



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

FIFTH SECTION

CASE OF LENA HAKOBYAN AND OTHERS v. ARMENIA

(Applications nos. 13721/23 and 34245/23)

JUDGMENT

Art 6 § 1 • Reasonable time • Excessive length of civil and administrative proceedings ranging from seven to thirteen years

Art 13 (+ Art 6 § 1) • No effective remedy

Art 46 • Execution of judgment • General measures • Respondent State to put in place, as a matter of priority, a compensatory remedy specifically dedicated to complaints of excessive length of proceedings in line with the Court's criteria, without ruling out the possibility of also introducing an acceleratory remedy

Prepared by the Registry. Does not bind the Court.

STRASBOURG

21 May 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Lena Hakobyan and Others v. Armenia,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Kateřina řimáčková, *President*,

Gilberto Felici,

Andreas Zünd,

Diana Sârcu,

Mykola Gnatovskyy,

Vahe Grigoryan,

Sébastien Biancheri, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 13721/23 and 34254/23) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Armenian nationals (“the applicants”) listed in the appendix on the various dates indicated therein;

the decision to give notice to the Armenian Government (“the Government”) of the complaints concerning the excessive length of proceedings and, in respect of application no. 13721/23, the lack of an effective remedy for length-of-proceedings complaints;

the parties’ observations;

the decision to uphold the Government’s objection to examination of the applications by a Committee;

Having deliberated in private on 28 April 2026,

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

INTRODUCTION

1. The cases concern the length of proceedings before the civil and administrative courts and the existence of effective domestic remedies by which compensation for the excessive length of proceedings may be sought. The applicants relied on Article 6 § 1 of the Convention. The applicants in application no. 13721/23 also invoked Article 13.

THE FACTS

2. The list of applicants and the relevant details of the applications are set out in the appended table.

3. The Government were represented by their former Agent, Mr Y. Kirakosyan, and subsequently by Mr K. Andreasyan, Representative of the Republic of Armenia on International Legal Matters.

4. The applicants were parties to civil and administrative proceedings which, in their view, were conducted in breach of the reasonable-time

requirement under Article 6 § 1 of the Convention. Relevant dates and details are provided in the appended table.

5. On 19 April 2014 the Civil Code was amended to include Articles 162.1 and 1087.2, which introduced the right to claim compensation in respect of non-pecuniary damage resulting from violations of the right to life, the prohibition of ill-treatment or the right to liberty committed by a State or local self-government body or its officials. On 21 December 2015 Article 162.1 was amended to extend that right to a broader range of Convention rights, including the right to a fair trial (see paragraph 6 below). The amendment entered into force on 1 January 2016.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW

A. The Civil Code

6. The relevant provisions of the Civil Code read as follows:

Article 162.1. Definition of non-pecuniary damage and compensation for such damage

“1. For the purposes of this Code, non-pecuniary damage means physical or mental suffering caused by a decision, action or inaction that interferes with a person’s pecuniary or non-pecuniary interests, whether inherent or granted by law, or violates that person’s pecuniary or non-pecuniary rights.

2. A person, or, in the event of his or her death or legal incapacity, his or her spouse, parent, adopter, child, adoptee, guardian or trustee, has the right to claim compensation in respect of non-pecuniary damage from the court through judicial proceedings, if it has been established by an investigating authority, a prosecutor or a court that as a result of a decision, action or inaction by a State or local self-government body or one of its officials, his or her fundamental rights guaranteed by the Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms have been violated, [including]

...

(4) the right to a fair trial ...”

Article 1087.2. The procedure and conditions for compensating for non-pecuniary damage arising from a violation of fundamental rights or an unjust conviction

“1. The form, basis and amount of non-pecuniary damage suffered as a result of a violation of fundamental rights or an unjust conviction shall be determined in accordance with this Article and Article 162.1 of the present Code.

2. Non-pecuniary damage shall be compensated for, irrespective of any pecuniary damage subject to compensation.

3. Non-pecuniary damage shall be compensated for, regardless of whether the official who caused the damage is at fault.

4. Non-pecuniary damage shall be compensated for from the State budget...

5. The amount of compensation for non-pecuniary damage shall be determined by the court in accordance with the principles of reasonableness, equity and proportionality.

6. When determining the amount of compensation for non-pecuniary damage, the court shall take into account the nature, degree and duration of the physical or mental suffering, the consequences of the damage caused, the existence of fault when the damage was caused, the personal characteristics of the injured party, as well as other relevant circumstances.

7. The amount of compensation shall not exceed:

...

(2) Two thousand times the fixed minimum wage [one thousand Armenian drams¹] in the case of violation of the rights specified in points 3 to 9 of part 2 of Article 162.1 of this Code.

8. In exceptional cases², the amount of compensation for non-pecuniary damage may exceed the maximum limits provided for in part 7 of this Article if the damage caused has resulted in severe consequences.

9. A claim for compensation in respect of non-pecuniary damage may be submitted to the court either together with the claim to establish the violation of the right specified in part 2 of Article 162.1 of this Code, within one year from the moment the person becomes aware of the violation, or within one year from the moment the judicial act confirming the violation enters into legal force, or from the moment the person becomes aware of a decision not to initiate a criminal prosecution, [a decision] to terminate [a criminal prosecution], or [a decision] to discontinue criminal proceedings on grounds other than those qualifying as rehabilitative, provided that such a decision has not been quashed or appealed against.

10. The Republic of Armenia, or a municipality that has compensated for damage caused as a result of a decision, action or inaction of a State or local self-government body or one of its officials, has the right of recourse (regress) against the person in question in relation to the amount of compensation it has paid. The basis for bringing a recourse claim is the existence of fault on the part of the official from the State or local self-government body.”

B. The Civil Code of Procedure (2018)

7. Article 102 of the Code provides that the State duty for an application comprising both pecuniary and non-pecuniary claims must be calculated and collected separately for each individual claim.

8. Article 109 of the Code provides that court fees (comprising the State duty and other expenses related to the proceedings) must be apportioned between the parties to the proceedings in proportion to the number of claims that have been allowed.

9. Article 112 of the Code provides that court fees related to lodging and examining appeals must be apportioned between the parties to the proceedings in accordance with the same rules.

¹ About 2 euros.

² The expression “In exceptional cases” was declared invalid and unconstitutional by decision no. ՄԴՈ-1513 of the Constitutional Court (see paragraph 14 below).

C. The State Fees Act

10. Section 8 of the Act provides that the rates of the State duty must be determined on the basis of the value of the property subject to appraisal, or in accordance with the base fee established by this Act.

The base fee is set at 1,000 Armenian drams (AMD)³.

11. Section 9 of the Act provides that in respect of pecuniary claims, the State duty for lodging court applications and appeals is levied at 3%, 4%⁴ or 5%⁵ of the amount in dispute indicated in the applications and appeals lodged with a first-instance court, an appellate court or the Court of Cassation respectively. In respect of non-pecuniary claims, the State duty is 20, 30 or 40 times the base fee for applications and appeals lodged with a first-instance court, an appellate court or the Court of Cassation respectively.

12. Section 21 of the Act provides that relief in respect of the State duty may include: exemption from payment, reduction of an amount or rate, postponement of payment deadlines, and waiver of or postponement of penalties for late payment.

13. Section 31(1)(c) of the Act provides that in relation to individuals or groups who are liable to pay the State duty, relief in that regard may be granted by the courts in specific cases set out in section 9 of the Act, on the basis of the parties' financial circumstances.

II. DOMESTIC PRACTICE

A. The Constitutional Court

1. *Decision of the Constitutional Court of 3 March 2020 on the conformity with the Constitution of Article 1087.2 §§ 7 and 8 of the Civil Code, upon an application by the Yerevan First-Instance Court of General Jurisdiction (decision no. UԴՈ-1513)*

14. In decision no. UԴՈ-1513 the Constitutional Court of Armenia observed that Article 1087.2 § 8, read in conjunction with Article 1087.2 § 7, provided that compensation in respect of non-pecuniary damage could exceed the statutory maximum only in “exceptional cases” involving “serious consequences”. The Constitutional Court held that any violation of fundamental rights or an unjust conviction was inherently exceptional, and

³ About 2 euros.

⁴ Where claims contested in full are either granted or dismissed by a first-instance court of general jurisdiction, the State duty must be calculated at 4% of the amount of the claim, but must not be less than 15 times or more than 15,000 times the fixed minimum wage.

⁵ Where claims granted or dismissed by a first-instance court of general jurisdiction are contested in full before an appellate court, and the appellate court either upholds or dismisses the appeal in full, the State duty must be 5% of the amount of the claim, but must not be less than 30 times or more than 10,000 times the fixed minimum wage.

therefore the harm done to each claimant was unique. Thus, claimants should not be required to prove the “extraordinary” nature of their suffering, nor should courts apply this vague criterion comparatively. Such a burden was disproportionate and impeded effective judicial protection. Nonetheless, additional legal thresholds for claims exceeding the upper limits for compensation were proportionate to the State’s interests. When seeking compensation which exceeded the upper limit, claimants had to demonstrate substantially different or more serious circumstances. The Constitutional Court held that the determination of “serious consequences” lay within the discretion of the court in each case; the court could decide whether the consequences arising from the damage sustained by a claimant were indeed serious, following a thorough assessment of all relevant factual circumstances and applying the criteria laid down in Article 1087.2 §§ 5 and 6 of the Code.

2. Decision of the Constitutional Court of 16 March 2021 on the conformity with the Constitution of section 9 of the Constitutional Act on the Judicial Code, upon an application by the Human Rights Defender (decision no. ՄՂՈ-1585)

15. In decision no. ՄՂՈ-1585 the Constitutional Court examined the question of whether section 9 of the Judicial Code – which provides that cases should be examined within a reasonable time and lays down criteria whereby the reasonableness of the length of proceedings is to be determined – complied with the Constitution. The Constitutional Court held, among other things, that in order to prevent possible breaches, the State should firstly put in place the necessary framework and procedures in order to ensure reasonable expedition, and secondly, in the case of a delay, provide an effective remedy. Having regard to a report prepared by the Supreme Judicial Council concerning the number of cases and the length of proceedings, as well as the Court’s judgments against Armenia, the Constitutional Court concluded that the situation was problematic. It noted that there could be various factors underlying the issue of the length of proceedings. One of the possible ways to improve the situation was to provide for a judge being responsible in the event of non-compliance with the reasonable-time requirement (such as by assessing his or her work or subjecting him or her to a disciplinary measure). However, this was not a sustainable solution to tackle the problem. At the same time, given the courts’ workload, the State should ensure that judges were not overloaded, so that they could decide the cases within a reasonable time, but not at the cost of other requirements relating to fairness. The Constitutional Court noted that this could be achieved by simplifying the procedures before the courts, reducing the number of cases and recruiting more court staff. As regards the protection mechanisms against delays, the Constitutional Court noted that a compensatory remedy was available in Armenia (under Article 162.1 of the Civil Code), but did not address the constitutionality of that remedy, given that such a question had

not been raised before it. As regards the lack of preventive mechanisms, and having agreed with the claimant in question that the existence of such mechanisms was important, the Constitutional Court held that while the State had to ensure a reasonable time frame for examining cases and preventing violations, the choice of the specific measures to achieve that goal was at the discretion of the legislature. Having concluded that Article 9 of the Judicial Code complied with the Constitution, the Constitutional Court noted that it was the duty of the legislature to provide for mechanisms which would ensure, in the most effective manner, the right to a trial within a reasonable time, in response to the issues highlighted in its decision.

B. Domestic case-law on claims for compensation in respect of non-pecuniary damage under Article 162.1 § 2 (4) and Article 1087.2 of the Civil Code, relied on by the Government

1. Final judgments concerning compensation claims

16. By a judgment delivered on 7 September 2020 (case no. ԵՂ/25468/02/19), the Yerevan First-Instance Court of General Jurisdiction (hereinafter “the Yerevan Court”) dismissed a claim for compensation alleging that the length of proceedings before the Administrative Court of Armenia had been excessive. The main proceedings, which had concerned a pecuniary claim brought against the claimant by the State, had lasted four and a half years at one level of jurisdiction, and it had taken the Administrative Court nearly two years to send the judgment to the claimant. The Yerevan Court dismissed the claim. It essentially found that the claimant had failed to submit sufficient evidence indicating that the adjournment of hearings had violated his right to a hearing within a reasonable time or that the hearings could reasonably have been scheduled earlier. Specifically, the claimant had provided audio-recordings for only seven out of the twelve court hearings, which had not been sufficient to determine the overall length of the proceedings, including the conduct of the parties. Furthermore, the recordings submitted had not revealed any undue adjournments or procedural delays. Similarly, the incomplete information prevented the court from fully assessing the complexity of the case. The Yerevan Court also dismissed the claimant’s assertion that the delayed service of the Administrative Court judgment had prejudiced his rights, firstly owing to lack of evidence, and secondly because the judgment had been rendered in his favour.

The judgment of the Yerevan Court was upheld by higher courts, and the proceedings lasted one year and seven months across three levels of jurisdiction.

17. By a judgment delivered on 29 June 2021 (case no. ԵՂ/37503/02/19), the Yerevan Court dismissed a claim for compensation alleging that the length of proceedings before the Lori Regional Court had been excessive. The

main proceedings, which had concerned a claim for partition of property, had been pending before the Lori Regional Court for over six years at the time the compensation claim was filed, nearly five of those six years pending the completion of an expert report. The Yerevan Court firstly noted that it should assess the length of proceedings solely from a procedural standpoint, without examining the lawfulness of the conduct of any specific judge. Having regard to the relevant criteria – namely the complexity of the case, the consequences of any delay for the claimant, the authorities’ efficiency, and the applicant’s own conduct – the court held that all hearings had been duly scheduled and, in some cases, adjourned for valid reasons such as evidence gathering or the parties’ requests, including those of the claimant. The claimant had failed to submit any evidence about her conduct in the proceedings or what had been at stake for her. Nor had she demonstrated that similar cases had been handled more swiftly.

The judgment of the Yerevan Court was upheld by higher courts, and the proceedings lasted two years and five months across three levels of jurisdiction.

18. By a judgment delivered on 19 March 2021 (case no. ԵՂ/31299/02/19), the Yerevan Court dismissed a claim for compensation alleging that the length of proceedings before the Administrative Court had been excessive. The main proceedings, which had concerned a claim against the State to compel it pay a pension for a specified period, had lasted five years and six months at only one level of jurisdiction, and it had taken the court almost a year to notify the claimant of its judgment. The compensation claim was examined by the Yerevan Court twice, following the case being remitted by an appellate court. During the second set of proceedings, the Yerevan Court noted that all hearings had taken place save for one, owing to the judge’s attendance at a training course. It observed that the matter had not been complex and that there had been no justification for the proceedings lasting more than five and a half years. However, the claimant had provided audio-recordings for only 4 of the 14 hearings, which had impeded the court’s ability to assess his conduct fully. Whilst the recordings revealed that the case had resumed twice – giving rise to some concern – the court was unable to form a view on the conduct of the Administrative Court owing to the absence of formal decisions authorising those resumptions. With regard to the importance of the matter to the claimant, the court was unable to make any findings in the absence of evidence, particularly as the dispute concerned unpaid pension benefits for a period of one year and eight months, rather than the claimant’s pension entitlement or means of subsistence generally.

An appeal by the claimant against the above-mentioned judgment was declared to have been lodged out of time. In total, the proceedings lasted four years and one month across three levels of jurisdiction.

19. By a judgment delivered on 21 July 2021 (case no. ԵՂ/1152/02/20), the Yerevan Court dismissed a claim for compensation alleging that the

length of proceedings before the Administrative Court had been excessive. The main proceedings, which had concerned a claim for a land allocation decision, had been pending before that court for three years and two months at the time the compensation claim was filed. Some of the hearings had been scheduled with gaps of eight months to over a year between them. The Yerevan Court noted that all eight hearings scheduled by the Administrative Court (between 2017 and 2020) had taken place. As regards the complexity of the case and the claimant's conduct, the claimant had failed to submit any evidence allowing the court to evaluate those criteria. The court concluded that in order to establish that his or her rights had been violated, a claimant had to provide factual evidence showing that the delay between the adjournment of a court hearing and the scheduling of the following hearing had clearly been unreasonable and solely due to the court, rather than external factors. In the absence of such evidence from the claimant, the court presumed that any delay had been reasonably justified for the proper administration of justice. The Civil Court of Appeal upheld that judgment, noting that the claimant, who bore the burden of proof and had limited herself to alleging a violation of her right to a hearing within a reasonable time, had failed to demonstrate that the case was not complex or should have been resolved more quickly. She had not shown that the duration of the case had caused her any harm or that the court's timeline had been arbitrary rather than based on external factors. Furthermore, the claimant had not taken reasonable measures to shorten the duration of the case.

The above-mentioned judgment was upheld by the Court of Cassation. The proceedings lasted two years and five months in total.

20. By a judgment delivered on 8 December 2021 (case no. ԵՊ/31501/02/19), the Yerevan Court allowed a claimant's compensation claim, finding that the length of the main proceedings in question, which had lasted five years in total across two levels of jurisdiction, had been excessive. It took into account the fact that the case had not been complex – it had concerned the claimant's pension rights. There was no evidence that any delays had been caused by the claimant. Ultimately, the court ordered the State to pay the claimant AMD 300,000 and dismissed the remainder of his claim for compensation. The Yerevan Court ordered the defendant to reimburse the claimant the State duty that had already been paid in relation to the part of the claim which had been allowed.

The claimant did not appeal against that judgment, and appeals by the defendant were dismissed. The appellate court noted, among other things, that the State should bear responsibility for the undue delays in the adjudication of the case, which had amounted to a violation of the claimant's fundamental rights, regardless of the specific court or judicial errors involved. Moreover, the fact alone that the main proceedings had lasted five years constituted ample grounds to conclude that the claimant's right to a fair trial and right to an effective remedy had been breached.

The compensation proceedings lasted three years and two months across three levels of jurisdiction.

21. By a judgment delivered on 2 November 2023 (case no. LՂ/6832/02/21), the Yerevan Court allowed a claimant's compensation claim with regard to, *inter alia*, the length of criminal proceedings against her which had resulted in her being acquitted by the relevant trial court. The criminal proceedings against the claimant, including the investigation stage, had lasted just over four years across two levels of jurisdiction. Having regard to the claimant's acquittal by the trial court, the Yerevan Court found that there had been a breach of her right to be presumed innocent, as well as her right to a fair trial. The court noted that the criminal proceedings against the claimant had lasted more than four years, during which time, as an accused, she had not been allowed to leave the country; this had caused her mental suffering. The court allowed the claim in part, awarding AMD 800,000 in compensation. The claimant was exempt from paying the State duty owing to her status as an acquitted person.

The judgment was upheld by higher courts and the proceedings lasted around two years and ten months across three levels of jurisdiction. No information is available about the enforcement of the judgment.

22. In their assessment of the reasonable-time requirement, the domestic courts referred to *Frydlender v. France* ([GC], no. 30979/96, ECHR 2000-VII) and the related case-law.

23. According to the above-mentioned case-law examples, claimants were required to pay the State duty for both a claim seeking recognition of a violation of their fundamental rights (a non-pecuniary claim) and an ancillary claim for compensation (a pecuniary claim).

2. *Judgments concerning compensation claims still pending before various courts*

24. The Government also submitted nine other cases in which courts had either dismissed or accepted in part compensation claims alleging a breach of the reasonable-time requirement. All of those cases were pending before various courts on 2 May 2025, the date when the Government submitted their observations.

25. Case no. ԵՂ/4961/02/18: Although the claimant's compensation claim had been allowed in part and an appeal on points of law which he had lodged had been rejected by a final decision of the Court of Cassation, the relevant compensation proceedings were apparently still pending before the Court of Cassation as of 7 March 2023 because an appeal on points of law had been lodged by the defendant. At that point the proceedings had been ongoing for five years and five months in total.

26. Case no. ԵՂ/25302/02/19: The compensation proceedings were still pending before the Court of Cassation on 7 March 2023, and had been ongoing for three years and seven months in total.

27. Case no. ԵՂ/18511/02/21: The compensation proceedings were still pending before the Court of Cassation, and had been ongoing for four years in total.

28. Case no. ԵՂ/29755/02/21: The information available indicates that an appeal by the claimant was rejected by the relevant appellate court on 19 June 2025, but it is unclear if an appeal on points of law has been lodged. The compensation proceedings had been ongoing for nearly four years across two levels of jurisdiction, and for three of those four years the proceedings had been before the first-instance court.

29. Case no. ԵՂ/6426/02/22: The compensation proceedings were still pending before the appellate court, and the proceedings had been ongoing for two years and nine months in total.

30. Case no. ԵՂ/25942/02/22: The case was pending before the first-instance court.

31. Case no. ԵՂ/54146/02/22: The defendant had lodged an appeal on points of law and the case was pending before the Court of Cassation. As of 10 June 2025 the proceedings had been ongoing for two years and eight months.

32. Case no. ԵՂ/64639/02/22: The compensation proceedings were still pending before the appellate court, and the proceedings had been ongoing for approximately two and a half years in total.

33. Case no. ԵՂ2/44039/02/23: The compensation proceedings were still pending before the Court of Cassation as of 21 June 2025, and the proceedings had been ongoing for approximately one and a half years in total.

THE LAW

I. PRELIMINARY ISSUES

A. Joinder of the applications

34. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

B. *Locus standi* (application no. 13721/23)

35. The Court notes that the applicant L. Hakobyan in application no. 13721/23 died on 20 September 2024, while the case was pending before the Court. Her daughter, the applicant A. Hakobyan, who is her heir, informed the Court that she wished to pursue the application lodged by her mother.

36. The Government contended that the applicant A. Hakobyan had not provided an inheritance certificate to substantiate her legal standing, and in any event, the complaint raised in the application concerned non-transferable

rights. They invited the Court to strike the application out of its list of cases as regards the applicant L. Hakobyan.

37. Having regard to the circumstances of the present case and the documents submitted by the applicant A. Hakobyan, the Court accepts that as the heir of the late applicant L. Hakobyan, she has a legitimate interest in pursuing the application in her mother's stead (see, among other authorities, *Horváthová v. Slovakia*, no. 74456/01, § 26, 17 May 2005, and *Benyaminson v. Ukraine*, no. 31585/02, § 83, 26 July 2007).

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

38. The applicants complained of the excessive length of proceedings before the civil and administrative courts. They relied on Article 6 § 1 of the Convention, which, in so far as relevant, reads as follows:

“1. In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

A. Admissibility

1. *The parties' submissions*

(a) **The Government**

39. The Government argued that the applicants had failed to exhaust available domestic remedies. Specifically, Articles 162.1 and 1087.2 of the Civil Code had introduced an effective legal remedy by which allegations of a violation of the reasonable-time requirement under Article 6 § 1 could be raised. Although in *Fil LLC v. Armenia* (no. 18526/13, 29 January 2019) the Court had found a violation of Article 13 in conjunction with Article 6 § 1 owing to the absence of domestic remedies for complaints relating to the length of proceedings (§§ 48-51), the domestic law and practice had evolved since then. In support of their argument, the Government submitted 15 examples from domestic case-law (outlined in paragraphs 16-33 above) where the civil courts had examined compensation claims lodged under Article 162.1 § 2 (4) and Article 1087.2 of the Civil Code in relation to allegations that the length of proceedings had been excessive. The Government claimed that around 58% of cases concerning compensation in respect of non-pecuniary damage lasted 3 years across three levels of jurisdiction.

40. The Government pointed out that the Constitutional Court, in a relevant decision, had also observed that the procedure in question had been incorporated into the domestic legal system as a remedy for length-of-proceedings complaints (see paragraph 15 above). The Government asserted that as provided for by Article 1087.2 § 9 of the Code, claimants could seek recognition of a breach of their right to a hearing within

a reasonable time and simultaneously make a claim for compensation. The Government argued that even though there was a cap on the amount of compensation that could be claimed, the domestic courts were to consider a wide range of circumstances – they referred to Article 1087.2 §§ 5 and 6 of the Code – when determining the amount of such an award, ensuring that any decision on compensation was fair and proportionate. The Government contended that the applicants had thus failed to avail themselves of the remedy in question.

(b) The applicants

41. The applicants in application no. 13721/23 contested the Government's objection by referring to the Court's findings in *Fil LLC*, arguing that the domestic legal system in Armenia did not provide for any available and effective remedy for length-of-proceedings complaints in line with the Court's case-law. They argued that the remedy in question did not satisfy the criteria established by the Court in its relevant case-law pertaining to the effectiveness of remedies for complaints concerning the excessive length of proceedings. The applicants seemed to suggest that the proceedings before civil courts in Armenia were too long, thereby affecting the effectiveness of any such remedy. They had therefore lacked any available and effective domestic remedy for the purposes of the exhaustion rule.

42. The applicants in application no. 34245/23 similarly objected to the Government's non-exhaustion plea. They contested the effectiveness of the civil remedy suggested by the Government and referred to the Court's findings in the above-cited case of *Fil LLC* and *Vassilyan and Others v. Armenia* ([Committee], nos. 20193/15 and 2 others, 23 June 2022). As regards the domestic case-law examples submitted by the Government, they argued that the courts' practice had not been consistent: the courts had either made minimal awards or had rejected the compensation claims in full, without applying the related Convention principles. The applicants took issue with the length of the compensation proceedings, which in some cases had lasted more than four years. They pointed out that, for instance, in case no. ԵՂ/4961/02/18, the compensatory proceedings had lasted even longer than the main proceedings, and the domestic courts had found the length of the main proceedings problematic and had made an award in favour of the claimant (see paragraph 25 above). The applicants argued that the case-law examples submitted showed that the domestic courts had been reluctant to grant compensation claims. As regards the few case-law examples where such claims had been allowed, the reasoning of the courts had been inconsistent. The domestic courts had failed to carry out any meaningful assessment of the reasonable-time requirement in compliance with the criteria established by the Court, and their reasoning had either been lacking or overly formalistic. The applicants disputed the existence of settled domestic practice because most of the cases referred to by the Government had not even been

concluded by a final decision and were still pending before various courts. The applicants concluded by submitting that the remedy in question was inadequate, inaccessible in practice and incapable of securing redress.

2. *The Court's assessment*

(a) **General principles**

43. The obligation provided for under Article 35 § 1 of the Convention requires only that an applicant should have normal recourse to remedies likely to be effective, adequate and accessible. In particular, the only remedies that the Convention requires to be exhausted are those that relate to the breaches alleged and are at the same time available and sufficient. The existence of such remedies must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness (see *Sejdovic v. Italy* [GC], no. 56581/00, § 45, ECHR 2006-II, and *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 142, ECHR 2006-V).

44. With regard to the reasonable-time requirement, a remedy is “effective” in that it allows for an earlier decision by the courts to which the case has been referred or for the aggrieved party to be given adequate compensation for the delays that have already occurred (see *Scordino*, cited above, § 195; *Sürmeli v. Germany* [GC], no. 75529/01, § 99, ECHR 2006-VII; and *Rutkowski and Others v. Poland*, nos. 72287/10 and 2 others, § 173, 7 July 2015).

45. The best solution in absolute terms is indisputably, as in many spheres, prevention (see *Scordino*, § 183, and *Fil LLC*, § 47, both cited above). However, States may also choose to introduce only a compensatory remedy, without that remedy being regarded as ineffective (see *Fil LLC*, cited above, § 47, and *Balakchiev and Others v. Bulgaria* (dec.), no. 65187/10, § 57, 18 June 2013, with further references).

46. In the judgment in *Scordino* (cited above), the Court set key criteria for verifying the effectiveness of a compensatory remedy for excessively lengthy judicial proceedings. These criteria are as follows (§§ 195-207):

(i) the procedural rules governing an action for compensation must conform to the principle of fairness guaranteed by Article 6 of the Convention;

(ii) an action for compensation must be heard within a reasonable time;

(iii) the rules regarding legal costs must not place an excessive burden on litigants where their action is justified;

(iv) the level of compensation must not be unreasonable in comparison with the awards made by the Court in similar cases;

(v) the compensation must be paid promptly and generally no later than six months after the date on which the decision awarding compensation becomes enforceable.

47. The Court further reiterates that a remedy available to a litigant at domestic level for raising a complaint about the length of proceedings is “effective” within the meaning of Article 35 § 1 of the Convention only if it is capable of covering all stages of the proceedings complained of and thus, in the same way as a decision given by the Court, of taking into account their overall length (see *Kirinčić and Others v. Croatia*, no. 31386/17, § 110, 30 July 2020, with further references).

48. Where a State has taken a significant step by introducing a compensatory remedy, the Court must leave a wider margin of appreciation to the State to allow it to organise the remedy in a manner that is consistent with its own legal system and traditions and with the standard of living in the country concerned. The Court is required to verify whether the way in which the domestic law is interpreted and applied produces consequences that are consistent with the principles of the Convention, as interpreted in the light of the Court’s case-law. The principle of subsidiarity does not mean renouncing all supervision of the result obtained from using domestic remedies, as the Convention is intended to guarantee not theoretical or illusory rights, but rights that are practical and effective (see *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 80-83, ECHR 2006-V, and *Scordino*, cited above, §§ 189-192).

49. The mere fact that the compensation awarded to the applicants at the domestic level does not correspond to the amounts awarded by the Court in comparable cases does not render the remedy ineffective (see *Kaić and Others v. Croatia*, no. 22014/04, 17 July 2008, § 39, with further references).

50. With regard to pecuniary damage, the domestic courts are clearly in a better position to determine its existence and quantum (see *Scordino*, cited above, § 203). The situation is different as regards non-pecuniary damage; the reasoning of the courts in such matters should be based on the strong but rebuttable presumption that excessively long proceedings would occasion non-pecuniary damage (see *Martins Castro and Alves Correia de Castro v. Portugal*, no. 33729/06, § 54, 10 June 2008).

51. The Court accepts that, in some cases, the length of proceedings may result in only minimal non-pecuniary damage or no non-pecuniary damage at all (see *Cocchiarella*, cited above, §§ 96-97). The domestic courts will then have to justify their decision by giving sufficient reasons (see *Scordino*, cited above, § 204, and *Martins Castro and Alves Correia de Castro*, cited above, § 54).

(b) Application of the above principles to the present case

52. The Court notes that it has previously rejected objections of non-exhaustion raised by the Government in cases concerning the length of proceedings (see *Fil LLC*, cited above, §§ 42 and 48-51). Specifically, in *Fil LLC* the Court dismissed the Government’s assertion that there was a procedure available to the applicant company which was capable of

expediting pending civil proceedings (*ibid.*, § 48). In addition, the Government did not suggest any procedure by which redress could be sought for the delays which had already occurred (*ibid.*, § 49).

53. In a number of cases that followed, the Government raised an objection of non-exhaustion, this time arguing that since 1 January 2016 the domestic law had enabled litigants to seek compensation in respect of non-pecuniary damage for complaints concerning reasonable expedition. Specifically, they referred to the above-mentioned procedure under Articles 162.1 and 1087.2 of the Civil Code (see paragraph 6 above). In those cases, however, the Court held that there was no reason to depart from its findings in *Fil LLC* because the Government had failed to substantiate the effectiveness in practice of the remedy they had relied on (see *Vassilyan and Others*, cited above, §§ 7-9; *Lmntyanyan and Sloyan v. Armenia* [Committee], nos. 41973/19 and 51266/19, § 10, 9 February 2023; *Nikoghosyan and Others v. Armenia* [Committee], nos. 4396/21 and 2 others, § 9, 14 December 2023; *Harutyunyan and Hakobyan v. Armenia* [Committee], nos. 34544/21 and 3920/22, § 9, 14 December 2023; and *Voskanyan and Others v. Armenia* [Committee], no. 54225/22, § 6, 24 October 2024).

54. In their submissions in the present case, the Government contended that domestic practice had evolved since the Court's judgments in the above-cited cases, which justified reconsideration of the question of remedies.

55. In this connection, the Court notes that the Armenian domestic system does not provide for a remedy specifically designed to prevent or expedite judicial proceedings. The compensatory remedy relied on by the Government has not been expressly created to address claims for compensation arising from delays due to the length of proceedings. Indeed, Article 162.1 § 2 (4) contains no mention of the reasonable-time requirement. Rather, it provides for a general right to claim compensation in respect of non-pecuniary damage for breaches of the "right to a fair trial". As mentioned in paragraph 48 above, the Court must leave a wider margin of appreciation to a Contracting State to allow it to organise a compensatory remedy in a manner consistent with its own legal system and traditions and with the standard of living in the country concerned (see the case-law references cited therein). Having regard to the principles outlined in paragraphs 43-51 above, and in the absence of a specifically introduced remedy for delay, it remains the case that the development and availability of a remedy said to exist, including its scope and application, must be clearly set out and confirmed or complemented by practice or case-law (see *McFarlane v. Ireland* [GC], no. 31333/06, § 120, 10 September 2010). Moreover, the Court has to verify whether the procedure applied produces consequences that are consistent with the principles of the Convention, as interpreted in the light of the Court's case-law (see paragraph 48 above). Therefore, in the light of the key criteria developed in

its case-law with regard to compensatory remedies (see paragraph 46-47 above), the Court has to ascertain whether the procedure relied on by the Government could constitute an available and effective remedy for length-of-proceedings complaints (compare *Balakchiev and Others*, cited above, §§ 53-57, and *Techniki Olympiaki A.E. v. Greece* (dec.), no. 40547/10, §§ 35 and 41, 1 October 2013).

(i) *Procedural guarantees and the scope of judicial review*

56. Compensation claims under Articles 162.1 and 1087.2 of the Civil Code are adjudicated through the ordinary civil judicial process. The full range of procedural rules governing civil claims is applied, resulting in a legally binding decision of a court.

57. The domestic practice referred to by the Government shows that in their assessment of the reasonable-time requirement, the domestic courts refer to the relevant criteria established in the Court's case-law when dealing with a case (see paragraph 22 above), namely the complexity of the case, the claimant's conduct and that of the relevant authorities, and the importance of what is at stake for the claimant in the dispute (see, among many other authorities, *Kudła v. Poland* [GC], no. 30210/96, § 124, ECHR 2000-XI, and *Frydlender*, cited above, § 43). It is to be welcomed that the domestic courts take these considerations into account, as it demonstrates their commitment to giving full effect to the Convention in their judgments.

58. However, in some cases which were concluded by a final decision, the domestic courts put the burden of proof on a claimant to demonstrate that the proceedings, while lengthy at first glance, could have been conducted more expeditiously, or that hearings could reasonably have been scheduled earlier. In one such illustrative example (case no. ԵՂ/31299/02/19, summarised in paragraph 18 above), the main proceedings before the Administrative Court lasted five and a half years and it took that court another year to notify the claimant of its judgment. During the compensation proceeding the Yerevan Court, while noting that the complexity of the case could not justify the length of the proceedings, dismissed the claim for compensation because the claimant had failed to submit audio-recordings of all court hearings to show that his conduct had not contributed to the length of the proceedings. In the absence of the relevant court decisions on the resumption of the proceedings, the Yerevan Court held that it could not determine whether the length of the proceedings had been attributable to the Administrative Court, despite the fact that the claimant had submitted excerpts from the domestic database documenting the chronology of all court hearings. In addition, the Yerevan Court did not address how long it had taken the Administrative Court to notify the claimant of its decision. In another example (case no. ԵՂ/1152/02/20, summarised in paragraph 19 above), it appears that the Yerevan Court required the claimant to prove that the relevant hearings could reasonably have been scheduled earlier. It is also unclear how the claimant was supposed

to accelerate the proceedings, as suggested by the appellate court, when no such possibility existed under the domestic law (see *Fil LLC*, cited above, § 49; see also the decision of the Constitutional Court summarised in paragraph 15 above). At any rate, any possible failure by applicants to use all means to expedite proceedings does not relieve the State of its general obligation to ensure that proceedings are conducted within a reasonable time (see *Vassilios Athanasiou and Others v. Greece*, no. 50973/08, § 28, 21 December 2010).

59. While it is not unreasonable to require claimants to show *prima facie* that a delay was attributable to the authorities, the domestic courts' requirements that a claimant (i) must submit audio-recordings of all court hearings to show that his or her conduct did not contribute to the length of the proceedings, and (ii) must demonstrate that the hearings in the main proceedings could have been scheduled earlier – even if the overall length of those proceedings has been found to be *prima facie* excessive – impose an unduly onerous burden on the claimant. Such a requirement effectively shifts the burden of proof from the State, whose representatives were party to the proceedings and which bears primary responsibility for the organisation and management of judicial proceedings (see *Sürmeli*, § 129, and *Scordino*, § 183, both cited above), to the individual claimant to prove negative facts and hypothetical alternatives to procedural scheduling, which is a discretion reserved exclusively for a court in Armenian civil and administrative procedure.

60. The above approach is in all likelihood the result of the fact that the procedure in question was not originally designed to address complaints concerning the reasonable-time requirement, but has gradually evolved to fulfil that function without there being a clear legal framework also governing the distribution of the burden of proof in such cases. As a result, claimants are effectively required to demonstrate that the reasonable-time requirement has been breached even in cases where the delay is obvious, which therefore affects the practical efficiency of the remedy in question.

(ii) *Speediness*

61. Compensation claims under Articles 162.1 and 1087.2 of the Civil Code concerning the excessive length of proceedings are not examined under a streamlined procedure. Nor is there any specific time-limit for examining such claims, which are instead dealt with in ordinary civil judicial proceedings comprising three levels of jurisdiction.

62. Turning to the domestic practice referred to by the Government, of the 15 case-law examples submitted, the compensation proceedings had been completed in only 6 cases (see paragraphs 16-21 above), while the remaining cases were still pending before various courts, according to the evidence submitted by the parties.

63. Out of the cases which had been concluded, four were decided in proceedings lasting around two (see paragraph 16 above) to three years (see paragraphs 17, 19 and 21 above) across three levels of jurisdiction. It took more than three to four years to examine the remaining two cases across three levels of jurisdiction (see paragraphs 18 and 20 above).

64. The details of the cases which were pending were as follows.

(i) Four had been pending before first- or second-instance courts for approximately three to four years (see paragraphs 26-29 above);

(ii) The proceedings in one case had lasted just over two and a half years across two levels of jurisdiction, and it is unclear if the proceedings were also pursued before the Court of Cassation (see paragraph 31 above);

(iii) In another case, the defendant's appeal on points of law was still pending before the Court of Cassation, and the proceedings had already lasted over five years across three levels of jurisdiction (see paragraph 25 above).

As to the remaining three cases, one has not yet been decided on the merits by the first-instance court (see paragraph 30 above). In the other two cases (see paragraphs 32-33 above), the proceedings were still pending before the relevant appellate court at the time of the parties' submissions.

65. The Court reiterates that the conditions applicable to the length of proceedings in respect of a compensatory remedy cannot be the same as those used for assessing the length of ordinary proceedings, particularly having regard to the fact that compensation proceedings are not usually complex (see *Gagliano Giorgi v. Italy*, no. 23563/07, § 69, ECHR 2012 (extracts)). The States have to act expeditiously to ensure that a violation is acknowledged and remedied as quickly as possible and, save in exceptional circumstances, this should not take more than two years and six months for two levels of jurisdiction, inclusive of implementation (*ibid.*, § 73; *McFarlane*, cited above, § 123, with further references; and *Marshall and Others v. Malta*, no. 79177/16, § 88, 11 February 2020).

66. The examples of domestic case-law referred to above illustrate that, more often than not, compensatory proceedings extend over several years; this is only the judicial phase of proceedings, as successful claimants must still wait for the actual disbursement of the award. Compensation claims are thus heard by three levels of jurisdiction, without any specific time-limits being set for the examination of such claims, which explains why those proceedings sometimes last more than three to four years in total (compare *Dimitrov and Hamanov v. Bulgaria*, nos. 48059/06 and 2708/09, § 97, 10 May 2011). The Court has already had the opportunity to observe that several States have chosen to set up an administrative mechanism for compensation awards which are amenable to appeal before one level of court only (compare, *Balakchiev and Others*, cited above, § 59), or to limit compensatory proceedings to one or two courts (*ibid.*, § 68 *in fine*) or to make good delays in compensation proceedings by increasing the amount of compensation which a competent court has awarded (see *Sartory v. France*,

no. 40589/07, § 26, 24 September 2009, and *Valada Matos das Neves v. Portugal*, no. 73798/13, § 93, 29 October 2015). However, it does not appear that such a possibility exists under Armenian law, or that the courts take their own delays into account when making awards for the excessive length of proceedings. In the Court's view, remedial action in relation to the length of proceedings is devoid of any purpose if the remedial proceedings themselves drag on for several years across three levels of jurisdiction, as instead of serving as a remedy against a violation, a right under the Convention, such action becomes yet another act in the chain of violations most likely calling for a remedy.

(iii) *Costs*

67. A fixed simple State duty applies to claims for recognition of a breach of fundamental rights and is payable in relation to each level of jurisdiction, with the fee increasing according to the level of jurisdiction (see paragraphs 11 and 23 above). However, for related claims in respect of non-pecuniary damage, the State duty is calculated as a fixed percentage of the amount claimed, with the percentage rising at each successive level of jurisdiction (*ibid.*). The Court takes note of the fact that a claimant may also seek an exemption from or postponement of payment of the State duty, on the basis of his or her financial circumstances (see paragraph 12 and 13 above), and that successful claimants are able to recoup their own costs, including the State duty (see paragraph 8 above, as well as the specific case-law example in paragraph 20 above). Nevertheless, the difficulty in assessing likely awards in respect of non-pecuniary damage makes the application of a percentage-based State duty system potentially problematic. As the system is automatic, this may result in court fees being disproportionately high in relation to the amount of damages awarded, which could undermine the accessibility of the compensatory remedy in question (compare *Stankov v. Bulgaria*, no. 68490/01, §§ 62-65, 12 July 2007). The Court notes that various procedural solutions exist in the legal systems of member States to avoid such situations. In some legal systems, for example, proceedings for damages against the State are either fully exempt from court fees or subject to a modest, simple fee (*ibid.*, § 66).

(iv) *Amount of compensation*

68. When determining the amount of compensation, domestic courts are guided by the principles of reasonableness, equity and proportionality, which the Court itself applies in making such awards. Furthermore, the particular circumstances of each case are taken into account when assessing quantum. As regards the cap on the amount of compensation, an upper limit of AMD 2 million (about EUR 4,500) allows ample scope for complying with the Court's criteria in respect of compensation (compare *Balakchiev*

and Others, cited above, § 71). Moreover, following the relevant decision of the Constitutional Court, the cap is no longer a bar to awarding amounts exceeding those indicated in Article 1087.2 (see paragraph 14 above).

69. That being said, of the six final judgments presented by the Government, claims were allowed in only two cases. In one case (see paragraph 20 above), the amount awarded was significantly lower (around 50% lower) than what the Court would normally grant in similar circumstances, and that amount was further reduced by the payment of court fees, since the claim was allowed only in part. As regards the second case, it did not relate entirely to a complaint about reasonable expedition, and therefore it is unclear how the amount of compensation was determined (see paragraph 21 above). The Court reiterates that the level of compensation awarded at domestic level may constitute an important element for assessing the adequacy of the remedy (compare *Balakchiev and Others*, cited above, § 70). In the present case, the Court is unable to reach a definitive conclusion on this aspect, owing to the lack of consistent domestic practice demonstrating how the criteria for awarding compensation are applied.

(v) *Payment of compensation*

70. The Court cannot speculate as to whether any compensation awards that the applicants may obtain in future would be paid in due time. It is sufficient to reiterate that compensation must be paid promptly and generally no later than six months from the date on which the decision awarding compensation becomes enforceable (see *Scordino*, cited above, § 198).

(vi) *Conclusion*

71. The creation of the compensatory remedy in question – one which has evolved into a mechanism for seeking redress for the excessive length of proceedings – and the domestic courts' reliance on the Court's case-law are both positive developments which should be welcomed. However, although the procedure has been in place since January 2016 – that is more than a decade – the respondent Government, in support of the operation of that procedure, submitted only six case-law examples where cases had been concluded, which appears to confirm that it is not regarded as effective by litigants.

72. The Court has regard to the significant shortcomings identified above, in particular the absence of a legal framework specifically designed to govern claims for compensation for the excessive length of proceedings, the domestic courts' placing the burden of proof disproportionately on the claimant and requiring proof of negative facts, the lack of consistency in domestic practice, the fact that compensation proceedings take place over several levels of jurisdiction and last for years, and a possible issue in relation to court fees (see paragraph 56 et seq.). It therefore finds that the remedy

referred to by the Government lacks the requisite effectiveness. It follows that the applicants were not required, under Article 35 § 1 of the Convention, to use that remedy.

73. Accordingly, the Court dismisses the Government's objection.

74. The Court notes that the applicants' complaints are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35. They must therefore be declared admissible.

B. Merits

75. The applicants maintained their grievances that in their respective cases, there had been a breach of the reasonable-time requirement under Article 6 § 1.

76. The Government did not make any submissions with regard to the merits of the applicants' complaints under that Article.

77. 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 applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender*, cited above, § 43).

78. With regard to the duration of proceedings before the domestic courts, the Court refers to the table in the appendix. In the absence of clear indication that the applicants were responsible for the delays, the length of those proceedings, which ranges from seven to over thirteen years, is excessive and does not comply with the reasonable-time requirement under Article 6 § 1.

79. There has accordingly been a violation of Article 6 § 1 of the Convention in respect of all applicants.

III. VIOLATION OF ARTICLE 13 IN CONJUNCTION WITH ARTICLE 6 § 1 OF THE CONVENTION

80. The applicants in application no. 13721/23 claimed that there had been a breach of their right to an effective remedy in relation to their complaint of the excessive duration of proceedings, in breach of Article 13 in conjunction with Article 6 § 1 of the Convention.

81. The Government contested the applicants' assertion. Their arguments are summarised in paragraphs 39-40 above.

82. The Court has regard to its findings in paragraphs 52-73 above concerning the remedy under Articles 162.1 and 1087.2 of the Civil Code, and notes that it has not been argued that another remedy existed in the Armenian legal system. It therefore considers that there has been a violation of Article 13 in conjunction with Article 6 § 1 of the Convention, in that the applicants had no effective remedy at domestic level for their complaint of the excessive duration of proceedings.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

83. 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.”

A. Damage

84. The applicants in application no. 13721/23 each claimed 12,000 euros (EUR) in respect of non-pecuniary damage and, without specifying any amount, they asked that the Court make an award in respect of pecuniary damage. The applicants in application no. 34245/23 claimed EUR 3,000 in respect of non-pecuniary damage.

85. The Government contested these claims.

86. As regards application no. 13721/23, the Court dismisses the applicants' claim in respect of pecuniary damage as unsubstantiated. At the same time, in respect of non-pecuniary damage, it awards EUR 4,200 jointly to the applicants A. Hakobyan, M. Hakobyan and Y. Hakobyan, and EUR 4,200 to G. Ghazaryan in respect of the violations of Article 6 § 1 and Article 13, plus any tax that may be chargeable. As regards the applicants in application no. 34245/23, the Court awards them EUR 1,200 jointly in respect of the violation of Article 6 § 1, plus any tax that may be chargeable.

B. Costs and expenses

87. The applicants in application no. 13721/23 each claimed EUR 3,500 for the legal costs they had incurred before the Court.

88. The applicants in application no. 34245/23 claimed 4,800,000 Armenian drams (AMD) for the legal costs they had incurred in the domestic proceedings, and AMD 2,000,000 for those they had incurred before the Court. They submitted retainer agreements concluded between the applicant Av. Ghazaryan and their representative.

89. The Government objected to these claims.

90. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see, among many authorities, *Suren Antonyan v. Armenia*, no. 20140/23, § 151, 23 January 2025). In the present case, the applicants in application no. 13721/23 did not provide any contract with their representative or other evidence that they had paid or were under an obligation to pay him for their representation before the Court. The Court therefore makes no award under this head in respect of application no. 13721/23 (compare *Dareskizb Ltd v. Armenia*, no. 61737/08, § 100, 21 September 2021).

91. As regards application no. 34245/23, and regard being had to the documents in its possession and the above criteria, the Court rejects the claim for legal costs incurred in the domestic proceedings. At the same time, it considers it reasonable to award the applicant Av. Ghazaryan the sum of EUR 1,000 for the costs incurred in the proceedings before the Court, plus any tax that may be chargeable to him.

V. APPLICATION OF ARTICLE 46 OF THE CONVENTION

92. Article 46 of the Convention, in so far as relevant, provides:

“1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.”

93. The Court reiterates that by virtue of Article 46, the High Contracting Parties have undertaken to abide by the final judgments of the Court in any case to which they are parties, execution being supervised by the Committee of Ministers. It follows, *inter alia*, that a judgment in which the Court finds a breach imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction under Article 41, but also to select, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress so far as possible the effects. Subject to monitoring by the Committee of Ministers, the respondent State remains free to choose the means by which it will discharge its legal obligation under Article 46 of the Convention, provided that such means are compatible with the conclusions set out in the Court’s judgment (see, among other authorities, *Scozzari and Giunta v. Italy* [GC], nos. 39221/98 and 41963/98, § 249, ECHR 2000-VIII; *Broniowski v. Poland* [GC], no. 31443/96, § 192, ECHR 2004-V; and *Stanev v. Bulgaria* [GC], no. 36760/06, § 254, ECHR 2012, with further references).

94. However, with a view to helping the respondent State to fulfil its obligations under Article 46, the Court may seek to indicate the type of individual and/or general measures that might be taken in order to put an end to the situation incompatible with the Convention that it has found to exist (see *Broniowski*, cited above, § 194; *Scoppola v. Italy (no. 2)* [GC], no. 10249/03, § 148, 17 September 2009; and *Stanev*, cited above, § 255).

95. In this connection, the Court notes with concern that Armenia’s compensatory remedy for length-of-proceedings complaints clearly falls short of the effectiveness requirements that such a remedy must meet (see paragraph 72 above; see the Court’s case-law regarding remedies in respect of such complaints cited in paragraphs 43-51 above). It therefore invites the domestic authorities, as a matter of priority, to put in place a compensatory remedy specifically dedicated to complaints of the excessive length of

proceedings, in line with the Court's criteria identified above (see paragraphs 45-51 and 56-72 above), to secure genuinely effective redress for violations similar to the present one, without ruling out the possibility of also introducing an acceleratory remedy. The authorities may also have due regard to Recommendation (Rec(2010)3) of the Committee of Ministers of the Council of Europe on effective remedies for excessive length of proceedings. The Court also emphasises that in order to be truly effective and compliant with the principle of subsidiarity, a compensatory remedy needs to operate retrospectively and provide redress in respect of delays which predate its introduction, both in proceedings which are still pending and in proceedings which have been concluded (compare *Dimitrov and Hamanov*, cited above, § 126, albeit in the context of criminal proceedings, with further references cited therein).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
4. *Holds* that there has been a violation of Article 13 in conjunction with Article 6 § 1 of the Convention in respect of application no. 13721/23;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) the following amounts in respect of non-pecuniary damage, plus any tax that may be chargeable:
 - EUR 4,200 (four thousand two hundred euros) jointly to the applicants A. Hakobyan, M. Hakobyan and Y. Hakobyan, and EUR 4,200 to G. Ghazaryan;
 - EUR 1,200 (one thousand two hundred euros) jointly to the applicants in application no. 34245/23;
 - (ii) EUR 1,000 (one thousand euros) to the applicant Av. Ghazaryan in application no. 34245/23, plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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;

6. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 21 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Kateřina Šimáčková
President

APPENDIX

List of cases:

Number and the name of the application; date of introduction; and details on the applicants	Information concerning the proceedings		
	Total length of the proceedings	Domestic case no. start and end of the proceedings Nature of the dispute	Represented by
13721/23 Lena Hakobyan and Others v. Armenia Lodged on 20/03/2023 <u>Household</u> Lena HAKOBYAN Armenian national born in 1945 Deceased in 2024 Alisa HAKOBYAN Armenian national born in 1966 Margarit HAKOBYAN Armenian national born in 1971 Yelena HAKOBYAN Armenian national born in 1990	13 years and 5 months and 1 day for 3 levels of jurisdiction	Case no. ԵԿԴ/0843/02/12 Start date: 11/04/2012 End date: pending (as of 12/09/2025 – the date of the Government’s further observations) Claim to recover a plot of land from the applicants’ alleged unlawful possession and to demolish the buildings constructed on that land	Levon BAGHDASARYAN

LENA HAKOBYAN AND OTHERS v. ARMENIA JUDGMENT

	Information concerning the proceedings		
<u>Individual applicant</u> Geghetsik GHAZARYAN Armenian national born in 1951			
34245/23 Ghazaryan and Others v. Armenia Lodged on 05/09/2023 <u>Household</u> Avetik GHAZARYAN Armenian national born in 1942 Silvard GHAZARYAN Armenian national born in 1948 Arsen GHAZARYAN Armenian national born in 1974 Karine GHAZARYAN Armenian national born in 1972	7 years, 8 months and 10 days for 3 levels of jurisdiction	Case no. ՎՊ/3922/05/15 Start date: 19/08/2015 End date: 28/04/2023 Claim brought by the applicants against the State seeking the adoption of a decision ordering the provision of a flat equivalent to the flat granted to them in 1991 by a decision of the local council.	Karen MELIKSETYAN Siranush SAHAKYAN