complained principally that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. They relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

7. The Government submitted that the applicants had failed to exhaust the available domestic remedies, arguing that they could have lodged an application with the domestic courts seeking an acknowledgement of a violation of their right to a fair trial and obtained compensation based on the provisions of the Civil Code in force from 1 January 2016 concerning the right to claim compensation from the State for non-pecuniary damage (see *Shirkhanyan v. Armenia*, no. 54547/16, §§ 103-06, 22 February 2022). In respect of application no. 20193/15, they also submitted that the applicant had lodged her complaint outside the six-month time-limit set out in Article 35 § 1 of the Convention.

8. The applicants contested the Government's arguments.

9. As regards the Government's objection related to the non-exhaustion of domestic remedies, the Court has previously found that the Armenian domestic system did not provide an effective remedy in respect of excessive length of civil proceedings (see *Fil LLC v. Armenia*, no. 18526/13, §§ 49-50, 31 January 2019). The Court sees no reason to depart from that finding in the present cases as, in its opinion, the Government failed to substantiate the effectiveness in practice of the remedy they invoke (see *McFarlane v. Ireland* [GC], no. 31333/06, §§ 107 and 120, 10 September 2010, and *Panju v. Belgium*, no. 18393/09, §§ 62-63, 28 October 2014).

10. As to their second objection in respect of application no. 20193/15, the Court observes that the applicant's complaint concerned a continuing situation and it was lodged when the domestic proceedings were still pending (see *Sabri Güneş v. Turkey* [GC], no. 27396/06, § 54, 29 June 2012). Hence, her complaint cannot be dismissed as lodged outside the six-month period.

11. The Court therefore dismisses the Government's objections. It further notes that the applicants' complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and that they are not inadmissible on any other grounds. They must therefore be declared admissible.

12. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

13. In the leading case of *Fil LLC* (cited above), the Court already found a violation in respect of issues similar to those in the present case.

14. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

15. These complaints therefore disclose a breach of Article 6 § 1 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

16. In applications nos. 20193/15 and 36396/17, the applicants submitted other complaints which raised issues under Article 13 of the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose a violation of the Convention in the light of its findings in *Fil LLC* (cited above, §§ 49-50).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

18. Regard being had to the documents in its possession and to its case-law (see *Fil LLC*, cited above, §§ 62 and 65), the Court considers it reasonable to award the sums indicated in the appended table.

19. The Court further considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under well-established case-law of the Court (see appended table);

5. *Holds*

- (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 23 June 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Jolien Schukking
President

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APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	20193/15 14/04/2015	Zabel-A VASSILYAN 1956	Monika Hakobyan Yerevan	04/07/2012	21/03/2019	6 years and 8 months and 18 days 1 level of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	2,400	250
2.	36396/17 13/05/2017	Areknaz MANUKYAN 1945	Anahit Beglaryan Yerevan	09/11/2011	18/12/2019	8 years and 1 month and 10 days 3 levels of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	1,200	250

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

² Plus any tax that may be chargeable to the applicants.

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
3.	54641/17 08/07/2017	Armine SANOYAN 1970	Hayk Alumyan Yerevan	08/07/2008	pending	More than 13 years and 9 months and 21 days 3 levels of jurisdiction		4,800	250