



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

## FIRST SECTION

### DECISION

Application no. 25968/16  
Vahagn DAVTYAN against Armenia  
and 3 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 Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

### FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

The applicants' complaints under Article 5 § 3 of the Convention concerning the failure of the courts to provide relevant and sufficient reasons for their detention were communicated to the Armenian Government ("the Government"). Some applicants also raised complaints under Article 5 § 1 (c) of Convention.

The Court received friendly-settlement declarations under which the applicants agreed to waive any further claims against Armenia in respect of the facts giving rise to the complaints under Article 5 § 3 of the Convention, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will 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 undertake 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 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 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 the Protocols thereto and finds no reasons to justify a continued examination of the applications.

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.

The applicants in applications nos. 25968/16 and 47326/16 also raised complaints under Articles 5 § 1 (c) of the Convention.

The Court has examined these applications 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;

*Decides* to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the lack of relevant and sufficient reasons for detention;

*Declares* the remainder of applications nos. 25968/16 and 47326/16 inadmissible.

DAVTYAN v. ARMENIA AND OTHER APPLICATIONS DECISION

Done in English and notified in writing on 24 September 2020.

Liv Tigerstedt  
Acting Deputy Registrar

Krzysztof Wojtyczek  
President

DAVTYAN v. ARMENIA AND OTHER APPLICATIONS DECISION

APPENDIX

List of applications raising complaints under Article 5 § 3 of the Convention

(lack of relevant and sufficient reasons for detention)

| No. | Application no.<br>Date of introduction | Applicant's name<br>Date of birth           | Representative's name and<br>location | Date of receipt of<br>Government's<br>declaration | Date of receipt of<br>Applicant's<br>declaration | Amount awarded for pecuniary and<br>non-pecuniary damage and costs and<br>expenses per applicant<br>(in euros) <sup>1</sup> |
|-----|---|---|---------------------------------------|---|--|---|
| 1.  | 25968/16<br>28/04/2016                  | <b>Vahagn DAVTYAN</b><br>06/08/1973         | Beybutyan Kristina<br>Ejmiatsin       | 30/03/2020  | 30/06/2020                                       | 1,000   |
| 2.  | 47326/16<br>28/07/2016                  | <b>Artur GHAZARYAN</b><br>08/03/1989        | Safaryan Seda<br>Yerevan              | 19/03/2020  | 27/03/2020                                       | 1,500   |
| 3.  | 63391/16<br>20/09/2016                  | <b>Boris VANYAN</b><br>23/08/1997           | Safaryan Seda<br>Yerevan              | 19/03/2020  | 27/03/2020                                       | 1,000   |
| 4.  | 70937/17<br>12/09/2017                  | <b>Artak<br/>HOVHANNISYAN</b><br>14/08/1982 | Gharagyozyan Ara<br>Yerevan           | 27/02/2020  | 28/04/2020                                       | 1,000   |

<sup>1</sup> Plus any tax that may be chargeable to the applicants.