

## SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES



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Date: 21/08/2024

**DH-DD(2024)936**

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Meeting: 1507<sup>th</sup> meeting (September 2024) (DH)

Communication from the applicant (20/08/2024) concerning the case of Sharxhi and Others v. Albania (Application No. 10613/16) (appendices in Albanian are available at the Secretariat upon request).

Information made available under Rule 9.1 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 : 1507<sup>e</sup> réunion (septembre 2024) (DH)

Communication du requérant (20/08/2024) relative à l'affaire Sharxhi et autres c. Albanie (requête n° 10613/16) (des annexes en albanais sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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DGI

20 AOUT 2024

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Rome, 20 August 2024

Directorate General of Human Rights and Rule of Law  
**Department for the Execution of Judgments of the ECHR**  
F-67075 Strasbourg Cedex  
FRANCE

Sent by email ([dgi-execution@coe.int](mailto:dgi-execution@coe.int))

**RE: APPLICATION NO. 10613/16 – SHARXHI AND OTHERS V. ALBANIA | NON-  
EXECUTION OF THE JUDGMENT DELIVERED BY THE EUROPEAN COURT OF HUMAN  
RIGHTS – SUBMISSIONS PURSUANT TO RULE 9(1) OF THE RULES OF THE COMMITTEE  
OF MINISTERS FOR THE SUPERVISION OF THE EXECUTION OF JUDGMENTS (1507<sup>TH</sup>  
DH CM HUMAN RIGHTS MEETING)**

Dear Sir/Madam,

we refer to the above matter and to our previous submissions concerning the  
execution of the judgment delivered by the European Court of Human Rights on 11  
January 2018 in the case of *Sharxhi and Others v. Albania*.

The first examination of the execution has taken place at the 1428th meeting of the  
Committee of Ministers.

By decision [CM/Del/Dec\(2022\)1428/H46-1](#), adopted on 9 March 2022, the  
Committee raised concern over a delay of three and a half years in the payment of just  
satisfaction and urged the Albanian authorities to ensure full payment, including default  
interest, without further delay and to report any concrete measures taken by 15 June 2022.

Despite the clear urging from the Committee of Ministers, the respondent

Government failed to make the payment or to undertake any concrete measures within the specified time frame.

Consequently, by decision [CM/Del/Dec\(2023\)1459/H46-1](#) adopted at its 1459<sup>th</sup> meeting on 9 March 2023, the Committee of Ministers expressed once again serious apprehension about the prolonged failure of the authorities – four and a half years – to secure the payment of just satisfaction. The Committee strongly urged the authorities to take all necessary action to secure the payment, including default interest, without further delay.

Notwithstanding this exhortation, the Albanian authorities continued to remain totally passive.

The latest examination of the execution of the judgment was held at the 1483<sup>rd</sup> meeting of the Committee of Ministers.

With decision [CM/ResDH\(2023\)424](#), adopted on 7 December 2023, the Committee expressed “*deep concern at the prolonged failure of the authorities for over five years to secure payment of the just satisfaction awarded by the Court, the absence of communication with the applicants and their representatives in that regard and the persistent lack of clarity as to when the payment could be ensured*”. Additionally, it “*exhorted the authorities to take, as a matter of urgency, all necessary action with a view to ensuring that full payment of the just satisfaction is made, together with default interest up to the date of the payment*” and “*requested them to inform the Committee of the measures taken for ensuring payment of the just satisfaction, without any further delay and in any event by 31 March 2024*”.

Once again, the decision of the Committee of Ministers was not heeded by the Albanian Government. There has still been **no progress at all** on this matter.

In our capacity as representatives of the applicants, we took contact with the Albanian State Advocate with numerous letters, the most recent of which dated 12 December 2023, to which we received no response.

Over the years, Albania has presented a **variety of baseless excuses**, including alleged financial constraints and political disputes. In its official position, detailed in the Action Plan submitted in May 2019, the Government claimed it could not meet its obligation to pay the just satisfaction due to budget limitations.

This stance was reiterated in all subsequent submissions filed between March 2021 and April 2024, where it further argued that the budget situation had been exacerbated by the 2019 earthquake and the 2020 Covid-19 pandemic. These submissions are essentially **copy-paste versions of earlier statements**. At this juncture, the Government no longer makes even the slightest effort to justify the non-enforcement of the *Sharxhi* judgment.

Confident that there will be no concrete consequences, the **Albanian Government**

is currently refusing to execute an increasing number of judgments, including those where the Court awarded nearly symbolic amounts for just satisfaction.

In its **2023 Annual Report** on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights<sup>1</sup>, the Committee of Ministers noted that, **on 31 December 2023, Albania had 54 cases pending execution** (compared to 36 in 2022 and 31 in 2021), of which four were leading cases classified under enhanced procedure, and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, two have been pending for five years or more (one of which is the *Sharxhi* judgment); similarly, seven of the leading cases under standard procedure have been pending for five years or more (compared to three in 2022 and two in 2021).

This situation does not come as a surprise as it is the direct reflection and consequence of the policies pursued at the domestic level.

Rather tellingly, the Albanian Supreme State Audit Institution (KLSH) has repeatedly highlighted in its Annual Performance Reports that the **Ministry of Finance and Economy persistently “exclude(s) from the reporting of outstanding obligations the state’s obligations from Arbitration Court and European Court of Human Rights decisions”**<sup>2</sup> (our translation). In other words, the financial obligations arising from the Court’s judgments are not reported as passive liabilities in the State’s budget.

This practice clearly demonstrates the Albanian Government’s complete lack of intention to fulfill its obligations under the ECHR and the Statute of the Council of Europe.

The applicants submit that this kind of conduct should be no longer tolerated by the Committee of Ministers in the interest of the proper and effective functioning of the collective enforcement machinery established by the ECHR.

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In light of the above, the applicants respectfully invite the Committee of Ministers to initiate the infringement procedure pursuant to Article 46 § 4 ECHR and Rule 11 of the Rules of the Committee of Ministers by serving the Albanian Government with a formal notice to comply, due to the persistent and politically motivated failure by the Albanian authorities to fulfil their payment obligations under Article 46 § 1 ECHR in the case *Sharxhi and Others*.

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<sup>1</sup> Committee of Ministers, 17<sup>th</sup> Annual Report (2023) on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights.

<sup>2</sup> Exhibit 1 - KLSH 2022 Performance report, p. 7.

Yours faithfully,

Avv. Prof. Andrea Saccucci



Avv. Giulia Borgna



Exhibits:

1. Kontrolli i Lartë i Shtetit 2022 Performance Report (Albanian with unofficial English translation)