

**SECRETARIAT / SECRÉTARIAT**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: Ireneusz Kondak  
Tel: 03.90.21.59.86

Date: 17/09/2024

**DH-DD(2024)1050**

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

Reply from the authorities (17/09/2024) following a communication from the applicant concerning the case of Sharxhi and Others v. Albania (Application No. 10613/16).

Information made available under Rule 9.5 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

\* \* \* \* \*

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1507<sup>e</sup> réunion (septembre 2024) (DH)

Réponse des autorités (17/09/2024) suite à une communication du requérant relative à l'affaire Sharxhi et autres c. Albanie (requête n° 10613/16) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.5 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

---



DGI

17 SEP. 2024

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**REPUBLIC OF ALBANIA  
STATE ADVOCATURE  
OFFICE OF GENERAL STATE ADVOCATE**

Nd. 716/3 Prot.

Tirana, on 16.9.2024

**Ref:** On the letter of the applicants in relation to application no. 10613/16 “Sharxhi and others v. Albania”

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

**Council of Europe- Strasbourg**  
**67075 Cedex**  
**France**

Dear Mrs. Lilovska,

In relation to the letter from the applicants in the case no. 10613/16 – Sharxhi and others v. Albania communicated to the Albanian Government on 20.8.2024, the Albanian Government would like to submit the following:

The Albanian Government has already informed the Committee of Ministers and Department for the Execution of the Judgments of the ECtHR, about the difficulties at the national level to implement and execute the judgment. These difficulties relate to the pending domestic proceedings on the applicants' claims for pecuniary damage concerning the value of the compensation awarded for the property which had been expropriated; the objective difficulties of the Albanian authorities to ensure full payment of the just satisfaction due to the large sum at stake and the unexpected events of November 2019 earthquake and the COVID-19 pandemic.

However, despite these objective difficulties, the Albanian Government has always been fully committed to the execution of the European Court's judgements and strongly rejects the applicant's representatives allegations that the Albanian Government **is refusing to execute an increasing number of judgments**, including those where the Court awarded symbolic amounts for just satisfaction.

The Albanian Government despite being faced in 2023 with an unexpected growing number of judgments and decisions of the ECtHR has executed all the judgments and decisions awarding just satisfaction to the applicants<sup>1</sup>. This increasing number of cases for execution is reflected in the same 2023 Annual Report of the Committee of Ministers on the Supervision of the execution of judgments, referred to by the applicants's representatives, which states that the Committee of Ministers received from the European Court 22 cases against Albania for supervision of their execution compared to eight in 2022 and five in 2021.

As regards, the claims of the applicants's representative that the financial obligations arising from the Court's judgments are not reported as passive liabilities in the State's budget, we note that the extract of the documents submitted to the Committee of Ministers by the applicants' representatives are documents used by political parties in political debate in Albania and are taken out of context and as such motivated by political reasons. (Please refer to the Notes in exhibit 1- on page 16,24 which state: *Note 1. "Kjo e dhënë mund të përdoret në shpjegimin e Programit lidhur me masat Antikorrupsion të PD. Mbi shfrytëzimin e burimeve natyrore, në lidhje me.. This data can be used in explaining the Program regarding anticorruption measures of the DP... Note 2: të gjitha çështjet në vijim lidhen me Belinda Ballukun.... (Note: all the following issues relate to Belinda Balluch)....."*). For this reason, the Government considers that these documents should not be part of the dossier and not be reflected in the HUDOC-EXE database.

The State Advocate Office, according to the legislation in force<sup>2</sup> and in the framework of budget planning and the Statement of Fiscal Risk reports periodically to the Ministry of Finance (Unit for Fiscal Risks) for all the judgments of the ECtHR pending execution.

As results also from the Annual Reports of the Ministry of Finance on Budget implementation (p.57) and Public Finance Management Monitoring Report (p.17), the obligations arising from the judgments and decisions of the ECtHR<sup>3</sup> are part of the State Contingent Liabilities.

In conclusion, the Albanian Government would like to update the Committee concerning the latest developments on individual measures.

---

<sup>1</sup> The total number of executed judgments and decision for 2023 is 23

<sup>2</sup> Instruction no. 37 dated 06.10.2020 "On the periodic monitoring and publication of the stock of arrears of the General Government"

<sup>3</sup> [https://finansca.gov.al/wp-content/uploads/2024/07/b\\_Raporti-per-zbatimin-e-buxhetit-vietor-situaten-makroekonomike-dhe-fiskale-gjate-vitit-2023.docx](https://finansca.gov.al/wp-content/uploads/2024/07/b_Raporti-per-zbatimin-e-buxhetit-vietor-situaten-makroekonomike-dhe-fiskale-gjate-vitit-2023.docx)  
<https://arkiva.financa.gov.al/wp-content/uploads/2023/08/2022-Raporti-Vietor-i-Monitorimit-t%C3%AB-Strategjis%C3%AB-s%C3%AB-MFP-s%C3%AB.pdf>

Following the Supreme Court's judgment, of 15 June 2022, the applicants have initiated through the Private Judicial Bailiff the execution procedures to enforce the execution title, for the decision no. 269 dated 06.03.2014 of the Administrative Court of First Instance of Vlora, amended by the Administrative Court of Appeal with decision no. 3916 dated 23.10.2014, and which was quashed by the Supreme Court with decision no. 234 dated 15.06.2022.

The Albanian responsible authorities are following the domestic enforcement proceedings of the applicants at national level and will inform the Committee of Ministers as soon as more information is available.

The Albanian Government wishes to assure the Committee for its commitment to respect international obligations and ensure the execution of the ECtHR judgments.

Yours sincerely,

**ODISE MOÇKA**

**STATE ADVOCATE GENERAL**

