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

FIFTH SECTION

DECISION

Application no. 11519/16
Narek AYVAZYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 22 May 2025 as a Committee composed of:

Andreas Zünd*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 11519/16) 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") on 6 February 2016 by an Armenian national, Mr Narek Ayvazyan ("the applicant"), who was born in 1988, lives in Yerevan and, having been granted legal aid, was represented by Mr Zalyan, a lawyer practising in Vanadzor;

the decision to give notice of the application to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the alleged breach of the applicant's right of access to a court due to the domestic courts' refusal to grant an exemption from court fees.

2. On 16 February 2015 the applicant lodged a civil claim with the Avan and Nor-Nork District Court of Yerevan ("the District Court") against the Ministry of Defence, seeking compensation for damages for the sum of 26,451,130 Armenian drams (approximately 48,500 euros). He requested an

exemption from court fees based on his financial situation, stating that he was unemployed and had no income.

3. On 19 February 2015 the District Court refused the applicant's request, finding that it was not substantiated with relevant documents. Consequently, the claim was returned without being examined on the merits.

4. The applicant appealed against the decision.

5. On 30 March 2015 the Civil Court of Appeal dismissed the applicant's appeal and upheld the District Court's decision.

6. On 22 July 2015 the Court of Cassation declared the applicant's further appeal inadmissible for lack of merit.

7. On 6 February 2016 the applicant lodged an application with the Court, complaining under Article 6 § 1 of the Convention that his right of access to a court was breached due to the domestic courts' refusal to grant an exemption from court fees.

8. By the Registry's letter of 4 March 2016 the applicant was asked to keep the Court informed of any significant developments in the case.

9. On 23 September 2020 the President of the Section to which the case had been allocated decided to give notice of the application to the Armenian Government.

10. In their observations submitted on 14 April 2021, the Government informed the Court of significant developments in the case. In particular, on 30 June 2017 the applicant resubmitted his civil claim to the District Court, requesting once more an exemption from court fees. On 4 July 2017 the District Court refused the request as unsubstantiated for a second time and returned the claim. However, following the applicant's appeal, the Civil Court of Appeal, on 15 September 2017, quashed the District Court's decision, finding that the applicant had substantiated his new request with documentary evidence, including a statement from the tax authority, proof of unemployment, and medical certificates. As a result, on 2 November 2017, the District Court admitted the applicant's civil claim for examination on the merits.

THE COURT'S ASSESSMENT

11. The applicant complained under Article 6 § 1 of the Convention that his right of access to a court was breached due to the domestic courts' refusal to exempt him from court fees.

12. The Government argued that the application was inadmissible as an abuse of the right of individual application. They maintained that the applicant had failed to inform the Court that his civil claim was eventually admitted for examination on the merits.

13. The general principles concerning the rejection of an application on grounds of abuse of the right of individual application have been summarised in *Gross v. Switzerland* ([GC], no. 67810/10, § 28, ECHR 2014). In

particular, the Court reiterates that the submission of incomplete and thus misleading information may constitute an abuse of the right of application, especially if the information concerns the very core of the case and no sufficient explanation has been provided for the failure to disclose that information. The same applies if important new developments have occurred during the proceedings before the Court and where, despite being expressly required to do so by Rule 47 § 7 of the Rules of Court, the applicant has failed to disclose that information to the Court, thereby preventing it from ruling on the case in full knowledge of the facts (ibid.).

14. In the present case, important new developments have occurred after the application was lodged with the Court. In particular, the applicant resubmitted his civil claim, which was ultimately admitted for examination on the merits following a successful appeal (see paragraph 10 above). The Court was unaware of these developments when it communicated the application to the Government on 23 September 2020. It only learned of these developments from the Government's observations on 14 April 2021, that is almost three and a half years later.

15. These were important developments that concerned the very core of the case, namely whether the applicant's right of access to a court had been breached due to the domestic courts' refusal to exempt him from court fees. The applicant, represented by a counsel, failed to inform the Court of these developments and provided no justification for his omission. His only argument was that, despite the admission of his claim for examination, only a few court hearings had taken place and the proceedings were still in the preparatory stage. However, this argument is irrelevant for the Court's assessment, as the case specifically concerns restrictions on access to a court due to court fees, not the length of proceedings.

16. In light of the above, the Court considers that the applicant's failure to disclose essential developments in his case constitutes an abuse of the right of individual application (see *Komatinović v. Serbia* (dec.), no. 75381/10, 29 January 2013, and *Gevorgyan and Others v. Armenia* (dec.), no. 66535/10, §§ 31-39, 14 January 2020).

17. Accordingly, the application must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 June 2025.

Martina Keller Deputy Registrar	Andreas Zünd President