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

FIFTH SECTION

DECISION

Application no. 60439/17
Robert NIKOGHOSYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 27 November 2025 as a Committee composed of:

Gilberto Felici*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 60439/17) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 14 August 2017 by an Armenian national, Mr Robert Nikoghosyan ("the applicant"), who was born in 1953 and lives in Perpignan, France;

the decision to give notice of the application to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the domestic authorities' alleged failure to enforce a final judgment delivered in the applicant's favour against a private individual. The applicant relied on Article 6 § 1 and Article 13 of the Convention and Article 1 of Protocol No. 1 to the Convention.

2. In 2011 the applicant lent money to a certain O.K., who pledged property ("the house") as collateral for the loan.

3. By a judgment dated 7 October 2014 ("the judgment") the Erebuni and Nubarashen District Court of Yerevan granted a claim by the applicant against O.K., ordering her to repay the loan (an amount equivalent to

23,000 United States dollars, to be paid in Armenian drams (AMD)) and to pay the applicant's legal costs (AMD 189,980 – approximately 370 euros at the material time). On the basis of that judgment, on 12 November 2014 the District Court issued a writ of execution, which the applicant submitted to the Department for the Enforcement of Judicial Acts ("the DEJA") on 14 November 2014.

4. On 17 November 2014 the DEJA instituted enforcement proceedings.

5. On 18 November 2014 the bailiff made enquiries with various State and non-State entities – including the police, the State Registry of Legal Entities, the State Revenue Service, commercial banks and others – to identify O.K. and any of her assets or property which could be used to satisfy the judgment. On the same date the bailiff issued an attachment order against the house (see paragraph 1 above), which at the time was registered in O.K.'s name. The official enquiries revealed that O.K. had no other property or assets.

6. In the course of the enforcement proceedings, it was discovered that other sets of enforcement proceedings involving O.K. were already pending before the Kotayk Regional Division of the DEJA. In view of that fact, and given that the house was situated in the Kotayk Region, in February 2015 the enforcement proceedings were transferred to the Kotayk Regional Division of the DEJA, which took them over on 4 March 2015.

7. On 9 March 2015 the bailiff discontinued the enforcement proceedings on the grounds that the house was already subject to attachment orders in six other sets of enforcement proceedings, making enforcement of the judgment impossible.

8. On 27 June 2016, in a separate set of civil proceedings (initiated in the meantime by, among others, a certain R.B., whose son, K.B., had borrowed money from O.K.), the Arabkir and Kanaker-Zeytun District Court of Yerevan invalidated O.K.'s title to the house, finding that it had arisen from a sham transaction. Consequently, the agreement under which O.K. had pledged the house as collateral (see paragraph 1 above) was also invalidated. In the same judgment, the court ruled that the house was to be used as collateral for K.B.'s debt to O.K. (AMD 9,935,640 – approximately EUR 19,100 at the material time). The applicant was involved in those proceedings as a third party. That judgment became final on 28 July 2016.

9. On 9 August 2016 the applicant asked the DEJA to enforce the judgment in his favour, referring to K.B.'s debt to O.K., as confirmed by the judgment of 27 June 2016 (see paragraph 8 above). In reply, the DEJA stated that, should O.K. not seek the enforcement of the judgment of 27 June 2016 – that is, the recovery of K.B.'s debt – she could be considered for bankruptcy within the framework of the enforcement proceedings in respect of the judgment in the applicant's favour, since no assets belonging to her had been identified.

10. By a decision dated 16 September 2016 the DEJA suspended the enforcement proceedings for a period of sixty days, proposing to the applicant and O.K. that they file a claim for O.K. to be declared bankrupt (pursuant to section 6(2) of the Bankruptcy Act concerning the insolvency of a judgment debtor). The decision referred to the fact that O.K.'s ownership of the house had been invalidated by the judgment of 27 June 2016 (see paragraph 8 above) and that no other property or assets belonging to her had been identified.

11. Neither the applicant nor O.K. filed a bankruptcy claim during the above-mentioned sixty-day period. On 17 November 2016 the DEJA reopened the enforcement proceedings, but subsequently discontinued them owing to a lack of assets with which to enforce the judgment.

12. Between November 2016 and September 2018 the enforcement proceedings were reopened several more times on the basis of the applicant's resubmission of the writ of execution. Each time, the proceedings were discontinued on the grounds that enforcement was impossible in view of O.K.'s insolvency.

THE COURT'S ASSESSMENT

13. Relying on Article 6 § 1 and Article 13 of the Convention and Article 1 of Protocol No. 1 to the Convention, the applicant complained about the non-enforcement of the judgment in his favour. He argued that the DEJA had discontinued the enforcement proceedings on the basis of O.K.'s lack of assets, even though she had had a recoverable debt (the amount owed to her by K.B.).

14. The Government argued that the applicant had failed to exhaust domestic remedies. Firstly, he had failed to file a claim seeking to have O.K. declared bankrupt (see paragraphs 10 and 11 above), which would have enabled a liquidator to lodge a civil claim against K.B. to recover the debt owed to O.K. (see paragraph 8 above), thereby allowing her to meet her obligations towards the applicant. Secondly, the applicant had had an opportunity to dispute the DEJA's decisions and/or alleged inactivity before the administrative courts, but had failed to make use of that remedy. The Government further argued that the application had been submitted outside the six-month time-limit, which, in their opinion, should be calculated from the date of the DEJA's decision proposing that the applicant file a court claim to have O.K. declared bankrupt (see paragraph 10 above).

15. The Court considers that it is unnecessary to rule on the Government's objections concerning the applicant's failure to exhaust domestic remedies and to comply with the six-month time-limit, as the application is in any event inadmissible for the following reasons.

16. In cases of the enforcement of a final court decision against private individuals, the State is not, as a general rule, directly liable for debts of such

individuals. The State's obligations under Article 6 and Article 1 of Protocol No. 1 are limited to providing the necessary assistance to the creditor in enforcing the relevant court award, for example, through enforcement proceedings or bankruptcy procedures (see *Marinković v. Serbia*, no. 5353/11, § 38, 22 October 2013, and, *mutatis mutandis*, *Kotov v. Russia* [GC], no. 54522/00, § 90, 3 April 2012). Accordingly, where an applicant complains about the inability to enforce a judgment against a private individual, the Court's task is to examine whether the measures applied by the authorities were adequate and sufficient and whether they acted diligently in order to assist a creditor in the execution of a judgment (see *Erayman v. Turkey* (dec.), no. 14749/06, 11 June 2019, with further references).

17. The applicant obtained a judgment against a private individual, O.K., requiring her to repay the money he had lent to her (see paragraph 3 above). It has not been disputed that, upon the applicant's submission of the writ of execution issued by the District Court, the DEJA duly instituted enforcement proceedings (see paragraphs 3 *in fine* and 4 above) and within days undertook all the necessary measures to identify any property belonging to O.K. which could be used to satisfy the judgment (see paragraph 5 above). The only property identified was the house pledged as collateral for the loan from the applicant, on which the DEJA immediately imposed an attachment order (see paragraphs 1 and 5 above). However, it was then discovered that the house had been attached within the framework of several other sets of enforcement proceedings. O.K.'s title to the house was subsequently annulled by a court order (see paragraphs 6-8 above), resulting in a situation where she had no property or assets with which to satisfy the judgment debt (see paragraphs 9 and 12 above). In this regard, the Court reiterates that a failure to enforce a judgment because of the debtor's indigence cannot be held against the State unless and to the extent that it is imputable to the domestic authorities, for example, to their errors or delay in proceeding with the enforcement (see *Vrtar v. Croatia*, no. 39380/13, § 96, 7 January 2016).

18. In so far as the applicant argued that O.K. could not be considered insolvent given K.B.'s outstanding debt to her (see paragraphs 8 and 9 above) – an argument that he also maintained before the Court (see paragraph 13 above) – he was informed by the DEJA that, should O.K. not seek the enforcement of the judgment of 27 June 2016, she could be declared bankrupt (see paragraphs 8 and 9 above). The DEJA suspended the enforcement proceedings and suggested that the applicant file a claim to have O.K. declared bankrupt, which he did not do (see paragraphs 10 and 11 above). Nor did he point to any other legal avenue by which the DEJA could recover K.B.'s debt to O.K. within the framework of the enforcement proceedings against the latter, to which K.B. was not a party.

19. Having regard to the foregoing, there is no indication that the measures undertaken by the domestic authorities in order to enforce the judgment – which ultimately could not be executed on account of the debtor's

indigence – were inadequate or insufficient, or that the DEJA did not act diligently in assisting the applicant in the execution of the judgment delivered in his favour.

20. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 December 2025.

Martina Keller Deputy Registrar	Gilberto Felici President