



# Albania

## Ratified the European Convention on Human Rights in 1996

### National Judge: Ledi Bianku

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Kristaq Traja (1998-2008)

The Court dealt with 56 applications concerning Albania in 2017, which were declared inadmissible or struck out. No judgment was delivered.

Applications processed in	2015	2016	2017
Applications allocated to a judicial formation	147	146	95
Communicated to the Government	99	109	11
Applications decided:	101	66	56
- Declared inadmissible or struck out (Single Judge)	56	24	47
- Declared inadmissible or struck out (Committee)	20	19	9
- Declared inadmissible or struck out (Chamber)	3	1	0
- Decided by judgment	22	22	0
Interim measures:	1	2	3
- Granted	0	1	0
- Refused (including out of scope)	1	1	3

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Applications pending before the court on 01/01/2018	
Total pending applications*	551
Applications pending before a judicial formation:	526
Single Judge	4
Committee (3 Judges)	234
Chamber (7 Judges)	288
Grand Chamber (17 Judges)	0

\* including applications for which completed application forms have not been received

### Albania and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members of whom **5** are Albanian.

## Noteworthy cases, judgments delivered

### Chamber

#### Cases dealing with the right to life (Article 2)

##### [Rrapo v. Albania](#)

25.09.2012

The case concerned the applicant's extradition in November 2010 from Albania to the USA, where he faced charges of a number of serious offences, including membership of an organised racketeering enterprise engaged in murder, kidnapping, drug distribution, arson, robbery and extortion.

No violation of Article 2

No violation of Article 3 (prohibition of inhuman or degrading treatment)

No violation of Article 1 of Protocol No. 13 (abolition of the death penalty)

Violation of Article 34 (right to individual applications)

#### Cases concerning detention conditions and health care (Article 3)

##### [Groni v. Albania](#)

07.07.2009

The case concerned the applicant's complaint of having received inadequate medical treatment in prison and about the unlawfulness of his detention for the enforcement in Albania of the life sentence imposed by the Italian courts in his absence.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 5 (right to liberty and security) and 34 (right of individual petition)

##### [Dybeku v. Albania](#)

18.12.2007

The case concerned the applicant's detention conditions and the medical treatment he received in prison, which he considered inappropriate given his state of health.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

#### Cases dealing with Article 6

##### [Right to a fair trial/hearing](#)

##### [Haxhia v. Albania and Mulosmani v. Albania](#)

08.10.2013

These cases concerned the criminal proceedings against two high-ranking police officers following the assassination in 1998 of a Member of Parliament for the opposition party, as well as his bodyguard. One of the officers was convicted of the assassination and the other officer was convicted of aiding and abetting the murder.

No violation of Article 6 §§ 1 and 3 (a) to (d)

The Court further declared inadmissible, in particular, the applicants' complaints under Article 6 § 2 (presumption of innocence).

##### [Manushage Puto and others v. Albania](#)

31.07.2012- pilot judgment<sup>1</sup>

The case concerned the complaints by 20 Albanians that, despite their inherited title to plots of land having been recognised by the authorities, final administrative decisions awarding them compensation in one of the ways provided for by law in lieu of restitution had never been enforced.

Violation of Article 13 (right to an effective remedy)

Violation of Article 6 § 1

Violation of Article 1 of Protocol no. 1 (protection of property)

Noting that the complaints reflected a widespread problem in Albania affecting a large number of people, the Court decided to apply the pilot-judgment procedure in this case. It held that Albania had to take general measures in order to effectively secure the right to compensation within 18

<sup>1</sup> Since 2004 and in response to the large number of cases deriving from systemic or structural problems in certain countries the Court has developed a pilot-judgment procedure. This consists in identifying in a single judgment systemic problems underlying a violation of the European Convention on Human Rights and indicating in that judgment the remedial measures required to resolve such situations. The pilot-judgment procedure is not only intended to facilitate effective implementation by respondent states of individual and general measures necessary to comply with the Court's judgments, but also induces the respondent State to resolve large numbers of individual cases arising from the same structural problem at domestic level, thus reinforcing the principle of subsidiarity which underpins the Convention system.

months from the date on which the judgment became final.

### **Caush Driza v. Albania**

15.03.2011

The case concerned, *inter alia*, the lack of an effective domestic remedy in relation to the applicant's right to in-kind compensation *in lieu* of the physical restoration of property.

[Violation of Article 13 \(right to an effective remedy\)](#)

[Violation of Article 6 § 1](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

### **Laska and Lika v. Albania**

20.04.2010

The case concerned the unfairness of the criminal proceedings against the applicants, notably the conduct of an identification parade in which the applicants were made to wear balaclavas the same colour as those worn by the offenders, in the absence of their lawyers.

[Violation of Article 6 § 1](#)

### **Mullai and Others v. Albania**

23.03.2010

The case concerned the lack of consistent interpretation by the Supreme Court as regards the lawfulness of a building permit awarded to the applicants.

[Violation of Article 6 § 1](#)

[Violation of Article 1 of Protocol No. 1](#)

### **Gjyli v. Albania**

29.09.2009

The case concerned the non-enforcement of a final domestic court decision ordering the applicant's reinstatement as well as the lack of an effective domestic remedy as regards the non-enforcement of a final court decision.

[Violation of Article 6 § 1](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

### **Driza v. Albania and Ramadhi and Others v. Albania**

13.11.2007

The cases concerned the non-enforcement of judgments and administrative decisions in restitution of property cases, a widespread problem affecting large numbers of people in Albania.

[Violation of Article 6 § 1](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

[Right of access to court](#)

### **Shkalla v. Albania**

10.05.2011

The case concerned the unfairness of the criminal proceedings *in absentia* against the applicant and the hindrance of his right of access to court on account of the Constitutional Court's refusal to examine his constitutional appeal.

[Violation of Article 6 § 1 \(access and fairness\)](#)

[Right to a fair hearing within a reasonable time](#)

### **Mishqjoni v. Albania**

07.12.2010

The case concerned the applicant's complaint about the excessive length of proceedings with regard to her dismissal in 2002 from her post as a district court judge. She also complained that the related proceedings concerning payment of salary arrears had been excessively long as well as unfair.

[Violation of Article 6 § 1](#)

[Violation of Article 13 in conjunction with Article 6 § 1 \(length\)](#)

### **Gjonbocari and Others v. Albania**

23.10.2007

Concerned three sets of proceedings in which the applicants claimed restitution of land which had belonged to their parents but had been confiscated without compensation by the authorities during the communist regime.

[Two violations of Article 6 § 1](#)

[Violation of Article 13 \(right to an effective remedy\) in conjunction with Article 6 § 1](#)

## **Other noteworthy cases, judgments delivered**

### **Sharxhi and Others v. Albania**

11.01.2018

The case concerned the demolition of flats and business premises in an Albanian coastal town, Vlora. The applicants, owners of the flats, complained in particular about the seizure, expropriation and subsequent demolition of their properties within a period of one month in 2013, despite a court order telling the authorities to refrain

from taking any action that could breach their property rights.

Violations of Article 6 § 1 (right to a fair trial), Article 8 (right to respect for private and family life and the home) and Article 1 of Protocol No. 1 (protection of property) alone and in conjunction with Article 13 (right to an effective remedy)

### **Alimuçaj v. Albania**

07.02.2012

The case concerned the criminal proceedings against the applicant for the criminal offence of deception as a result of taking loans from the public in the period between 1995 and 1997.

No violation of Article 7 (as regards the qualification of the applicant's actions as a criminal offence under national law)

Violation of Article 7 (on account of the fact that a heavier penalty was imposed on the applicant than the one applicable at the time of the commission of the criminal offence)

## **Noteworthy cases, decisions delivered**

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### **Beleri and Others v. Albania**

Decision of 10 May 2016

The case concerned the complaint of a group of Albanian nationals belonging to the Greek-speaking minority of their conviction, in Albania, of incitement to national hatred and denigration of the Republic and its symbols.

Application declared inadmissible:

Complaint under Article 10 (freedom of expression) dismissed for failure to exhaust domestic remedies

Complaints under Articles 6 § 1 (right to a fair trial within a reasonable time), 14 (prohibition of discrimination) and 13 (right to an effective remedy) rejected as manifestly ill-founded

### **Ceka v. Albania**

Decision of 23.10.2012

The case concerned the death of Ms Ceka's son in police custody in July 2004 following his arrest on suspicion of robbery.

Given the Government's admission that, in the present case, there had been a violation of Articles 2 and 3 as well as the amount of compensation proposed - EUR 10,000, a fair amount in this case in the Court's view - the Court considered that it was no longer justified to continue the examination of the

case and, under Article 37 § 1 (c) (striking out applications), decided to strike it out of its list of cases.

### **Vefa Holding Sh.p.k. and Alimuçaj v. Albania**

Decision of 14.06.2011

The case concerned the collapse of a pyramid scheme and the adoption of remedial legislation resulting in the applicants' company being divested of its control and placed under the authority and supervision of State-appointed administrators.

Application declared inadmissible as the applicants failed to comply with the time-limit laid down in Article 35 §§ 1 and 4 of the Convention.

## **Noteworthy pending cases**

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### **Puto and others v. Albania (no. 11321/11)**

Case [communicated](#) to the Albanian Government on 25 April 2016

The case concerns, amongst others, the non-enforcement of the right of first refusal under the Property Act 1993. The applicants rely, in particular, on Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

### **Hysenaj v. Albania (no. 78961/11)**

Case [communicated](#) to the Albanian Government on 16 March 2016

The case concerns the authorities' failure to inform the applicant, who is of Roma origin, of the progress of criminal proceedings against third parties who had set her home on fire, as a result of which she could not lodge a civil claim as the injured party in accordance with Article 62 of the Code of Criminal Procedure. The applicant relies on Articles 6 § 1 (right to a fair trial) and 14 (prohibition of discrimination) of the Convention.

### **Frooku v. Albania (no. 47403/15)**

Case [communicated](#) to the Albanian Government on 5 February 2016

The case concerns the lawfulness of the applicant's detention under Article 5 § 1 (c) (right to liberty and security) of the Convention. The applicant was a Member of Parliament and three criminal proceedings were opened against him.

**Becchetti and Others v. Albania  
(no. 53488/15)**

Case [communicated](#) to the Albanian Government on 12 January 2016

In this case, all four applicants complain under Article 6 § 2 (presumption of innocence) of the Convention on account of statements made by the Prime Minister. Furthermore, one of the applicants also complains under Article 3 (prohibition of inhuman or degrading treatment) of the Convention on account of her wearing handcuffs at the hearing at which her house arrest was ordered.

**Agonset sh.p.k v. Albania  
(no. 33104/15)**

Case [communicated](#) to the Albanian Government on 5 November 2015

The case concerns the applicant company's complaint about an alleged statutory bar, imposed by the Audiovisual Media Act and its implementing legislation, from participating in a "beauty contest procedure" for a national digital licence.

The applicant company complains that the statutory bar (from participating in the beauty contest for a digital broadcasting license), as imposed by section 139 of the AMVA and the beauty contest regulation, breached its rights under Article 10 (freedom of expression) of the Convention. Furthermore, under Article 14 (prohibition of discrimination) of the Convention and under Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention, the applicant company complains that the beauty contest regulation discriminates against new operators which have not been recognised as national broadcasters, even though they possess the technical capabilities and the economic resources for entering the digital broadcasting market.

**Delijorgji v. Albania  
(nos. 53694/08, 48729/08, 48740/08,  
and 54768/08)**

Case [communicated](#) to the Albanian Government on 14 February 2011

The applicants are two Albanian companies and three Albanian nationals.

The case concerns an explosion at an arms depot in the village of Gërdec in March 2008, which killed more than two dozen people. Following the incident, Mr Delijorgji, the administrator of a company responsible

for munitions-disposal work at the site was remanded and his property was seized.

All applicants rely mainly on Article 1 of Protocol No. 1 (protection of property) to the European Convention.

**Kasmi v. Albania (no. 1175/06)**

Case [communicated](#) to the Albanian Government in February 2009

The case concerns the impossibility for the applicant to recover possession of his house, which is presently occupied by tenants. Mr Kasmi alleges a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

**Positive obligations by the State**

**Durdaj v. Albania (nos. 63543/09 and  
12720/14)**

Case [communicated](#) to the Albanian Government on 6 January 2015

The case concerns the authorities' obligation to protect the life of the applicants' son as well as their obligation to conduct an effective investigation into the explosion of a demilitarisation facility. All the applicants in the case rely on Article 2 (right to life) of the Convention.

See similar applications [Selami v. Albania](#) (no. 46707/13) and [Durdaj and Hazizaj v. Albania](#) (no. 46714/13), communicated in January 2015.

**Pulfer v. Albania (no. 31959/13)**

Case [communicated](#) to the Albanian Government on 6 October 2014

The case concerns the authorities' procedural obligation to pursue criminal investigation, instead of discontinuing them on the strength of an Amnesty Act, against a private individual who had used life-threatening force against the applicant. Ms Pulfer relies on Articles 2 (right to life), 6 (right to a fair trial) and 8 (right to respect for private and family life) of the Convention.

**Tershana v. Albania (no. 48756/14)**

Case [communicated](#) to the Albanian Government on 6 October 2014

The case concerns the authorities' obligation to protect the applicant's life and their alleged failure to conduct a prompt and effective investigation into the identification, prosecution and punishment of the assailant. The applicant relies on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8

(private and family life) and 13 (right to an effective remedy) of the Convention

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