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

FIFTH SECTION

DECISION

Application no. 64313/16
Tigran SAMVELYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 6 November 2025 as a Committee composed of:

Andreas Zünd*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 64313/16) 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 September 2016 by an Armenian national, Mr Tigran Samvelyan ("the applicant"), who was born in 1952, lives in Yerevan and was represented by Ms L. Mitichyan, a lawyer practising in Yerevan;

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 application concerns the applicant's complaint about the alleged failure of the domestic authorities to enforce a final judgment in his favour against a private defendant. He relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

2. In 2002 the applicant purchased K.A.'s flat in a public auction organised by the Department for the Enforcement of Judicial Acts ("the DEJA") within the framework of enforcement proceedings unrelated to the present case.

3. By its judgment of 6 December 2002, the Malatia-Sebastia District Court of Yerevan ("the District Court") granted the applicant's claim against K.A. and the persons residing with the latter, ordering their eviction from the flat ("the judgment"). The judgment entered into force on 24 December 2002.

4. On 6 February 2003 the District Court issued a writ of execution, which the applicant submitted to the DEJA for enforcement on 17 April 2003.

5. On 18 April 2003 the DEJA initiated enforcement proceedings.

6. On 30 May 2003 the DEJA stayed the enforcement proceedings for a period of two months on the basis of the District Court's order further to K.A.'s request. Upon the expiry of the time-limit set by that court, the enforcement proceedings were resumed on 6 August 2003.

7. In September 2003 the DEJA postponed the enforcement proceedings until further notice, stating that it had not been possible to evict K.A. and her minor child due to the former's medical condition (K.A. being a disabled woman with serious mobility issues).

8. In February 2004 K.A. applied to the District Court seeking the annulment of the public auction and the resultant purchase of the given flat by the applicant (see paragraph 2 above). During these proceedings the enforcement of the judgment was stayed.

9. In August 2004 the Court of Cassation dismissed K.A.'s claims at final instance, and on 18 August 2004 the DEJA resumed the enforcement proceedings.

10. Between August 2004 and March 2006, the DEJA stayed or postponed the enforcement proceedings for various reasons, including court orders issued within the framework of several court proceedings initiated by K.A., her requests for additional time to find housing and her medical condition.

11. In reply to the applicant's applications, on 21 February 2007 the DEJA stated, *inter alia*, the following: "... Having regard to the fact that [K.A.] is a person with disability, has a minor child in charge and does not have a place to stay, relevant measures are being undertaken to enforce the judgment after which an eviction date will be fixed of which you will be informed in due course."

12. On 22 February 2007 the applicant lodged a court claim complaining about the DEJA's failure to enforce the judgment essentially because the person to be evicted from his property was a disabled woman.

13. On 8 May 2007 the Ajapnyak and Davtashen District Court of Yerevan granted the applicant's claim, finding that the requirements of the writ of execution, issued back in 2003 (see paragraph 4 above) had not been fulfilled, resulting in a situation in which the applicant had no possibility of taking possession of his own flat.

14. In the meantime, M.H. (the bailiff who had been in charge of the enforcement proceedings during which K.A.'s flat was sold - see paragraph 2 above) was convicted of embezzlement by abuse of power. It was established,

in particular, that M.H. had embezzled the money that K.A. had given to him and had put her flat up for sale in a public auction to meet her obligations.

15. With reference to those developments, in July 2009 K.A. applied to the Administrative Court seeking the invalidation of the public auction, the resultant purchase of her flat by the applicant and the registration of the latter's title to it.

16. On 24 November 2010 the Administrative Court delivered its judgment. Two different versions of the same judgment were sent to the parties. K.A.'s version of the judgment stated that the court had decided to invalidate the public auction, the sale contract concluded with the applicant and the resultant registration of his title. The version sent to the applicant stated that only the public auction had been invalidated.

17. On 11 October 2013 the DEJA discontinued the enforcement proceedings following K.A.'s submission of the version of the judgment that had been sent to her and had also been published on the official judicial online database.

18. Following various enquiries by the applicant, in November 2013 the Administrative Court issued an official clarification stating that the version of the judgment sent to K.A. had been a draft and that the correct version was the one that had been sent to the applicant (see paragraph 16 *in fine*).

19. In March 2014 the applicant applied to the Administrative Court to challenge the DEJA's decision of 11 October 2013 (see paragraph 17 above). In May 2015 the Administrative Court dismissed his claim. That judgment was upheld by the Administrative Court of Appeal in April 2016. On 8 June 2016 the Court of Cassation declared the applicant's appeal on points of law inadmissible for lack of merit.

THE COURT'S ASSESSMENT

20. Relying on Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1, the applicant complained about the non-enforcement of a final judgment given in his favour.

21. The Government submitted, *inter alia*, that the applicant's complaints should be rejected due to non-observance of the six-month rule. According to the Government, this time-limit started to run from the moment the DEJA failed to comply with the judgment of 8 May 2007 whereby the Ajapnyak and Davtashen District Court of Yerevan had clearly established the DEJA's failure to enforce the judgment (see paragraphs 3, 12 and 13 above). They argued that, by lodging his application with the Court on 14 September 2016, which was nearly 9 years after the delivery of the judgment of 8 May 2007 (see paragraph 13 above), the applicant had missed the six-month time-limit to bring his claims before the Court.

22. The applicant submitted that the enforcement proceedings were suspended a number of times due to K.A.'s initiation of a number of judicial

proceedings the outcome of which could have affected his title to the flat in question. Even though K.A.'s claims were dismissed, the DEJA discontinued the enforcement proceedings (see paragraphs 15 - 17 above). It was at that point that the applicant became aware that the enforcement proceedings had finally ended and therefore applied to the Administrative Court to contest the DEJA's decision of 11 October 2013 (see paragraph 19 above). The final decision in those proceedings was delivered on 8 June 2016 and he applied to the Court less than six months later, on 14 September 2016.

23. When the alleged violation constitutes a continuing situation against which no domestic remedy is available, the six-month period starts to run from the end of the situation in question (see, among many other authorities, *Iatridis v. Greece* (just satisfaction) [GC], no. 31107/96, § 50, ECHR 2000-XI). In cases involving the execution of a final court decision, a continuing situation ends, in principle, on the date of the enforcement of the relevant decision or when an "objective impossibility" to enforce the decision is duly acknowledged (see, for example, *Tripcovici v. Romania* (dec.), no. 21489/03, 22 September 2009; *Kravchenko v. Russia*, no. 34615/02, § 34, 2 April 2009, and *Babich and Azhogin v. Russia* (dec.), no. 9457/09, §§ 48-9, 15 October 2013).

24. Nevertheless, the continuing situation may not postpone the application of the six-month rule indefinitely. The Court has, for example, imposed a duty of diligence and initiative on applicants wishing to complain about the continuing failure of the State to comply with its obligations in the context of ongoing cases of disappearances or violations of the right to property or home (see, for example, *Varnava and Others v. Turkey* [GC], nos. 16064/90 et seq., §§ 159-172, ECHR 2009, and *Sargsyan v. Azerbaijan* [GC] (dec.), no. 40167/06, §§ 124-148, 14 December 2011). While there are, admittedly, clear distinctions between different continuing violations, the Court considers that the applicants must, in any event, introduce their complaints "without undue delay", once it is apparent that there is no realistic prospect of a favourable outcome or progress for their complaints domestically (see, for example, *Aleksandar Sokolov v. Serbia,* no. 30859/10, §§ 31-36, 14 January 2014).

25. In 2002 the applicant purchased a flat owned by K.A. at a public auction organised by the DEJA. By a judgment of 6 December 2002 the District Court ordered the eviction of K.A. and the persons residing in that flat. The judgment became final on 24 December 2002 (see paragraphs 2 and 3 above). On 17 April 2003 a writ of execution was issued in its respect, and the DEJA instituted enforcement proceedings the following day (see paragraphs 4 and 5 above). As of the date the applicant lodged the present application before the Court, namely, 14 September 2016, the judgment had not been enforced.

26. From the beginning of the enforcement proceedings K.A. initiated various proceedings seeking, *inter alia*, the postponement of the enforcement

of the judgment and the annulment of the sale of the flat in question, where she continued to leave with her minor child (see paragraph 7 above).

27. It is true that the enforcement proceedings were stayed several times (sometimes for months) pursuant to court orders issued within the framework of those proceedings (see, for example, paragraphs 6, 8 and 10 above). However, based on the available material, the main reason for the DEJA repeatedly postponing enforcement – meaning it did not evict K.A. and her minor child during the periods when the proceedings were not stayed by court orders – was the fact that K.A. was a woman with a disability who had nowhere to stay with her minor child (see paragraphs 7 and 10 above). In view of the DEJA's repeated decisions to postpone the enforcement proceedings (ibid.) and the reply received by the applicant from the DEJA in February 2007 confirming the same reasoning (see paragraph 11 above), it should have been apparent to him that there was no realistic prospect of a favourable outcome or progress in his actions domestically. Indeed, the judgment remained unenforced even after the applicant obtained a court judgment in February 2007 acknowledging the DEJA's failure to enforce it (see paragraph 13 above). Nevertheless, the applicant did not complain before the Court about his inability to obtain execution of the judgment until 14 September 2016.

28. It follows that the application was introduced outside the six-month time-limit (see, *mutatis mutandis*, *Aleksandar Sokolov*, cited above, §§ 35 and 36, and *Botomei and S.C. Bartolo Prod Com S.R.L. v. Romania* (dec.), no. 59097/09, §§ 15 and 16, 1 December 2016) and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention, making it unnecessary for the Court to examine the remainder of the Government's admissibility objections.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 November 2025.

Martina Keller Deputy Registrar	Andreas Zünd President