



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

THIRD SECTION

DECISION

Application no. 11714/04
by Tigran TUMANYAN
against Armenia

The European Court of Human Rights (Third Section), sitting on 9 November 2006 as a Chamber composed of:

Mr B.M. ZUPANČIČ, *President*,

Mr J. HEDIGAN,

Mr C. BÎRSAN,

Mr V. ZAGREBELSKY,

Mrs A. GYULUMYAN,

Mr DAVID THÓR BJÖRGVINSSON,

Mrs I. ZIEMELE, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having regard to the above application lodged on 6 March 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the friendly settlement reached between the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Tigran Tumanyan, is an Armenian national who lives in Yerevan. He was represented before the Court by Mr T. Levonyan, a lawyer practising in Yerevan. The Armenian Government (“the Government”) are represented by their Agent, Mr G. Kostanyan, Representative of the Republic of Armenia at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

Since 1993 the applicant has worked at chemical plant “Nairit”.

In May 2003 the applicant instituted proceedings against the plant, seeking unpaid salary.

On 14 July 2003 the Shengavit District Court of Yerevan (*Երևան քաղաքի Շենգավիթ համայնքի արագին ատյանի դատարան*) granted the applicant's claim and ordered the plant to pay 359,982 Armenian drams (AMD) (approx. EUR 545 at the material time).

No appeal was lodged and this judgment became final.

Following this judgment, in July 2003 the applicant instituted another set of proceedings against the plant, seeking unpaid salary.

On 30 August 2003 the Shengavit District Court of Yerevan granted the applicant's claim and ordered the plant to pay AMD 733,364 (approx. EUR 1,110 at the material time).

No appeal was lodged and this judgment became final.

On 17 November 2003 the Department for the Enforcement of Judicial Acts (the DEJA) (*Դատական ակտերի հարկադիր կատարումն սպառնվող ծառայություն*) instituted enforcement proceedings in the amount of the judgment of 14 July 2003.

Since the judgments were not being enforced, the applicant lodged complaints with various domestic authorities, including the DEJA and the General Prosecutor's Office (*ՀՀ գլխավոր դատախազություն*).

By a letter of 20 February 2004 the DEJA informed the applicant that all the enforcement proceedings instituted in respect of the plant had been stayed, because the plant was engaged in the fulfilment of a State assignment according to a Government decision.

It appears that the enforcement proceedings were not resumed and the judgments in the applicant's favour were not enforced.

COMPLAINTS

The applicant complained under Articles 4 and 14 of the Convention that, because of the failure of the domestic authorities to enforce the judgments taken in his favour, his work at the plant amounted to servitude.

THE LAW

On 17 October 2005 the case was communicated to the Government.

By a letter of 28 December 2005 the Government informed the Court that they were willing to reach a friendly settlement with the applicant. Attached to this letter the Government submitted a draft agreement which

had been proposed to the applicant. According to the agreement, the Government undertook to pay the applicant AMD 733,634 (approx. EUR 1,385 at the material time). In return, the applicant undertook, after receiving the above amount, to admit that the matter was resolved and his rights were restored. On the same date, the Government paid the applicant AMD 365,000 (approx. EUR 690 at the material time).

By a letter of 29 December 2005 the applicant informed the Court that he was willing to accept the proposed agreement and to resolve the case as set out in it. He stated that he was prepared to withdraw his complaints after receiving the outstanding amount.

By a letter of 3 February 2006 the Government informed the Court that the above agreement had been formalised between the parties. Attached to this letter the Government submitted a signed copy of the agreement dated 30 January 2006.

By a letter of 19 October 2006 the applicant informed the Court that the Government have met all their obligations under the agreement and that he wished to withdraw his complaints since the matter had been resolved.

The Court takes note of the friendly settlement reached between the parties and finds that the matter has been resolved at the domestic level (Article 37 § 1 (b)). Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which would require the continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Vincent BERGER
Registrar

Boštjan M. ZUPANČIČ
President