



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

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FIFTH SECTION

Application no. 691/19
Arayik FRANGYAN
against Armenia
lodged on 18 December 2018
communicated on 2 October 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged inadequacy of compensation for unlawful detention and the alleged denial of access to the Court of Cassation.

On 16 September 2012 the applicant was arrested.

On 19 September 2012 he was charged with fraud (under Article 178 § 2 (1) of the former Criminal Code in force at the material time) and was detained.

On 16 January 2013 the applicant was released from detention.

On 18 May 2013 the criminal prosecution against him was discontinued.

On 16 December 2014 the applicant lodged a claim against the State with the Kentron and Nork-Marash District Court of Yerevan (“the District Court”), seeking compensation for his detention.

On 20 October 2017 the District Court delivered its judgment, awarding him 250,000 Armenian drams (equivalent to approximately 440 euros at the relevant time) as compensation in respect of non-pecuniary damage.

Both the applicant and the State appealed against the judgment.

On 15 February 2018 the Civil Court of Appeal dismissed the appeals. It noted that the applicant’s detention had been unlawful and found that he was therefore entitled to compensation. At the same time, it considered the amount awarded by the District Court to be justified.

On 30 March 2018 the applicant lodged an appeal on points of law. He argued, *inter alia*, that the lower courts had made a judicial error that had

influenced the outcome of the case, as well as that a ruling by the Court of Cassation would ensure correct interpretation of the law in similar cases and contribute to the development of the case-law.

On 18 April 2018 the Court of Cassation returned the appeal on the procedural ground that the applicant had failed to provide an electronic copy of the appeal. It invited the applicant to rectify that procedural deficiency.

On an unspecified date, the applicant resubmitted his appeal after rectifying the procedural deficiency.

On 6 June 2018 the Court of Cassation declined to examine the appeal on the grounds that the applicant had referred to the grounds for an appeal on points of law set out in the former Code of Civil Procedure (in force until 9 April 2018) and that his appeal therefore failed to satisfy the requirements of the new Code of Civil Procedure (in force since 9 April 2018).

The applicant complains under Article 5 § 5 of the Convention that the compensation awarded to him in respect of non-pecuniary damage was merely symbolic. He further complains under Article 6 § 1 of the Convention of a breach of his right of access to the Court of Cassation. Relying on Article 13 of the Convention, he complains of the lack of an effective domestic remedy in respect of the foregoing complaints.

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. Did the Court of Cassation's decision declining to examine the applicant's appeal breach his right of access to a court guaranteed under Article 6 § 1 of the Convention (see *Zubac v. Croatia* [GC], no. 40160/12, §§ 78-88, 5 April 2018, and *Vachik Karapetyan and Others v. Armenia*, no. 15736/16, §§ 86-87, 15 May 2025)?

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

FRANGYAN v. ARMENIA – SUBJECT MATTER OF THE CASE AND QUESTIONS

The parties are invited to provide copies of the Court of Cassation's decision of 18 April 2018 and of the appeal resubmitted by the applicant following that decision.