

Resolution CM/ResDH(2024)330

Execution of the judgments of the European Court of Human Rights

Four cases against Armenia

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
40094/05	VIRABYAN	02/10/2012	02/01/2013
9935/06	NALBANDYAN	31/03/2015	30/06/2015
11244/12	GULYAN	20/09/2018	20/12/2018
2186/12	YENGIBARYAN AND SIMONYAN	20/06/2023	20/09/2023

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations established on account of ill-treatment, torture or death in police custody and lack of effective investigations in this respect (substantive and procedural violations of Articles 2 and 3 of the Convention); the authorities' failure to carry out an effective investigation into allegations that ill-treatment had been politically motivated (violation of Article 14 in conjunction with Article 3 of the Convention in the *Virabyan* case); breach of the right to be presumed innocent (violation of Article 6, paragraph 2, of the Convention in the *Virabyan* case); lack of effective legal assistance and disproportionate denial of access to court (violations of Article 6, paragraphs 1 and 3(c) of the Convention in the *Nalbandyan* case);

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the Government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action plans provided by the Government indicating the measures adopted to give effect to the judgments including the information regarding the payment of the just satisfaction awarded by the Court (see documents DH-DD(2015)206, DH-DD(2016)1142, DH-DD(2018)367, DH-DD(2023)1354, DH-DD(2024)53 and DH-DD(2024)1237);

Recalling that, at its 1273rd meeting (December 2016) (DH), the Committee welcomed the termination of the criminal proceedings against the applicant in the *Virabyan* case in compliance with the principle of presumption of innocence and that it considered at its 1492nd meeting (March 2024) (DH) that no further individual measures were necessary in this case considering the conviction of perpetrators for the applicant's ill-treatment, although without imposing a penalty (see documents CM/Del/Dec(2016)1273/H46-2 and CM/Del/Dec(2024)1492/H46-1);

Noting with deep regret that no further individual measures are possible in the cases of *Nalbandyan* and *Gulyan*, in which despite all the measures taken by the authorities following the Court's judgments, it was not possible to obtain sufficient evidence to prove ill-treatment or identify the perpetrators, and in the case of *Yengibaryan and Simonyan* on account of the expiration of the statute of limitations for the acts committed in 2011;

Considering that the question of individual measures as regards the violations of Article 6, paragraph 1, and 6, paragraph 3 (c) in the *Nalbandyan* case was resolved, given that the first and second applicants were acquitted;

Recalling that the Committee has previously decided that all the necessary general measures have been taken regarding the violation of the principle of the presumption of innocence, the lack of effective legal assistance and disproportionate denial of access to court, and the failure to investigate any political motives underlying ill-treatment (see documents CM/Del/Dec(2015)1230/2, CM/Del/Dec(2018)1318/H46-1 and CM/Del/Dec(2024)1492/H46-1);

Noting that the question of the remaining individual and general measures required in response to the shortcomings found by the Court in the *Virabyan* group of cases continue to be examined within the framework of the *Vardanyan and Khalafyan* group of cases also in the light of the Court's findings in these cases, and that the closure of these case therefore in no way prejudices the Committee's evaluation of the remaining measures;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning torture and/or ill-treatment in police custody and lack of effective investigations in this respect in the *Vardanyan and Khalafyan* group of cases;

DECIDES to close the examination of these cases.