

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

THIRD SECTION

CASE OF SHKJEZI v. ALBANIA

(Application no. 82151/17)

JUDGMENT

STRASBOURG

24 October 2024

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Shkjezi v. Albania,

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

Peeter Roosma*, President*,

Andreas Zünd,

Oddný Mjöll Arnardóttir*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 3 October 2024,

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 27 November 2017.

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. On 11 March 2014 the Tirana Administrative Court of First Instance ordered the reinstatement of the applicant to her previous post in the Ministry of Finance and conferred upon her a right to receive salary arrears ("2014 judgment"). That judgment became final on 19 May 2016 when the Supreme Court rejected the appeal of the Ministry.

5. Following her reinstatement, the last salary arrear payment was made to the applicant in June 2020. The enforcement proceedings therefore lasted slightly over four years, from May 2016 to June 2020.

6. On 14 May 2018 the Tirana Administrative Court of First Instance ordered the Ministry of Finance to pay the applicant compensation on account of the non-enforcement in full of the 2014 judgment.

7. The Ministry appealed and on 21 September 2023 the Tirana Administrative Court of Appeal ("2023 judgment"), modified the compensation amount and upheld the remainder of the judgment.

8. Following a cassation appeal by the Ministry of Finance, on 4 April 2024 the case was transferred to the Supreme Court where it is currently pending.

THE LAW

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

9. The applicant complained about the delayed enforcement of the 2014 judgment. She relied on Article 6 § 1 of the Convention.

10. The Government submitted that in view of the 2023 judgment, the matter had been resolved and the application should be struck out of the Court's list of cases under Article 37 § 1 (b) of the Convention.

11. The Court notes that while the Government relied on the 2023 judgment, they did not agree with it, having lodged a cassation appeal against it, which is now pending review before the Supreme Court. The matter has, therefore, not been resolved, as the Supreme Court may allow the Government's cassation appeal and rule against the applicant. The Government's objection in this respect is therefore dismissed. The Court also does not lose sight of the fact that the matter relating to the compensation for the delayed enforcement has been pending before the domestic courts for over six years without the final resolution.

12. In that connection, the Court considers that the Supreme Court would take note of the findings under this judgment in deciding the case pending before it (compare with *Sharxhi and Others v. Albania*, no. 10613/16, § 197, 11 January 2018, with further references).

13. As to the merits, the Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

14. In the leading cases of *Qufaj Co. Sh.p.k. v. Albania* (no. 54268/00, §§ 38-45, 18 November 2004) and *Gjyli v. Albania* (no. 32907/07, §§ 43-47, 29 September 2009), the Court already found a violation in respect of issues similar to those in the present case.

15. Turning to the specific facts of this case, the Court finds that it took the authorities over four years to enforce the 2014 judgment (see paragraphs 5 above) and that they did not deploy all necessary efforts to enforce in due time that decision.

16. The application is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. Regard being had to the documents in its possession and to its case-law (see, in particular, *Qufaj Co. Sh.p.k.*, cited above, §§ 46-48 and *Gjyli,* cited

above, §§ 62-76), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the delayed enforcement of the final judgment in the applicant's favour;

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 amounts 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 24 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Peeter Roosma
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	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic award	Amount awarded for non-pecuniary damage per applicant (in euros)[1]
82151/17 27/11/2017	**Sonila SHKJEZI** 1973	Judgment of 11/03/2014 of the Tirana Administrative Court of First Instance	19/05/2016	June 2020 4 years and 11 days	Tirana Administrative Court of First Instance by decision no. 953 of 11/03/2014 ordered the Ministry of Finance to reinstate the applicant in her former (or a similar) post in the civil service and to pay her salary arrears.	2,400

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