



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

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**FIFTH SECTION**

Application no. 10922/19  
Vahram KEROBYAN  
against Armenia  
lodged on 19 February 2019  
communicated on 2 October 2026

**SUBJECT MATTER OF THE CASE**

The case concerns the alleged inadequacy of compensation for unlawful detention.

On 12 March 2010 the applicant was taken to the police station and was charged with theft (under Article 177 § 3(1) of the former Criminal Code, in force at the relevant time).

On 15 March 2010 he was detained.

On 26 July 2012 the applicant was released on bail.

On 6 September 2012 the prosecutor withdrew the charges against the applicant and, consequently, the Kentron and Nork-Marash District Court of Yerevan (“the District Court”) acquitted him on 25 September 2012.

On 30 October 2014 the applicant lodged a civil claim against the State with the District Court, seeking compensation in respect of non-pecuniary damage for his unlawful detention.

On 11 December 2017 the District Court delivered a judgment, acknowledging the breach of the applicant’s right to liberty guaranteed by the Constitution and the Convention and awarding him 2,000,000 Armenian drams (AMD – equivalent to approximately 3,500 euros at the relevant time) as compensation in respect of non-pecuniary damage. Article 1087.2 § 7(2) of the Civil Code (as in force at the material time) set out a general rule under which the amount of compensation in respect of non-pecuniary damage could not exceed AMD 2,000,000. Under Article 1087.2 § 8 of the same Code, the

amount of compensation in respect of non-pecuniary damage could in exceptional circumstances exceed the aforementioned amount if the damage caused had resulted in severe consequences. Referring to the latter provision, the District Court stated that no such fact had been established.

Both the applicant and the State appealed against the judgment.

On 17 April 2018 the Civil Court of Appeal dismissed the appeals. The court acknowledged the unlawfulness of the applicant's detention. At the same time, it considered the amount awarded by the District Court to be justified.

The applicant appealed further on points of law.

On 22 August 2018 the Court of Cassation declared his appeal inadmissible for lack of merit.

The applicant complains under Article 5 § 5 of the Convention that, in view of the excessive length of his unlawful detention, the amount of compensation awarded to him by the domestic courts was disproportionately low. He also complains under Article 13 that he had no effective domestic remedy in respect of that complaint.

## QUESTIONS TO THE PARTIES

1. Did the applicant enjoy an effective and enforceable right to compensation for his unlawful detention, as required by Article 5 § 5 of the Convention (see *Norik Poghosyan v. Armenia*, no. 63106/12, §§ 31-40, 22 October 2020)? In particular, was the amount of compensation in respect of non-pecuniary damage awarded to the applicant so low as to breach that provision (see *Cristina Boicenco v. Moldova*, no. 25688/09, § 43, 27 September 2011; *Vasilevskiy and Bogdanov v. Russia*, nos. 52241/14 and 74222/14, §§ 19-26, 10 July 2018; and *İlker Deniz Yücel v. Turkey*, no. 27684/17, § 129, 25 January 2022)?

2. Has there been a breach of Article 13 of the Convention, as alleged by the applicant?