



# HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019-2022

*FOR YOUR RIGHTS:  
TOWARDS  
EUROPEAN STANDARDS*

*Regional online conference*

*“Protection of property: ECtHR and national case-law in the Western Balkans”*

*9 December 2020*

*Main cases under the supervision of the Committee of Ministers*

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## ALBANIA

### **1) Unlawful expropriation and demolition of flats and business premises in disregard of a court order**

Sharxhi and Others case

### **2) Non-enforcement of final judicial decisions**

Puto and Others group of cases ; Memishaj group, former Gjyli group.

### **3) Already closed pilot judgment on restitution of and compensation for property nationalised under the Communist regime**

Pilot judgment Manushaqe Puto and Others

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## FEDERATION OF BOSNIA AND HERZEGOVIA

### 1) Đokić / Mago group of cases

Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to repossess their pre-war military flats in the Federation of Bosnia and Herzegovina

### 2) Kunić and Others group of cases

Non-enforcement of domestic judgments ordering four cantons in the Federation of Bosnia and Herzegovina (Zenica-Doboj Canton, the Central Bosnia Canton, Una-Sana Canton and Herzegovina-Neretva Canton) to pay work-related benefits due to public service employees

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## FEDERATION OF BOSNIA AND HERZEGOVIA

### 3) Martinović group of cases

Non-enforcement or delayed enforcement of different decisions rendered against private persons or companies.

### 4) Orlović and Others case

Non-enforcement of final decisions of the Commission for Real Property Claims for Displaced Persons and of the Ministry for Refugees and Displaced Persons of Republika Srpska adopted in 1991 and 2001, respectively, which ordered the full repossession of a plot of land by the applicants, including the removal of a church from the land

### 5) Kožul and Others case

Violation of the right to a fair trial on account of excessive length of enforcement proceedings concerning demolition of buildings which had been erected illegally next to the applicants' homes.

## MONTENEGRO

### Nešić case

Unlawful interference with the applicant's right to peaceful enjoyment of his possessions, as the deprivation of land situated in the coastal zone was based on principles, which were not sufficiently accessible, precise and foreseeable and no compensation was paid to him (given that the formal expropriation is not yet finalised)

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## **NORTH MACEDONIA**

### **1) Strezovski and Others case**

Violation of the property rights of the applicants on account of the obligation imposed on them by domestic legislation to pay the standing heating charge from 2012 until 2019, while their flats were disconnected from the district heating network, without adequate procedural safeguards

### **2) Anastasov case**

Automatic confiscation of a vehicle within the context of misdemeanour proceedings (related to a breach of customs regulation) which became time-barred, while the applicant was deprived of any possibility to argue his case, irrespective of his behaviour, or degree of liability

### **3) Jakimovski and Kari Prevoz case**

Disproportionate confiscation of the applicants' lorry during customs misdemeanour proceedings

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- **SERBIA**

## **Kačapor group and Kostić case**

Non-enforcement of domestic decisions rendered against socially-owned companies (Kačapor) or domestic decisions ordering enforcement of demolition orders concerning an unauthorised construction (Kostić).

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<https://www.coe.int/en/web/execution>

<https://hudoc.exec.coe.int/eng#%7B%22EXECDocumentTypeCollection%22%3A%5B%22CEC%22%5D%7D>

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