

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: John Darcy
Tel: 03 88 41 31 56

Date: 24/08/2018

DH-DD(2018)793

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: 1324th meeting (September 2018) (DH)

Item reference: Action report (23/08/2018)

Communication from Albania concerning the cases of DRIZA and MANUSHAQE PUTO v. Albania
(Applications No. 33771/02, 604/07)

* * * * *

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 : 1324^e réunion (septembre 2018) (DH)

Référence du point : Bilan d'action

Communication de l'Albanie concernant les affaires DRIZA et MANUSHAQE PUTO c. Albanie (Requêtes n° 33771/02, 604/07) (**anglais uniquement**)

ACTION REPORT*Execution of judgments of the European Court of Human Rights*

Application	Case	Judgment of	Final on	Indicator for the classification
MANUSHAQE PUTO AND OTHERS GROUP				
604/07+	MANUSHAQE PUTO AND OTHERS	31/07/2012 04/11/2014	17/12/2012 23/03/2015	Pilot judgment
25408/06+	KARAGJOZI AND OTHERS	08/04/2014	08/04/2014	
30601/08	LULI	15/09/2015	15/09/2015	
30264/08+	METALLA AND OTHERS	16/07/2015	16/07/2015	
25038/08+	SHARRA AND OTHERS	10/11/2015	10/11/2015	
33148/11+	ALIÇKA AND OTHERS	07/04/2016	07/04/2016	
32382/11	KARAGJOZI AND OTHERS	07/04/2016	07/04/2016	
33839/11	HALIMI AND OTHERS	07/04/2016	07/04/2016	
5207/10+	RISTA AND OTHERS	17/03/2016	17/03/2016	
12878/10+	QERIMI AND CANAJ	08/09/2016	08/09/2016	
DRIZA GROUP				
33771/02	DRIZA	13/11/2007	02/06/2008	
7352/03	BESHIRI AND OTHERS	22/08/2006	12/02/2007	
6397/04	BUSHATI AND OTHERS	08/12/2009	08/03/2010	
		14/02/2012	14/05/2012	
10810/05	CAUSH DRIZA	15/03/2011	15/06/2011	
49106/06	DELVINA	08/03/2011	08/06/2011	
		21/05/2013	07/10/2013	
16530/06	ELTARI	08/03/2011	15/09/2011	
		10/06/2014	10/09/2014	
45264/04	HAMZARAJ No.1	03/02/2009	06/07/2009	
12306/04	NURI	03/02/2009	06/07/2009	
38222/02	RAMADHI AND 5 OTHERS	13/11/2007	02/06/2008	
35720/04+	VRIONI AND OTHERS	29/09/2009	29/12/2009	
		07/12/2010	11/04/2011	
37295/05+	SILIQI AND OTHERS	10/03/2015	10/03/2015	

I. CASE DESCRIPTION

These cases concern the structural problem of failure to put in place an effective mechanism to enforce final, domestic judicial and administrative decisions recognising the right of the applicants to compensation (whether pecuniary or in kind) for property nationalized under the Communist regime (violations of Article 6 § 1 and Article 1 of Protocol No. 1) and the lack of an effective remedy in this respect (violations of Article 13). In view of the scale of the problem, the European Court delivered a pilot judgment in the *Manushaqe Puto and Others* case (final on 17 December 2012) in which it insisted on the setting-up of an effective compensation mechanism within 18 months, specifically by 17 June 2014.

II. INDIVIDUAL MEASURES

As regards the majority of the applications which are part of these cases, the European Court awarded just satisfaction in respect of pecuniary and non-pecuniary damage covering the property value and the loss of use as concerns the properties which were the subject of the final domestic decisions.

For the rest of the applications the Court did not make an award in respect of pecuniary damage and indicated that the authorities were required to take the necessary steps to secure the enforcement of relevant domestic decisions (for more details see Annex 4).

1. *Adopted measures*

The Government paid the just satisfaction awarded by the European Court in all the case, save for one application in the case of *Rista and Others* (see Annexes 1 and 4). Furthermore, the authorities implemented the relevant domestic decisions in respect of three applications (see Annex 4, cases *Karagjozi and Others, No. 25408/06* and *Çaush Driza, No. 10810/05*).

Therefore, the authorities consider that all the necessary measures have been adopted in respect of 16 cases (*Driza, Manushaqe Puto and Others, Beshiri and Others, Bushati and Others, Hamzaraj (No. 1), Nuri, Ramadhi and Others, Vrioni and Others, Çaush Driza, Siliqi and Others, Metalla and Others, Halimi and Others, Karagjozi and Others (No. 25408/06+), Delvina, Karagjozi and Others (No. 32382/11) and Eltari*).

2. *Outstanding measures*

The implementation of the relevant domestic decisions is outstanding in respect of seven applications in the cases of *Luli, Sharra and Others, Aliçka and Others, Rista and Others* and *Qerimi and Canaj*. It will be effected in accordance with the plan presented below. The payment of the just satisfaction in respect of application No. 48522/10 which is part of the *Rista and Others* case is awaited pending the completion of inheritance proceedings.

a) Implementation of the decisions in the cases of *Luli, Sharra and Others, Aliçka and Others and Rista and Others*

The Management Property Agency (MPA), through letter No. 5646/2 date 24.05.2018, submitted an action plan for the execution of the respective cases:

- Judgment “Luli v. Albania”, application no. 30601/08,
- Judgment “Sharra and others v. Albania”, for execution of the domestic decision in the application no. 347/10 “Maçi v. Albania” and no. 33154/11 “Vrioni v. Albania”;
- Judgment “Aliçka and others v. Albania” for execution of the domestic decision in the application no.33151/11 “Kreka v. Albania”;
- Judgment Rista and others v. Albania” for execution of the domestic decision in the application no. 5207/10 “Rista v. Albania”;

In order for the PMA to fulfill its legal obligations, it will complete the compensation process of the above subjects according to following plan:

The PMA will:

- Evaluate and publish all decisions whereby a right to compensation has been recognized, for the above subjects, by the 15th of June.
- Notify the interested subjects in relation to the completion of the criteria set forth in the Decision of the Committee of Ministers (DCM) no. 223/2016, as amended, that must be satisfied in order to execute the financial evaluation. The subjects must file the requested documentation within 30 days from the date of publication of the financial evaluation.
- Identify and determine the immovable property which shall serve for the finalization of the physical compensation according to the DCM no. 223/2016, as amended.
- At the end of the deadline of 30 days for completion of the documentation by the subjects, MPA will issue a decision for each subject in relation to the execution of the compensation.

b) Implementation of the decisions in the case of *Qerimi and Canaj*

With regards to the execution of Judgment “Qerimi and Canaj v. Albania” for execution of the domestic decision in the application no. 12878/10 “Qerimi v. Albania” and application no. 74858/12 “Canaj v. Albania”, the Ministry of Justice through its letter No. 5646/2 date 24.05.2018 has undertaken the following commitment:

- To issue a Council of Ministers Decision for the execution of the ECHR judgment by June 2018.
- To execute the ECHR judgment “Qerimi and Canaj v. Albania” by September 2018.

The Government will inform the Committee within 6 months about the developments in the adoption of the outstanding individual measures.

III. GENERAL MEASURES

1. Description of the reform

The failure to implement final decisions recognizing the right of restitution/compensation of properties confiscated during the communist regime was, without a doubt, a long-standing structural problem of the Albanian legal system, identified by the Court in the Driza group of cases and in its pilot judgment *Manushaqe Puto*.

The European Court of Human Rights, in its Pilot Judgment "*Manushaqe Puto and Others v. Albania*", asked of the Albanian Government to provide a list of final judicial and administrative decisions which recognize, restitute and/or compensate property to former-owners, the financial bill stemming from this list, an updated Land Value Map, the adoption of an Action Plan for the enforcement of this Court pilot judgment and finally the establishment of an effective mechanism for the execution of the aforementioned decisions.

In response to the judgment of the European Court, on 24 April 2014, the Government adopted an Action Plan aimed at introducing an effective compensation scheme addressing the long standing and systematic problem stemming from property rights denied by the Communist Regime.

Pursuant to the Action Plan, the Albanian Government drafted the Law "On the treatment of property and finalization of the process of compensation of property", in consultation with the Department of Execution of Judgments of the ECtHR and with the support of experts of the HELP program of the Council of Europe. The Law was adopted by the Parliament of the Republic of Albania on 5 December 2015¹ and entered into force on 24 February 2016.

The adoption of the Law was followed by the adoption of the by-laws in adherence to legal time-limits.

In December 2015 and June 2016, the Committee of Ministers had examined and welcomed the enactment of the Law, considering such enactment to be a very positive step towards finally ending the longstanding failure to compensate or return property to former owners². Furthermore, the Committee noted the importance of measures adopted for the implementation of the reform, in particular the adoption of important by-laws, as well as the establishment of a mechanism of periodic monitoring, involving the Director General of the Agency, the Minister of Justice, the Prime Minister as well as the Parliamentary Commission

¹ On 08.02.2016, the Law No: 133/2015 "On the treatment of property and finalization of the process of compensation of property" was published on the Official Gazette.

² See decisions adopted by the Committee at their [1243rd](#) and [1259th](#) meeting,

on Economy and Finance and the Parliamentary Commission on Legal Affairs, Public Administration and Human Rights³.

The Law introduced a new mechanism that shall be implemented in order to award compensation for property expropriated during the Communist regime⁴. It established for the first time a final evaluation method that shall be used in order to determine the specific compensation to be awarded in respect of the properties and established a Compensation Fund (consisting of a Financial Fund and a Land Fund) to ensure the availability of necessary resources that shall be used to compensate former owners. It also set requirements concerning annual allocations from the State budget to that Fund, calculated to finalize the process of payment within 10 years. Binding deadlines have been set for the various stages of the procedure. Some detailed aspects of the new mechanism, such as the treatment of claims, are governed by secondary legislation. The responsibility for the implementation of the Law primarily lies with the Property Management Agency (the “Agency”).

2. Amendments following the assessment of the constitutionality of the Law

a) *Assessment of the new mechanism by the Albanian Constitutional Court*

The Constitutional Court examined certain questions related to the constitutionality of the new Law in a ruling delivered on 16 January 2017. It notably found that, in the specific case of Albania, the new legal framework, which may result in a lower amount of compensation to be paid to the former owners, meets the proportionality requirements set out in Article 1 of Protocol no. 1 to the ECHR. More specifically, it considered it reasonable that the Law referred to the cadastral classification of property at the time of expropriation without considering it as an extreme disproportion between the official cadastral value of land and compensation paid to the former owners.⁵

In its assessment, the Constitutional Court relied on an *amicus curiae* brief from the Council of Europe’s Venice Commission, adopted at its 108th Plenary Session (Venice, 14-15 October 2016). Taking into account the analysis of the Venice Commission, the Constitutional Court considered that the Law was compatible with the Albanian Constitution, despite providing a new evaluation methodology for the physical and financial compensation of former owners resulting in an interference with the right of property and possibly failing to meet expectations of the subjects affected. Only two provisions relating to some details of the evaluation method were found to be insufficiently clear and were thus repealed.

³ Ibidem.

⁴ Extensive consultations between the authorities and the Department for the Execution of Judgments took place during the drafting process. This process also had the support of a co-operation project designed by the Human Rights National Implementation Division of the Council of Europe together with the Department. The authorities also took account of recommendations and comments made by the Committee of Ministers during its examinations of these cases.

⁵ [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)036-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)036-e). See in particular, p. 44.

b) Follow-up to the judgment of the Constitutional Court

The Government (established in September 2017), whilst in its first months of office manifested an immediate commitment to conduct a thorough analysis of the decision of the Constitutional Court, treating this issue as a priority. To this end, on 25 October 2017 the Minister of Justice established a working group for: “The analysis of the factual situation of the implementation of the law no.133/2015:, in light of the decision of the Constitutional Court no.1, dated 16.01.2017.

The working group's duties, *inter alia*, included:

- The analysis of the Constitutional Court's decision no. 1, dated 16.01.2017, in relation to the practical implementation of the Law no.133/2015, “For the treatment of property and the finalization of the property compensation process”;
- The analysis of the by-law acts issued on the basis and for the implementation of Law no.133/2015, and the assessment of their applicability in the process of property treatment and the finalization of the property compensation process;
- Finding legal solutions and proposing concrete recommendations to amend by-law acts issued on the basis and for the implementation of Law no.133/2015, if deemed necessary by the Working Group after the analysis conduction.

In the light of the thorough assessment of the Constitutional Courts finding, the Government concluded that the repeal of Article 6 did not entail consequences in relation to the substance of the Law or in relation to the compensation formula and the repelled points, as the Constitutional Court reasoned it, constituted repetitive provisions and thus lacked clarity.

However, it was deemed necessary to amend the by-law legislation in order to clarify and unify the evaluation procedure in order to guarantee a desired degree of legal certainty. The necessary amendments were adopted on 20 December 2017⁶ with respect to two Decisions by way of which the Law⁷ shall be implemented. Proceedings for evaluation of different types of applications were unified, guaranteeing no difference in treatment of files that have a final decision and of untreated applications⁸.

⁶ No. 765/2017, "On some amendments to Decision No. 222, dated 23.03.2016, of the Council of Ministers" and No.766/2017 "On some amendments to Decision No.223, dated 23.03.2016 of the Council of Ministries".

⁷ DCM 222/2016 "On the treatment of applications for the recognition of property and its compensation" and DCM 223/2016 "On the determining the rules and procedures for the evaluation and the distribution of financial and physical funds for the property compensation".

⁸ Amendments made to by-law acts are focused on the need to further clarify the procedure of evaluation and compensation of property, and to unify the decision-making procedure regarding the applications under examination (referred to in Chapter IV "Examination of the untreated applications", Article 20 and the following of the Law 133/2015 and DCM 222/2016) with the treated applications addressed to the PMA, for which the latter has issued a final decisions.

The steps taken to complete and unify the procedures through the amendment of the secondary legislation correspond to the reservations expressed by the Constitutional Court and address its findings in order to comply with the principle of legal certainty.

3. System fully in motion

A. Implementation of the new mechanism

As submitted in detail in the revised action plan 7 July 2017 (DH-DD(2017)807), the implementation of the reform has progressed to a great extent and the following actions have been taken:

a) Adoption of the relevant secondary legislation

The Council of Ministers has enacted the remaining secondary legislation. One by-law set up an inter-institutional commission to identify the State property available to be transferred to the Land Fund and thus used for compensation. This Commission is now fully operational. A second by-law sets tariffs for services provided by the administration related to the compensation process. The by-laws were updated following the Constitutional Court's finding and now the mechanism is fully operational in all aspects.

b) Measures to ensure the efficient functioning of the Property Management Agency

In 2016, the Prime Minister approved the new structure of the Agency, whose workforce was expanded from 90 to 169 employees. The Agency has successfully developed an IT tool that shall serve to digitalize the cartographic data derived from the final decisions on restitution or compensation and for calculating the amount of compensation to be awarded per the new evaluation method. The Agency has conducted over 10 trainings in different topics with the aim to raise the capacities of the administrative staff which shall be dealing with the cases.

c) Allocation of resources for the efficient functioning of the mechanism

The Compensation Fund is composed by the Land Fund and the Financial Fund. As set by the Law, the State budget approves a financial fund on an annual basis, according to the chart in its Appendix 2, which will be administered by the Agency, for the implementation of the process. The binding Financial Fund, progressively increasing through the annual budgets, as defined therein.

Budgetary Year	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021	Year 2022	Year 2023	Year 2014	Year 2025	TOTAL
Billions/ ALL	3.00	3.33	3.69	4.10	4.54	5.04	5.59	6.20	6.88	7.63	50

For the Financial Fund, the budget allocated for the payment of financial compensation under the general scheme amounted to 2 billion Albanian Lek for 2016 and for the year 2017 amounts 1,8 billion Albanian Lek, while for the year 2018 the amount made available is 2.5 billion Albanian Lek.

Based on the article 10 of the Law 133/2015 is determined that the resources of the property compensation fund, among others are: a) Income from the State Budget for the compensation of owners; ... c) Proceeds received from the transfer of ownership of the building parcels, pursuant to Law no. 9482, dated 03.04.2006, "On the legalization, urbanization and integration of illegal constructions", as amended.

The values reflected in Appendix 2 of Law 133/2015 refer to these resources.

Based on the above and referred to the Law "On State Budget" for the years 2016-2017 and 2018 to the PMA these funds have been allocated:

Financial Fund	Year 2016	Year 2017	Year 2018
State Budget	2.00	1.80	2.50
Proceeds received from the transfer of ownership of the building parcels, pursuant to Law no. 9482, dated 03.04.2006, "On the legalization, urbanization and integration of illegal constructions", as amended.	1.60	2.00	1.50
Total Billions/ALL	3.60	3.80	4.00

The funds have not been allocated in full, as the Agency was not fully operational and thus the funds at its disposal could not be completely distributed. Those will, however, remain available to the Agency in the following years.

The 2014 Land Fund⁹ consists of three main categories. The first category consists of 23,368.8 ha of agricultural land with the total value of 37 billion ALL. The second category consists of approximately 160 state facilities made available by the Ministry of Economy, in the value of over 2 billion ALL. The third category consists of a forest and pasture land¹⁰, with a total area of 50,989.76 ha with an estimated value of 60 billion ALL.

In December 2016, the Government established an "Inter-institutional Commission for identification of state property to be transferred and become part of the land fund for property

⁹ Made available through DCM no. 770 date 12.11.2014

¹⁰ Allocated by DCM no. 1077, dated 18.06.2008 decision of the Council of Ministers.

compensation”¹¹. It held its first meeting on 17.01.2017 and since then has been working on a permanent basis. So far, the Commission has identified and performed financial analyses of the land of the first and second category and verified its legal status in the Local Immovable Property Registration Offices as “state owned”. At present the work will focus on the forest and pasture land (third category). In order to speed up the process, PMA¹² requested to the Ministry of Justice for 20 additional employees dedicated to this process.

In January 2018¹³ the Ministry of Finance in cooperation with the Prime Minister’s office, have allocated an additional number of human resources (approximately 50 employees).

d) Treatment of claims

The Law set a three-year time-limit from its entry into force (by 24 February 2019) for the Agency to (i) examine the claims for which no final decision had been taken, including new claims filed within 90 days of the entry into force of this law and (ii) to evaluate, according to the new method, the compensation due in respect of claims for which a final decision recognizing the right to compensation was given but without determination of its nominative value.

(i) Claims with no final decision and new claims

The total number of the claims under this category is 16 462 and their examination is on-going. So far, 5174 cases have been concluded by a final decision and 11 288 claims await the first evaluation. The delay in this process was related to the evaluation of the legislation by the Constitutional Court, when the Agency was obliged to withhold the process of evaluation of this group of cases in order to avoid irrevocable consequences. The process is now fully operative after the approvals of the necessary amendments in December 2017.

In order to speed up the process with a view to finalize it within the time frame set by law, PMA planned three measures:

- Firstly, after specifying the legal basis for action by the DCM amendments in December 2017¹⁴, the process of treatment of the new claims has begun to operate at maximum capacity.
- Secondly, after finalizing the evaluation process of the final decisions, one section of the staff will be temporarily shifted to contribute to the process of the new claims treatment in order to speed up the process.

¹¹ Decision of the Council of Ministers No. 901, dated 21.12.2016 "On the establishment of the Inter-Institutional Commission for the identification of state property to be transferred and become part of the land fund for property compensation", adopted pursuant to Article 26 of Law no. 133/2015.

¹² By letter no. 02 Prot., dated 03.01.2018.

¹³ As determined by the Decision of the Council of Ministers No. 60, dated 31.01.2018.

¹⁴ Review of the Decision of the Council of Ministers no. 222 of 23.03.2016 and the amendment of the act, in light of the Constitutional Court decision, reflected in the Decision of the Council of Ministers no. 765 dated 20.12.2017 "On some amendments and additions to decision no. 222, dated 23.03.2016, of the Council of Ministers "On the Treatment of Applications for the Recognition of Property and its Compensation"

- Thirdly, 30 new employees will be added to the sector of Treatment of new claims, , based on the PMA request no. 02 Prot., dated 03.01.2018, which will enable the achievement of the objectives set out in the Law¹⁵.

The Ministry of Justice monitors the process and considers that so far the increased number of employees and the internal reorganization of tasks to allow for the work with the full capacity are sufficient for the finalization of the process of untreated claims.

By taking the measures indicated above, the Government estimates that the process will be completed within the legal deadlines.

(ii) Claims with a final judgment/decision without indicated value

This category comprises approximately 26,000 claims, the authorities indicated that they have examined 25.147 decisions and the evaluation has been completed for 18.029 decisions for the period of 1993-2013. The total evaluation for these decisions is 75 562 307 050 ALL. For 7118 decisions (for the period 1993-2013), the Agency experienced initial difficulties to conclude the evaluation due to lack of legal or cartographic documentation. All these cases have been identified and applicants requested to submit the required documentation and claims (if there are), as necessary for a detailed assessment of the file. The examination of this group of cases will be in September, 2018 after the evaluation of all the 26 000 decisions is completed. It is estimated that the process will be terminated by the end of 2018.

e) Decisions implemented

The implementation of the relevant decisions started in respect of the second category presented above (ii). Out of 18.029 evaluations, 235 have been appealed, 12.354 are final. To date, the applicants have submitted 1617 applications for the execution of the financially evaluated decisions. From these applications, so far in 424 cases the applicants have submitted the relevant details for the implementation of the compensations provided in decisions (monetary compensation or compensation from the Land Fund). The Agency has executed 424 decisions awarding approximately 4,082,194,583 ALL and physical compensation in 323.4 Ha from the Land Fund (converted in 663,222,108.36 ALL). In the other cases the applicants asked for the enforcement of the decisions and those decisions will be implemented rapidly after the relevant details for the payment or for the compensation in kind are provided.

B. Outlook for the future

The Government expects that the administration process both with respect to new claims, as well the evaluation of final decisions, shall be completed by the prescribed three-year legal time-limit. In addition, it is noted that the courts have fulfilled their duties in a timely manner

¹⁵ Decision of the Council of Ministers No.60, dated 31.01.2018 (Cited above)

when dealing with complaints against final decisions of the Agency. In light of the low number of such complaints and the fact that the courts examine them within a reasonable time, the Government believes that the process of administering, and thereafter providing compensation for the properties shall be successfully completed within the prescribed legal time-limits. In order to expedite this process, the Government will make available all necessary resources as deemed required to ensure its completion within the prescribed time-limits. The Government will continue to closely monitor the developments, in order to provide assistance as it may be required. The budgetary means for payment of compensation have been prescribed by the Law and are being secured in the respective budgets. The Ministry of Justice monitors whether this long term commitment is fulfilled.

4. SUPERVISORY SYSTEM

The judicial system is capable of processing the claims of the applicants. The number of claims submitted to Court is very low comparing to the number of decisions issued by the Agency. Out of 18.029 decisions evaluated and published by the Agency up to date only 235 cases were appealed. Out of 5174 decisions for recognition of property rights, only 163 cases were appealed to the courts. For the time being only one question of competences deriving from the new Law has been submitted to the Supreme Court. In its decision No. 2178 of 26.09.2017, the High Court has clarified the issue of competence¹⁶.

The judicial system is processing the claims with due diligence and there have been no delays encountered.

In the monitoring processes (see below) the need for further training on the implementation of the new Law was identified.¹⁷ Accordingly, training on property compensation, aiming to improve knowledge of legal professionals on the issue of enforcement of judgments in context of property compensation, was organized on 5 and 6 February 2018 by the School of Magistrates of Albania in cooperation with Council of Europe with the participation of judges and prosecutors. The training was designed to provide the participants with the understanding of the property right from the point of view of the case law of the European Court of Human Rights, as well as of the novelties involved in the implementation of the new Law.

Furthermore, to follow up upon this discerned need, a series of training sessions will be organized in May-June 2018 by the School of Magistrate and supported by the Council of Europe for the purpose to improve knowledge of judges and legal professionals in different cities regarding the novelties of the Law. These trainings will be organized on regional basis

¹⁶ The subject matter of the official request directed to the PMA is the determining factor when considering the jurisdiction and competence of a certain Court in relation to the administration of a complaint related to such requests. Thus, the Court notes that "If the subject matter of the official request relates to a financial evaluation of (previous and final) compensation decisions, complaints related to such requests fall under the jurisdiction of the Administrative Courts. If such request has not been administered by the PMA within the 3-year time-limit, complaints must be submitted to the Administrative Court of First Instance. If, on the other hand, the PMA has administered a request within the prescribed time-limit and a decision has been issued, any complaint in relation to that decision must be filed with the Administrative Court of Appeal. In instances when the subject matter of an official request directed to the PMA relates to issues of treatment of property such as the recognition of property rights and the right to in-kind or physical compensation, complaints related to such requests fall under the competence of ordinary Courts. If such request has not been administered by the PMA within the 3-year time-limit, complaints must be filed with Court of First instance. If, on the other hand, the PMA has administered a request within the prescribed time-limit and a decision has been issued, any complaint in relation to that decision must be filed with the Court of Appeal."

¹⁷ Namely at the second meeting of the Horizontal Facility Steering Committee on 05 December 2017.

in order to train all the judges at the District Courts and Court of Appeal in the implementation of the new legislation.

5. MONITORING SYSTEM¹⁸

The Government has set up a number of monitoring mechanisms to supervise the implementation of the Law in due consideration of the set deadlines as well as to provide immediate and swift solutions in cases which present difficulties in implementation.

a) Internal monitoring of the Agency

Directors of the Directorates and Heads of Sections of the PMA submit monthly reports to the Director General of the Agency, according to the format provided in a normative act¹⁹.

The aim of the monitoring process is to identify any possible problems in time for the General Director of the Agency to respond promptly with solutions and, as appropriate, to report to the competent structures. In addition, the General Director monitors the progress of the process, as well as the achievement of the objectives.

Problems encountered during the procedures and attributed assignments are mostly related to the completion, within the time-frames, of the documentation which serves for the evaluation of the decisions that have recognized the right to property compensation (mainly related to the PMA compensation Department) as well as the large volume of work and the completion of the process for finalizing the claims on property recognition within the timeframe (this is mainly related to the finalizing of the applications for recognition). With regard to the latter, after the evaluating the situation, PMA requested to increase the number of employees. Such request has been duly administered and the Ministry has issued a decision that increased the number of PMA employees by 50 people²⁰.

b) Governmental monitoring

The Director General of the Agency submits a quarterly report to the Minister of Justice and the Prime Minister²¹.

The aim of the monitoring process is to maintain a clear and detailed overview of the progress of the process, promptly discern any problems encountered and to find effective solutions, as appropriate.

A specific Sector within the Ministry of Justice, namely the Sector for the Monitoring of Dependent Institutions, is tasked with monitoring the activities of, inter-alia, the PMA. The

¹⁸ Schedule of the reports submitted to the monitoring institutions in Annex 3

¹⁹ According to Article 11 of the Decision of the Council of Ministers no.221, dated 23.03.2016,

²⁰ Decision No.60 dated 31.01.2018 of the Council of Ministers

²¹ Pursuant to Article 14 of the Decision of the Council of Ministers no. 221, dated 23.03.2016.

sector submits proposals and performs inspections by the institutions, the aim of which is to assess the suitability of the procedures implemented in addressing different matters.

In addition, a dedicated counselor within the Minister's cabinet advises the Minister in relation to matters concerning institutions which administer property matters. The counselor and the General Directorate jointly oversee the work of the PMA, thereby providing evaluations of such work and proposing measures which may be implemented in order to avoid recurring problems in instances when issues related to, inter-alia, infrastructure and human resources have been noted within the PMA.

Furthermore, all the yearly work-rapports of the PMA on the Ministry of Justice were verified by a special work-group nominated by the Minister of Justice²². From the yearly work-report of the PMA verification process, it was concluded that it was sufficiently clear, supported by correct statistical data which reflected the workload and the activity conducted by the PMA for the year 2017.

In the course of the monitoring process, in response to the raised issues, the authorities have reacted in a following way: The creation of ad hoc group²³, as in the case of the working group set up by Order of the Minister of Justice for the assessment of property legislation after the findings of the Constitutional Court's decision, the issuance of decisions, like the one that increased the human resources of the Agency by 50 employees, as well as the organization of trainings for law enforcement institutions such are mainly done with the employees of the Agency.

The Council of Ministers through Ministry of Finance and Economy and Ministry of Justice furthermore ensures that the budgetary commitments are respected. The financial impact of the new Law is monitored by the Ministry of Finance and Economy.

c) The Parliamentary monitoring process

The General Director of the Agency has so far reported twice in an annual analysis at the Parliamentary Commission on Legal Issues, Public Administration and Human Rights. On 4 April 2017 the head of the Property Management Agency presented to Parliament the annual report for 2016. In April 2018, the Agency presented its activity report to Parliament for the period of 2017.²⁴ During exchanges with members of Parliament, the Head of the Agency confirmed that the implementation of the new Law was proceeding at a steady pace.

Furthermore, reports were presented to the Permanent Parliamentary Commission on Economy and Finance, which supervises whether budgetary commitments are duly respected. It should also monitor the financial activity of the Agency. Since the problems encountered have been resolved by the Government, the Commissions have not come up with any specific recommendations or analysis, but only have followed the progress of the process and the implementation of legal deadlines. The Commission has the right to ask questions with the

²² In light of order nr.1851, dated 12.2.2018, of the Minister of Justice "For the formation of a Work-Group that will conduct the yearly work-rapport for the year 2017 of the work of the Ministry of Justice and the institutions under its supervision".

²³ See the Information letter to the Committee of Ministries "On the recent developments regarding the execution of the cases Manushaqe Puto and Others group (application no. 604/07) and Driza group (application no. 33771/02) v. Albania" dated 27.12.2017.

²⁴ no. 711 dated 27.11.2017

purpose of clarification of different points and also if the commission deem necessary it may give recommendations and control their implementation in future meetings.

d) Conclusions of the monitoring process

The monitoring mechanisms in place are capable of sufficiently ensuring an overview of the current work and long-term functioning of the compensation scheme. The system is active to set in motion necessary measures in order to ensure the full and proper implementation of the Law. All authorities involved are committed to achieving the goals set by the Law and to efficiently overcome any obstacles or delays which may be evidenced during the process.

It may be noted that throughout the current implementation phase of the necessary measures, positive results have been achieved, given that several processes have advanced to a great extent. With regards to those instances when difficulties have been identified in relation to the completion of a certain process, it is noted that recommendations as to the manner in which such difficulties shall be overcome have been provided. The Authorities would like to emphasize the fact that certain processes such as that related to the evaluation of requests for which a final decision has been taken, as well as the digitalization process, have been steadily advancing.

On the other hand, some difficulties have been encountered with regard to the process of evaluating requests which have not been previously administered (due to Constitutional Court Decision as reiterated above). In addition, difficulties have been encountered during the process of identifying and earmarking the necessary "forestry and pastures" land fund. However, the Authorities have taken necessary measures in order to expedite the process. Specifically, changes have been made to D.C.M 222/223 and additional human resources have been made available in order to expedite these two processes. Despite the fact that difficulties have been encountered in relation to their implementation, such processes shall be completed within prescribed legal-time limits.

The Government assesses that the special structures for the monitoring of the process of treatment and compensation of property, PMA's work progress and the creation of an ad hoc working group for solving the specific problems and the functioning of the monitoring system have managed to identify in time the problems and to provide a fast and effective solution.

6. CASES PENDING BEFORE THE ECHR/JUST SATISFACTION

The new Law provides that the cases pending before EHCR should be examined by the PMA. Thus, article 3²⁵ reads "...Furthermore this law extends the effects also on the financial evaluation for:...b) including the cases currently under examination in courts of all tiers, in

²⁵ **Article 3 "Scope of Application"**

1. This law acts on all applications that are under consideration at the ARCP, on the day of entry into force, as well as on all those applications, which will be submitted within the deadlines of this law, regarding the recognition of the right to property.

2. Furthermore this law extends the effects also on the financial evaluation for:

a) the execution of all decisions which have not yet been implemented the recognition of the right to compensation, issued by administrative or judicial bodies, in our country;

b) including the cases currently under examination in courts of all tiers, in the Supreme Court, as well as in the European Court of Human Rights, pertaining to their financial evaluation.

the Supreme Court, as well as in the European Court of Human Rights, pertaining to their financial evaluation.”

As a result the Government has submitted to the Court the new legislation and has asked the Court to return these cases for enforcement in the domestic level. For the time being there are 89 applications pending to the Court for a judgment when this new information on the adoption of the new legislation is part of the case file and has been transmitted to the applicants for comments.

7. TRANSLATION, PUBLICATION, DISSEMINATION AND OTHER AWARENESS RAISING MEASURES

Awareness-raising measures were taken in order to ensure proper implementation of the relevant provisions mentioned above. The decisions of the European Court of Human Rights are translated and subsequently published in the Official Gazette of the Republic.

The PMA periodically publishes important information regarding the implementation of the law, such as financial assessments regarding the decisions evaluated by this institution or the deadlines set out in the law.

The Agency uses its official website as well as daily newsletters for information of the general public. At the Agency there is a specific information office for the reception of the public which deals with the requests of interested citizens.

In order to raise awareness and ensure the proper implementation of the process, based on the needs of assessment to the Albanian institutions, the European Union/Council of Europe Horizontal Facility for Western Balkans and Turkey (Horizontal Facility) provided a three-year programme (May 2016 – May 2019). One of the components was the project on: *“Supporting effective domestic remedies and facilitating the execution of ECtHR judgments”*.

The PMA was one of the beneficiaries of this programme through the project on: *“Supporting effective domestic remedies and facilitating the execution of ECtHR judgments”* aiming:

To ensure that requirements to render the mechanism to execute judgments in relation to compensation or restitution of property are effective and clear.

To assess legislative measures concerning non-execution of judgments and administrative decisions in context of compensation/restitution of property;

To improve knowledge of legal professionals on the issue of enforcement of judgments in the context of compensation / restitution of property.

8. CONCLUSIONS

The Government is determined to finalize the process within the provided deadlines. The legal provision which on the other hand allows the owners to seek their right directly to the

courts in cases where the Agency has not completed its duties for the evaluation of the property for final decisions and the recognition and evaluation for unaddressed applications, within the specified deadlines, is a further urging and monitoring mechanism for the Government.

The Government is committed to ensure the effective implementation of the Law on the Treatment of Property and the Completion of the Property Compensation Process and to put an end to the long-standing problem of compensation for property expropriated during the Communist regime. It confirms the persistence of the political will to this end, following up upon the work initiated by its predecessors /during its previous mandate. Using the monitoring system put in place, it aims at exerting all efforts necessary to overcome any obstacles and difficulties which may inevitably arise during this extremely challenging and complex process.

In the long-term, the political monitoring at the highest level ensures that the budgetary commitments are respected and that the process of compensation is finalised within the 10-year time-frame envisaged by the Law.

Having regard to the above, the Albanian Government is of the opinion that no general measures other than the above are necessary to be undertaken to remedy the violations found by the European Court in the present group of cases.

As far as the individual measures are concerned, the Albanian Government shall update the Committee of Ministers on the further developments regarding the execution of just satisfaction on the judgments within the following 6 months.

Annex 1

JUST SATISFACTION PAYMENT OF JUST SATISFACTION

Judgment “Karagjozi and Others v. Albania”

1. *Karagjozi and Others, no. 25408/06*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	1,092,600 EUR	1,650 EUR	1,094,250 EUR
Paid on: 30.03.2015			

2. *Budini, no. 37419/06*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
none		none	none

3. *Koco, no. 49121/06*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
750,500 EUR		1,450 EUR	751,950 EUR
Paid on: 30.03.2015			

4. *Hajnaj, no. 1504/07*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
none		none	none

5. *Shehu, no. 19772/07*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
205,000 EUR		1,550 EUR	206,550 EUR
Paid on: 30.03.2015			

6. *Dvorani and Dume, no. 46685/07*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
54,800 EUR		1,650 EUR	56,450 EUR
Paid on: 30.03.2015			

7. *Sallabanda and Hoxha, no. 49411/07*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
3,589,600 EUR		400 EUR	3,590,000 EUR
Paid on: 30.03.2015			

8. *Goga and Others, no. 27 242/08*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
1,120,000 EUR		1,100 EUR	1,121,100 EUR
Paid on: 30.03.2015			

9. *Tartari, no. 61912/08*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
521,000 EUR		None	521,000 EUR
Paid on: 30.03.2015			

10. *Okaj, no. 15075/09*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
820,500 EUR		1,200 EUR	821,700 EUR
Paid on: 30.03.2015			

Judgment “Alicka and Vasha v. Albania”

1. *Aliçka and Vasha, no. 33148/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	3,200 EUR	none	3,200 EUR
Paid on: 19.12.2016			

2. *Kreka, no. 33151/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	none	none	none

3. *Tahiri, no. 33823/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	34,300 EUR	850 EUR	35, 150 EUR
Paid on: 19.12.2016			

4. *Theodhosi, no. 46103/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	11,800 EUR	none	11,800 EUR
Paid on: 19.12.2016			

5. *Nishe and Others, no. 72334/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
	31,300 EUR	none	31,300 EUR
Paid on: 19.12.2016			

6. *Benussi, no. 78960/11*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
719,000 EUR		850 EUR	719,850 EUR
Paid on: 19.12.2016			

Judgment Rista and others v. Albania

1. *Rista, no. 5207/10*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
none		none	none

2. *Gjokolli and Molla, no. 24468/10*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
1,562,100 EUR		850 EUR	1,562,950 EUR
Paid on: 22.12.2016			

3. *Galaxhi and Others, no. 39492/10*

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
216,600 EUR		850 EUR	217,450 EUR
Paid on: 22.12.2016			

4. *Frashëri and Others, no. 39495/10*

Pecuniary damage	Non Pecuniary	Costs and expenses	Total

	damage		
	3,330,500 EUR	850 EUR	3,331,350 EUR
Paid on: 22.12.2016			

5. Merlika and Others, no. 40751/10

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
1,171,800 EUR		none	1,171,800 EUR
Paid on: 22.12.2016			

6. Dhimertika and Nika, no. 48522/10

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
4,416,900 EUR		850 EUR	4,417,750 EUR
In process: ²⁶			

Judgment “Manushaqe Puto and others v. Albania”

1. 604/07 Manushaqe Puto v. Albania

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
1,000,000 EUR		1,000 EUR	1,001,000 EUR
Paid on: 30.08.2013 / 23.04.2014			

2. 43628/07 Dani v. Albania

²⁶ The heirs of the former owner in this case “Dhimertika and Nika v. Albania” are in conflict over the inheritance. In the knowledge of the Government, the inheritors are in the process of court proceedings before the domestic courts

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
280,000 EUR		1000 EUR	281,000 EUR
Paid on: 30.08.2013 / 06.08.2014			

3. 46684/07 Ahmatas and Others

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
352,400 EUR		1,000 EUR	353,400 EUR
Paid on: 30.08.2013 / 06.08.2014			

4. 34770/09 Muka v. Albania

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
1,360,000 EUR		None	1,360,000 EUR
Paid on: 30.08.2013 / 06.08.2014			

Judgment 49106/06 "Delvina v. Albania"

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
2,022,400 EUR		3,500 EUR	2,025,900 EUR
Paid on: 12.08.2014 / 14.08.2014 / 21.04.2015			

Judgment 16530/06 Eltari v. Albania

Pecuniary damage	Non Pecuniary damage	Costs and expenses	Total
44,000 EUR		3,000 EUR	47,000 EUR

Paid on: 17.03.2015

Annex 2

Indicative Official Gazette where the case law is published in the local language

<i>Execution of judgments of the European Court of Human Rights</i>		
Application	Case	OFFICIAL GAZETTE
MANUSHAQE PUTO AND OTHERS GROUP		
604/07+	MANUSHAQE PUTO AND OTHERS	Extra 86, February 28, 2013
25408/06+	KARAGJOZI AND OTHERS	No. 39, March 18, 2015
30601/08	LULI	No.18, February 10,2016
30264/08+	METALLA AND OTHERS	No.175, October 7, 2015
25038/08+	SHARRA AND OTHERS	To be verified
33148/11+	ALIÇKA AND OTHERS	No.102, June 09,2016
32382/11	KARAGJOZI AND OTHERS	No.111, June 17, 2016
33839/11	HALIMI AND OTHERS	No.105, June 14, 2016
5207/10+	RISTA AND OTHERS	No.74, May 03, 2016
12878/10+	QERIMI AND CANAJ	No.232, December 01, 2016
DRIZA GROUP		
33771/02	DRIZA	Extra 32/2008
7352/03	BESHIRI AND OTHERS	June 2010
6397/04	BUSHATI AND OTHERS	Extra 39/2009
10810/05	CAUSH DRIZA	Extra 75, August 10, 2011
49106/06	DELVINA	Extra 75, August 10,2011
16530/06	ELTARI	Extra 77, December 07,2011
45264/04	HAMZARAJ No.1	Extra 35/2009
12306/04	NURI	Extra 35/2009
38222/02	RAMADHI AND 5 OTHERS	Extra 32/2008
35720/04+	VRIONI AND OTHERS	Extra 37/2009 + Extra 75, August 10,2011

37295/05+	SILIQI AND OTHERS	No.175, October 07,2015

Annex 3

DGI

23 AOUT 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**Monitoring Mechanism of MPA
REPORTS**

No.	Field of Report	Reporting to:	Period of Reporting
1	Human Resources	Ministry of Justice, Public Administration Department, HIDAACI	At request
2	Infrastructure and well administration of Assets	Ministry of Justice	At request
3	Provision of Services through Procurement	Ministry of Justice / Register of Public Procurement on carried out Procurements	4 months
4	Finance and Budget	Situation on Incomes and Expenses at Ministry of Justice	monthly
		Balance sheet at Ministry of Justice, Ministry of Finance and to the treasury	yearly
		Report of second level Banks at Ministry of Finance	monthly
		Monitoring Indicators	4 months
		Draft Budget PBA at Ministry of Justice	twice a year
		the judicial Decisions to Ministry of Justice	3 months
5	Technology and Electronic Systems	information to the National Agency of the Information Company	At request
6	Reporting on the MPA activity	Albanian Parliament	yearly
		<i>Parliamentary commission on legal issues public administration and human rights</i>	
		Albanian Parliament	3 months
		<i>Permanent parliamentary commission on economy and finance</i>	
		Prime minister (Reporting on the MPA activity)	3 months
		Ministry of Justice (Reporting on the MPA activity)	3 month /at request
		Operational office on the Situation (OOS) near the Prime minister	monthly
		<i>(Indicators, a) on citizen services, b) cartography/decisions)</i>	
		Report to the General Director of the PMA	monthly
		Reporting on the accomplishment of duties of MPA structures	
Reporting on the Co Governance, to the Director of MPA	at request		
7	Reporting to the commissioner for the right to information	Reporting to the commissioner for the right to information	25 At request

DH-DD(2018)793: Communication from Albania.

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.

Annex 4

Information note concerning the adoption of individual measures in the framework of the group of cases MANUSHAQE PUTO AND DRIZA

CASE TITLE AND APPLICATION NUMBER	SUBJECT MATTER	MEASURES TAKEN	ASSESSMENT
MANUSHAQE PUTO AND OTHERS GROUP			
604/07+ MANUSHAQE PUTO AND OTHERS 1. Manushaqe Puto, no. 604/07 2. Dani, no. 43628/07 3. Ahmatas and Others, no. 46684/07 4. Muka, no. 34770/09	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of each application for pecuniary and non-pecuniary damage. The Court also awarded costs and expenses in respect of all applications safe for application no. 34770/09. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary.
25408/06+ KARAGJOZI AND OTHERS 1. Karagjozi and Others, no. 25408/06. Budini, no. 37419/06 3. Koco, no. 49121/06 4. Hajnaj, no. 1504/07 5. Shehu, no. 19772/07 6. Dvorani and Dume, no. 46685/07 7. Sallabanda and Hoxha, no. 49411/07 8. Goga and Others, no. 27242/08 9. Tartari, no. 61912/08 10. Okaj, no. 15075/09	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of each application for pecuniary and non-pecuniary damage, safe for applications nos. 37419/06 and 1504/07 because no just satisfaction claims had been made. The Court nevertheless held in respect of these latter applications that the respondent Government should ensure the payment of an effective form of compensation to the applicants in respect of the plot of land measuring 3,187 sq. m and 6,342 sq. m, respectively, in accordance with the domestic decisions, within three months. The Court also awarded costs and expenses in all applications safe for applications nos. 37419/06, 1504/07 and no. 61912/08. The Government have paid the just satisfaction awarded by the Court. Regarding the applications nos. 37419/06 and 1504/07, the applicants were awarded financial compensation by decisions adopted in June 2015. The applicants in application no. 1504/07 collected the amount awarded to them. The amount awarded to the applicant in application no. 37419/06 was blocked in a bank account on his behalf as he refused, and still refuses, to withdraw it. The applicant did not appeal against the decision of June 2015 before the national courts.	No further individual measures are necessary.

		He complained to the Minister of Finance and met with representatives of the State Advocate in 2016 and 2017 but failed to substantiate his claim for a higher amount by basing it on some particular compensation formula.	
30601/08 LULI	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary damage concerning two plots of land. The Court also considered that the Government had to ensure the payment of an effective form of compensation to the applicant in respect of a plot of land of 2,900 sq. m., in accordance with the domestic decision and the applicant's share of property, within three months. The Government have paid the just satisfaction awarded by the Court.	Execution of the national decision given in the applicant's favour is pending with respect to a plot of land of 2,900 sq. m., in accordance with his share of property. Additional steps, as indicated in the action report of June 2018, will be taken for the completion of the enforcement procedure of the domestic decision.
30264/08+ METALLA AND OTHERS 1. Metalla, no. 30264/08 2. Metalla and Others, no. 54403/08 3. Metalla and Others, no. 54411/08 4. Bushati, no. 42120/08	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of each application for pecuniary and non-pecuniary damage. The Court also awarded costs and expenses in respect of all applications safe for application no. 42120/08. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary.
25038/08+ SHARRA AND OTHERS 1. Sharra, no. 25038/08 2. Xibinaku and Others, no. 64376/09 3. Frashëri, no. 64399/09 4. Maçi, no. 347/10 5. Çoka, no. 1376/10 6. Dvorani and Dume, no. 4036/10 7. Asllani, no. 12889/10 8. Agolli, no. 20240/10 9. Talipi (Peshkëpia), no. 29442/10 10. Kati, no. 29617/10 11. Vroni, no. 33154/11 12. Lelo, no. 2032/12	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of all application for pecuniary and non-pecuniary damage, safe for applications nos. 347/10 and 33154/11 as the claims were submitted out of time. As regards these latter applications, the Court considered that, in so far as the decisions of the competent Commission on Property Restitution and Compensation ("the Commission") remained in force, the applicants were still entitled to enforcement of those decisions. The Government had therefore to secure the enforcement by appropriate means. The Court also awarded costs and expenses in respect of all applications safe for applications nos. 347/10, 33154/11, 29442/10 and 12889/10. The Government have paid the just satisfaction awarded by the Court.	Execution of the national decisions given in the applicants' favour is pending in respect of applications nos. 347/10 and 33154/11. Additional steps, as indicated in the action report of June 2018, will be taken for the completion of the enforcement procedure of the Commission decisions.
33148/11+ ALIÇKA AND OTHERS 1. Aliçka and Vasha, no. 33148/11 2. Kreka, no. 33151/11 3. Tahiri, no. 33823/11 4. Theodhosi, no. 46103/11	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of all applications for pecuniary and non-pecuniary damage, safe for application no. 33151/11. As regards that latter application, the Court considered that the respondent Government had to ensure the payment of an effective form of compensation to the applicant in respect of the plots of land, in accordance with the Commission decisions and the	Execution of the national decisions given in the applicant's favour is pending in respect of application no. 33151/11. Additional steps, as indicated in the action report of June 2018, will be taken for the completion of the

5. Nishe and Others, no. 72334/11 6. Benussi, no. 78960/11		applicant's share of property. The Court awarded costs and expenses only in respect of applications nos. 33823/11 and 78960/11. The Government have paid the just satisfaction awarded by the Court.	enforcement procedure of the Commission decisions.
32382/11 KARAGJOZI AND OTHERS	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage and in respect of costs and expenses. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary.
33839/11 HALIMI AND OTHERS	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage and in respect of costs and expenses. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary.
5207/10+ RISTA AND OTHERS 1. Rista, no. 5207/10 2. Gjikolli and Molla, no. 24468/10 3. Galanxhi and Others, no. 39492/10 4. Frashëri and Others, no. 39495/10 5. Merlika and Others, no. 40751/10 6. Dhimertika and Nika, no. 48522/10	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of each application for pecuniary and non-pecuniary damage, safe for application no. 5207/10 as the claim was submitted out of time. As regards this latter application, the Court considered that, in so far as the Commission decision remained in force, the applicant was still entitled to enforcement of that decision. The Government had therefore to secure, by appropriate means, the enforcement of the Supreme Court's decision of 27 September 2001. The Court also awarded costs and expenses in respect of all applications, safe for applications nos. 5207/10 and 40751/10. The heirs of the former owner in the case "Dhimertika and Nika v. Albania" are in conflict over the inheritance. In the knowledge of the Government, the inheritors are in the process of court proceedings before the domestic courts.	Execution of the national decision given in the applicant's favour is pending in respect of application no. 5207/10. Additional steps, as indicated in the action report of June 2018, will be taken for the completion of the enforcement procedure of the Commission decision.
12878/10+ QERIMI AND CANAJ 1. Qerimi, no. 12878/10 2. Canaj v. Albania, no. 74858/12	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court did not make just satisfaction awards as the claims were submitted out of time. The Court considered that the respondent Government had to ensure the payment of an effective form of compensation to the applicants in respect of the plots of land, in accordance with the Commission decisions and the applicants' share of property.	Execution of the national decisions given in the applicants' favour is pending. Additional steps, as indicated in the action report of June 2018, will be taken for the completion of the enforcement procedure of the Commission decisions.

DRIZA GROUP			
33771/02 DRIZA	<p>Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)</p> <p>Lack of legal certainty and lack of impartiality of the Supreme Court (violations of Article 6 § 1)</p>	<p>The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage. The Court did not award costs and expenses. In addition, it held that it awarded the applicant the restitution of one of the plots of land in issue and indicated that, failing such restitution by the respondent State, the latter was to pay the applicant an amount of EUR 280,000 in respect of pecuniary and non-pecuniary damage relating to that property.</p> <p>The Government have paid the just satisfaction awarded by the Court, including the amount of EUR 280,000 plus interest.</p> <p>As concerns the violations in respect of lack of legal certainty and lack of impartiality of the Supreme Court, no request for reopening of the domestic proceedings has been lodged by the applicant.</p>	No further individual measures are necessary.
7352/03 BESHIRI AND OTHERS	<p>Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property (violations of Article 1 of Protocol No. 1 and 6 § 1)</p>	<p>The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage and in respect of costs and expenses.</p> <p>The Government have paid the just satisfaction awarded by the Court.</p>	No further individual measures are necessary – at its 1150th meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
6397/04 BUSHATI AND OTHERS	<p>Bailiffs' failure to secure enforcement of a Supreme Court decision, which recognised the applicants' property claim and ordered the occupiers to cease occupation of the untitled land (violations of Article 6 § 1 and of Article 1 of Protocol No. 1)</p>	<p>In its just satisfaction judgment, the Court decided to strike the application out of its list of cases on the basis of a unilateral declaration submitted by the Government, in which the latter undertook to pay the applicants non-pecuniary damage. As regards the pecuniary damage claimed by the applicants, the Court noted that it could not accept it in respect of the total area of the plot of land, as there was no evidence that the unenforced domestic decision concerned the totality of the plot. Furthermore, the applicants failed to submit an expert valuation report concerning the calculation of the market value of the occupied land. The Court also rejected the applicants' claim for costs and expenses as unsubstantiated.</p> <p>The Government have paid the just satisfaction as indicated in the unilateral declaration.</p>	No further individual measures are necessary – at its 1150th meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
10810/05 CAUSH DRIZA	<p>Failure to enforce a final decision awarding compensation <i>in lieu</i> of</p>	<p>The Court dismissed the applicant's just satisfaction claim as submitted out of time. It further noted that the applicant</p>	No further individual measures are necessary.

	restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	remained entitled to the award of in-kind compensation pursuant to the Court of Appeal's decision in his favour, and that the authorities were required to take the necessary steps to secure the enforcement of that decision. The Court of Appeal's decision in the applicant's favour was enforced by a decision of 31/07/2012 of the Property Restitution and Compensation Agency and a final property certificate was delivered to the applicant.	
49106/06 DELVINA	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	In its just satisfaction judgment, the Court made just satisfaction awards in respect of pecuniary damage and costs (there was no claim made in respect of non-pecuniary damage). The Government have paid the just satisfaction as indicated in the unilateral declaration.	No further individual measures are necessary.
16530/06 ELTARI	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	In its just satisfaction judgment, the Court decided to strike the application out of its list of cases on the basis of a unilateral declaration submitted by the Government, in which the latter undertook to pay the applicants pecuniary and non-pecuniary damage. The Court also rejected the applicants' claim for costs and expenses as unsubstantiated. The Government have paid the just satisfaction as indicated in the unilateral declaration. By a letter of 11.03.2015, the applicant renounced his claim in respect of the default interest.	No further individual measures are necessary.
45264/04 HAMZARAJ No.1	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property (violations of Article 1 of Protocol No. 1 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage. It rejected the claim in respect of costs and expenses as unsubstantiated. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary – at its 1150th meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
12306/04 NURI	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property (violations of Article 1 of Protocol No. 1 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage. It rejected the claim in respect of costs and expenses as unsubstantiated. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary – at its 1150th meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
38222/02 RAMADHI AND 5 OTHERS	Failure to enforce a final decision awarding compensation <i>in lieu</i> of	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage relating to the plots of	No further individual measures are necessary – at its 1150th

	restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	land measuring 5,500 sq. m and 150 sq. m. It also awarded pecuniary and non-pecuniary damage together with the restitution of the plot of land measuring 30,500 sq. m. Failing the restitution thereof within the time-limits set by the Court, the respondent State was to pay the indicated pecuniary and non-pecuniary damage relating to that property. The Court awarded also costs and expenses. The Government have paid the just satisfaction awarded by the Court, including the monetary compensation concerning the plot of land of 30,500 sq. m.	meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
35720/04+ VRIONI AND OTHERS	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	In its just satisfaction judgment, the Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage and rejected the claim in respect of costs as unsubstantiated. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary -- at its 1150th meeting (September 2012), the Committee of Ministers adopted a decision whereby it noted that all the individual measures have been adopted in this case.
37295/05+ SILIQI AND OTHERS	Failure to enforce a final decision awarding compensation <i>in lieu</i> of restitution of property, and lack of an effective remedy in this respect (violations of Article 1 of Protocol No. 1 and Articles 13 and 6 § 1)	The Court made just satisfaction awards in respect of pecuniary and non-pecuniary damage and rejected the claim in respect of costs as unsubstantiated. The Government have paid the just satisfaction awarded by the Court.	No further individual measures are necessary.