



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

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FIFTH SECTION

Application no. 22428/20
Vahan SIMONYAN
against Armenia
lodged on 26 May 2020
communicated on 21 September 2026

SUBJECT MATTER OF THE CASE

The case concerns the continued freezing of the applicant's assets and the continued retention of seized property for legal proceedings, raising issues under Article 1 of Protocol No. 1 to the Convention.

On several occasions between 2014 and 2015, a group of persons employed at a gold extraction plant, acting with the acquiescence of police officers and security staff, repeatedly stole gold concentrate from the plant, recast it into gold bars and sold it at a gold market in Yerevan. The applicant, a sole proprietor engaged in trading in gold in that market, purchased some of the gold.

On 2 June 2015 the Investigative Committee instituted criminal proceedings in connection with the thefts. The members of the group were subsequently identified and prosecuted.

On an unspecified date, the investigative authorities seized from the applicant gold bars weighing approximately 400 grams, which he had purchased from a member of the group.

On 8 November 2016 the applicant was charged with theft committed by an organised group on a particularly large scale (Article 177 § 3 (1) and (2) of the former Criminal Code in force at the relevant time ("the CC")), on account of his alleged involvement in the group. On the same day, the investigator froze the applicant's movable and immovable assets and seized from him 31 items of jewellery. According to the relevant record, the

jewellery was worth 5,998,000 Armenian drams (“AMD”) (approximately 11,300 euros at the time and 14,300 euros at the current exchange rate).

On 23 December 2016 the criminal case against the applicant and other co-accused was referred to the Ararat and Vayots Dzor Regional Court (“the Ararat Regional Court”) for trial.

On 28 September 2017, the proceedings concerning the applicant were separated from those concerning other co-accused and, on 22 February 2018, were referred to the Yerevan Court of General Jurisdiction (“the Yerevan Court”).

On 4 December 2018 the Yerevan Court convicted the applicant of complicity in theft on a particularly large scale (Articles 38 and 177 § 3 (1) of the CC). The court found that the applicant had aided in disposing of the stolen gold and that he had promised in advance to acquire and sell it. The court sentenced the applicant to four years’ imprisonment, without confiscation of property, but released him from serving his sentence pursuant to an Amnesty Act. The Yerevan Court nevertheless ordered that the freezing of the applicant’s assets and the seizure of the gold bars and the 31 items of jewellery be maintained in order to secure the recovery of court costs and any civil claim by the victim. It left the determination of the court costs and the final disposition of the physical evidence to the Ararat Regional Court, before which the proceedings against the remaining co-accused were pending.

The applicant appealed against the judgment but his appeal was dismissed.

On 24 January 2020 the Court of Cassation declared his subsequent appeal on points of law inadmissible for lack of merit.

On 7 February 2020 the Ararat Regional Court convicted the remaining members of the group. It held that the latter were jointly and severally responsible for paying a total sum of AMD 571,200 in court costs (approximately EUR 1,100 at the relevant time). It ordered that the gold bars be returned to the victim but made no decision concerning the continued freezing of the applicant’s other assets or the 31 items of jewellery.

The applicant appealed against that judgment in so far as it concerned his frozen assets and the seized property.

On 15 April 2021 the Criminal Court of Appeal dismissed the applicant’s appeal, finding that the issues concerning the freezing of his assets and the seizure of the gold bars and jewellery had already been determined by the Yerevan Court and fell outside the scope of the criminal case against the remaining co-accused.

On 31 January 2022 the Court of Cassation declared his subsequent appeal on points of law inadmissible for lack of merit.

The applicant subsequently lodged various complaints with the authorities, seeking the lifting of the freezing order and the return of his jewellery, but to no avail.

The applicant complains under Article 1 of Protocol No. 1 to the Convention that the continued freezing of his assets and the seizure and

continued retention of the 31 items of jewellery, which he maintains were unrelated to the offence, are unjustified. He further submits that no civil claim was lodged against him.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's peaceful enjoyment of his possessions, within the meaning of Article 1 of Protocol No. 1, on account of the continued freezing of his assets and the seizure and continued retention of the 31 items of jewellery?

2. If so, was that interference justified under Article 1 of Protocol No. 1? In particular, was the interference lawful and in accordance with the general interest, and was there a reasonable relationship of proportionality between the means employed and the aim sought to be realised (see *Borzhonov v. Russia*, no. 18274/04, §§ 57-60, 22 January 2009; *Džinić v. Croatia*, no. 38359/13, §§ 60-69, 80, 17 May 2016; and *Karamitrov and Others v. Bulgaria*, no. 53321/99, § 72, 10 January 2008)?

The Government are requested to indicate whether the applicant's assets remain frozen and, if so, to clarify the legal grounds for, and purpose of, the continued freezing of those assets and the continued retention of the 31 items of jewellery.