

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Date: 28/04/2014

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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1201 meeting (3-5 June 2014) (DH)

Item reference: Communication from the authorities (24/04/2014)

Communication from Albania concerning the case of Mullai and others against Albania (Application No. 9074/07).

Information made available under Rule 8.2.a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1201 réunion (3-5 juin 2014) (DH)

Référence du point : Communication des autorités

Communication de l'Albanie relative à l'affaire Mullai et autres contre Albanie (Requête n° 9074/07)  
**(anglais uniquement).**

Informations mises à disposition en vertu de la Règle 8.2.a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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REPUBLIKA E SHQIPËRIË  
MINISTRY OF JUSTICE  
STATE ADVOCATURE  
OFFICE OF GENERAL STATE ADVOCATE

No. 565/2 / Prot.

Tirana, on 24.04.2014

**Ref:** On the letter of Applicant company "Tecno-Project" sh.p.k related to the Execution of ECtHR judgment "Mullai v. Albania"

**To:** Ms. Corinne Amat – Head of Division  
Department for the Execution of Judgments of the ECHR  
DGI - Directorate General of Human Rights and Rule of Law

DGI

24 AVR. 2014

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Council of Europe - Strasbourg  
67075 Cedex France

Dear Madam,

Following the letter of applicants in the case "Mullai v. Albania", as regards to their latest claims on the suspension of works based on the permission granted upon the European Court judgment "Mullai v. Albania", as per your letter of 12 March 2014, allow me to make present the following:

As the State Advocature has pointed out in our previous letter no. 565 Prot. dated 25.01.2014, "On the letter of Applicant company "Tecno-Project" sh.p.k related to the Execution of ECtHR judgment "Mullai v. Albania", following the deadline of 60 days provided for in Decision no. 01, dated 17.10.2013 of the NICU, the applicant's construction company has had all the rights to resume the construction works in the construction site. This is clearly provided for in Article 13 "Provision of administrative decisions and deadlines" of Law no. 9780 dated 16.07.2007 "For Building Inspection" which stipulates that:

*"...Decisions of the municipality / commune / county / national construction and urban planning inspectorate provide deadlines for their implementation up to 60 days, according to the violation...."*



This article of the law on Building Inspection clearly provides and stresses the previous position of the State Advocature that, for the applicants and the "Tecno-Project" sh.p.k. company after the deadline of 60 days are free to resume the construction works in the construction at hand.

Even though the applicants continue to claim that they have to wait for an official written act of confirmation by the National National Inspectorate on Construction and Urbanism for the resumption of works, there is no provision in the law and any issued decision by the aforementioned institution that stipulate that the applicants must wait for the official written confirmation by part of the NUCI to resume said works. The applicants are free and have no obstacles in resuming works at any time.

Furthermore the applicants claim that said decision to further suspend the works of the company were issued verbally and in apparent contradiction with the law. In this case the applicants are free and have all the available means to address such concerns to the appropriate organs as the police and request that such illegal actions be stopped.

In the situation where there is no factual evidence as to the claims of the applicants that there have been issued illegal verbal decisions by part of persons overstepping their duties, the State Advocature can not take any steps but address the applicants to the appropriate institutions that cover such issues.

Regarding the claims of the applicants that there is a clear uncertainty as to the future of the construction and a loss of profit for the company due to the declarations of the Prime Minister on the possible demolition of the building, there is no factual evidence to these claims and at this point we would like to clarify that decision "Mullai v. Albania" dated 18/10/2011 is legally binding to the Government of Albania as a member state in the European Convention of Human Rights and at no point has there or will there be any steps taken by the state authorities to illegally hinder the rights of the applicants.

All decisions issued thus far by the state authorities have been pursuant to the law in force and at the current situation where the period of 60 days of suspension has expired, the applicants have no legal obstacles to continue their works in the building site at hand.

Thanking for your cooperation, we remain at your disposal to inform you on any other details regarding this matter.

Expressing my high consideration,

Yours sincerely,

**ALMA HICKA**

**GENERAL STATE ADVOCATE**

