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DH-DD(2026)1610

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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (25/11/2026)

Communication from Armenia concerning the group of cases of Vachik Karapetyan and Others v. Armenia (Application No. 15736/16)

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Réunion : 1577e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (25/11/2026)

Communication de l'Arménie concernant le groupe d'affaires Vachik Karapetyan et autres c. Arménie (Requête n° 15736/16) ***[anglais uniquement]***

DH-DD(2026)1610: Communication from Armenia
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OFFICE OF THE PRIME MINISTER
OFFICE OF THE REPRESENTATVE OF THE REPUBLIC OF ARMENIA ON INTERNATIONAL LEGAL MATTERS

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DES ARRETS DE LA CEDH

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

ACTION REPORT CONCERNING

VACHIK KARAPETYAN AND OTHERS v. ARMENIA

GROUP OF CASES

(Application nos. 15736/16, 24649/16 and 25718/16, final on 15/08/2025)[1]

Office of the Representative on International Legal Matters
25 November 2026

[1] Supervised under the standard procedure

OFFICE OF THE PRIME MINISTER
OFFICE OF THE REPRESENTATVE OF THE REPUBLIC OF ARMENIA ON INTERNATIONAL LEGAL MATTERS

INTRODUCTORY CASE SUMMARY

This group of cases concerns unforeseeable and disproportionate denial of access to the domestic courts. In all the cases the European Court held a violation of Article 6 § 1 of the Convention.

Members of the Group

1. *Vachik Karapetyan and Others v. Armenia (Applications nos. 15736/16 and 2 others); Minasyan v. Armenia (Application no. 54620/16); Minasyan and Geravetyan v. Armenia (Applications nos. 4892/16 and 24052/16)*

The cases concern unforeseeable and disproportionate denial of access to the court on grounds that the applicants' appeals were submitted outside the statutory time-limits, even though the submissions were effectively made within the prescribed time limits.

2. *Word of Life Church of Christians of Evangelical Faith in Armenia and Simonyan v. Armenia (Application no. 30817/13)*

The case concerns the decision of the Court of Cassation to declare the appeal inadmissible on points of law due to a typographical error in the identification of the contested decision.

3. *New Generation Humanitarian NGO v. Armenia (Application no. 5837/17); Abrahamyan v. Armenia (Application no. 31326/17)*

The cases concern unforeseeable and disproportionate denial of access to the court because of the alleged failure by the applicants to pay the correct amount of court fees.

4. *Arshakyan and Others v. Armenia (Application no. 23705/15)*

The case concerns unforeseeable and disproportionate denial of access to the court because of incorrect and unforeseeable application of the statutory limitation period.

INDIVIDUAL MEASURES

The just satisfaction awarded by the Court was paid within the prescribed time limit in all cases, except for the case of *Minasyan v. Armenia (Application no. 54620/16)*, in respect of which the Committee of Ministers was duly notified that the applicant could not be located.

1. *Vachik Karapetyan and Others v. Armenia (Applications nos. 15736/16)*

As mentioned in the previous Action Report[2] in the applications ***Shakaryan v. Armenia (Application no. 24649/16) and Davtyan v. Armenia (Application no. 25718/16)*** none of the applicants applied for the reopening of the case in a prescribed time limit. Therefore, in these cases, no other individual measures seem necessary.

In the application in ***Karapetyan v. Armenia (Application no. 15736/16)*** the applicant has applied to the Court of Cassation for the reopening of the case following the judgment of the European Court. The Court of Cassation accepted the case for proceedings, and access to the court has therefore already been provided. Since the applicant has already been afforded an opportunity to reopen the case in line with the Court's assessments, there is no need to await the outcome of the proceedings.

Therefore, in these cases, no further individual measures are necessary.

2. *Abrahamyan v. Armenia (Application no. 31326/17)*

The applicants applied for the reopening of the case. The Court of Cassation accepted the case for examination on 20 November 2026. Therefore, access to a court has been provided, and no further individual measures are necessary.

3. *Arshakyan and Others v. Armenia (Application no. 23705/15)*

In the present case, the applicants applied for the reopening of the proceedings. The Court of Cassation remitted the case to the Court of First Instance of General Jurisdiction for a fresh examination. The latter accepted the case for examination and scheduled a hearing. As a result, the right of access to a court has been ensured, and no further individual measures are necessary.

4. *Minasyan v. Armenia (Application no. 54620/16); Minasyan and Geravetyan v. Armenia (Applications nos. 4892/16 and 24052/16); Word of Life Church of Christians of Evangelical Faith in Armenia and Simonyan v. Armenia (Application no. 30817/13); New Generation Humanitarian NGO v. Armenia (Application no. 5837/17)*

For the following cases none of the applicants applied for the reopening of the case in a prescribed time limit. Therefore, no further individual measures are necessary.

Overall, in all the cases concerned, the applicants were granted access to the domestic courts after applying for the reopening of the proceedings, in line with the Court's judgments. While the reopening of the cases and the restoration of access to domestic courts fully remedied the individual violations, the Government would also like to draw the Committee of Ministers' attention to the additional general measures taken to address the issues raised in these cases and prevent similar violations in the future.

[2] Reference Document: DH-DD(2026)265

OFFICE OF THE PRIME MINISTER
OFFICE OF THE REPRESENTATVE OF THE REPUBLIC OF ARMENIA ON INTERNATIONAL LEGAL MATTERS

GENERAL MEASURES

The Government wishes to emphasize that the ongoing judicial reforms are of utmost importance to the Republic of Armenia, as is the integration of the European Court's case law. Both the Constitution and the Judicial Code stipulate that when interpreting the provisions enshrined in the Constitution concerning fundamental rights and freedoms in the administration of justice, the practice of institutions established under international human rights treaties ratified by the Republic of Armenia shall be taken into account. This applies, first and foremost, to the European Court of Human Rights. Consequently, the Court's case law is directly integrated into the practice of the domestic courts, which are informed of the relevant judgments immediately.

It should be emphasised that, although the cases in question are classified within the same group, they concern different shortcomings in judicial practice, each of which has been duly addressed through the adoption of appropriate comprehensive measures. At the same time, the Government wishes to highlight that the issues identified in this group of cases have either already been fully resolved through judicial practice and/or legislative amendments or are entirely isolated in nature. Consequently, the relevant information and the measures taken will be presented under the following four main areas, corresponding to the issues identified in the judgments:

- *Calculation of statutory time limits*
- *Payment of court fees*
- *Typographical errors in the statement of claim*
- *Calculation of the statutory limitation period*

I. Calculation of statutory time limits

Vachik Karapetyan and Others v. Armenia; Minasyan v. Armenia AND Minasyan and Geravetyan v. Armenia

The Government reiterates that the violations identified in those cases were remedied in Armenia several years ago, resulting in the establishment of consistent judicial practice. To reiterate the key points previously highlighted, the Government draws the attention of the Committee of Ministers to the fact that the Constitutional Court's Decisions and the judicial practice have fully addressed the issue in question.

The Government highlights that not only legislative amendments have been implemented in the field, but also the judicial practice has been entirely changed in recent years, determined by the decisions of the Constitutional Court. While the Decision of the Constitutional Court existed in terms of criminal proceedings (ՍԴՈ-1052) in the material time of the case, it was not entirely and automatically



implemented in the judicial practice of civil and administrative proceedings. However, following the improvements of the national civil and administrative procedure legislation and considering the practice in the criminal procedure, the Constitutional Court adopted a couple of decisions that directed to solve the abovementioned two issues in civil and administrative procedures as well.

A. Time Limits in Civil Proceedings

a. Legislative Reforms

To begin with, the new Code of Civil Procedure has been adopted, dated 9 February 2018. Article 198 § 1 stipulates that a judgment enters into legal force in a month upon its announcement, unless otherwise provided for by the Code. According to Article 387 § 1, decisions rendered by the Court of Appeal as a result of the examination of appeals lodged against a judgment shall enter into legal force in a month upon announcing it. Additionally, Article 391 § 1 enshrines that a cassation appeal against a judicial act of the Court of Appeal may be lodged prior to termination of the time limit prescribed for entry into force of that act (…). Finally, pursuant to Article 179 § 4, a copy of the judgment shall be sent to persons participating in the case **not later than the day following the announcement**, unless it has been handed to them in person prior to that.

Therefore, according to the new Code of Civil Procedure, the judgment enters into legal force in a month upon pronouncement and is sent to the participants of the trial not later than the day following the announcement.

b. Practical Adjustments

Accordingly, new Code of Civil Procedure invested in new mechanisms of pronouncement of judgments, which is also highlighted in the future decision of the Constitutional Court. Specifically, in the Decision No. ՍԴՈ-1575 dated 2 February 2021 the Constitutional Court noted:

"The previous Code of Civil Procedure of the Republic of Armenia provided for the procedure of announcing the judicial act (final judicial act) during the court hearing. However, the new Code no longer envisages the publication of final judicial acts through a court hearing, instead establishing the procedure for publishing these acts through the official website of the judiciary (Article 17 § 7, Article 179 § 1, and Article 386 § 1 of the Code). The new procedure for publishing final judicial acts, as established by the Code, aims to eliminate as much as possible the time gap between the publication of the judicial act and its accessibility to the interested (competent) person, which occurred under the regulations of the previous Civil Procedure Code of the Republic of Armenia, the Criminal Procedure



Code of the Republic of Armenia, and the Administrative Procedure Code of the Republic of Armenia."[3]

Additionally, the Constitutional Court emphasized:

"Along with the obligation of the court to publish the judicial act on the official website of the judiciary, the Code also establishes the duty of the court to send a copy of the judicial act to the parties involved in the case ***no later than the day following its publication****, if it has not been handed over to them in person before that. According to the Constitutional Court's assessment, the proper fulfillment of these two obligations by the court cannot, however, fully guarantee the effective exercise of a person's right to appeal the judicial act, given the time factor between the publication of the judicial act, sending it to the addressee (if it has not been handed over in person beforehand), and the actual receipt of the act by the addressee, and the necessity of ensuring the real possibility of appealing the judicial act."*[4]

In the light of the following statements, the Constitutional Court concluded that Article 391 § 1 of the Civil Procedure Code of the Republic of Armenia is in conformity with the Constitution in the interpretation according to which the one-month deadline for appealing a judicial act is subject to countdown from the moment of publication of the act if the appellant has received the appealed judicial act or the full text is at his or her disposal (has become available) within the period prescribed by law.

As a result of the following decision, no such issue can arise in terms of the calculation of the time limits for appealing the decision in the civil proceedings. It is also worth highlighting that the violations in question (*Davtyan v. Armenia* and *Karapetyan v. Armenia*) were held before the adoption of the New Code of Civil Procedure and the abovementioned decision of the Constitutional Court.

As regards the restoration of time limits, which is the additional safeguard for the applicants, the Constitutional Court found:

"Taking into account the legal position expressed in a number of decisions of the Constitutional Court (ՍԴՈ-1052, ՍԴՈ-1062, ՍԴՈ-1249), according to which in all cases where the legally established reasonable deadline for filing an appeal is missed due to reasons beyond the control of the appellant (not their fault), the missed deadline should be considered excusable ex jure, rather than leaving the resolution of this issue to the discretion of the court. In light of this established legal practice, the courts' discretion to assess a 'valid reason' is also excluded, as it could result in the missed deadline, caused by reasons beyond the appellant's control, not being considered excusable."

[3] Constitutional Court of the Republic of Armenia, Decision No. ՍԴՈ-1575, 2 February 2021, § 4.4
[4] *Ibid*, 4.7.



In the light of the decisions of the Constitutional Court, in case No. ԵԴ/14539/02/19, the Court of Cassation reaffirmed:

"Alongside the authority to pronounce a judicial act, the legislator has also imposed on the court the obligation to hand the judicial act to the persons participating in the case or to send it to them. Only where these actions are carried out simultaneously and in accordance with the procedure prescribed by law can full preconditions be created for the effective exercise of the right of appeal."

In this case, the Court of Cassation found that the person's motion was subject to granting and that the missed time limit should have been restored by the Court of Appeal by operation of law (*ex jure)*, since it had been established that the judicial act had been received by the appellant with delay for reasons beyond his or her control. The same legal position was also adopted by the Court of Cassation in its decision of 12 November 2021 in Case No. ՎԴ/6983/05/19. Furthermore, in practice, the Court of Appeal has also restored the time limit for lodging an appeal in cases where the judicial act was received belatedly, as illustrated by case No. ԵԴ/9663/02/23.

This approach has become established judicial practice, and, where the relevant evidence is submitted, the court admits the case into proceedings even after the expiry of the one-month time limit calculated from the date of pronouncement of the judicial act.[5]

B. Time Limits in Administrative Proceedings

The similar clauses are enshrined in the Code of Administrative Procedure as well, which has been discussed by the Court in the following judgment. However, since the material time of the violation in Shakaryan v. Armenia, significant legal and practical developments have taken place, introducing additional safeguards and effective remedies that address the shortcomings identified in that case and prevent the recurrence of similar violations.

a. Legislative Regulations

The Code of Administrative Procedure stipulates the following provisions. According to Article 127 § 1, the decisions of the Administrative Court resolving the case on its merits enter into legal force in a month upon their announcement, unless otherwise provided for by the Code. Article 132 § 1 stipulates that an appeal against the court decision resolving the case on its merits may be filed until the deadline set for the decision to enter into legal force (…). According to Article 148 § 1, the decisions of the Court of Appeal resolving the case on its merits enter into legal force in a month upon its announcement. In addition, Article 156 § 1 provides that a cassation appeal against the court

[5] For instance, in the case of ԱՎԴ2/1930/02/22, the judgment was issued on 21.08.2024, the appeal was received on 03.10.2024, and the court admitted the case into proceedings on 12.11.2024. In the case of ՏԴ/3332/02/22, the judgment was issued on 17.03.2023, the appeal was received on 20.04.2023, and the court admitted the case into proceedings on 23.05.2023.



decision resolving the case on its merits may be filed until termination of the time limit prescribed for entry into force of that act (…). According to Article 114 § 6, the court's judicial acts that resolve the case on its merits are published through the official website of the judiciary. Article 114 § 7 highlights that the court's decision resolving the case on its merits is sent to the participants of the trial **not later than the day following the announcement**, unless it has been handed to them in person prior to that.

Therefore, according to current provisions of the Code of Administrative Procedure, the judgment enters into legal force in a month upon pronouncement and is sent to the participants of the trial not later than the day following the announcement.

b. Practical Adjustments

In terms of administrative proceedings, the Government wishes to emphasize again the decisions of the Constitutional Court. Particularly, Decision No. ՍԴՈ-1254 cited by the Court (*Vachik Karapetyan and Others v. Armenia, § 61*), however, was not in force at the material time of the violation (*Shakaryan v. Armenia*). In addition, after the violation, the Constitutional Court adopted the Decision No. ՍԴՈ-1268 dated 26 April 2016, according to which the legal position of the Constitutional Court should guide the judicial practice with the understanding that the one-month deadline for appealing a judicial act is calculated from the moment of its publication in cases where the appellant has received the judicial act or had its complete text at their disposal (become available) within the legally prescribed three-day period. However, the three-day time limit prescribed by the Code of Administrative Procedure has changed in 2022. Consequently, according to the abovementioned decision of the Constitutional Court, the deadline for appealing a judicial act is calculated from the moment of its publication in cases where **the appellant has received the judicial act or had its complete text at their disposal within the legally prescribed period**, which is no later than the day following the announcement.

With regard to the restoration of the time limits, in the Decision No. ՍԴՈ-1268, the Constitutional Court noted:

"The provision that 'An appeal may be filed against the judicial act resolving the case on its merits until the deadline for the act's entry into legal force' aligns with the Constitution of the Republic of Armenia to the extent that the legal position expressed by the Constitutional Court of Armenia in decisions ՍԴՈ -1052, ՍԴՈ -1062, and ՍԴՈ -1254 on the same issue ensures, in accordance with the law, the right of a person entitled to appeal to receive the judicial act within the prescribed procedure and time limits, and that the failure to meet this deadline, due to any reasons, is considered excusable by law (ex jure) if the relevant motion and evidence are presented."

In the context of the legal positions of the Constitutional Court, the Court of Cassation, in case No. ՎԴ2/0098/05/16, once again affirmed:



"For the purposes of examining a motion to recognize the failure to comply with the time limit for lodging an appeal as excusable, the decisive circumstances are ***whether the judgment was sent to the person concerned*** *and* ***whether it was received by that person****. This is because the court's sending of a copy of the judgment to a participant in the proceedings pursues the aim of informing the latter of the judicial act adopted by the court."*

The same legal position was expressed by the Court of Cassation in the case No. ԵԴ/14539/02/19, noting that, in the given case, it was substantiated that the **contested judicial act had been received by the person with delay** for reasons beyond his or her will, as well as that the appeal was lodged **within the one-month time limit calculated from the date of receipt of the judicial act**. Consequently, for the purpose of eliminating a disproportionate restriction of the person's guaranteed right of access to a court, it was necessary, by operation of law *(ex jure)*, to annul the decision of the Court of Appeal of 31 January 2019 'On refusing the motion to restore the missed procedural time limit and on refusing to admit the appeal.' Additionally, the same legal position has been expressed in the case No. ՎԴ/9683/05/19 dated on 25 June 2021.

In case No. ՎԴ/3194/05/16, the Court of Cassation of the Republic of Armenia emphasised that the fact that procedural time limits had been missed may be considered established only where there is conclusive evidence as to the date on which the contested administrative act, including an administrative act adopted following an administrative appeal, entered into force. Where this circumstance is disputed, the claimant must be afforded the opportunity to submit an application seeking restoration of the right to perform procedural actions in respect of which the prescribed procedural time limits have expired.

In case No. ՎԴ2/0098/05/16, the Court of Cassation held that, where the record acknowledging receipt of a copy of the court judgment contains **no indication of the date on which it was received**, the Court of Appeal **cannot draw categorical conclusions as to the precise date of receipt of the judicial act.** This is particularly so given that the person concerned had not been present when the judgment was pronounced. Accordingly, this circumstance cannot be interpreted to the detriment of the person who lodged the appeal. The Court of Cassation adopted similar positions in its decisions in Cases Nos. ՎԴ/8742/05/23 and ՎԴ/5974/05/20.

In its decision of 22 December 2023 in case No. ՎԴ/11415/05/19, the Court of Cassation held that the **courts' dispatch of judicial acts to the representative of a participant in the proceedings cannot be regarded as proper fulfilment of the obligation to send the judicial acts to the participant** in the proceedings within the time limit prescribed by law, except where the participant in the proceedings has expressly requested, by means of a corresponding application submitted to the court, that the judicial acts be sent to their representative. In the same decision, the Court of Cassation further reiterated that established judicial practice provides that, in all cases where, owing to a failure on the part of the court, a judicial act is made available to a participant in the proceedings belatedly, that participant is, by operation of law, guaranteed the opportunity to lodge an appeal within the



statutory time limit for appealing against a judicial act determining the merits of the case, calculated from the date on which that act becomes available to them, with due regard also being had to Convention standards. Furthermore, in its decision of 21 June 2024 in case No. ՎԴ/8742/05/23, the Court of Cassation extended this position concerning notification to **interlocutory judicial acts** as well.

Accordingly, in its decision of 3 February 2026 in case No. ՎԴ/8198/05/24, the Court of Cassation held that, where a power of attorney contains an express authorisation permitting the representative to receive judicial documents, the date on which the representative receives the judicial act shall be taken as the starting point for calculating the time limit. At the same time, **the fact that the judicial act was also sent directly to the individual concerned cannot be interpreted to their detriment.**

Moreover, in its decision of 5 June 2026 in case No. ՎԴ/7364/05/19, the Court of Cassation held that a judicial act restricting the right to appeal may be issued only where it has been unequivocally established that the appeal was lodged in breach of the requirements of the law. It further stated that the date of receipt of a judicial act may be established only by means of a **postal receipt and an acknowledgement of receipt**, whereas an extract containing neither a signature nor the requisite certification details is inadmissible.

While the issue identified by the Court did not concern the criminal cases, the Government additionally highlights the continuous practical improvements in the national criminal justice sector as well, especially concerning the restoration of procedural time limits.[6]

Accordingly, the issue of calculating time limits from the date of receipt of a judicial act has long been settled. Moreover, domestic judicial practice has comprehensively addressed and clarified all issues concerning the calculation of procedural time limits, in line with the standards of the European Court of Human Rights.

Under such circumstances the issue identified by the Court has been entirely solved in both civil and administrative proceedings, therefore, future similar violations can be effectively prevented, as it is already an established practice in judicial proceedings. As a result, the guarantees mentioned by the Court have been established and implemented in practice. In the light of abovementioned, no further general measures are necessary.

[6] For instance, ԵԴ/0712/11/22, ԵԴ1/0525/06/23.



II. Payment of court fees

New Generation Humanitarian NGO v. Armenia AND Abrahamyan v. Armenia

In the cases in question, the Court specifically has held:

"(...) the Court concludes that there was no clear statutory basis for the way in which the court fees were calculated by the Court of Cassation in the applicant NGO's case. Nor could the latter have reasonably foreseen that the fees would be calculated in such a way, given the absence of a coherent and consistently applied domestic practice in the case – if, indeed, any such practice existed at all. In such circumstances, the applicant NGO cannot be blamed for being guided by the previous approach adopted by the appeal court." (New Generation Humanitarian NGO v. Armenia, § 19)

"(...) when the Court of Cassation returned the applicants' appeals and gave them five days to resubmit them, it referred to Section 9 (9) (b) of the State Fees Act but did not specify the amount of court fees to be paid or cite any domestic case-law capable of providing sufficient clarity for the calculation of the court fees. Accordingly, the applicants cannot be criticised for paying the court fees according to their reasonable interpretation of the statutory provision." (Abrahamyan v. Armenia, § 20)

To begin with, *New Generation Humanitarian NGO v. Armenia* concerns the civil and *Abrahamyan v. Armenia* the administrative proceedings. However, it is worth highlighting that the issue identified in these cases has been fully resolved, both in legislation and in practice, thereby eliminating any misunderstandings concerning the calculation of court fees.

With regard to the case of *New Generation Humanitarian NGO v. Armenia*, the Court itself has mentioned that Code of Civil Procedure of 2018, unlike the version applicable at the material time, expressly provided that court fees were to be paid separately for each pecuniary and non-pecuniary claim made *(New Generation Humanitarian NGO v. Armenia, § 17).* According to Article 102 §§ 7 and 8 and § 9 of the Code of Civil Procedure the state duty levied for filing a statement of claim involving monetary and nonmonetary claims shall be calculated and levied for each claim separately. In case auxiliary demands are brought in addition to the principal claim, which are subject to implicit satisfaction if the principal claim is satisfied, no state duty shall be paid for the auxiliary demands. If the claim in its nature is such that it is impossible to determine the cost of the claim at the moment of submitting the statement of claim, the plaintiff shall pay the amount of state duty determined by law for filing non-monetary statements of claim. In this case the court refers by a judicial act to the issue of levying additional state duty concurrent to the cost of the claim as determined in the course of examination of the case. Additionally, Article 9 of the Law on State Duty stipulates the state duty rates for statements of claim, applications filed with the court and for appeals and cassation appeals against judicial acts of courts.



Furthermore, the Court of Cassation has confirmed that it has already established practice that in cases where a statement of claim is returned due to an issue relating to the payment of court fees, the Court of Cassation simultaneously specifies the amount of court fees payable, notwithstanding the fact that no such explicit obligation is prescribed by the Code of Civil Procedure.

As far as the case of *Abrahamyan v. Armenia* is concerned, Article 9 § 2 of the Law on State Duty notes that rates of state duty shall be charged for statements of claim, applications submitted to the courts as prescribed by the Administrative Procedure Code of the Republic of Armenia, appeals and cassation appeals against judicial acts of the court. Therefore, unlike in civil proceedings, in administrative judicial proceedings, the state duty is calculated for each application or appeal rather than for each claim. Additionally, according to the recent changes in the Code of Administrative Proceedings, dated 30 May 2024, in case auxiliary demands are brought in addition to the principal claim, which are subject to implicit satisfaction if the principal claim is satisfied, no state duty shall be paid for the auxiliary demands.

For instance, in case No. ԵԴ/9740/02/23, the Court of Appeal returned the appeal on the grounds that the court fee had not been paid in full, expressly specifying in its decision the amount of the fee payable. Following payment of the requisite court fee and resubmission of the appeal, the appeal was admitted for proceedings. The same approach and practice were also followed in cases No. ԵԴ/9312/02/23 and ԵԴ2/11239/02/24, in which the amount of the court fee payable was likewise specified, following which the appeals were admitted for examination.

Accordingly, in both civil and administrative judicial proceedings, the calculation of the state duty and the applicable rates are explicitly regulated by law. Therefore, under the current legislative framework, the issues identified in these cases are highly unlikely to recur, as has also been confirmed by the Court of Cassation. Consequently, no further general measures are required in respect of the cases in question.

III. Typographical errors in the statement of claim

Word of Life Church of Christians of Evangelical Faith in Armenia and Simonyan v. Armenia

The Government notes that the case of *Word of Life Church of Christians of Evangelical Faith in Armenia and Simonyan v. Armenia* is highly isolated in nature, as it concerns a single instance of misconduct/misinterpretation by the domestic court, which does not reveal any structural or recurrent problem in this area.

In this context, the Code of Civil Procedure provides for the possibility of returning a statement of claim, including a cassation appeal, on various grounds where the defects identified therein can be



remedied. This provision is particularly relevant to the issue identified in the present case, notwithstanding its misinterpretation in the light of the provisions of the previous Code of Civil Procedure.

Moreover, all the grounds for returning the statement of claim shall be explained in the decision on returning the cassation appeal. According to the Code of Civil Procedure a cassation appeal shall be returned if it fails to comply with the requirements as to its form and content, one of which is the indication of the name of the court that rendered the judicial act being appealed, the case number and the date on which the judicial act was rendered. Therefore, in the situation in respect of which the violation was identified in the aforementioned judgment, the statement of claim/cassation appeal would be subject to return, with a time limit being granted for rectifying the deficiencies and resubmitting it.

In addition, with regard to the return of appeals and cassation appeals, the current Code of Civil Procedure provides for a simplified procedure in cases such as the one in question. Specifically, according to Article 371 (for appeals) and Article 395 (for cassation appeals) where, upon examination of a submitted appeal or cassation appeal, it becomes apparent that the appellant has committed an irregularity, including, inter alia, an irregularity concerning the indication of the name of the court that rendered the judicial act being appealed, the case number or the date on which the judicial act was rendered, the Registry of the Court of Appeal or the Court of Cassation may, by means of communication (where available), notify the appellant of the deficiencies in the appeal or cassation appeal and invite them to rectify those deficiencies within a period of three days. This makes it possible to avoid waiting for a separate judicial decision of the court, thereby facilitating the procedure in cases where the deficiencies are excessively formal in nature.

In the context of returning an appeal, the Constitutional Court of the Republic of Armenia, in its Decision No. ՍԴՈ-1370 of 25 May 2017, held that Article 160 § 1 (5) of the Administrative Procedure Code of the Republic of Armenia is compatible with the Constitution, provided that it is interpreted in the following constitutional-legal sense: a decision returning a cassation appeal cannot be regarded as a decision of the Court of Cassation already adopted in the same case on the grounds indicated in the appeal. Consequently, the fact that an appeal is resubmitted with deficiencies following its return cannot, in itself, constitute grounds for refusing to examine the appeal.

In light of the Constitutional Court's decision, particular attention should be drawn to Decision No. ՎԴ/2272/05/15 of the Court of Cassation, by which the Court of Cassation set aside its own decision to leave the cassation appeal without examination.

A striking example of the application of the procedure for returning appeals on the grounds of typographical errors is case No. ԵԴ/32529/02/20. By its decision of 13 October 2021, the **Court of**



Cassation returned the cassation appeal on the grounds that the appeal referred to different decisions of the Court of Appeal as the subject of challenge. However, following its proper resubmission, the appeal was admitted for examination.

As regards other instances in which the Court of Cassation admitted appeals for examination following their resubmission, case No. ԵԴ/2029/02/19 may be cited as an example of a cassation appeal being admitted for examination after its return and subsequent proper resubmission. The same approach was also adopted in cases No. ԵԴ/36726/02/21 and ԵԴ/36726/02/21, and is also followed by the Court of Appeal, as illustrated by case No. ԵԴ2/8021/02/25.

Taking all the above into account, and in light of the legislative developments, the incident was not indicative of an institutional challenge. Furthermore, both the established judicial practice and the legislative amendments contribute to preventing the recurrence of similar violations. Under these circumstances, no further general measures are necessary.

IV. Calculation of the statutory limitation period

Arshakyan and Others v. Armenia

With regard to the case of *Arshakyan and Others v. Armenia*, as in the previous case, the present case is also highly isolated in nature, given that, although statutory limitation periods are calculated on the basis of the same criteria, their application depends on the specific factual circumstances of each individual case. Nevertheless, in recent years, the Constitutional Court and the Court of Cassation have developed relevant case law providing guidance on the calculation of statutory limitation periods and the circumstances that determine when such periods begin to run.

According to Article 337 § 1 of the Civil Code running of term for statute of limitations shall start on the day when the person has become aware or should have become aware of the violation of his or her right. Exceptions to that rule shall be prescribed by this Code and other laws.

Additionally, Article 342 also provides for the possibility of restoring the limitation period. Specifically, according to Article 342, in exceptional cases, where the court, taking into account the circumstances (serious illness, helpless state, illiteracy, etc.) in relation to the plaintiff, declares as justifiable the omission of the term for the statute of limitations, the violated right of the citizen shall be subject to protection. The reasons for the omission of the term for the statute of limitations may be declared as justifiable where they have occurred within the last six months of the term for the statute of limitations, and where that term is equal to or less than six months — within the term for the statute of limitations.



Given that the statute of limitations is applied in civil proceedings, which are adversarial in nature and based on the principle of equality of arms, its application must ensure a fair balance between the rights and legitimate interests of the parties to the proceedings.

Against this background, the Constitutional Court in the decision ՍԴՈ-1611 dated on September 28, 2021, noted that the constitutional-legal meaning of the concepts used in the contested provisions entails the following: the wording "*became aware"* refers to actual knowledge of the violation. By contrast, the wording *"ought to have known" / "was obliged to know"* refers to all situations in which the circumstances of the case do not establish that the person had actual knowledge of the violation of their right, but it is presumed that, in a similar situation, the person should have taken all reasonably expected lawful steps to obtain sufficient information to ascertain whether their right had been violated, rather than remaining "passive" in bad faith. In other words, the expressions *"was obliged to know"* or *"ought to have known"*, as used in the contested Articles, mean that, under the ordinary conditions of civil transactions, a person exercising reasonable diligence would have become aware of the alleged violation of their right.

Ultimately, the Constitutional Court concluded that Article 317 § 2 and Article 337 § 1 of the Civil Code of the Republic of Armenia are in conformity with the Constitution in the interpretation that the notions *"was obliged to know"* or *"ought to have known"* refer to the situations where, under the usual conditions of civil practices, the person would become aware of the alleged violation of his or her rights if he or she had exercised reasonable care.

In the light of the aforementioned position, among others, the Court of Cassation in the decision of ՍՆԴ/0129/02/19 dated on 18 November 2022, stated that the statutory limitation period begins to run from the day on which a person obtains reliable information regarding the fact that their right has been violated. In other words, a necessary prerequisite for the commencement of the limitation period is that the person possesses sufficient grounds to be convinced that their right has been violated.

Following the aforementioned positions, these standards have also been actively applied by the domestic courts. In particular, in case No. ԼԴ4/1563/02/22, the domestic court found that the claim had been brought within the applicable limitation period, taking into account, *inter alia*, the interpretations provided by the Constitutional Court. Similarly, in cases Nos. ԵԴ2/1553/02/25, ՇԴ/0158/02/25 and ԵԴ2/12416/02/25, the courts, following a comprehensive examination of the relevant circumstances, again dismissed applications for the application of the statute of limitations.

As regards the restoration of the limitation period, in case No. ԵԱՔԴ/4524/02/15, the Court of Cassation held that, **as long as a person has not had the opportunity to discover that their rights have in fact been violated, the commencement of the limitation period cannot be said to have occurred**, until the relevant facts have become accessible to the interested person. The limitation period begins to run from the date on which the interested person acquires the information necessary



and sufficient to duly lodge a statement of claim with the court. By way of example, in case No. ԵԴ2/1155/02/24, the court restored the limitation period, also taking into account the positions expressed by the Court of Cassation.

In light of the foregoing, the Government considers that this procedural issue does not require ongoing supervision, since the constitutional content of the provisions governing statutory limitation periods has already been clarified. Meanwhile the Court of Cassation, through its case-law, has established guiding principles aimed at preventing similar violations, which are consistently applied by other courts. Accordingly, no further general measures are necessary.

Publication and dissemination of the judgment

The judgment has been translated into Armenian and published on the official websites of the Armenian Legal Information System (www.arlis.am) and on the HUDOC database (www.hudoc.echr.coe.int).

Considering the importance of preventing further similar violations, as well as of effectively implementing the Court's judgments, the relevant authorities involved were duly informed about the judgment and provided with the corresponding translation.

STATE OF EXECUTION

The group of cases concerns different issues that predate the legislative and practical improvements introduced in these areas. The issues identified in these cases have ultimately been overcome through legislative and practical measures. The judgments did not identify any issues that are currently pending in Armenia and require continued supervision.

Accordingly, the Government of the Republic of Armenia considers that measures adopted in terms of *Vachik Karapetyan and Others v. Armenia* group of cases have fully remedied the consequences of the violations of the Convention found by the Court and that Armenia has complied with its obligations under Article 46 § 1 of the Convention. Consequently, the Government kindly asks the Committee of Ministers to close the supervision of *Vachik Karapetyan and Others v. Armenia* group of cases.