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

FIFTH SECTION

DECISION

Application no. 30374/17
Eliza SAMVELYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 2 April 2026 as a Committee composed of:

Georgios A. Serghides, *President*,
Gilberto Felici,
Diana Sârcu, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 30374/17) 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 29 March 2017 by an Armenian national, Ms Eliza Samvelyan ("the applicant"), who was born in 1973, lives in Gyumri and was represented by Mr T. Yegoryan, a lawyer practising in Yerevan;

the decision to give notice of the complaints under Article 2 of the Convention to the Armenian Government ("the Government"), represented by their former Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters;

the withdrawal of Mr Vahe Grigoryan, the judge elected in respect of Armenia, from sitting in the case (Rule 28 § 3 of the Rules of Court);

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the death of the applicant's son during his compulsory military service. The applicant complained under Articles 2, 3 and 13 of the Convention.

2. In December 2011 the applicant's son, S. Samvelyan, was drafted into the Armenian army. He was then assigned to a military unit of the

Nagorno-Karabakh armed forces ("the military unit"), situated in the "Republic of Nagorno-Karabakh".

3. On 1 June 2012 S. Samvelyan was found dead with a gunshot injury to the head in an underground shelter.

4. On the same date the Investigative Service of the Ministry of Defence of the Republic of Armenia instituted criminal proceedings in respect of a suspected case of incitement to suicide.

5. The investigation eventually concluded that S. Samvelyan had committed suicide as a result of his being humiliated and abused by a junior sergeant (S.K.) and a private (A.A.). The investigation also concluded that a senior lieutenant (R.K.) had, *inter alia*, regularly failed to carry out his duties and had made alterations to the scene of the incident. The servicemen in question were charged with various crimes against military discipline.

6. On 30 September 2014 the Court of General Jurisdiction of the Syunik Region of Armenia found S.K. guilty of abusing and exceeding his powers, of breaching the rules governing combat duty, and of committing acts of violence against a subordinate; it sentenced him to five and a half years' imprisonment. It then found A.A. guilty of breaching the rules governing combat duty and of breaching the statutory rules governing relationships between servicemen by committing acts of persecution and violence against a non-subordinate, sentencing him to four and a half years' imprisonment. Lastly, R.K. was found guilty of breaching the rules governing combat duty, of failure in his official duties official capacity and of exceeding his powers; he was sentenced to three years' imprisonment and exempted from serving his sentence by the application of the Amnesty Act of 3 October 2013 (adopted by the National Assembly on the occasion of the twenty-second anniversary of the independence of the Republic of Armenia).

7. On 20 July 2015 the Criminal Court of Appeal upheld that judgment, dismissing appeals lodged by the applicant, the defendants and the prosecution.

8. On 28 August 2015 the applicant lodged an appeal on points of law.

9. On 28 December 2015 the Court of Cassation declared the applicant's appeal on points of law inadmissible for lack of merit.

10. On 29 December 2015 two copies of that decision were sent by registered post to the applicant's representative in the domestic proceedings to the address indicated in the appeal on points of law.

11. On 30 December 2015 the decision of 28 December 2015 (see paragraph 9 above) was published on the publicly accessible online judicial database, Datalex (see *A.P. v. Armenia*, no. 58737/14, § 44, 18 June 2024).

12. On 25 January 2016 the correspondence sent on 29 December 2015 (see paragraph 10 above) was returned to the Court of Cassation with a note stating "moved" and "unclaimed".

13. On the same date the Court of Cassation sent the same correspondence to another address for the applicant's representative that had been found in

the case file. That correspondence was never returned to the Court of Cassation.

14. On 14 September 2016 the applicant lodged a written application with the Court of Cassation, requesting a copy of its decision of 28 December 2015. In reply, she received a copy of that decision on 30 September 2016.

THE COURT'S ASSESSMENT

15. Relying on Article 2 of the Convention, the applicant complained that the State had failed to protect her son's life during his compulsory military service and that the investigation into the matter had not been effective. She also relied on Articles 3 and 13 of the Convention.

16. The Government submitted that Armenia had no jurisdiction over the complaint raised by the applicant under the substantive limb of Article 2. At the same time, they accepted that Armenia had jurisdiction over the complaint that she had raised under the procedural limb of Article 2.

17. The applicant submitted that her son had been serving in the military in an area falling under Armenia's jurisdiction.

18. The Court has already examined the issue of Armenia's jurisdiction in other cases concerning fatalities during military service in Nagorno-Karabakh (including similar arguments raised by the Government); it had found that there was a jurisdictional link for the purposes of Article 1 of the Convention between Armenia and persons who had died while performing military service in the territory in question prior to the end of the Nagorno-Karabakh war on 10 November 2020 (see, in particular, *Nana Muradyan v. Armenia*, no. 69517/11, §§ 86-92, 5 April 2022, and *Hovhannisyan and Karapetyan v. Armenia*, no. 67351/13, §§ 57-63, 17 October 2023). The Court has found no particular circumstances in the present case that would require it to depart from its findings in those cases; it therefore considers that there was a jurisdictional link for the purposes of Article 1 of the Convention between Armenia and the applicant's deceased son.

19. The Government further submitted that the applicant had failed to comply with the six-month rule. Referring to the fact that the Court of Cassation's decision of 28 December 2015 (see paragraph 9 above) had been published on Datalex on 30 December 2015 (see paragraph 11 above), the Government argued that the applicant had therefore had an opportunity to learn of the decision much earlier than in September 2016 (see paragraph 14 above). Furthermore, the Court of Cassation had been unable to serve the decision in question on the applicant owing to the failure of the applicant's representative to inform the court of his (that is, the representative's) change of address. Even then, the Court of Cassation had attempted to serve the decision once again by sending a copy of it to a different address. In the Government's submission, the fact that the correspondence sent on

25 January 2016 had not been returned indicated that it had been received several days after that date (see paragraph 13 above); the six-month time-limit should therefore have started running from that point in time.

20. In reply, the applicant submitted that she had not been duly notified in timely fashion of the Court of Cassation's decision of 28 December 2015 (see paragraph 9 above). She had not received a written copy thereof until 30 September 2016 (see paragraph 14 above); she argued that that date should therefore be considered as constituting the starting point for the calculation of the six-month time-limit. Additionally, in 2015 the publication of a judicial decision on Datalex had not been considered to constitute proper notification (it having been at that time a legal requirement that the party in question be formally served with the decision delivered by the Court of Cassation). Having realised at some point that the receipt of the Court of Cassation's decision was being delayed, the applicant had applied to that court and had eventually received a copy of the decision in question on 30 September 2016.

21. Where an applicant is entitled to be served *ex officio* with a written copy of the final domestic decision, the object and purpose of Article 35 § 1 of the Convention are best served by counting the six-month period as running from the date of the serving of the written judgment (see *Worm v. Austria*, 29 August 1997, § 33, *Reports of Judgments and Decisions* 1997-V). At the same time, it is incumbent on applicants to follow the domestic proceedings with due diligence (see *Ipek v. Turkey* (dec.), no. 39706/98, 7 November 2000).

22. By its decision of 20 July 2015 the Criminal Court of Appeal upheld the trial court's judgment of 30 September 2014 (see paragraphs 6 and 7 above). The applicant lodged an appeal on points of law against that decision on 28 August 2015, and the Court of Cassation decided on her appeal on 28 December 2015 (see paragraphs 8 and 9 above). The present application was lodged with the Court on 29 March 2017 – that is to say more than six months after 28 December 2015. The applicant asserts that the six-month time-limit should have run from 30 September 2016 (the date on which she was provided with a copy of the decision of 28 December 2015, pursuant to her request of 14 September 2016 – see paragraphs 14 and 20 above).

23. The Court takes note of the applicant's argument that – as the law stood at the material time – she had been entitled to be served with a copy of the Court of Cassation's decision and that its publication on Datalex could not be considered as constituting the proper serving of that decision (see paragraphs 11, 19 and 20 above).

24. That said, the Court observes that the Court of Cassation was unable to serve the applicant with its decision owing to her representative's failure to notify the court of his change of address (see paragraphs 10 and 12 above).

25. The Court of Cassation then made a further attempt to serve its decision on the applicant by sending it to another address for her representative (different from that indicated by the applicant's representative

in the appeal – see paragraph 13 above). The parties disagreed as to whether the fact that that correspondence had not been returned to the Court of Cassation could be interpreted as indicating that the applicant's representative had or had not received it (see paragraphs 19 and 20 above).

26. Be that as it may, the applicant did not cite any particular reason for her not having been able to enquire about the outcome of her appeal on points of law lodged in August 2015 earlier than in September 2016. The Court notes that the applicant's request 14 September 2016 was allowed quite speedily and that she was provided with a copy of the decision in question within less than three weeks (see paragraph 14 above).

27. Given the circumstances, the Court considers that the applicant's unexplained failure for more than a year to enquire about the outcome of her appeal on points of law (see, for illustrative purposes, *Grigoryan and Galstyan v. Armenia* [Committee] (dec.), no. 27885/06, §§ 72 and 73, 28 March 2017, where the applicant had enquired about the outcome of his appeal on points of law seven months after lodging it) fell foul of a major purpose of the six-month rule under Article 35 § 1 of the Convention (see, *mutatis mutandis*, *Akif Hasanov v. Azerbaijan* (dec.), no. 7268/10, § 33, 19 September 2019).

28. It follows that the application was lodged outside the six-month time-limit and must be rejected, in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 30 April 2026.

Martina Keller Deputy Registrar	Georgios A. Serghides President