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

THIRD SECTION

DECISION

Application no. 55784/21
Avni KOBOÇI
against Albania

The European Court of Human Rights (Third Section), sitting on 16 June 2026 as a Committee composed of:

Diana Kovatcheva*, President*,
Darian Pavli,
Vasilka Sancin*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 55784/21) 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 4 November 2021 by an Albanian national, Mr Avni Koboçi ("the applicant"), who was born in 1959, lives in Tirana and was represented by Mr T. Prendi, a lawyer practising in Tirana;

the decision to give notice of the complaint under Article 6 § 1 of the Convention concerning the applicant's right to a reasoned decision by the Supreme Court and under Article 1 of Protocol No. 1 to the Convention concerning interference with his right to the peaceful enjoyment of his possessions to the Albanian Government ("the Government"), represented by Mr O. Moçka, General State Advocate, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's right to a reasoned decision by the Supreme Court and his right to peaceful enjoyment of his possession.

2. On 24 August 1990 the Executive Committee of Tirana Region No. 1 issued a permit to N.A. for the construction of a temporary one-storey

commercial building. On 4 August 1992 the building was registered in the land register and N.A. was provided with an ownership certificate.

3. On 24 July 2003 the applicant bought from N.A. the ground floor of what had by then become a four-storey building, along with the 65 sq. m plot of land beneath it. The applicant's title to the property was registered in the land register.

4. On 23 December 2005 the Tirana Construction Police ("the Construction Police") ordered the demolition of the four-storey building – including the ground floor, which belonged to the applicant – on the grounds that it had been built without the necessary construction permit.

5. On 12 June 2006 the Construction Police partly allowed a complaint lodged by the applicant against the demolition of the ground floor, on the basis that he had an ownership certificate. It upheld the demolition order in respect of the remaining three floors, which were then owned by N.H. and the I. company, holding that they were unlawful constructions.

6. On an unspecified date in 2006 the whole building was demolished, including the ground floor.

7. The applicant brought a civil action in the Tirana District Court ("the District Court") against the National Construction and Urban Planning Inspectorate (*Inspektoriati Ndërtimor dhe Urbanistik Kombëtar* – the entity which replaced the Construction Police) and the Tirana Construction and Urban Planning Inspectorate (*Inspektoriati Ndërtimor Urbanistik i Bashkisë Tiranë*), seeking compensation for the demolition of his property.

8. On 10 November 2008 the District Court partly allowed the applicant's claim for compensation, awarding him 18,000,000 Albanian leks (approximately 146,000 euros at the time).

9. On 20 January 2010 the Tirana Court of Appeal, without any of the parties being present at the hearing, quashed that judgment and dismissed the applicant's claim. That court concluded, on the basis of the same expert report as the one before the District Court, that the entire building, including the ground floor, had constituted a new building and had been constructed without a permit. The construction permit was issued for a temporary construction using a light structure as it was the practice of 1990-91. The photos provided by the applicant of his property prior to the demolition, showed a single structure constructed with a concrete framework and brick walls.

10. On 5 April 2012 the Court of Appeal allowed the applicant's request for the restoration of the time limit for appealing its decision on the grounds that the judgement of 20 January 2010 had not been communicated in accordance with the applicable legal provisions.

11. On 27 November 2014 the Supreme Court dismissed an appeal on points of law lodged by the applicant as inadmissible, in accordance with section 58 of the Administrative Courts Act (no valid grounds of appeal).

12. On 10 April 2012 the District Court allowed a claim for compensation lodged by N.H. and the I. company in respect of the demolition of the three upper floors of the building where the applicant's property had been situated. On 11 October 2013 and 4 December 2015 that judgment was upheld by the Tirana Court of Appeal and the Supreme Court, respectively.

13. On 30 March 2017 the Constitutional Court found a violation of the applicant's right of access to a court and of his right to a reasoned judgement. It allowed in part a complaint by the applicant, on the grounds that the Supreme Court had failed to address his complaints despite the fact that two separate assessments by the lower courts had reached divergent conclusions and the absence of the parties before the Court of Appeal. Furthermore, it concluded that the courts, including the Supreme Court, had provided different solutions to two compensation claims concerning the same building and the same judicial dispute, applying different standards to identical issues.

14. On 8 March 2021 the Supreme Court again dismissed an appeal on points of law lodged by the applicant as inadmissible. The *de plano* decision argued that in accordance with section 58 of the Administrative Courts Act the applicant had not raised any valid grounds of appeal.

15. On 28 July 2021 a second constitutional complaint lodged by the applicant was dismissed on the grounds that it was manifestly ill-founded.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 6 § 1 of the Convention as regards the right to a reasoned judgment

16. The applicant argued that although the Supreme Court had, in a formal sense, provided some reasoning in its decision of 8 March 2021, it had failed to properly address the core issues he had raised in his appeal and to provide adequate reasoning in relation to the arguments and evidence he had submitted. Furthermore, the Supreme Court had also failed to provide any reasons for dismissing the applicant's claim for compensation, even though the other owners of property in the same building had been granted compensation for the demolition of their respective parts.

17. The Government submitted that the Supreme Court had addressed the relevant issues raised in the appeal on points of law and had given sufficient reasons for its conclusion. Furthermore, they argued that limited reasoning did not violate the right to a fair trial as long as it essentially explained the reasons for a finding of inadmissibility.

18. The Court reiterates that although Article 6 § 1 obliges courts to give reasons for their decisions, it cannot be understood as requiring a detailed answer to every argument (see *García Ruiz v. Spain* [GC], no. 30544/96, § 81, ECHR 1999-I). Nor is the Court called upon to examine whether arguments are adequately met. Courts must reply to parties' essential

arguments, but the extent to which that duty applies may vary in accordance with the nature of the decision and must therefore be assessed in the light of the circumstances of the case (see *Hiro Balani v. Spain*, 9 December 1994, § 27, Series A no. 303-B).

19. The Court further reiterates that Article 6 does not require detailed reasons to be given for a decision in which an appellate court, applying a specific legal provision, dismisses an appeal as having no prospects of success (see *Gorou v. Greece (no. 2)* [GC], no. 12686/03, § 41, 20 March 2009, and *Burg and Others v. France* (dec.), no. 34763/02, ECHR 2003-II). Thus, in dismissing an appeal, an appellate court may, in principle, simply endorse the reasons of the lower court's decision (see *García Ruiz*, cited above, § 26, and *Stepanyan v. Armenia*, no. 45081/04, § 35, 27 October 2009).

20. In the present case, the Court considers that the limited reasons given by the Supreme Court in its *de plano* decision formula implicitly indicated that the applicant had not raised one of the points of law provided for by the relevant domestic provision, which was an admissibility requirement for leave to appeal being granted. The Court observes that where a Supreme Court refuses to accept a case on the basis of the legal grounds for such a case not having been made out, very limited reasoning may satisfy the requirements of Article 6 of the Convention (see *Marini v. Albania*, no. 3738/02, § 106, 18 December 2007, and *Malo v. Albania,* no. 72359/11, §§ 32-34, 22 May 2018).

21. For the above reasons, it follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Alleged violation of Article 1 of Protocol No. 1 to the Convention

22. The applicant also complained that the demolition of his property without compensation had violated his right to the peaceful enjoyment of his possessions under Article 1 of Protocol No. 1 to the Convention. He argued that he had been the owner of both the building in question and the land on which it had been built, which he had bought by way of a regular contract and registered in the land register.

23. The Government submitted that the applicant could not be seen as the victim of a violation of Article 1 of Protocol No. 1 to the Convention because he had not been the owner of the building in question, as the construction had been unlawful from the start and therefore could not have constituted a possession.

24. The Court reiterates that an applicant may allege a violation of Article 1 of Protocol No. 1 only in so far as the impugned decisions relate to his or her "possessions" within the meaning of that provision. "Possessions" can be "existing possessions" or claims that are sufficiently established to be regarded as "assets" (see *Kopecký v. Slovakia* [GC], no. 44912/98, § 35,

ECHR 2004-IX, and *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 142, 20 March 2018).

25. According to the domestic courts' decisions, the building in which the applicant's property was located was constructed unlawfully and he was considered never to have owned it. However, the Court notes that in 1992 N.A. obtained a construction permit for a temporary one-storey structure, and that structure was registered in the land register. In 2003 the applicant bought the ground floor of the building from N.A. and registered that sale in the land register (see paragraphs 2 and 3 above).

26. Given those circumstances, the Court considers that the applicant had a "possession" within the meaning of Article 1 of Protocol No. 1 to the Convention, even if it might be argued that his title was null and void *ab initio* (see *Zela v. Albania*, no. 33164/11, § 56, 11 June 2024).

27. The Court refers to its settled case-law, according to which the demolition of property and stripping of an ownership title amount to deprivation of property within the meaning of Article 1 of Protocol No. 1 (see *Akhverdiyev v. Azerbaijan*, no. 76254/11, § 80, 29 January 2015; *Sharxhi and Others v. Albania*, no. 10613/16, § 170, 11 January 2018; and *Zela*, cited above, § 79). As the interference in question was meant to ensure compliance with the general rules concerning the prohibitions on unlawful construction, it amounted to a "control [of] the use of property" (see *Hamer v. Belgium*, no. 21861/03, § 77, ECHR 2007-V (extracts), and *Saliba v. Malta*, no. 4251/02, § 35, 8 November 2005). It therefore falls to be examined under the second paragraph of Article 1 of Protocol No. 1 to the Convention. The Court must further examine whether the interference was lawful, pursued a legitimate aim and was proportionate to that aim.

28. The Court accepts that demolishing unlawful constructions was based in law. It further observes that, following fully adversarial proceedings, the demolition was considered lawful by courts at three levels of jurisdiction and the Constitutional Court (see paragraphs 8, 9, 14 and 15 above), and that there is no indication that the domestic courts' interpretation was in any way arbitrary. The interference was therefore lawful for the purposes of Article 1 of Protocol No. 1.

29. The Court next accepts that the demolition of unlawful buildings which contravene laws and urban-planning rules serves a legitimate public interest (see *Saliba*, § 44; and *Zela*, § 81, both cited above).

30. As to whether the interference with the applicant's rights can be considered proportionate to that aim, the Court reiterates that in the field of building and town-planning regulations, the State enjoys a wide margin of appreciation, in particular in choosing the means of enforcement and in ascertaining whether the consequences of enforcement would be justified (see *Saliba*, cited above, § 45). In the Court's opinion, the effect of ordering the demolition of a totally unlawful construction is to restore the situation to what

it would have been had the requirements of the law not been disregarded (see *Ivanova and Cherkezov v. Bulgaria*, no. 46577/15, § 75, 21 April 2016).

31. In the case in question, the Court notes that the applicant's claim for compensation was ultimately dismissed, with the domestic courts finding that the construction of the applicant's property had been unlawful. The construction permit issued to N.A. provided for the construction of a temporary one-storey structure to be used by a small business. But the demolished building was a four-storey concrete building, which the domestic courts (on the basis of an expert report) concluded was a new construction which had been unlawfully built (see paragraph 9 above). The Court takes note, furthermore, of the fact that in the Albanian system cadastral registration is not a condition for the validity of title to immovable property (see *Ramaj v. Albania*, no. 17758/06, § 109, 10 December 2024). In any event, the applicant has not provided the Court with a copy of the property registration and the accompanying documents.

32. Lastly, the applicant never argued that the unlawful construction had been tolerated by the State authorities, leading him to believe that the building was legitimate, either in the domestic proceedings or before the Court (compare *Zela,* cited above, §§ 94, 97).

33. The Court, finally, observes that despite buying the property from N.A., the applicant never questioned the latter's good faith. The applicant never summoned N.A. as the former owner to clarify before domestic courts the status of the building. Due diligence on the part of the applicant would have led him to summon N.A. in the domestic proceedings and/or seek compensation from him as the person responsible for the unlawful construction. In that regard, the Court notes that the applicant did not provide, either at the domestic level or before the Court, any reason why it would be impossible for him to pursue such action. Consequently, that avenue remains open to the applicant.

34. Considering the above, the Court finds that, in the present circumstances, the demolition of the applicant's building did not place an excessive burden on him in breach of his rights under Article 1 of Protocol No. 1 to the Convention.

35. It follows that this complaint is manifestly ill-founded 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 9 July 2026.

Olga Chernishova
Deputy Registrar

Diana Kovatcheva
President