

THE ECHR AND

ARMENIA

facts & figures



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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

THE ECHR AND

ARMENIA

facts & figures

Council of Europe

Accession: 25 January 2001

European Convention on Human Rights

Signed: 25 January 2001

Ratified: 26 April 2002

ECHR judges

Armen Harutyunyan (since 2015)

Alvina Gyulumyan (2003-2014)

ECHR and Armenia at 1 January 2020

1st judgment: Mkrtchyan v. Armenia (11 January 2007)

Total number of judgments: 123

Judgments finding a violation: 112

Judgments finding no violation: 6

Friendly settlements/strikeout: 0

Other judgments: 5

Applications pending: 1,635

Applications finished: 2,109

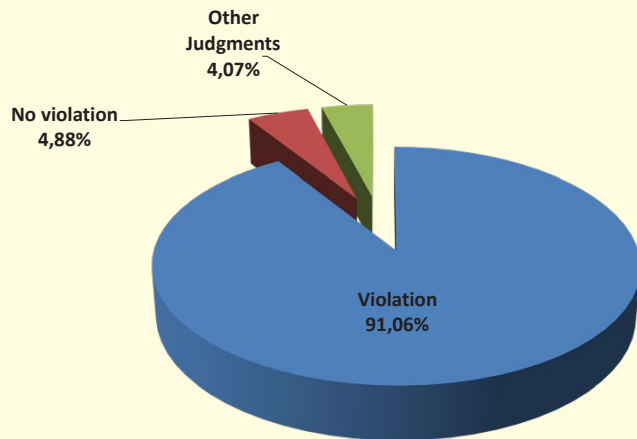
This document has been prepared by the Public Relations Unit and does not bind the Court. It is intended to provide basic general information about the way the Court works.

For more detailed information, please refer to documents issued by the Registry available on the Court's website www.echr.coe.int.

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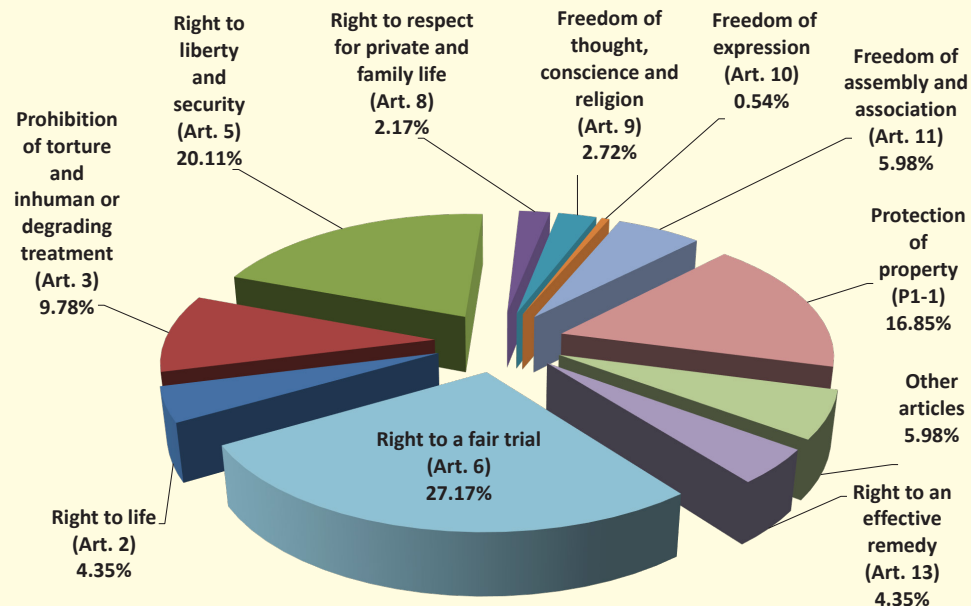
Types of judgments

In over 90% of the judgments delivered concerning Armenia, the Court has given judgment against the State, finding at least one violation of the Convention.



Subject-matter of judgments finding a violation

Over a quarter of the violations found by the Court concerned the unfairness of proceedings, while almost another quarter related to the right to liberty and security.



Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive organ, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in Armenia, relating in particular to:

Access to a court

Armenian law now provides for proceedings to be reopened following an ECHR judgment finding a violation of the Convention.

Improvements to conditions of detention

Administrative detention was abolished in 2005.

The new provisions of the Civil Code provide that persons who have been unlawfully convicted or detained, or convicted before ultimately being acquitted, are entitled to claim compensation for non-pecuniary damage.

Metal cages have been removed from all courtrooms.

Strengthening freedom of assembly and association

Adoption of a detailed legislative framework governing peaceful assembly: the grounds for restrictions on freedom of assembly have been defined more narrowly and in greater detail, in line with the Convention requirements.

Strengthening freedom of religion and belief

Reform of the system governing conscientious objectors in order to reduce the additional period of service and afford redress to conscientious objectors who have been wrongly convicted.

Strengthening freedom of expression

Introduction of a requirement to provide sufficient reasons for decisions concerning the granting, refusal or revoking of broadcasting licences.

Selected cases

Case of Mkrtchyan (11 January 2007)

Armen Mkrtchyan was ordered to pay a fine for taking part in a demonstration in May 2002. After noting that Armenian legislation at the time did not regulate the organisation of demonstrations, the Court found that the interference with the applicant's right to freedom of peaceful assembly had not been prescribed by law.

Violation of Article 11 (freedom of assembly and association)

Case of Harutyunyan (28 June 2007)

In 2002 Misha Harutyunyan was sentenced to ten years' imprisonment for murder following proceedings in which his confession and the statements of witnesses, obtained through torture, had been taken into account. The Court found that the use of evidence obtained under duress had rendered the applicant's trial unfair.

Violation of Article 6 (right to a fair trial)

Galstyan (15 November 2007)

Arsham Galstyan was sentenced to three days' imprisonment for taking part in a (peaceful) demonstration involving 30,000 people in April 2003. The Court observed that the very essence of the right to freedom of peaceful assembly was impaired where a State, while not

prohibiting a demonstration, imposed sanctions, especially such severe ones, on persons participating who had done nothing reprehensible. It also found that the Armenian Code of Administrative Offences did not provide a clear and accessible right to appeal.

Violation of Article 11 (freedom of assembly and association)

Violation of Article 2 of Protocol No. 7 (right of appeal in criminal matters)

Case of Meltex Ltd and Movsesyan (17 June 2008)

The independent broadcasting company Meltex Ltd was refused a broadcasting licence on seven occasions by the National Television and Radio Commission; no reasons were given for any of the decisions. The Court held that a procedure which did not require the licensing authority to give reasons for its decisions did not provide adequate protection against arbitrary interference by a public authority with the fundamental right to freedom of expression.

Violation of Article 10 (freedom of expression)

Case of Bayatyan (7 July 2011)

Vahan Bayatyan, a Jehovah's Witness, complained of being sentenced to two and a half years' imprisonment for refusing to perform military service. The Court observed that the applicant had been placed in detention despite the fact that Armenia, on joining the Council of Europe in 2001, had pledged to introduce civilian service as an alternative to compulsory military service within three years and to grant an amnesty to all conscientious objectors who had been given prison sentences.

Violation of Article 9 (freedom of thought, conscience and religion)

Case of Poghosyan and Baghdasaryan (12 June 2012)

Armen Poghosyan and his mother Anahit Baghdasaryan complained, in particular, of their failure to obtain compensation for the non-pecuniary damage sustained by Mr Poghosyan, who had been the victim of a miscarriage of justice as a result of which he spent five and a half years in prison. Mr Poghosyan was convicted of rape and murder in 1999 after being coerced into making a confession while in police custody. He was released in 2005 when the true perpetrator was found. Ruling for the first time on a complaint under Article 3 of Protocol No. 7, the Court

specified that the purpose of that provision was not merely to recover any pecuniary loss caused by wrongful conviction but also to provide persons convicted as a result of a miscarriage of justice with compensation for any non-pecuniary damage.

Violation of Article 3 of Protocol No. 7 (right to compensation for wrongful conviction)

Case of Piruzyan (26 June 2012)

Kamo Piruzyan was charged with banditry in October 2006 and was detained until his release in December 2007, when the public prosecutor dropped the charges against him. The Court found that the applicant should not have been placed in a metal cage during his trial. It further stressed that the automatic rejection of his requests for release on bail had been incompatible with the requirements of the Convention.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violations of Article 5 (right to liberty and security)

Case of Virabyan (2 October 2012)

Grisha Virabyan was a member of the People's Party of Armenia (PPA), which at the relevant time was the main opposition party in Armenia. In April 2004 he was stopped by police officers near his home and taken into police custody, where he was subjected to torture as a result of which, among other things, his left testicle had to be removed. The Court found that the applicant had been tortured and that the authorities had not conducted an effective investigation into his allegations that the torture had been politically motivated.

Violations of Article 3 (prohibition of torture) on account of the torture of the applicant and the lack of an effective investigation in that regard

Violation of Article 6 § 2 (presumption of innocence)

Violation of Article 14 (prohibition of discrimination) taken together with Article 3, on account of the authorities' failure to investigate whether the torture had been politically motivated

Case of Chiragov and Others (6 December 2017)

In this case six Azerbaijani refugees complained 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.

The Court confirmed that Armenia exercised effective control over Nagorno-Karabakh and the surrounding territories and thus had jurisdiction over the district of Lachin. It found that the fact that peace negotiations were ongoing did not free the Government from their duty to take other measures and to set up a property claims mechanism which would be easily accessible.

Violation of Article 1 of Protocol No. 1 (protection of property)

Violation of Article 8 (right to respect for private and family life)

Violation of Article 13 (right to an effective remedy)

Case of Mushegh Saghatelyan (20 September 2018)

Mushegh Saghatelyan, an opposition activist, alleged that he had been the target of politically motivated repressive measures following a wide-scale protest against the presidential elections in 2008. He complained, in particular, that he had been ill-treated by the police, that his arrest had been unlawful and that the case against him had been fabricated. He was eventually found guilty of assaulting two police officers and illegally carrying a knife. The Court found, in particular, that the dispersal of the protest, which had been peaceful, and the subsequent rounding-up and detention of activists had been disproportionate and unnecessary.

Violations of Article 3 (prohibition of inhuman or degrading treatment) with regard to the applicant's ill-treatment and the lack of an effective investigation in that regard

Violations of Article 5 (right to liberty and security)

Violation of Article 6 (right to a fair trial)

Violation of Article 11 (freedom of assembly and association)

Case of Osmanyán and Amiraghyan (11 October 2018)

In 2007 a plot of land in the village of Teghout that was jointly owned by the five applicants was expropriated for the purpose of copper-molybdenum mining.

The Court observed that in assessing the compensation for expropriation, the Armenian courts had not taken into account the applicants' income from the fruit trees on their land, which comprised their means of subsistence, but had considered only the market value of the land.

Violation of Article 1 of Protocol No. 1 (protection of property)

Case of Ter-Petrosyan (25 April 2019)

Levon Ter-Petrosyan, who was the President of Armenia from 1991 to 1998 and who at the relevant time was an opposition candidate in the presidential election, complained in particular about the dispersal of a rally held in February 2008 to protest against election irregularities. The Court found that the dispersal of the rally had not been based on sufficient reasons, that it had taken place in dubious circumstances, apparently without warnings to disperse, and that the police had made unjustified and excessive use of force.

Violation of Article 11 (freedom of assembly and association)

Violation of Article 13 (right to an effective remedy) taken in conjunction with Article 11

Case of Dadayan (6 September 2018)

Garik Dadayan was convicted in Armenia of aiding and abetting the smuggling of enriched uranium into Georgia, on the basis of the witness statements made by two smugglers to the Georgian authorities. The applicant complained that he had been unable to question those witnesses during his trial because the Georgian authorities had refused their transfer to Armenia.

The Court held that the applicant's defence rights had been substantially affected by the fact that the smugglers had not appeared before the Armenian courts, since their statements had played a key role in his being sentenced to seven years' imprisonment.

Violation of Article 6 (right to a fair trial)

Selected measures to execute judgments

General measures

Case of Mkrtchyan (11 January 2007)

Administrative penalty unlawfully imposed on the applicant for taking part in a demonstration.

Enactment of new legislation on the procedure to be followed in organising meetings, rallies, parades and demonstrations.

Case of Meltex Ltd and Movsesyan (17 June 2008)

Failure to give reasons for decisions refusing to grant a broadcasting licence to the applicant company.

Establishment in law of a requirement to give detailed reasons for any decision to grant, refuse or revoke a broadcasting licence.

Individual measures

Case of Harutyunyan (28 June 2007)

Use at trial of statements obtained from the defendant and witnesses through torture.

The applicant, who had been convicted on the basis of statements made under duress, obtained a decision to reopen the proceedings.

Case of Bayatyan (7 July 2011)

Conviction of a conscientious objector for refusing to perform military service.

The applicant's conviction was erased from the criminal records.

Case of Amirkhanyan (3 December 2015)

Quashing by the Court of Cassation of a final enforceable judgment following a second appeal on points of law, thereby breaching the applicant's property rights.

The proceedings in question were reopened.



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