EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 10893/09
Engjellush BEKTESHI
against Albania
(see appended table)

The European Court of Human Rights (Third Section), sitting on 5 May 2022 as a Committee composed of:

Andreas Zünd, *President,*
Darian Pavli,
Mikhail Lobov, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 18 February 2009,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. He was represented by Mr A. Hajdari, a lawyer practising in Tirana.

The applicant's complaints under Article 6 § 1 of the Convention concerning the delayed enforcement of a domestic decision and under Article 13 of the Convention about the lack of an effective domestic remedy in this regard were communicated to the Albanian Government ("the Government").

The Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The Government acknowledged that there had been a breach of Article 6 § 1 of the Convention in the applicant's case. They informed the Court that the final decision had been fully enforced in that the applicant had been paid the salary arrears in full on 17 December 2009. Furthermore, on

13 September 2010 the applicant was reinstated in his previous job. They offered to pay the applicant the amount detailed in the appended table and invited the Court to strike the application out of the list of cases. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the case.

The applicant informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties as regards the applicant's complaint under Article 6 § 1.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify the continued examination of this part of the application.

In view of the above, it is appropriate to strike the case out of the list as regards the complaint covered by the Government's unilateral declaration accepted by the applicant.

Having regard to the facts of the case, the Government's unilateral declaration and the Court's decision to strike out the part of the application relating to the complaint under Article 6 § 1, the Court considers that the main legal question raised in the present application has been resolved. It concludes, therefore, that there is no need to examine separately the applicant's complaints under Article 1 of Protocol No. 1 to the Convention and under Article 13 of the Convention.

For these reasons, the Court, unanimously,

Decides to strike the part of the application covered by the friendly settlement out of its list of cases in accordance with Article 39 of the Convention;

Decides that there is no need to examine the remainder of the application.

Done in English and notified in writing on 25 May 2022.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (non-enforcement or delayed enforcement of domestic decisions)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
10893/09 18/02/2009	**Engjellush BEKTESHI** 1966	Hajdari Artan Tirana	18/11/2021	10/01/2022	1,200

[1] Plus any tax that may be chargeable to the applicant.