



Armenia

Ratified the European Convention on Human Rights in 2002

National Judge: Armen Harutyunyan (17 September 2015 -)

Previous judge: Alvina Gyulumyan (2003-2014)

[Judges' CVs](#) are available on the ECHR Internet site

[List of judges of the Court since 1959](#)

The Court dealt with 208 applications concerning Armenia in 2022, of which 177 were declared inadmissible or struck out. It delivered 21 judgments (concerning 31 applications), all/21 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2021	2022	2023*
Applications allocated to a judicial formation	134	111	78
Communicated to the Government	36	48	27
Applications decided:	211	208	48
- Declared inadmissible or struck out (Single Judge)	183	160	23
- Declared inadmissible or struck out (Committee)	9	17	8
- Declared inadmissible or struck out (Chamber)	2	0	0
- Decided by judgment	17	31	17

Applications pending before the Court on 01/07/2023	
Applications pending before a judicial formation:	1257
Single Judge	94
Committee (3 Judges)	564
Chamber (7 Judges)	598
Grand Chamber (17 Judges)	1

Armenia and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

* January to July 2023

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#). Statistics on interim measures can be found [here](#).

Noteworthy cases, judgments delivered

Grand Chamber

Advisory opinions requested under Protocol No. 16 to the Convention by Armenia

Advisory opinion requested by the Court of Cassation of Armenia

26.04.2022

In its request, the Court of Cassation of Armenia had asked the European Court of Human Rights to provide an advisory opinion on whether the non-application of limitation periods for imposing criminal responsibility in respect of torture or equivalent criminal offences with reliance on sources of international law is compatible with Article 7 of the Convention, if domestic law does not require such non-application of those limitation periods.

The request was [accepted](#) by the Panel of the Grand Chamber on 12 May 2021.

The request related in particular to the execution of the [Virabyan v. Armenia](#) (case no. 40094/05) judgment delivered by the European Court in 2012, in which the applicant's "ill-treatment" in police custody in 2004 was qualified as "torture" by the Court. Following the judgment, a criminal case was instituted against two police officers in 2016 but dropped ten months later on the grounds that the limitation period had expired.

The Court concluded that Article 7 precluded the revival of a prosecution in respect of an offence which has become time-barred.

Specifically with regards to the case in question before the Armenian courts, it was for the national courts to determine whether there was a sufficiently clear and foreseeable legal basis within the meaning of Article 7 of the European Convention (no punishment without law) for the offence in question not to be time-barred pursuant to rules of international law having legal force in the domestic legal system.

Link to [advisory opinion](#)

Advisory opinion requested by the Constitutional Court of Armenia

29.05.2020

The case concerned the interpretation of an article of the Armenian Penal Code making it a criminal offence to overthrow the constitutional order and its application under Article 7 (no punishment without law) of the Convention, in the context of proceedings against the former President Robert Kocharyan.

Link to [advisory opinion](#)

Chiragov and Others v. Armenia

16.06.2015 (on the merits) 12.12.2017 (on the just satisfaction)¹

The case concerned the complaints by six Azerbaijani refugees that they were unable to return to their homes and property in the district of Lachin, in Azerbaijan, from where they had been forced to flee in 1992 during the Armenian-Azerbaijani conflict over Nagorno-Karabakh.

[Continuing violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

[Continuing violation of Article 8 \(right to respect for private and family life\)](#)

[Continuing violation of Article 13 \(right to an effective remedy\)](#)

In the applicants' case, the Court confirmed that Armenia exercised effective control over Nagorno-Karabakh and the surrounding territories and thus had jurisdiction over the district of Lachin.

[There are currently more than one thousand individual applications pending before the Court which were lodged by persons displaced during the Nagorno-Karabakh conflict.](#)

Bayatyan v. Armenia

07.07 2011

The case concerned the conviction of the applicant, a Jehovah's Witness, for his refusal to serve in the army on conscientious grounds.

[Violation of Article 9 \(freedom of thought, conscience and religion\)](#)

¹ The Court held that the Armenian Government had to pay 5,000 euros in respect of pecuniary and non-pecuniary damage to each of the applicants and a total amount of 28,642.87 pounds sterling for costs and expenses (see [press release](#)).

Chamber

Right to life cases (Article 2)

[Hovhannisyan and Nazaryan v. Armenia \(nos. 2169/12 and 29887/14\)](#)

08.11.2022

The case concerned the death of the applicants' son and brother, A. Nazaryan, whilst he was in the army, and the subsequent investigation.

Violation of Article 2 (right to life and investigation)

[Ashot Malkhasyan v. Armenia \(no. 35814/14\)](#)

11.10.2022

The case concerned the death of the applicant's son at the age of 22, within days of being drafted into the army, following the military authorities' decision that he was fit to undertake compulsory military service despite his significant health problems.

Violation of Article 2 (right to life and investigation)

[Muradyan v. Armenia](#)

24.11.2016

Death of a military conscript, Suren Muradyan, based in the (unrecognised) Nagorno Karabakh Republic. His father, the applicant in the case, alleged that he had died following ill-treatment by his superiors.

Violation of Article 2 (right to life) as concerned both the death of Suren Muradyan as well as the related investigation

Cases dealing with prohibition of torture (Article 3)

[Mushegh Saghatelyan v. Armenia](#)

20.09.2018

The case concerned an opposition activist's allegation of a politically motivated crackdown on 1 March 2008 following a wide-scale protest against the presidential elections. He complained in particular that he had been ill-treated by the police, that his arrest had been unlawful and that the entire criminal case then brought against him had been fabricated. He had eventually been convicted for assaulting two police officers and illegally carrying a knife.

Two violations of Article 3 and others violations of the Convention

[Zalyan and Others v. Armenia](#)

17.03.2016

The case concerned the complaint by three former servicemen that they had been subjected to torture while performing their military service, being suspected of having murdered two other servicemen. One of the applicants also complained that he had been unlawfully deprived of his liberty.

No violation of Article 3 (prohibition of torture and of inhuman or degrading treatment) as regards the applicants' alleged torture

Violation of Article 3 on account of the lack of an effective investigation into their complaints of having been subjected to torture

Violation of Article 5 §§ 1, 2 and 3 (right to liberty and security) in respect of one of the applicants, Mr Zalyan

[Virabyan v. Armenia \(no. 40094/05\)](#)

02.10.2012

The case concerned the torture of an opposition activist in police custody in April 2004. He had in particular been repeatedly kicked and punched in the groin during his custody and, as a result, his left testicle had to be removed.

Two violations of Article 3 (prohibition of torture and lack of an effective investigation)

Violation of Article 6 § 2 (presumption of innocence)

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 3

Violation of Article 14 in conjunction with Article 3

This is the first case in which the Court found a violation by Armenia of Article 3 on account of an applicant having been tortured. The Court also criticised the Armenian authorities for failing to conduct an effective investigation into Mr Virabyan's allegations that his ill-treatment had been politically motivated.

Other cases dealing with issues under Articles 2 and 3

[Mayrapetyan v. Armenia \(no. 43/19\)](#)

Committee decision

31.03.2022

The case concerned medical care received by Samvel Mayrapetyan – a well-known businessman – while in detention. He required treatment that had not been

available in Armenia. The Court held that his life was no longer at risk and that his complaints around access to medication and prescribed foods while still in detention was manifestly ill-founded.

[The application was declared inadmissible.](#)

Cases dealing with Article 6

Right to a fair trial

[Makeyan and Others v. Armenia](#)

05.12.2019

The case concerned the applicants' conviction for obstructing the work of an electoral commission at a polling station during the 2008 presidential elections.

[No violation of Article 6 § 1](#)

[Galstyan v. Armenia](#)

15.11.2007

The case concerned the conduct of administrative proceedings and the imposition of administrative penalties (usually detention) for participation in demonstrations or other minor offences.

[Violation of Article 6 § 3 \(b\)](#)

[Violation of Article 11 \(freedom of assembly and association\)](#)

[Violation of Article 2 of Protocol No. 7 \(right of appeal in criminal matters\)](#)

[Harutyunyan v. Armenia](#)

28.06.2007

The domestic courts convicted the applicant relying on his and other witnesses' testimony obtained under torture.

[Violation of Article 6 § 1](#)

Right to obtain attendance and examination of witnesses

[Dadayan v. Armenia](#)

06.09.2018

The case concerned criminal proceedings brought against an Armenian national, Garik Dadayan, for aiding and abetting the smuggling of enriched uranium into Georgia. The two smugglers were prosecuted and convicted in Georgia, while Mr Dadayan was prosecuted and convicted in Armenia, essentially on the basis of the smugglers' witness statements to the Georgian authorities.

[Violation of Article 6 §§ 1 and 3 \(d\)](#)

[Chap Ltd v. Armenia](#)

02.05.2017

The case concerned tax evasion proceedings brought against a regional television broadcasting company. The company notably alleged that they had not been able to examine witnesses whose evidence had been used against it in the proceedings. The witnesses were the head of the National Television and Radio Commission and a number of businessmen.

[Violation of Article 6 § 1 read in conjunction with Article 6 § 3 \(d\)](#)

Right of access to court

[Nikolyan v. Armenia](#)

03.10.2019

The case concerned an applicant who was declared legally incapable in 2013, following proceedings brought by his wife and son.

[Violation of Article 6 § 1](#)

Presumption of innocence

[Virabyan v. Armenia \(no. 40094/05\)](#)

02.10.2012

See case dealing with Article 3

Right to respect for private and family life (Article 8)

[Hambardzumyan v. Armenia](#)

05.12.2019

The case concerned the applicant's complaint that the police had not had a valid court warrant to place her under secret surveillance during a criminal investigation.

[Violation of Article 8](#)

[No violation of Article 6 \(right to a fair trial\)](#)

[Nikolyan v. Armenia](#)

03.10.2019

The case concerned an applicant who was declared legally incapable in 2013, following proceedings brought by his wife and son.

[Violation of Article 8](#)

Case regarding Article 9 (freedom of thought, conscience and religion)

[Adyan and Others v. Armenia](#)

12.10.2017

The case concerned four Jehovah's Witnesses who were convicted in 2011 for refusing to

perform either military or alternative civilian service because of their religious beliefs. Before both the local authorities and the courts, they argued that, even though domestic law did provide for an alternative to military service, it was not of a genuinely civilian nature, as it was supervised by the military authorities. They were released from prison in 2013 following a general amnesty. They served more than two years of their prison sentence.

[Violation of Article 9](#)

Freedom of expression cases (Article 10)

[Dareskizb Ltd v. Armenia](#)

21.09.2021

The case concerned actions by State authorities during a state of emergency following a presidential election in 2008, during which the applicant company was prevented from publishing its newspaper, *Haykakan Zhamanak*. It also concerned the court proceedings that followed.

[Violation of Article 10](#)

[Violation of Article 6 § 1 \(right to a fair trial\)](#)

[Karapetyan and Others v. Armenia](#)

17.11.2016

The case concerned the dismissal of four high-ranking civil servants in the Armenian Ministry of Foreign Affairs, after they had issued a public statement criticising the Government in the aftermath of the Armenian presidential election of February 2008.

[Meltex Ltd and Mesrop Movsesyan v. Armenia](#)

17.06.2008

The independent broadcasting company Meltex Ltd was repeatedly refused broadcasting licences by the National Television and Radio Commission, without reasons.

[Violation of Article 10](#)

Freedom of assembly and association (Article 11)

[Ter-Petrosyan v. Armenia](#)

25.04.2019

The case concerned the applicant's complaint about the dispersal of a protest rally on 1 March 2008, the lack of an effective remedy and his alleged placement under house arrest.

[Violation of Article 11](#)

[Violation of Article 13 \(right to an effective remedy\) in conjunction with Article 11](#)

The Court rejected the complaints under Article 5 § 1 (right to liberty and security) and Article 2 of Protocol No. 4 (freedom of movement) as manifestly ill-founded.

[Mushegh Saghatelyan v. Armenia](#)

20.09.2018

The case concerned an opposition activist's allegation of a politically motivated crackdown on 1 March 2008 following a wide-scale protest against the presidential elections. He complained in particular that he had been ill-treated by the police, that his arrest had been unlawful and that the entire criminal case then brought against him had been fabricated. He had eventually been convicted for assaulting two police officers and illegally carrying a knife.

[Violation of Article 11 and others violations of the Convention](#)

Case on the protection of property (Article 1 of Protocol No. 1)

[Osmanyanyan and Amiraghyan v. Armenia](#)

11.10.2018

The case concerned the expropriation of the applicants' land for mining.

[Violation of Article 1 of Protocol No. 1](#)

Noteworthy pending cases

Inter-State cases

There are currently six inter-State cases which concern mainly the conflict between Armenia and Azerbaijan/Nagorno Karabakh which took place between 27 September 2020 and 10 November 2020 (the date of entry into force of a ceasefire agreement). Four of these cases are lodged by Armenia v. Azerbaijan, one by Azerbaijan v. Armenia, and one by Armenia v. Turkey. These cases contain allegations of widespread violations of the Convention.

For more information, see the [Q and A on inter-State cases](#).

Other pending cases

[Baghdasaryan and Antonyan v. Armenia \(no. 15964/11\)](#), [Farmanyanyan v. Armenia](#)

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(no. 15998/11), Hovhannisyan v. Armenia (no. 16015/11), Harutyunyan v. Armenia (no. 16024/11), Vardumyan v. Armenia (no. 16030/11), Khachatryan and Hovhannisyan v. Armenia (no. 16035/11), Minasyan v. Armenia (no. 16046/11), Harutyunyan

v. Armenia (no. 16055/11), and Kloyan and Others v. Armenia (no. 16060/11)

Cases [communicated](#) to the Government in September 2015

These cases concern the deaths of demonstrators which occurred during the 1-2 March 2008 rallies in Armenia.

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