

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

THIRD SECTION

DECISION

Application no. 33547/08
Rrapo DANUSHI and Others
against Albania
(see appended table)

The European Court of Human Rights (Third Section), sitting on 13 March 2025 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 10 June 2008,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table. The applicants were represented by Mr S. Puto, a lawyer practising in Tirana.

On 15 October 2004 the Vlora District Court's ruled in the applicants' favour and ordered a private party to demolish unauthorised buildings and to vacate and clear a plot of land measuring 27,500 sq. m co-owned by the applicants ("2004 judgment"). On 4 October 2005 that judgment was upheld by the Vlora Court of Appeal. The applicants lodged an application with the bailiff's office which unsuccessfully tried to enforce the decision for several years.

The buildings were only demolished in December 2011 and the first applicant took possession of the land. On 30 December 2011 the bailiff discontinued the enforcement proceedings on the ground that the judgment had been fully enforced.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, in conjunction with Article 13 of the Convention,

about the non-enforcement of the 2004 judgment in their favour were communicated to the Albanian Government ("the Government").

THE LAW

On 9 February 2010 and 27 February 2021, respectively, the second and first applicants died. Mr Jurgen Zenaj, the heir of the first and second applicants, expressed his wish to pursue the proceedings on their behalf. The Court accepts, and the Government did not object, that Mr Jurgen Zenaj has a legitimate interest in pursuing the application in the late first and second applicants' stead.

Following unsuccessful friendly settlement negotiations, the Government informed the Court that they proposed to make unilateral declaration with a view to resolving the issues raised by the complaint about the length of the enforcement proceedings. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government admitted that the applicants' rights under Articles 6 and 13 of the Convention and under Article 1 of Protocol No. 1 were violated as a result of the lengthy non-enforcement of the domestic decision in their favour. They offered to pay the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention.

The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment would constitute the final resolution of the case.

The Court did not receive the favourable response from the applicant party to the Government's declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the non-enforcement or delayed enforcement of

domestic decisions (see, for example, *Qufaj Co. Sh.p.k. v. Albania,* no. 54268/00, 18 November 2004 and *Gjyli v. Albania,* no. 32907/07, 29 September 2009).

The Court finds it established that the 2004 judgment was enforced in full in December 2011. On 30 December 2011 the bailiff closed the enforcement proceedings in view of the full enforcement of the judgment. The applicants neither challenged that decision before the domestic courts nor submitted any evidence to the Court that 2004 judgment had not been enforced.

Noting the admissions contained in the Government's declaration, as well as the fact that the final judgment in the applicants' favour had been enforced in full, and taking into account the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, the application should be struck out of the Court's list of cases.

For these reasons, the Court, unanimously,

Decides that Mr Jurgen Zenaj, heir of the first and second applicants, has standing to pursue the application in their stead;

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in compliance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 3 April 2025.

Viktoriya Maradudina Acting Deputy Registrar	Oddný Mjöll Arnardóttir 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	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
33547/08 10/06/2008 (11 applicants)	**Rrapo DANUSHI** 1932 Died in 2021 **Fejzie DANUSHI** 1927 Died in 2010 **Tefta DANUSHI** 1925 **Ali ELTARI** 1940 **Edlira ELTARI** 1991 **Elmaz ELTARI** 1935 **Florjan ELTARI**	Puto Sokol Tirana	12/10/2012. On 10/12/2024 the Government declared that they stood by their 2012 unilateral declaration.	06/01/2025	5,000, jointly to the applicant party

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
	1994 **Mukadez ELTARI** 1956 **Saide ELTARI** 1944 **Tajar ELTARI** 1938 **Shpresa MEZINI** 1931				

Heir(s) in application no. 33547/08

Decedent	Heir
Rrapo DANUSHI Died in 2021	Jurgen ZENAJ Born in 1974
Fejzie DANUSHI Died in 2010	

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