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

THIRD SECTION

DECISION

Application no. 11170/09
Genc BUSHATI against Albania
and 2 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 25 August 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 applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The first applicant was represented by Mr B. Muslija, a lawyer practising in Shkodër. The second and third applicants were self-represented.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings together with their complaints under Article 1 of Protocol No. 1 to the Convention about the delay in the payment of compensation to them were communicated to the Albanian Government ("the Government"). Applications nos. 11170/09 and 49039/11 were also communicated *ex officio* under Article 13, regarding the question whether the applicants had at their disposal an effective domestic remedy to complain about the length of the civil proceedings.

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaint under Article 6 § 1 of the Convention (excessive length of civil proceedings)

The applicants complained under Article 6 that the length of the administrative proceedings before the Ministry of Justice on the determination of their compensation claims had been in breach of the "reasonable time" requirement under Article 6 § 1 of the Convention.

The Court observes in this regard that Article 6 § 1, which gives a right to a hearing within a reasonable time before a "tribunal", does not apply to purely administrative proceedings as those in the present case (compare *Blake v. the United Kingdom*, no. 68890/01, § 40, 26 September 2006 with further references).

Therefore, regarding the alleged length of proceedings before the Ministry of Justice, the Court notes that this authority is not "a tribunal". Accordingly, this part of the application is incompatible *ratione materiae* with the Convention and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

C. Complaint under Article 1 of Protocol No. 1 to the Convention

The applicants' complaint about the authorities' delayed payment of their compensation as former political prisoners under the Communist regime further falls to be examined under Article 1 of Protocol No. 1 to the Convention.

The Court reiterates that States are dispensed from answering before an international body for their acts before they have had an opportunity to put matters right through their own legal system, and those who wish to invoke the supervisory jurisdiction of the Court as concerns complaints against a State are thus obliged to use first the remedies provided for by the national legal system (see *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, § 70, 25 March 2014 with further references). In the present applications the applicants did not challenge the delayed enforcement of the administrative decision awarding them compensation before the domestic administrative courts.

This part of the applications should therefore be declared inadmissible as domestic remedies have not been exhausted as required by Article 35 § 1 of the Convention.

D. **Other alleged violations of the Convention**

As to the other complaints raised by the applicants, the Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 15 September 2022.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location
1.	11170/09 21/11/2008	**Genc BUSHATI** 1944	Muslija Bashkim SHKODER
2.	65326/09 07/10/2009	**Osman MENA** 1959	
3.	49039/11 13/06/2011	**Nazmi JUSUFI** 1939	