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

THIRD SECTION

DECISION

Application no. 32645/16
Hajro ÇINI and Others
against Albania

The European Court of Human Rights (Third Section), sitting on 23 September 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. 32645/16) 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 6 July 2016 by the applicants listed in the appended table ("the applicants") who were represented by Mr A. Muka, a lawyer practising in Tirana;

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

the parties' observations;

the fact that the British, German, Greek and Italian Governments did not seek to exercise their right to intervene (Article 36 § 1 of the Convention and Rule 44 § 1 of the Rules of Court);

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the failure of the authorities to enforce two administrative decisions, which recognised the applicants' inherited rights over two plots of land and their right to restitution of the plots.

A. Information submitted by the applicants

2. On 25 and 27 June 2008, the Vlora regional Agency for the Restitution and Compensation of Property ("the Agency") recognised the applicants' inherited rights over two plots of land in Saranda and ordered their restitution. On 9 and 29 March 2012 the Saranda District Court issued the respective enforcement writs. On 16 April 2012 the applicants submitted the case to a bailiff's office to obtain the registration of the titles. On 18 April 2012 the bailiff's office initiated the enforcement proceedings and requested the local Immovable Property Registration Office ("the IPRO") to register the applicants' titles.

3. The IPRO has repeatedly refused to register the titles, referring to difficulties in marking the boundaries of the plots, allegedly because the Property Agency's decisions were not sufficiently clear in that regard.

4. On 26 February 2016 a restriction order was issued concerning the plots at issue by a Task Force of the Prime Minister's Office.

5. On 27 September 2016 the IPRO informed the applicants that it was still awaiting instructions from its central office about the registration of the titles at issue.

6. Relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention the applicants complained that there had been a breach of their right to property as a result of the non-enforcement of the 2008 Agency's decisions. They further complained about the length of the enforcement proceedings. Under Article 13 of the Convention, they claimed that they had no effective remedy to address the non-enforcement of their titles.

B. Information submitted by the Government

7. In the meantime, according to the information provided by the Government in their observations of 19 March 2025, on 5 September and 20 November 2008, respectively, the Agency's decisions of 25 and 27 June 2008 were annulled and remitted for fresh examination by the Agency's Central Office in Tirana. The applicants have not challenged those annulments.

8. On 2 July 2013 the Agency decided to dismiss the applicants' request for the recognition and restitution of their ancestors' properties. One of the applicants, Suzana Isufaj, initiated court proceedings against that decision. On 3 June 2015 the Saranda District Court allowed that claim in part.

On 5 November 2015 that decision was confirmed by the Gjirokastra Court of Appeal. On 6 November 2024 the Supreme Court decided to remit the case to the Court of Appeal for a more thorough examination of the applicants' ancestors' titles to the plots, their precise locations, and the

current status of the plots at issue. It appears that these proceedings are still pending.

THE COURT'S ASSESSMENT

9. The Government asked the Court to declare the application inadmissible for abuse of the right of application. They pointed out that the applicants had failed to inform the Court that the Agency's decisions had been annulled since 2008 and their inherited property rights were still under review before domestic courts.

10. The applicants contested those facts without substantiating their claims or providing any evidence to support their statements.

11. The Court reiterates that the concept of "abuse" within the meaning of Article 35 § 3 of the Convention must be understood to mean any conduct on the part of an applicant that is manifestly contrary to the purpose of the right of individual application as provided for in the Convention and that impedes the proper functioning of the Court, or the proper conduct of the proceedings before it (see *Friedrich and Others v. Poland*, nos. 25344/20 and 17 others, § 122, 20 June 2024). An application is likely to be dismissed on this ground if it has been established that (a) it is knowingly based on untrue facts and false declarations or that (b) significant information and documents have been deliberately withheld, either where they were known from the outset or where new significant developments have occurred during the procedure (see *Marjanović v. Bosnia and Herzegovina* (dec.), no. 53155/12, § 18, 8 July 2014 and the cases cited therein, and *Martins Alves v. Portugal* (dec.), no. 56297/11, § 8, 21 January 2014). Incomplete and therefore misleading information may amount to an abuse of the right of application, especially if the information in question concerns the very core of the case and no sufficient explanation is given for the failure to disclose that information. However, even in such cases, the applicant's intention to mislead the Court must always be established with sufficient certainty (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014).

12. Turning to the present case, the Court notes that on 5 September and 20 November 2008 the Agency's Central Office annulled the decisions concerning the applicants' inherited rights and the restitution of the land (see paragraph 7 above). The applicants did not inform the Court of this annulment before notice of the application was given to the Government and no explanation for this omission was provided, although it concerned information that had been available before the submission of the application with the Court.

13. The applicants' only argument before the Court on this issue was that the Government had submitted untrue statements with the aim to avoid the enforcement of the applicants' title.

14. The Court notes, however, that the Government submitted evidence that the administrative decisions of 25 and 27 June 2008 are no longer valid. Such information, which is directly relevant to the applicants' case before the Court, has been concealed by them. Suzana Isufaj, one of the applicants before the Court, challenged the Agency's decision of 2013 to dismiss their claim in court (see paragraph 8 above). Therefore, the applicants cannot claim that they were not aware of the annulment of the 2008 Agency's decisions. Even assuming that the domestic proceedings against the 2013 Agency's decision would conclude in the applicants' favour, that would have no impact on the case in question, since it would concern a different judgment and different enforcement proceedings from those complained of in the present case. The applicants would have to request the issuance of another enforcement writ and initiate new enforcement proceedings.

15. The applicants' complete silence on the annulment of the Agency's decisions while upholding their allegation that those decisions had not been enforced cannot be interpreted, in the Court's view, as anything else but a failure to disclose information concerning the very core of the application. Having regard to the importance of this information for the proper determination of the case, the Court finds sufficient elements to establish that the applicants intentionally prevented the Court from having full knowledge of the facts of the case and that such conduct was contrary to the purpose of the right of individual application, as provided for in Article 34 of the Convention (see *Gross,* cited above, §§ 35-36, and *Gevorgyan and Others v. Armenia* (dec.), no. 66535/10, §§ 31-39, 14 January 2020). The Court finds therefore, that the present application constitutes an abuse of the right of individual application and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 October 2025.

Olga Chernishova
Deputy Registrar

Úna Ní Raifeartaigh
President

APPENDIX

List of applicants:

Application no. 32645/16

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
1.	Hajro ÇINI	1957	Albanian, Canadian	Richmond Hill
2.	Liri BEGEJA	1944	Albanian	Durrës
3.	Zhaneta BEQIRI	1955	Albanian	Tirana
4.	Zahide BRAHAM	1966	Albanian, Australian	Victoria
5.	Meshan ÇINI	1928	Albanian, Canadian	Ontario
6.	Ilir DEMIRI	1961	Albanian, American	Glendale
7.	Merita ETEMI	1972	Albanian	Tirana
8.	Feizi FERAIZI	1938	Albanian	Tirana
9.	Gjinovefa FERAIZI	1968	Albanian, Greek	Tirana
10.	Mimoza GJIKA	1960	Albanian, American	Garfield
11.	Agron GOLJA	1943	Albanian, Canadian	Ontario
12.	Viron HOXHA	1956	Albanian, American	Garfield
13.	Suzana ISUFAJ (ÇINI)	1962	Albanian	Durrës
14.	Liliana KALAJA	1959	Albanian, Italian	Trieste
15.	Enkelejda PICI	1964	Albanian, American	Ridgewood
16.	Fatmir SHEHU	1975	Albanian, German	Gladbeck
17.	Fitnet SHEHU	1956	Albanian	Durrës

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
18.	Mercede SHEHU	1960	Albanian, Italian	Torino
19.	Muharrem SHEHU	1938	Albanian	Durrës
20.	Nexhip SHEHU	1951	Albanian	Durrës
21.	Shpëtim SHEHU	1944	Albanian	Durrës
22.	Gëzim TIVARI	1968	Albanian	Durrës
23.	Taulant TIVARI	1970	Albanian, British	Durrës
24.	Edmond XHIKU	1956	Albanian	Athens