



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

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FIFTH SECTION

Application no. 19179/20
Nawaf RIFAI
against Armenia
lodged on 11 April 2020
communicated on 11 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged failure of the domestic authorities to conduct an effective criminal investigation into the allegedly fraudulent transfer of the applicant's ownership interest in a private company.

The applicant is a Syrian national who neither speaks nor understands Armenian. In 2015 he owned a 50 percent interest in Sano Group, a limited liability company registered in Armenia, which operated a clothing and accessories store in Yerevan ("the company"). The remaining 50 percent was owned by his business partner, S.P., who was also the company's chief executive officer.

Under a share purchase agreement dated 23 March 2015 and drafted in Armenian, the applicant purportedly sold his 50 percent ownership interest to S.P.'s father-in-law, Y.L., for 25,000 Armenian drams (approximately 50 euros at the material time). On 25 March 2015 S.P. submitted the agreement to the State Registry of Legal Entities, which registered the transfer of ownership on 27 March 2015.

On 4 August 2017 the applicant obtained a forensic report from the Expertise Centre, a State non-profit organisation. The report concluded that the signature appearing next to the applicant's name in the agreement had been made by another person who had imitated his signature.

On 13 October 2017 the applicant lodged a criminal complaint, alleging that S.P. had forged his signature in the share purchase agreement and had

thereby fraudulently acquired his ownership interest, which was allegedly worth 20,000 United States dollars.

On 23 October 2017 the police instituted criminal proceedings in connection with the alleged fraud and document forgery (Article 178 § 3 (1) and Article 325 § 1 of the Criminal Code in force at the relevant time) and referred the case to the Investigative Committee. The applicant was recognised as a victim in the proceedings.

On 1 December 2017 the investigator ordered a further forensic examination to be carried out by the same institution. The ensuing report, dated 13 December 2017, confirmed the earlier conclusion.

During the investigation, the investigator questioned the applicant, several employees of the State Registry of Legal Entities and other witnesses. He also questioned S.P. and Y.L., both of whom denied the allegations of fraud and forgery. The investigator also obtained call detail records, sent written enquiries, and conducted a confrontation between the applicant and S.P. The call detail records showed that at 11:31 a.m. and 12:01 p.m. on 25 March 2015, S.P. had made two phone calls to L.S., who was apparently an employee of the State Registry of Legal Entities. These records also showed that the two phone calls and a call involving the applicant at 11:48 a.m. the same day were served by the same cell tower in the area near the State Registry of Legal Entities.

On 15 June 2018 the investigator obtained another forensic report from the National Bureau of Forensic Examinations, a State non-profit organisation. The report concluded that the signatures in the seller's section of the three originals of the agreement submitted for examination had been made by the applicant. It explained the contradiction with the earlier findings by reference to the availability of additional samples of the applicant's signature.

On 21 June 2018 the applicant challenged the conclusions of that report and requested another forensic examination. The investigator rejected his request, finding that the report was comprehensive and consistent with the other evidence.

On 22 June 2018 the investigator terminated the criminal proceedings on the grounds that it had not been established beyond reasonable doubt that S.P. had forged the applicant's signature.

After unsuccessfully appealing against that decision to the prosecutor, the applicant challenged it before the Yerevan Court of General Jurisdiction.

On 15 March 2019 the Yerevan Court of General Jurisdiction allowed his appeal. It found that several issues material to the case had either not been investigated at all or had not been examined with the necessary depth. In particular, it found, *inter alia*, that the investigating authority had failed to clarify contradictions in S.P.'s statements and inconsistencies between the statements of S.P. and Y.L.; to question certain employees of the State Registry of Legal Entities, including L.S.; and to assess properly the

conflicting expert reports. The court further found that the investigating authority had given greater weight to the later report without justification.

On 16 May 2019, upon an appeal by the prosecutor, the Criminal Court of Appeal overturned that decision. It held that extensive investigative measures had been carried out and that the evidence indicated the absence of fraud or forgery.

On 8 October 2019 the Court of Cassation declared the applicant's further appeal on points of law inadmissible for lack of merit. The decision was served on him on 11 October 2019.

The applicant complains under Article 1 of Protocol No. 1 to the Convention and Article 13 of the Convention that the authorities failed to discharge their positive obligation to conduct an effective criminal investigation into the alleged fraud and forgery.

QUESTIONS TO THE PARTIES

1. Has there been a breach of the State's positive obligation under Article 1 of Protocol No. 1 to ensure that the applicant's property rights were sufficiently protected? In particular:

(a) have the authorities failed to conduct an effective criminal investigation (see *Blumberga v. Latvia*, no. 70930/01, §§ 67-68, 14 October 2008; *Gherardi Martiri v. San Marino*, no. 35511/20, §§ 107-108, 15 December 2022; and *Korotyuk v. Ukraine*, no. 74663/17, § 36, 19 January 2023)?

(b) was there a possibility of bringing civil proceedings against the alleged perpetrators, which could provide the applicant with a viable alternative means of securing the protection of his property rights (*ibid.*)?

2. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 1 of Protocol No. 1, as required by Article 13 of the Convention?

The Government are requested to provide any relevant materials of the criminal case that have not been provided by the applicant.