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

FIFTH SECTION

DECISION

Application no. 9047/14
Narine VASILYAN and Others
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 11 September 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. 9047/14) 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 20 December 2013 by four Armenian nationals, whose relevant details are listed in the appended table ("the applicants"), and who were represented by Mr T. Hayrapetyan, a lawyer practising in Yerevan;

the decision to give notice to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, of the complaints concerning the alleged breach of the right to a "tribunal established by law", and the alleged lack of a fair trial resulting from interference by the executive in the proceedings, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns complaints under Article 6 § 1 of the Convention regarding the allegedly irregular composition of the bench of the Civil Court of Appeal and alleged interference by the executive, in civil proceedings.

2. The applicants lived in a house in the centre of Yerevan. The house was co-owned by T. The applicants are T's family members – his wife (the first applicant), his two daughters (the second and third applicants) and his brother (the fourth applicant) – who claim to have enjoyed a right to live there.

3. On 13 March 2006 the applicants and T. were evicted from the house following its expropriation for the implementation of development projects in the centre of Yerevan.

4. On 3 March 2009 the applicants lodged a claim with the Kentron and Nork-Marash District Court of Yerevan ("the District Court") against the State and the mayor of Yerevan, seeking compensation for the termination of their right to use the accommodation in the amount of 13,500,000 Armenian drams (AMD) (approximately 29,000 euros), along with additional statutory interest.

5. On 5 February 2013, following two rounds of appeal proceedings, the District Court rejected the applicants' claims, finding that the first, second and third applicants' claims were time-barred, while the fourth applicant's claim was rejected on the grounds that he had not shown that he met the relevant criteria for compensation.

6. The applicants lodged an appeal.

7. On 29 March 2013 the appeal was admitted for examination by the Civil Court of Appeal. The bench was composed of Presiding Judge M., Judge B. and Judge A.T. The first hearing was scheduled for 23 April 2013.

8. On 23 April 2013, prior to the commencement of the hearing, Judge B. was replaced by G., another judge of the same court. Consequently, the first hearing commenced with a bench composed of presiding Judge M., Judge G. and Judge A.T.

9. At a hearing held on 5 June 2013, the representative of the Ministry of Finance, in response to a question from the court regarding the possibility of a friendly settlement, stated that the State was prepared to pay AMD 6,000,000 in compensation, but that the Prosecutor General's Office had not approved the remainder of the sum claimed by the applicants. On the same day, the fourth applicant submitted two letters to the court. The first, dated 31 January 2013, was from the Ministry of Finance to the Deputy Prosecutor General, informing him about the progress of the applicants' case. The second, dated 12 October 2012, was a letter in which the Deputy Prosecutor General had partially objected to a draft of a friendly settlement proposal presented by the Ministry, disputing the legal basis for compensating the second applicant. The applicants subsequently refused to settle and maintained their claims in full.

10. On 20 June 2013 the Court of Appeal rejected the applicants' appeal and fully upheld the District Court's judgment.

11. The applicants lodged an appeal on points of law. As regards the composition of the bench of the Civil Court of Appeal, they argued that the case file did not contain a decision by the President of the Court of Appeal

reassigning the case to Judge G., nor any decision confirming that Judge G. had taken over the case. They also alleged that the Prosecutor General's Office had intervened in the proceedings despite not being a party.

12. On 14 August 2013 the Court of Cassation declared their appeal inadmissible for lack of merit.

THE COURT'S ASSESSMENT

13. The applicants complained under Article 6 § 1 of the Convention that the composition of the bench of the Civil Court of Appeal had not been established in accordance with the law. They alleged, in particular, that there had been no decision stating that Judge G. had taken over the examination of the case, which they argued was a procedural prerequisite.

14. The relevant general principles concerning the "tribunal established by law" requirement have been summarised in *Guðmundur Andri Ástráðsson v. Iceland* ([GC], no. 26374/18, §§ 211-16, 1 December 2020).

15. At the relevant time, Judges M., G., and A.T. formed one of the regular three-judge formations within the Civil Court of Appeal. Judge B., who sat on the bench that decided to admit the case for examination on 29 March 2013 (see paragraph 7 above), was temporarily substituting for Judge G. within that judicial formation, as the latter was on annual leave from 18 to 29 March 2013. That was confirmed by two orders dated 7 January 2008 and 17 March 2009 regulating the Civil Court of Appeal's judicial formations, and an order of 13 March 2013 approving Judge G.'s annual leave – all issued by the President of the Civil Court of Appeal.

16. On 22 April 2013 Presiding Judge M. requested that Judge B. be replaced by Judge G. on the bench examining the applicants' appeal, taking into account Judge G.'s return from annual leave. On the same day, the acting President of the Civil Court of Appeal signed a note for the reassignment of the applicants' case, which appears to confirm the requested substitution. On 23 April 2013, prior to the first hearing of the appeal, a three-judge formation of the Civil Court of Appeal composed of Presiding Judge M., Judge G. and Judge A.T. formally decided to take over the case. The Government submitted copies of Judge M.'s request, the reassignment note signed by the acting President, and the 23 April 2013 decision by the reconstituted bench to take over the case. The applicants' allegation concerning the absence of a decision confirming that Judge G. had taken over the case is therefore unfounded.

17. The Court further observes that Article 25 § 1 (6) and Article 49 § 2 of the Judicial Code in force at the material time authorised the President of the Civil Court of Appeal to redistribute cases as necessary in the event of a judge's leave or other temporary absence. There is nothing to suggest that the acting President of the Civil Court of Appeal did not possess the same powers as the President in that respect.

18. In their observations before the Court, the applicants raised various new arguments concerning alleged irregularities in the replacement of Judge B. by Judge G. However, those arguments do not disclose a breach of the "tribunal established by law" requirement and, in any event, were not raised before the domestic courts and therefore cannot be validly relied upon before this Court (see *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, § 123, 1 June 2023).

19. Consequently, the Court finds no basis to conclude that the composition of the bench was inconsistent with domestic law or was improperly documented. The Court therefore considers that the applicants' complaint under Article 6 § 1 of the Convention concerning the alleged breach of the "tribunal established by law" requirement is manifestly ill-founded.

20. The applicants also complained under the same provision that their right to an independent tribunal had been breached as a result of the Prosecutor General's Office intervening in the proceedings. The Court observes, however, that the Prosecutor General's Office had been involved solely through its correspondence with the Ministry of Finance in the context of a potential friendly settlement. Its involvement was based on section 1 (c) of Decree no. 189-N of the President of Armenia, which had at the relevant time required State authorities to submit proposed terms of a friendly settlement to the Prosecutor General's Office in cases concerning State property interests. The Court finds no indication that the Prosecutor General's Office exerted any undue influence on the judges of the Civil Court of Appeal, which, moreover, had dismissed the applicants' appeal on grounds entirely unrelated to the position expressed by the Prosecutor General's Office (see paragraphs 5 and 9-10 above). The Court therefore concludes that the applicants' complaint regarding the independence of the tribunal is also manifestly ill-founded.

21. It follows that the application must be rejected in accordance with Article 35 §§ 3(a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 October 2025.

Martina Keller Deputy Registrar	Andreas Zünd President

APPENDIX

List of applicants:

No.	Applicant's Name	Date of birth/ registration	Place of residence
1.	Narine VASILYAN	01/06/1967	Yerevan
2.	Irina PILOYAN	25/06/1990	Yerevan
3.	Kristina PILOYAN	30/09/1986	Yerevan
4.	Suren PILOYAN	09/06/1968	Yerevan