

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

FIFTH SECTION

CASE OF KHACHATRYAN v. ARMENIA

(Application no. 45049/14)

JUDGMENT

STRASBOURG

11 December 2025

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



In the case of Khachatryan v. Armenia,

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

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 20 November 2025,

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 11 June 2014.

2. The applicant was represented by Mr A. Grigoryan, a lawyer practising in Yerevan.

3. The application was communicated to the Armenian Government ("the Government").

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 unfair trial in the criminal proceedings against him, in particular because of the absence of an opportunity to examine in court the witnesses, whose testimony played a significant role in securing the applicant's conviction. He also raised other complaints under the provisions of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 3 (D) OF THE CONVENTION

6. The applicant complained principally of unfair trial in the criminal proceedings against him, in particular because of the absence of an opportunity to examine in court the witnesses who had testified against him. He relied on Article 6 §§ 1 and 3 (d) of the Convention.

7. The general principles to be applied in cases where a prosecution witness did not attend the trial and his statements previously made by him were admitted as evidence are well-established in the Court's case law (see *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, ECHR 2015). In *Schatschaschwili*, the Court found a violation on account of the authorities'

failure to provide the applicant with an opportunity to have the two key prosecution witnesses examined at any stage of the proceedings (ibid., §§ 161-65).

8. Turning to the circumstances of the present case and having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Even leaving open the question as to whether there were good reasons for the key witnesses' non-attendance, it considers that the fact that the applicant was not provided with an opportunity to cross-examine those witnesses weighs heavily in the balance in the examination of the overall fairness of the criminal proceedings against them. The Court also takes into account that there is nothing in the materials in its possession to suggest that there was any effort on the part of the national judicial authorities to make use of any counterbalancing measures to compensate for the difficulties experienced by the applicant on account of the admission of the witnesses' untested statements as evidence.

9. This complaint is therefore admissible and discloses a breach of Article 6 §§ 1 and 3 (d) of the Convention.

II. REMAINING COMPLAINTS

10. The applicant also complained under Article 6 § 1 of the Convention that the domestic courts had failed to examine a piece of evidence in his favour. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine that remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Avetisyan v. Armenia,* no. 13479/11, §§ 73-74, 10 November 2016), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 §§ 1 and 3 (d) of the Convention admissible, and *finds* that it is not necessary to examine separately the remaining complaints;

2. *Holds* that there has been a breach of Article 6 §§ 1 and 3 (d) of the Convention on account of the absence of an opportunity to examine in court the witnesses, whose testimony played a significant role in securing the applicant's conviction;

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;
   (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 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 11 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 §§ 1 and 3 (d) of the Convention (unfair trial in view of restrictions on the right to examine witnesses)

Application no. Date of introduction	Applicant's name Year of birth	Representative 's name and location	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witnesses' absence	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
45049/14 11/06/2014	**Vahe KHACHATRYAN** 1979	Grigoryan Artur Yerevan	Court of Cassation 11/12/2013 Aiding and abetting aggravated murder; aggravated hooliganism	M.H. and M.V. The absent witnesses were the only eyewitnesses to the crime who had stated that the applicant had participated in the assault together with his several co-accused. There was no other evidence proving the applicant's participation in the crime and the courts heavily relied on the statements of those witnesses to convict the applicant. However, the courts failed to advance proper reasoning for admitting the statements of the absent witnesses in evidence, the appeal court did not even address the applicant's arguments in that respect. The courts failed to verify those statements against the evidence	could not be located, distant region/other country	Shortly after the applicant's arrest, a pre-trial confrontation was held between the applicant and M.H. during which the applicant did not put any questions to the witness. However, at that stage of the proceedings the applicant was not legally represented and so that confrontation was conducted in the absence of a defence counsel (compare Melnikov v. Russia, no. 23610/03, §§ 78-79, 14 January 2010, and Karpenko v. Russia, no. 5605/04, §§ 68-69, 13 March 2012). Thus, this was an inadequate measure which, along with the failure on the part of the courts to give any assessment to the adequacy of that measure as a counterbalancing factor, as well as to the impact that the absence of the witnesses might have had	2,400	1,500

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.

Application no. Date of introduction	Applicant's name Year of birth	Representative 's name and location	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witnesses' absence	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
				in the applicant's favour, namely his former employer's statement, based on the employees' attendance-tracking registers, that he had been on duty at the time of the crime. The authorities also failed to ensure the examination of said registers in court apparently due to mismanagement of evidence.		on the overall fairness of the trial, could not have compensated for the applicant's inability to confront that witness in the presence of the judge trying his case. Furthermore, there were no counterbalancing factors whatsoever with respect to witness M.V.		