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

THIRD SECTION

DECISION

Application no. 40730/11
Nikolin KOTE and Vilson KOTE
against Albania
(see appended table)

The European Court of Human Rights (Third Section), sitting on 17 May 2023 as a Committee composed of:

Ioannis Ktistakis*, President*,

Darian Pavli,

Oddný Mjöll Arnardóttir*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 15 June 2011,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Ms S. Meneri, a lawyer practising in Tirana.

The applicants' complaints under Article 6 § 1 and Article 13 of the Convention concerning the excessive length of civil proceedings and the lack of an effective remedy to complain about it were communicated to the Albanian Government ("the Government").

THE LAW

Having examined all the material before it, the Court considers that for the reasons stated below, the application should be declared inadmissible.

The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the

applicant in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Gazsó v. Hungary*, no. 48322/12, § 15, 16 July 2015; and *Topallaj v. Albania*, no. 32913/03, § 75, 21 April 2016).

The Court notes that the proceedings started on 10 October 2008 and ended on 15 June 2012, having thus lasted for slightly over three years and eight months before three levels of jurisdiction, a period which cannot be considered excessive.

It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

As regards the applicant's complaint about the lack of effective remedy, Article 13 applies only where an individual has an "arguable claim" to be the victim of a violation of a Convention right. Hence, the applicant does not have an arguable claim in respect of the complaint under Article 6 that has already been found inadmissible by the Court. It follows that this complaint is also manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention (see *Marini v. Albania*, no. 3738/02, § 150, 18 December 2007).

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 8 June 2023.

Viktoriya Maradudina Acting Deputy Registrar	Ioannis Ktistakis President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings or date of entry into force of the Convention in respect of Albania (2 October 1996)	End of proceedings	Total length Levels of jurisdiction
40730/11 15/06/2011	**Nikolin KOTE** 1967 **Vilson KOTE** 1972	Meneri Suela Tirana	10/10/2008	15/06/2012	3 year(s) and 8 month(s) and 6 day(s) 3 level(s) of jurisdiction