

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

THIRD SECTION

CASE OF ILIA v. ALBANIA

(Application no. 22824/20)

JUDGMENT

STRASBOURG

15 July 2025

This judgment is final but it may be subject to editorial revision.



In the case of Ilia v. Albania,

The European Court of Human Rights (Third Section), sitting 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. 22824/20) 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 7 May 2020 by an Albanian national, Mr Bledar Ilia ("the applicant"), who was born in 1979, lives in Tirana and was represented by Mr A. Kasapi, a lawyer practising in Tirana;

the decision to give notice of the complaint concerning the applicant's lack of access to the Constitutional Court to the Albanian Government ("the Government"), represented by their Agent, Mr O. Moçka, State Advocate General, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated in private on 24 June 2025,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The application concerns an employment dispute in which the applicant challenged termination of his contract with the High Council of Justice. The applicant complained about his lack of access to the Constitutional Court.

2. After the applicant's claim had been dismissed at first and second instances, he lodged a cassation appeal with the Supreme Court in July 2014.

3. On 8 November 2016 Law no. 99/2016 of 6 November 2016 was published in the Official Journal. It shortened the time-limit for lodging a constitutional complaint from two years to four months "of obtaining knowledge of the interference [with a constitutional right or freedom] (*konstatimi i cënimit*)". It also provided that the new time-limit should enter into force on 1 March 2017.

4. On 19 December 2017 the Supreme Court dismissed the applicant's appeal. The decision of the Supreme Court was adopted in camera. The applicant submitted a copy of the Supreme Court's decision, bearing a stamp that it had been "collected" by the applicant on 9 May 2018.

5. On 6 September 2018 the applicant lodged a constitutional complaint. It was dismissed by the Constitutional Court on 14 January 2020 as being lodged outside the four-month time-limit, counting from the date the contested Supreme Court's decision had been adopted. The Constitutional

Court held that the stamp on the Supreme Court's decision indicating that the applicant had "collected" it on that date, could not be seen as proof that that decision had been served on the applicant on that date because every time a party sought to be served with the Supreme Court's decision, a stamp was put on that decision with the date of service.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 §1 OF THE CONVENTION

6. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

7. The general principles concerning access to the Albanian Constitutional Court as regards the newly introduced four-month time-limit for lodging a constitutional complaint have been summarized in *Supergrav Albania Shpk v. Albania* (no. 20702/18, §§ 16 and 22, 9 May 2023). In that case the Court found a violation of Article 6 § 1 of the Convention where the time-limit for lodging a constitutional complaint had been counted from the date when the contested decision of the Supreme Court had been adopted and not from the date when it had been served on the applicant (ibid., §§ 17-31).

8. In the present case the applicant learned of the Supreme Court's decision on 9 May 2018, and lodged his constitutional complaint on 6 September 2018, within the four-month time-limit.

9. The Court also notes that the Constitutional Court held that every time a party sought to be served with the Supreme Court's decision, a stamp was put on that decision with the date of service. In view of the Constitutional Court, that did not prove that the decision had not been served on a party earlier. However, the Constitutional Court did not clarify in what way a party could provide positive proof of the date of first notification (compare *Aždajić v. Slovenia*, no. 71872/12, § 69, 8 October 2015) or why a party alone should bear the burden of proof in this respect. The Court considers that it is primarily on the Supreme Court to ensure that there is evidence in its case file of the date of service of its decision to the parties (see, *mutatis mutandis*, *Zela v. Albania*, no. 33164/11, § 38, 11 June 2024).

10. Given the above circumstances, the Court concludes that there has been a violation of Article 6 § 1 of the Convention in respect of the applicant's right of access to the Constitutional Court.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. The applicant claimed 5,600 euros (EUR) in respect of pecuniary and non-pecuniary damage and 5,300 euros (EUR) in respect of costs and expenses incurred before the Court.

12. The Government contested these claims.

13. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, it awards the applicant 3,600 EUR in respect of non-pecuniary damage, plus any tax that may be chargeable to the applicant.

14. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 2,000 for costs and expenses for the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 15 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Úna Ní Raifeartaigh President