

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

THIRD SECTION

CASE OF TASHI v. ALBANIA

(Application no. 1351/19)

JUDGMENT

STRASBOURG

13 January 2026

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



In the case of Tashi 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. 1351/19) 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 28 December 2018 by an Albanian national, Ms Evgjeni Tashi ("the applicant"), who was born in 1959, lives in Tirana and was represented by Mr E. Rusi, 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 in private on 2 December 2025,

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

SUBJECT MATTER OF THE CASE

I. THE CIRCUMSTANCES OF THE CASE

1. In 1966 the applicant's father bought a house and built a wall around it.

2. On 27 June 2008 the Tirana Construction and Urban Planning Inspectorate ("the Construction Inspectorate") ordered the demolition of the wall on the grounds that it was an illegal construction. The demolition took place sometime in 2008.

3. On 12 March 2010 the Tirana District Court allowed the applicant's father's claim against the Construction Inspectorate. It held that the wall had not been an illegal construction, annulled the decision for its demolition, and obliged the Construction Inspectorate to rebuild the wall of 14.3 m length and 1.8 m height. On 10 May 2011 the Court of Appeal upheld that judgment. A writ of execution was issued in June 2011.

4. On 1 July 2011 the applicant's father initiated enforcement proceedings through a bailiff.

5. On 22 July 2011 the bailiff noted in his official report that the wall would be built by the applicant's father under his supervision as part of the enforcement proceedings of the 2011 Judgment.

6. On 7 November 2011 the bailiff requested that the Construction Inspectorate reimburse the expenses incurred by the applicant's father for

rebuilding the wall. The State authorities have not instituted any proceedings against the actions of the bailiff or the applicant's father.

7. On 5 February 2015 the applicant's father died and the applicant continued the domestic proceedings in his stead as one of his three heirs.

8. On 26 February 2015 the Supreme Court partly upheld the 2010 District Court's judgment concerning the annulment of the Construction Inspectorate's decision, and partially reversed it by awarding pecuniary compensation to the applicant's father instead of ordering the authorities to rebuild the wall.

9. On 8 March 2017 the applicant initiated proceedings for the enforcement of the Supreme Court judgment.

10. On 2 October 2018 the applicant and the other heirs were fined by the National Construction and Urban Planning Inspectorate ("National Construction Inspectorate") on the grounds that the wall measuring 36 m in length constituted an illegal construction, and a decision to demolish it was issued. Its demolition took place on 17 October 2018.

11. On 26 December 2018 the Tirana Administrative Court accepted the applicant's claim for compensation for the damage caused by the demolition of the wall in 2018. The proceedings are still ongoing before the Administrative Court of Appeal.

12. On 6 July 2022 the State authorities executed the 2015 Supreme Court judgment by paying the pecuniary compensation and on 28 February 2023 they paid the cost and expenses of the enforcement proceedings.

13. Under Article 6 § 1 and Article 13 of the Convention, as well as Article 1 of Protocol No. 1 to the Convention, the applicant complained that the principle of legal certainty and his right to property were violated because the 2015 judgment in favour of her father had not been enforced, and the wall had been demolished a second time.

II. RELEVANT DOMESTIC LAW AND PRACTICE

14. Relevant provisions concerning the remedy for the length of proceedings are set out in *Bara and Kola v. Albania* (nos. 43391/18 and 17766/19, § 37, 12 October 2021) and *ARB SHPK and Others v. Albania* (nos. 39860/19 and 2 others, §§ 65-67, 27 May 2025).

THE COURT'S ASSESSMENT

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

A. Legal certainty

15. The applicant complained under Article 6 § 1 of the Convention that the second demolition of the wall surrounding her father's house had violated the principle of legal certainty.

1. Admissibility

16. The Government contended that the complaint was premature, given that the second demolition compensation proceedings were still pending.

17. The Court notes that the applicant's complaint concerns the violation of the principle of legal certainty regarding the legality of the demolished wall, as determined by a final judgment, and not the compensation for the second demolition, which is still under review before domestic courts (see paragraph 11 above). The Court concludes, therefore 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.

2. Merits

18. The applicant argued that the legality of the wall had been confirmed in the first set of proceedings and the reconstruction of the wall in 2011 had been carried out under the bailiff's supervision and based on the Court of Appeal judgment, which was final and enforceable. The bailiff's actions had never been challenged by the State authorities.

19. The Government argued that domestic authorities had acted in accordance with legal provisions. The walls demolished in 2008 and 2018 had not been the same. The second wall had measured 36 m compared to the first that had measured 14.3 m only, and, therefore, there had been no violation of the principle of legal certainty.

20. The Court notes that the right to a fair hearing before a tribunal as guaranteed by Article 6 § 1 of the Convention must be interpreted in the light of the Preamble to the Convention, which declares, among other things, the rule of law to be part of the common heritage of the Contracting States. One of the fundamental aspects of the rule of law is the principle of legal certainty, which requires, *inter alia*, that where the courts have finally determined an issue, their ruling should not be called into question (see *Brumărescu v. Romania* [GC], no. 28342/95, § 61, ECHR 1999-VII; *Ryabykh v. Russia*, no. 52854/99, §§ 51-56, ECHR 2003-IX; and *Roşca v. Moldova*, no. 6267/02, § 24, 22 March 2005). The Court reiterates that the right of access to a court

guaranteed under Article 6 § 1 would be rendered illusory if a Contracting State's legal system allowed a final binding judicial decision to remain inoperative to the detriment of one party (see *Stoyanov and Tabakov v. Bulgaria (no. 2)*, no. 64387/14, § 51, 7 December 2021, with further references).

21. As to the case in question, the domestic courts at the end of the first set of proceedings concluded that the wall surrounding the applicant's father's house had been a legal construction. The second wall was built as its replacement under the bailiff's supervision during the enforcement proceedings of the 2015 Court of Appeal's judgment (see paragraphs 4 - 6 above). The Court notes that domestic authorities neither challenged the bailiff's actions nor initiated any proceedings concerning the construction or measurements of the new wall. The Government did not submit that the enforcement report drafted by the bailiff in 2011 or the bailiff's request for the payment of expenses have ever been challenged before domestic courts, nor did they provide any arguments that there was any ground for doing so. Despite the above, the National Construction Inspectorate, after more than ten years from the reconstruction, concluded that the wall was an illegal construction and demolished it (see paragraph 10 above). In any event, the rebuilt wall was demolished in its entirety, including the part that had been found lawful by the courts.

22. These facts indicate that, by demolishing the wall for a second time, the administrative authorities failed to abide by the Supreme Court's judgement of 26 February 2015 that confirmed that it was a legal construction. The actions of the State authorities have left the applicant in a state of continuous uncertainty and made the execution of the final judgment in her favour impossible.

23. Having regard to the above considerations, the Court concludes that the second demolition of the wall surrounding the applicant's father's house called into question the final judgment rendered in the first set of proceedings, and considers that it amounted to a breach of the principle of legal certainty enshrined in Article 6 § 1 of the Convention.

B. Length of enforcement proceedings

24. The applicant complained of the non-enforcement or delayed enforcement of the 2015 judgment given in her favour.

25. The Government submitted that the judgment had been enforced since 2023. As to the delayed enforcement, the Government argued that the applicant had failed to lodge with the District Court a claim for the recognition of the excessive length of proceedings, based on Article 399/6 of the Code of Civil Procedure (see reference in paragraph 14 above), and, subsequently, a just satisfaction claim. In the Government's view, the applicant therefore failed to exhaust domestic remedies.

26. The Court takes note of the fact that it took the authorities over seven years to enforce the 2015 judgment (see paragraphs 12 above) and that they did not deploy all necessary efforts to enforce in due time that judgment. However, based on Article 399/6 of the Code of Civil Procedure, the applicant should have lodged a claim for the recognition of the excessive length of proceedings with the District Court. The Court has found, in principle, the compensatory remedy for excessive length of proceedings to be an effective one (see *Bara and Kola*, §§ 110-18, and *ARB SHPK and Others*, § 192, both cited above). The applicant has not availed herself of this remedy. Therefore, the complaint concerning the length of non-enforcement proceedings must be rejected pursuant to Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

II. OTHER COMPLAINTS

27. The applicant also complained under Article 13 of the Convention and Article 1 of Protocol No.1 to the Convention of an alleged lack of an effective remedy and the violation of her right to property in respect of her complaint about the non-enforcement of the final domestic judgment.

28. Having regard to the facts of the case, the parties' submissions and its findings above, the Court considers that it has examined the main legal questions raised in the present case. It thus finds that there is no need to give a separate ruling on these complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

29. The applicant in her observations claimed pecuniary and non-pecuniary damage without indicating any sums. However, in her application before the Court she had claimed 620,800 Albanian lek (ALL) in respect of pecuniary damage concerning reconstruction cost and any other damage and 10,000 euro (EUR) in respect of non-pecuniary damage. The applicant has not made any request for costs and expenses.

30. The Government contested those claims as unjustified and argued that the applicant had failed to formulate a claim for just satisfaction.

31. In the circumstances of the present case, the Court notes that it is true that the applicant claimed specific amounts in respect of pecuniary and non-pecuniary damage, only in the application form. However, in her observations submitted within the relevant deadline, when expressly invited to formulate her just satisfaction claims, the applicant clearly stated her claim for pecuniary and non-pecuniary damage, despite not specifying the sum. It cannot therefore be said that she failed to submit any claims for just satisfaction within the relevant deadline in line with Rule 60, it being

reiterated that non-pecuniary damage does not lend itself to precise calculation and that any such claim need not always be quantified by the applicants (see *Svrtan v. Croatia*, no. 57507/19, § 105, 3 December 2024).

32. Turning to the claim in respect of pecuniary damage, the Court notes that the applicant has received the relevant compensation granted by domestic courts concerning the reconstruction cost. It therefore rejects this claim. On the other hand, the Court considers that the applicant must have suffered some non-pecuniary damage as a result of the violation found. Making its assessment on an equitable basis, as required by Article 41 of the Convention, it awards to the applicant EUR 3,600 in respect of non-pecuniary damage.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 of the Convention, in so far as it concerns the principle of legal certainty, admissible, and the complaint about the length of the proceedings inadmissible;

2. *Holds* that there has been a violation of the principle of legal certainty under Article 6 § 1 of the Convention on account of the domestic authorities' demolition of the wall surrounding the applicant's father's house in 2018;

3. *Holds* that there is no need to examine separately the admissibility or merits of the applicant's complaints under Article 1 of Protocol No. 1 and Article 13 of the Convention;

4. *Holds*
   (a) that the respondent State is to pay to the applicant, within three months, EUR 3,600 (three thousand and six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, 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;

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

Done in English, and notified in writing on 13 January 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Úna Ní Raifeartaigh President