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Date: 16/06/2023

DH-DD(2023)735

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: 1475th meeting (September 2023) (DH)

Communication from the authorities (15/06/2023) concerning the case of Sharxhi and Others v. Albania (Application No. 10613/16)

Information made available under Rule 8.2a 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 : 1475^e réunion (septembre 2023) (DH)

Communication des autorités (15/06/2023) relative à l'affaire Sharxhi et autres contre Albanie (requête n° 10613/16)

[anglais uniquement].

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

DGI

15 JUN 2023

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH



REPUBLIKA E SHQIPËRIË
STATE ADVOCATURE
OFFICE OF GENERAL STATE ADVOCATE

No. 1545/
Prot. 12

Tirana on 15.6.2023

To: Mrs. 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

Ref: ECHR judgment regarding application no. 10613/16 "*Sharxhi and Others v. Albania*"

Dear Mrs. Lilovska,

In the framework of cooperation between the Albanian Government and the Department for the Execution of Judgments of the ECHR, regarding the execution of the European Court of Human Rights judgment on application no. 10613/16 "*Sharxhi and Others v. Albania*", please let us present the following:

The ECtHR issued the judgment "*Sharxhi and others v. Albania*", application no.10613/16 on 11 of January 2018. This judgment became final on 28.05.2019.

On 10 May 2019, the Albanian Government has submitted the Action Plan for the execution of the judgment informing on the individual and general measures already taken for the translation, publication and enforcement of this judgment from the responsible institutions, including the issue of the payment of just satisfaction.

On 15 February 2021, the Albanian Government provided updated information on the execution of the individual measures explaining the difficulties of the Albanian authorities to ensure full payment of the just satisfaction because of the serious implications for the state budget due to the large sum at stake and unexpected events of November 2019 earthquake and the COVID-19 pandemic.

Updated information on the execution of individual and general measures was submitted by the Albanian Government on 30 June and 21 October 2022. In these submissions, the Albanian authorities have informed among others on the domestic proceeding on the applicants' claims for pecuniary damage, which concerned the value of the compensation awarded for the property which had been expropriated and which were pending before the Supreme Court.

The Committee of Ministers in its last examination of the case in March 2023 noted with serious concern the prolonged failure of the authorities to secure the payment of just satisfaction.

In view of the difficulties encountered with the payment of just satisfaction, the Albanian Government reiterates its position already underlined in the previous submissions to the Committee of Ministers. The serious implications for the state budget, the domestic proceedings on the applicants' compensation claims which were pending since 2015 at the Supreme Court and the unexpected events of November 2019 earthquake and the COVID-19 pandemic were an obstacle for the payment of just satisfaction.

In relation to the Decision of the Supreme Court, the Albanian authorities would like to reiterate that the Supreme Court in its Decision raises important arguments in relation to illegality of the construction and the absolute invalidity of the acts on which the claims of the applicants are based. In addition, the Supreme Court in the reasoning part of the Decision emphasizes that the European Court of Human Rights by awarding the amount of compensation which was still a disputed issue among the parties in domestic proceedings has deprived the Supreme Court from examining the case and interpreting domestic legislation.

In this regard, the Albanian Government expresses its regret that the above-mentioned arguments already submitted by the Government during the examination of the case before the European Court and in its request for referral to the Grand Chamber were not considered by the distinguished Court.

However, the Albanian authorities are aware of their obligation to make the payment of the amount of just satisfaction awarded by the Court and after the end of the state of emergency there has been increased communication and discussions with the Ministry of Finance and Economy on the question of ensuring the payment of just satisfaction.

With letter no.2073 dated 14.4.2023 to the Ministry of Finance and Economy, the State Advocate Office has disseminated the Committee of Ministers Decision of March 2023 and has brought again to the attention of the Ministry the issue of the payment of just satisfaction in the case of Sharxhi and others v. Albania.

In reply, by letter no.4.5.2023, the Ministry of Finance and Economy reiterated its position that because of the large sum at stake it is not possible to ensure the full payment of just satisfaction because it constitutes a very heavy burden for the state budget and requested in this regard to assess the possibility to carry out the payment of just satisfaction in instalments.

The execution of individual and general measures in the case of Sharxhi and others v. Albania is already included as a key topic in the Agenda of the Consultative Council as soon as it is established.

The Albanian authorities will update the Committee of Ministers on the payment of just satisfaction of the judgment “Sharxhi and Others v. Albania” as soon as more information is available.

The Albanian Government reiterates that it remains fully committed to respect international obligations and ensure the execution of the ECtHR judgments.

Expressing my highest consideration,

Yours sincerely,

ODISE MOÇKA

STATE ADVOCATE GENERAL

