

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

FIFTH SECTION

CASE OF MINASYAN v. ARMENIA

(Application no. 54620/16)

JUDGMENT

STRASBOURG

6 November 2025

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



In the case of Minasyan v. Armenia,

The European Court of Human Rights (Fifth Section), sitting 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. 54620/16) 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 1 September 2016 by an Iranian national, Mr Zhorzh Minasyan ("the applicant"), who was born in 1941, lives in Yerevan and was represented by Ms L. Manaseryan, a lawyer practising in Yerevan;

the decision to give notice of the complaint concerning the right of access to a court to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 9 October 2025,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's allegation that he was denied access to the Court of Cassation in breach of Article 6 § 1 of the Convention.

2. In 2014 the applicant lodged civil claims with the Armavir Regional Court against a private company, seeking some payment and annulment of a contract.

3. On 29 April 2015 the Armavir Regional Court dismissed the claims.

4. The applicant appealed against the judgment.

5. On 25 December 2015 the Civil Court of Appeal dismissed the appeal, upholding the lower court's judgment. The applicant received the decision on 8 January 2016.

6. On 28 January 2016 the applicant appealed on points of law. In his appeal, he mentioned the date of service of the Civil Court of Appeal's decision and provided evidence of it.

7. On 9 March 2016 the Court of Cassation declared the applicant's appeal inadmissible, finding that it had been lodged outside the one-month time-limit for appeal, counted from the date of the Civil Court of Appeal's decision, and that no request to restore the time-limit had been submitted. It relied on Article 233.1 § 1 (1) of the Code of Civil Procedure under which an

out-of-time appeal lodged without a request to restore the time-limit was to be declared inadmissible.

THE COURT'S ASSESSMENT

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

8. The applicant complained under Article 6 § 1 of the Convention that the Court of Cassation, by its decision of 9 March 2016 declaring his appeal inadmissible as out of time, had breached his right of access to a court.

9. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

10. The principles applicable to the examination of restrictions on access to superior courts were summarised by the Court in *Zubac v. Croatia* ([GC], no. 40160/12, §§ 78-86, 5 April 2018).

11. In the present case, the applicant received the Civil Court of Appeal's decision two weeks after its pronouncement and lodged his appeal within twenty days of the date of service (see paragraphs 5-6 above). The central issue in this case is the delay in service of that decision and the calculation of the one-month time-limit for an appeal from the date of its pronouncement, rather than from the date of service. The Court has already examined a similar issue in other applications against Armenia. In view of the relevant domestic law and the Constitutional Court's decisions, the Court concluded that where contested decisions had not been served on the applicants concerned (or made available to them) within the period prescribed by law – namely, by the day following the pronouncement in civil proceedings – the parties concerned could have reasonably expected that the missed time-limit for appeal would be restored and their appeals lodged within one month from the date of service would be admitted for examination. Moreover, under the applicable case-law of the Constitutional Court, the restoration of the time-limit missed owing to a delay in service was a legal requirement and not open to judicial discretion. Consequently, the Court found that in such circumstances, calculating the time-limit for appeal from the date of pronouncement had been unforeseeable (see *Vachik Karapetyan and Others v. Armenia*, no. 15736/16, §§ 94-101, 15 May 2025). The same considerations also apply to this application since the decision subject to appeal was not served within the period prescribed by law and nothing suggests that it was made available earlier through alternative means, such as electronically.

12. It is true that the applicant in this case did not submit an explicit request to restore the time-limit. Nevertheless, he clearly mentioned in his appeal the date of service of the Civil Court of Appeal's decision and provided evidence of it, thereby bringing the Court of Cassation's attention to the delay in service that constituted valid grounds for the restoration of the

time-limit. Moreover, the appeal on points of law was a clear expression of the applicant's intention to have the missed time-limit restored. Given that restoration on the grounds of a delay in service was not subject to judicial discretion, the applicant's submissions were sufficient to fulfil the essential purpose of a restoration request, that is to provide factual information supported by the relevant evidence for *ex jure* restoration of the time-limit as indicated by the Constitutional Court (ibid., §§ 54-65). A separate formal request would likely have added nothing of substance. In those circumstances, the applicant may be considered to have made an implied request to restore the time-limit. To assume the contrary would, in the Court's view, be excessively formalistic (see, *mutatis mutandis*, *Georgiy Nikolayevich Mikhaylov v. Russia*, no. 4543/04, § 56, 1 April 2010). The Court considers that an approach focused on the substance of the applicant's submissions would have been particularly appropriate, as he was not given an opportunity to correct any formal shortcomings and resubmit his appeal. The Court of Cassation did not adequately consider those circumstances when it declared the applicant's appeal inadmissible.

13. In the light of the lack of foreseeability in the calculation of the time-limit for appeal and the failure to take into account the valid grounds for its restoration, the Court finds that the decision declaring the applicant's appeal inadmissible was disproportionate and impaired the very essence of his right of access to that court.

14. There has therefore been a violation of Article 6 § 1 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

15. In his observations before the Court submitted on 15 September 2020, the applicant complained, under Article 1 of Protocol no. 1, of an alleged breach of his right to the peaceful enjoyment of his possessions. The Court considers that this amounts to raising a new and distinct complaint under the Convention (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 135, 20 March 2018). However, the final decision in the domestic proceedings was taken on 9 March 2016 (see paragraph 7 above). It follows that this complaint is inadmissible under Article 35 § 1 of the Convention, as in force at the relevant time, for non-compliance with the six-month rule and must therefore be rejected pursuant to Article 35 § 4.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

A. Damage

1. Pecuniary damage

16. The applicant claimed 13,988.40 euros (EUR) in respect of the costs and expenses allegedly imposed by the domestic courts and the Department for the Enforcement of Judicial Acts. Without providing any relevant evidence, he also claimed EUR 192,589,307 in respect of actual loss, EUR 385,178.61 in respect of possible future loss and compensation for lost income, as well as EUR 2,500 in respect of travel and subsistence expenses for attending domestic court hearings. He also made a claim of EUR 12,215.35 without specifying the grounds for this.

17. In any event, the Court cannot speculate as to what the potential outcome of proceedings compatible with Article 6 § 1 of the Convention would have been and it finds no causal link between the violation of Article 6 § 1 and the alleged pecuniary damage (see *Suren Antonyan v. Armenia*, no. 20140/23, § 147, 23 January 2025). Accordingly, the Court rejects these claims.

2. Non-pecuniary damage

18. The applicant left the determination of the amount in respect of non-pecuniary damage to the Court's discretion.

19. The Government maintained that in the event that the Court were to find a violation, that finding would, in itself, constitute sufficient just satisfaction for any non-pecuniary damage.

20. Deciding on an equitable basis, the Court awards the applicant EUR 3,600 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

21. The applicant claimed EUR 5,000 in respect of legal costs and expenses. However, the Court notes that the applicant has not substantiated his claim with any evidence and therefore rejects it.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 of the Convention concerning the right of access to a court admissible, and the complaint under Article 1 of Protocol No. 1 to the Convention inadmissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, 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 claim for just satisfaction.

Done in English, and notified in writing on 6 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller	Andreas Zünd
Deputy Registrar	President