



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

FOURTH SECTION

CASE OF YEGNUKIAN v. ARMENIA

(Application no. 69596/17)

JUDGMENT

STRASBOURG

10 December 2020

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

In the case of Yeghnyukian 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 Liv Tegerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 19 November 2020,

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

PROCEDURE

1. The case originated in an application against Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 25 August 2017.

2. The applicant was represented by Mr T. Hayrapetyan, a lawyer practising in Yerevan.

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

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The case was communicated under the case name of Karo Yeghnyukyan. By a letter dated 2 July 2020, the applicant’s lawyer informed the Court that the applicant’s real name was Garo Yeghnyukian. On 7 July 2020 the Court informed the parties that it would process the application under the case name of *Garo Yeghnyukian*.

6. The applicant complained of the excessive length of criminal proceedings.

THE LAW

I. THE GOVERNMENT’S REQUEST TO STRIKE OUT THE APPLICATION UNDER ARTICLE 37 § 1 OF THE CONVENTION

7. The Government submitted a unilateral declaration which did not offer a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the case (Article 37 § 1 *in fine*). The Court rejects the Government’s request to strike the application out and will accordingly pursue its examination of the merits of the case (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, § 75, ECHR 2003-VI).

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

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

Article 6 § 1

“In the determination of ... any criminal charge against him, everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

9. 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 applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

10. In the leading case of *Grigoryan v. Armenia* (no. 3627/06, 10 July 2012), the Court already found a violation in respect of issues similar to those in the present case.

11. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. 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.

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

III. 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, *Grigoryan*, cited above, § 139), the Court finds it reasonable to award the sums indicated in the appended table.

15. The Court 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. *Rejects* the Government's request to strike the application out of the Court's list of cases;
2. *Declares* the application admissible;
3. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, 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 10 December 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Jolien Schukking
President

YEGNUKIAN v. ARMENIA JUDGMENT

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(excessive length of criminal proceedings)

Application no.	Applicant's name	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for non-pecuniary damage (in euros) ¹	Amount awarded for costs and expenses (in euros) ²
Date of introduction	Year of birth						
69596/17 25/08/2017	Garo YEGNUKIAN 1959	Hayrapetyan Tigran Yerevan	22/07/2016	pending	More than 4 years, 2 months and 23 days 1 level of jurisdiction	1,200	250

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

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