



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

FOURTH SECTION

DECISION

Application no. 112/11
Tigran PILOYAN
against Armenia

The European Court of Human Rights (Fourth Section), sitting on 19 November 2020 as a Committee composed of:

Jolien Schukking, *President*,

Armen Harutyunyan,

Ana Maria Guerra Martins, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 21 December 2010,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Tigran Piloyan, was an Armenian national. He was born in 1962 and lived in Yerevan.

The applicant was represented before the Court by Mr T. Hayrapetyan, a lawyer practising in Yerevan.

The applicant's complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the authorities' refusal to recognise his ownership of unauthorised constructions built and owned by him and the excessive length of the ensuing domestic proceedings were communicated to the Armenian Government ("the Government").

On 2 October 2017 the applicant's wife and two daughters informed the Registry that the applicant had died on 21 December 2013, expressing their wish that the applicant's younger daughter, Ms Irina Piloyan, pursue the proceedings on his behalf. Ms Piloyan also signed the authority form for Mr T. Hayrapetyan.

THE LAW

The Government argued that the applicant's wife and daughters had failed to substantiate their standing in the proceedings before the Court in so far as they had failed to submit an inheritance certificate or any other document confirming that they had accepted the applicant's inheritance.

The Court reiterates that, where the applicant has died after lodging an application, it has accepted that the next-of-kin or heir may in principle pursue the application, provided that he or she has sufficient interest in the case (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 97, ECHR 2014). The Court has also established that it is for the heir who wishes to pursue the proceedings before the Court to substantiate his or her standing to do so (see, for example, *Belskiy v. Russia* (dec.), no. 23593/03, 26 November 2009).

The Court observes that the applicant died on 21 December 2013. The Court was not informed thereof. It was only in 2017, after they had been invited to respond to the Government's observations in reply to the late applicant's application, that his wife and two daughters informed the Court of the applicant's death and expressed the wish that Ms Irina Piloyan continue the proceedings before the Court.

The Court notes, however, that, having claimed to be the applicant's heir, Ms Piloyan did not provide any document, such as a succession certificate, to confirm acceptance of the late applicant's succession (see *Rista and Others v. Albania* [Committee], nos. 5207/10 and 6 others, 17 March 2016) or any statement confirming that she had accepted succession after her deceased father (contrast *Romankevič v. Lithuania*, no. 25747/07, § 15, 2 December 2014) or any other documents or detailed information which could be of relevance in her particular case (contrast *Andreyeva v. Russia* (dec.), no. 76737/01, 16 October 2003). She failed to do so even after the Government expressly raised this in their further submissions after having learnt of the applicant's death.

Against this background, the Court finds that the request to pursue the proceedings was submitted by a person who has provided no evidence of her status as an heir (see, *mutatis mutandis*, *Léger v. France* (striking out) [GC], no. 19324/02, § 50, 30 March 2009).

In the light of the foregoing, in accordance with Article 37 § 1 (c) of the Convention, the Court considers that it is no longer justified to continue the examination of the application. Furthermore, it does not consider that "respect for human rights as defined in the Convention and the Protocols" requires the examination of the application despite the applicant's death.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

PILOYAN v. ARMENIA DECISION

Done in English and notified in writing on 10 December 2020.

Liv Tigerstedt
Acting Deputy Registrar

Jolien Schukking
President