



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

FOURTH SECTION

CASE OF NIKOGHOSYAN AND OTHERS v. ARMENIA

*(Applications nos. 4396/21 and 2 others –
see appended list)*

JUDGMENT

STRASBOURG

14 December 2023

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

In the case of Nikoghosyan and Others v. Armenia,

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

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 23 November 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 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.

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 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.

7. 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).

8. 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.

9. 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; *Vassilyan and Others v. Armenia* [Committee], nos. 20193/15 and 2 others, §§ 7-9, 23 June 2022; and *Lmntsyan and Sloyan v. Armenia* [Committee] nos. 41973/19 and 51266/19, § 10, 9 February 2023), 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.

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

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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* applications admissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *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.

NIKOGHOSYAN AND OTHERS v. ARMENIA JUDGMENT

Done in English, and notified in writing on 14 December 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President

NIKOGHOSYAN AND OTHERS 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	Amount awarded for non-pecuniary damage per applicant/household (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	4396/21 09/01/2021	Gor NIKOGHOSYAN 1968	Simonyan Liparit Yerevan	19/12/2011	05/08/2020	8 year(s) and 7 month(s) and 18 day(s) 3 level(s) of jurisdiction	1,800	250
2.	12858/21 25/02/2021	Stella ISAYAN 1958	Simonyan Mariam Vanadzor	28/12/2016	26/10/2022	5 year(s) and 9 month(s) and 29 day(s) 2 level(s) of jurisdiction	1,500	250
3.	22844/22 28/04/2022	Household Margo MARGARYAN 1937 Inga GEORGADZE 1972	Khurshudyan Tigran Yerevan	08/01/2014	29/09/2021 The final judgment was served on the applicants on 30/10/2021	7 year(s) and 8 month(s) and 22 day(s) 3 level(s) of jurisdiction	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.

NIKOGHOSYAN v. ARMENIA JUDGMENT