

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

THIRD SECTION

CASE OF MULLA v. ALBANIA

(Application no. 72348/11)

JUDGMENT

STRASBOURG

6 July 2023

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



In the case of Mulla v. Albania,

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

Ioannis Ktistakis*, President*,

Darian Pavli,

Oddný Mjöll Arnardóttir*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 15 June 2023,

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

PROCEDURE

1. The case originated in an application against Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 10 November 2011.

2. The Albanian Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant complained of the excessive length of civil proceedings. He also raised other complaints under the provisions of the Convention and its Protocol.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

5. The applicant complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention.

6. In the present case, the proceedings which lasted for no less than seven years, concerned a simple issue: the annulment of the sale and privatisation process. The length was attributed to remittal of the case and subsequent delays before the Court of Appeal (for two years) and the Supreme Court (for two years). The proceedings started before the Vlora District Court on 21 November 2003 and lasted until 18 May 2011 when the Constitutional Court decided to dismiss the applicant's complaint about the unfairness of the proceedings. The Government did not contest these submissions of the applicant related to the length of the proceedings.

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and

with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Gazsó v. Hungary*, no. 48322/12, § 15, 16 July 2015; and *Topallaj v. Albania*, no. 32913/03, § 75, 21 April 2016).

8. In the leading cases of *Luli and Others v. Albania,* nos. 64480/09 and 5 others, 1 April 2014, and *Mishgjoni v. Albania,* no. 18381/05, 7 December 2010, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

10. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. OTHER COMPLAINTS

11. The applicant also complained under Article 13 of the Convention and Article 1 of Protocol No. 1 about the lack of effective remedies and a breach of his right to property. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has examined the main legal question raised in the present application. It thus finds that there is no need to give a separate ruling on them (compare *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Habilaj v. Albania* [Committee], no. 2480/10, § 14, 15 September 2022).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Luli and Others,* cited above, and *Mishgjoni,* cited above), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the length of the proceedings under Article 6 of the Convention, admissible, and *decides* that there is no need to examine separately the other complaints raised under the Court's well-established case-law (see appended table);

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of the civil proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 6 July 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Ioannis Ktistakis
Acting Deputy Registrar	President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings or date of entry into force of the Convention in respect of Albania (2 October 1996)	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros)[1]
72348/11 10/11/2011	**Grigor MULLA** 1933	21/11/2003	18/05/2011	7 year(s) and 5 month(s) and 28 day(s) 4 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law to complain about the excessive length of the proceedings, Prot. 1 Art. 1 - interference with peaceful enjoyment of possessions	1,700

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