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

FIFTH SECTION

DECISION

Application no. 5074/16
Vasyl Ivanovych ZABRODSKYY
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 18 September 2025 as a Committee composed of:

María Elósegui*, President*,
Andreas Zünd,
Mykola Gnatovskyy*, judges*,
and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 5074/16) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 15 January 2016 by a Ukrainian national, Mr Vasyl Ivanovych Zabrodskyy, who was born in 1966 and lives in Chernivtsi ("the applicant");

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. On 5 September 2013 the Ivano-Frankivsk City Court awarded the applicant a sum of money from a private company. The judgment became enforceable and on 7 November 2013 the court issued a writ of execution.

2. On 20 November 2013 the applicant presented the writ of execution and on 25 November 2013 a bailiff at a district Bailiffs' Service started enforcement proceedings. A number of steps to ensure enforcement were taken, in particular, the debtor company's bank account was frozen.

3. On 12 June 2014 the head of the regional Bailiffs' Service delivered a decision in which he found that, by law, the bailiff should have started proceedings within three days of the presentation of the writ, that is, by 22 November 2013 at the latest, but had instead started the proceedings with a three-day delay. On those grounds the head of the regional Bailiffs' service (i) declared that the actions of the bailiff had been contrary to the

Enforcement Proceedings Act (1999), which provided for a three-day time-limit and (ii) ordered the head of the district Bailiffs' Service to revoke the decision to start enforcement proceedings and to revoke all enforcement actions implemented in enforcement of the judgment.

4. The applicant challenged the decision of the head of the regional Bailiffs' service but the domestic courts upheld it on the grounds that, by law, the heads of the Bailiffs' Services had the authority to revoke decisions of the subordinate bailiffs if they were contrary to the law. The final decision was delivered by the Higher Specialised Civil and Criminal Court on 5 August 2015.

5. In the meantime, on 31 January 2015 the acting head of the district Bailiffs' Service, executing the decision of the head of the regional Bailiffs' Service, revoked the decision to start enforcement proceedings and all enforcement actions, including the freezing of the debtor company's account, and refused to start enforcement proceedings. The applicant did not appeal against those decisions.

THE COURT'S ASSESSMENT

6. The applicant complained, under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention, that the judgment in his favour had not been enforced.

7. The Court has held that Ukrainian legislation provides for a possibility of challenging before the courts the lawfulness of actions and omissions of the State Bailiffs in enforcement proceedings and to claim damages from them (see, for example, *Kukta v. Ukraine* (dec.), no. 19443/03, 22 November 2005; *Ponomaryov v. Ukraine*, no. 3236/03, §§ 52-54, 3 April 2008; *Dovgal v. Ukraine* (dec.), no. 50726/06, 20 October 2009; and *Kontsevych v. Ukraine*, no. 9089/04, § 52, 16 February 2012).

8. The applicant contested only an intermediary decision of the head of the regional Bailiffs' Service of 12 June 2014, which constituted merely an internal directive between different levels of the Bailiffs' Service, but he never contested the actual decision of 31 January 2015 refusing to start enforcement proceedings.

9. Moreover, he never lodged any claim for damages against the Bailiffs' Service (compare *Savych v. Ukraine* [Committee] (dec.), no. 2498/14, § 11, 5 June 2025, where the applicant challenged the return of writs of enforcement and claimed compensation in respect of pecuniary, but not non-pecuniary, damage from the Bailiffs' Service, and *Pigur v. Ukraine* [Committee] (dec.), no. 28943/06, 26 May 2015, where the applicant challenged the Bailiffs' Service's failure to enforce a judgment but did not claim damages – and the Court, in both cases, concluded that domestic remedies had not been exhausted).

10. What is more, it is not known on what grounds the applicant challenged the intermediary decision, as he failed to provide the Court with copies of any of his submissions or appeals. The applicant did not refer to any special circumstances or provide any explanations as to the reasons for which he had failed to submit those documents (compare, for example, *Lyalyuk v. Ukraine* [Committee] (dec.), no. 38839/07, §§ 24-27, 10 June 2021, with further references, and *Generalnyy Budivelnyy Menedzhment v. Ukraine* [Committee], no. 11925/09, § 34, 22 September 2022).

11. The Court reiterates in that regard that the proceedings before the Court are adversarial in nature. It is therefore for the parties to substantiate their factual arguments by providing the Court with the necessary evidence (see, for example, *Kudukhova v. Georgia* (dec.), nos. 8274/09 and 8275/09, § 26, 20 November 2018, with further references).

12. Accordingly, the applicant has failed to show that he exhausted the available domestic remedies and to substantiate his complaints (compare *Berezovskyy v. Ukraine* [Committee] (dec.), no. 8230/17, §§ 4-7, 16 March 2023).

13. The applicant also complained under Article 6 of the Convention about the length of proceedings before domestic courts concerning his challenge against the decision of the head of the regional Bailiffs' Service. The Court notes that the proceedings lasted for less than one year and two months at three levels of jurisdiction, which is not excessive. This complaint is, therefore, manifestly ill-founded.

14. Lastly, the applicant relied on Article 13 of the Convention in respect of his above complaints. In the absence of an arguable claim under any other provision of the Convention, this complaint is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 of the Convention (see *P.R. v. Slovenia* (dec.), no. 11101/21, § 20, 15 May 2025).

15. It follows that the application does not meet the admissibility criteria set out in Article 35 §§ 1 and 3 and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 October 2025.

Martina Keller Deputy Registrar	María Elósegui President