

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

FOURTH SECTION

# CASE OF MOVSISYAN v. ARMENIA

*(Application no. 19133/20)*

JUDGMENT

STRASBOURG

24 October 2024

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



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

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

Anne Louise Bormann, *President*,
Sebastian Răduleţu,
Mateja Đurović, *judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 3 October 2024,

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

# PROCEDURE

1. The case originated in an application against Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 23 March 2020.

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

3. The Armenian Government ("the Government") were given notice of the application.

# THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the non-enforcement of a domestic decision. He also raised other complaints under the provisions of the Convention.

# THE LAW

## I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL No. 1

6. The applicant complained principally of the non-enforcement of the domestic decision given in his favour. He relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

7. The Government argued that the application was inadmissible for abuse of the right of individual petition and failure to exhaust the domestic remedies. Having examined the Government's arguments and supporting evidence, the Court does not see sufficient grounds to accept their objections, which must be therefore rejected.

8. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or

delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

9. In the leading cases of *Khachatryan v. Armenia* (no. 31761/04, 1 December 2009) and *Nikoghosyan v. Armenia* ([Committee], no. 75651/11, 18 May 2017), the Court already found a violation in respect of issues similar to those in the present case.

10. 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. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the decision in the applicant's favour.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

## II. REMAINING COMPLAINTS

12. The applicant also submitted a complaint under Article 13 of the Convention. Having regard to the facts of the case and its findings above, the Court considers that it has examined the main legal questions raised in the present application (see paragraphs 8-11 above) and that accordingly there is no need to examine this complaint (see, *mutatis mutandis*, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, ECHR 2014).

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Khachatryan*, and *Nikoghosyan,* both judgments cited above), the Court considers it reasonable to award the sum indicated in the appended table.

14. The Court further notes that the respondent State has an outstanding obligation to enforce the judgment which remains enforceable.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 admissible and *finds* that it is not necessary to examine the remaining complaint under Article 13 of the Convention;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement of the domestic decision in the applicant's favour;

3. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decision referred to in the appended table;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 24 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Anne Louise Bormann<br>President |

# APPENDIX

## Application raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of domestic decisions)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Relevant domestic decision to be enforced | Start date of non-enforcement period | End date of non-enforcement period<br>Length of enforcement proceedings | Domestic order | Amount awarded for non-pecuniary damage per applicant (in euros)[1] | Amount awarded for costs and expenses per application (in euros)[2] |
|---|---|---|---|---|---|---|---|---|
| 19133/20<br>23/03/2020 | **Vahe MOVSISYAN**<br>1954 | Apikyan Artur<br>Yerevan | Court of General Jurisdiction of Yerevan, 03/08/2018 | 22/05/2019 | pending<br>More than 5 year(s) and 1 month(s) and 11 day(s) | to reinstate the applicant in his job and to pay for the forced absence | 4,700 | 250 |

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