



## Armenian businessman Samvel Mayrapetyan's complaints concerning deterioration of health in detention rejected

In its decision in the case of [Mayrapetyan v. Armenia](#) (application no. 43/19) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned medical care received by Samvel Mayrapetyan – a well-known businessman – while in detention. He required treatment that had not been available in Armenia. The Court held that his life was no longer at risk and that his complaints around access to medication and prescribed foods while still in detention was manifestly ill-founded.

### Principal facts

The applicant, Samvel Mayrapetyan, is an Armenian national who was born in 1959 and lives in Yerevan. He is a well-known businessman and the owner and chief executive of a television channel in Armenia.

In 2018 Mr Mayrapetyan was placed in pre-trial detention following corruption charges against him. He had already had several health issues at that stage, including pancreatitis and toxic shock, and later respiratory failure. He had been treated in Germany and remained under the care of doctors there.

Following a transfer to a second detention facility, his treating doctor prescribed him medication and a diet with a frequent intake of small amounts of warm food. However, gallbladder and kidney stones were later found. Several panels of medical professionals recommended that he be allowed to leave for treatment in the same clinic in Germany so as to avoid repeat complications.

Following an application, on 17 January 2019 the European Court asked the Government of Armenia to ensure that the applicant received adequate medical care urgently, in accordance with his state of health and the relevant instructions of medical professionals.

In January 2019 the applicant was allowed to travel to Germany for treatment under a personal surety. However, that surety was cancelled year later (after the applicant had been treated) owing to his alleged failure to appear before the investigator.

As of March 2021 the applicant had not returned to Armenia.

### Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 2 January 2019.

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman and degrading treatment), the applicant complained of the deterioration of his state of health and the authorities' refusal to allow him to travel abroad for urgent medical treatment and the healthcare and diet provided during his detention while ill.

The decision was given by a Committee of three judges, composed as follows:

Jolien **Schukking** (the Netherlands), *President*,  
Armen **Harutyunyan** (Armenia),  
Ana Maria **Guerra Martins** (Portugal),

and also Ilse **Freiwirth**, *Deputy Registrar*.

## Decision of the Court

Concerning **Article 2**, the Court stated that there was nothing to indicate that the applicant had been suffering from a life-threatening condition when placed in detention. Furthermore, he had had regular medical check-ups and had ultimately been released on bail when his health had sharply deteriorated. Given these facts, the Court found that the applicant could no longer be considered a victim under Article 2 and it rejected that part of the application as inadmissible.

As for **Article 3**, the Court noted that the applicant had had free access to doctors of his choosing, including being seen at civilian hospitals when necessary. Although his condition worsened, the Court was satisfied that that had not been as a result of any negligence on the part of the authorities. Regarding the applicant's diet, no specific food had been prescribed, and he had been given a food heater in his cell promptly when requested. Given this, this part of the application was rejected as manifestly ill-founded.

*The decision is available only in English.*

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