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

THIRD SECTION

DECISION

Application no. 385/22
Mirelë BUZALLI
against Albania

The European Court of Human Rights (Third Section), sitting on 9 December 2025 as a Committee composed of:

Úna Ní Raifeartaigh*, President*,

Darian Pavli,

Mateja Đurović*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 385/22) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 20 February 2022 by an Albanian national, Ms Mirelë Buzalli ("the applicant"), who was born in 1979, is detained in Tirana and was represented by Mr F. Dashi, a lawyer practising in Tirana;

the decision to give notice of the application to the Albanian Government ("the Government"), represented by Mr O. Moçka, General State Advocate;

the parties' observations;

Having deliberated, decides as follows:

## SUBJECT MATTER OF THE CASE

1. In 2017 the First Instance Court for Serious Crimes convicted the applicant of murder. In May 2017 the Court of Appeal for Serious Crimes upheld that judgment. The applicant's cassation appeal before the Supreme Court was registered on 19 June 2017.

2. On 9 September 2021 the applicant's lawyer submitted a document to the Supreme Court. It was addressed to Judge S.B., of the Criminal Section of the Supreme Court. The lawyer indicated "a request for the acceleration of the proceedings concerning the cassation appeal" as the object of the document. Referring to Article 399/2 of the Civil Procedure Code, he

indicated that cassation proceedings in criminal cases had to be completed within one year whereas the applicant's cassation appeal had been pending since 2017.

3. In October 2021 the applicant's lawyer asked for an update on the state of the cassation proceedings. On 1 November 2021 the Registrar of the Supreme Court indicated that the case was awaiting its examination.

4. On 7 February 2023 the Supreme Court dismissed the applicant's cassation appeal in the criminal case.

5. Following the applicant's request in 2024, the first-instance court provided him with a copy of the document dated 9 September 2021 bearing a stamp of the Supreme Court with a registration number (no. 2937) and a date (9 September 2021).

6. Following the respondent Government's request in 2024, the Supreme Court indicated that their register for requests for acceleration of proceedings contained no data concerning any request of that type in relation to the applicant's criminal case.

7. The applicant complained to the Court that the length of the then pending cassation proceedings before the Supreme Court violated Article 6 of the Convention.

## THE COURT'S ASSESSMENT

### A. The parties' submissions

8. The Government argued that the applicant had abused her right of petition because she sought to mislead the Court about having submitted a request for acceleration of the cassation proceedings. The document dated 9 September 2021 had never been submitted to the Supreme Court and, in any event, was not a proper acceleration request in compliance with statutory requirements. That document did not contain "the grounds on which the Supreme Court could categorise the matter". The applicant failed to exhaust domestic remedies because, even assuming that she had lodged an acceleration request, receiving no reply to it she failed to complain before the Constitutional Court. The Government referred to Decision no. 35/2021 of the Constitutional Court and argued that the latter could take note of the delay in the Supreme Court's examination of an acceleration request and could acknowledge the breach of the reasonable-time requirement in the cassation proceedings in the criminal case and order their acceleration.

9. The applicant maintained her complaint. She also indicated that the document dated 9 September 2021 had been registered with the Supreme Court. It contained a specific acceleration request, which, however, was never examined as such. Thus, she exhausted domestic remedies for her complaint about the length of the cassation proceedings.

## B. The Court's assessment

10. The Court does not need to examine the objection of abuse because the application is in any event inadmissible for the following reasons.

11. First, it considers it established that the document dated 9 September 2021 was received by the Supreme Court. The Government have not specified any formal statutory requirements for requests submitted under Article 399/1 *et seq*. of the Civil Procedure Code for acknowledgment of a violation of the reasonable-time requirement in cassation proceedings or for their acceleration. Nonetheless, it has been established that, despite the receipt of the document by the Supreme Court, it was never processed as a request for acceleration.

12. Pursuant to Article 399/7 of the Civil Procedure Code the Supreme Court was required to decide on an acceleration request within forty-five days of its filing. Despite receiving no response or a court decision after the expiry of that statutory time-limit, the applicant took no action to enquire whether any proceedings were pending in relation to that request, or to appeal against such inaction (see domestic legislation in *Bara and Kola v. Albania*, nos. 43391/18 and 17766/19, § 37, 12 October 2021).

13. In *ARB SHPK and Others v. Albania* (nos. 39860/19 and 2 others, §§ 99-101, 27 May 2025) the Court held that an appeal to the Constitutional Court was a remedy to be exhausted where the Supreme Court had issued a decision on the merits of an acceleration request. Accordingly, the Court dismissed one applicant's complaint about the length of proceedings for failure to exhaust domestic remedies. As regards the other three applicants, no such issue arose because, having received no decision from the Supreme Court, they lodged constitutional complaints with the Constitutional Court. It is noted that those applicants did so within a period of between four and seven months after filing their acceleration requests with the Supreme Court (ibid, §§ 8-9, 32-33 and 55-56). In 2021, the Constitutional Court did not reject their constitutional complaints as premature and examined the merits of the reasonable-time issue (ibid, §§ 10-12, 34 and 57-58).

14. Similarly, in the present case, the applicant, who was represented by a lawyer, should have complained to the Constitutional Court if she considered that her request was not being examined promptly by the Supreme Court. That would have also provided an opportunity to determine whether the document submitted to the Supreme Court was a proper acceleration request. Instead, in February 2022 – five months after lodging the request with the Supreme Court – the applicant lodged a complaint before this Court about the length of the cassation proceedings. Thus, she did not afford the Constitutional Court an opportunity to examine that complaint before February 2023, when the cassation proceedings were completed.

15. Accordingly, this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 22 January 2026.

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| Olga Chernishova<br>Deputy Registrar | Úna Ní Raifeartaigh<br>President |