



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

FOURTH SECTION

CASE OF LMNTSYAN AND SLOYAN v. ARMENIA

(Applications nos. 41973/19 and 51266/19)

JUDGMENT

STRASBOURG

9 February 2023

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

In the case of Lmntsyan and Sloyan v. Armenia,

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

Anja Seibert-Fohr, *President*,

Armen Harutyunyan,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 19 January 2023,

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 first applicant was represented by Ms N. Rshtuni, a lawyer practising in Yerevan. The second applicant was self-represented.

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

THE FACTS

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

5. The applicants complained of the excessive length of civil proceedings. They also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

6. 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

7. 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.

8. 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).

9. In the leading case of *Fil LLC v. Armenia*, no. 18526/13, 31 January 2019, the Court already found a violation in respect of issues similar to those in the present case.

10. Having examined all the material submitted to it and having decided to reject the Government's objection of non-exhaustion (see *Fil LLC*, cited above, §§ 49-50, and *Vassilyan and Others v. Armenia* [Committee], nos. 20193/15 and 2 others, § 9, 23 June 2022), 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.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

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

12. The applicants submitted other complaints which also 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

13. 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."

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

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 9 February 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Anja Seibert-Fohr
President

LMNTSYAN AND SLOYAN v. ARMENIA JUDGMENT

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.	41973/19 30/07/2019	Naira LMNTSYAN 1965	Rshtuni Narine Yerevan	11/12/2014	pending	More than 7 year(s) and 11 month(s) and 28 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	1,600	250
2.	51266/19 22/09/2019	Gagik SLOYAN 1957		18/07/2011	27/02/2019, with the judgment having been enforced on 03/05/2019	7 year(s) and 7 month(s) and 10 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	1,100	

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

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