



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

FIRST SECTION

**CASE OF SAGHATELYAN v. ARMENIA**

*(Application no. 31155/13)*

JUDGMENT

STRASBOURG

8 October 2020

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



**In the case of Saghatelyan v. Armenia,**

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Krzysztof Wojtyczek, *President*,

Linos-Alexandre Sicilianos,

Armen Harutyunyan, *judges*,

and Liv Tegerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 17 September 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 23 April 2013.

2. The applicant was represented by Ms M. Baghdasaryan, a non-practising lawyer.

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 applicant complained of the excessive length of criminal proceedings.

## THE LAW

### I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicant complained that the length of the criminal proceedings in question had been incompatible with the “reasonable time” requirement. She 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 ...”

7. The Government submitted that the applicant had failed to apply to the Court within six months from the date of the final decision. In particular, the applicant should have applied to the Court within six months either from 6 April 2012, the date of the prosecutor’s decision to drop charges against her, or from 17 May 2012, the date when the Regional Court acquitted her.

8. The applicant argued that the proceedings in her case had ended with the final decision of the Court of Cassation on 24 October 2012 whereby the Regional Court's decision of 17 May 2012 was upheld.

9. The Court observes that the final domestic decision within the meaning of Article 35 § 1 of the Convention was the decision of the Court of Cassation of 24 October 2012, whereby the applicant's acquittal by the Regional Court was confirmed at the final instance. Hence, having lodged her application on 23 April 2013, the applicant complied with the six-month time-limit laid down in Article 35 § 1 of the Convention.

10. Accordingly, the Court rejects the Government's objection in this regard.

11. 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).

12. 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.

13. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. 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.

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

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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."

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Grigoryan v. Armenia*, no. 3627/06, § 135, 10 July 2012), the Court finds it reasonable to award the sums indicated in the appended table. It dismisses the remainder of the claims for just satisfaction submitted by the applicant.

17. 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. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;
3. *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 amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 8 October 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt  
Acting Deputy Registrar

Krzysztof Wojtyczek  
President

SAGHATELYAN v. ARMENIA JUDGMENT

APPENDIX

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

Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
31155/13 23/04/2013	<b>Anahit SAGHATELYAN</b> 10/06/1959	Baghdasaryan Meri Yerevan	01/03/2000	24/10/2012	12 years, 7 months and 24 days  3 levels of jurisdiction	4,200	800

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

<sup>2</sup> Plus any tax that may be chargeable to the applicant.