

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

THIRD SECTION

DECISION

Application no. 4952/20
Nikolin KUJXHIJA and Others
against Albania

The European Court of Human Rights (Third Section), sitting on 18 November 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. 4952/20) 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 20 January 2020 by the applicants listed in the appended table, ("the applicants") who were represented by Mr L. Bianku, a lawyer admitted to practice in Albania;

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

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

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

A. The circumstances of the case

1. The case concerns the non-enforcement of a domestic judgment given in the applicants' favour against private individuals.

2. In 2010 the applicants purchased from a State body a plot of land and the buildings situated on it.

3. On 28 December 2013 the Shkodër District Court ("the District Court") ordered private parties to vacate the premises and to pay a certain sum to the applicants, in compensation for their use of the plot and premises. By a judgment of 14 April 2015, which was enforceable under domestic law (*vendim i formës së prerë)*, the Shkodër Court of Appeal upheld that judgment.

4. The defendants lodged an appeal with the Supreme Court. The proceedings are currently pending before that court.

5. On 31 July 2015 the District Court issued an enforcement writ.

6. On 1 September 2015 the applicants initiated enforcement proceedings. A private bailiff was hired to enforce the judgment in the applicants' favour, but then withdrew from the proceedings. Another bailiff suspended enforcement for six months in 2016, expecting the third parties to vacate the premises voluntarily.

7. The third bailiff hired by the applicants addressed a letter to the police authorities on 30 November 2016, requesting their help for the execution of the judgment. The police refused assistance for various reasons on several occasions between December 2016 and December 2021.

8. On 10 June 2024 the applicants lodged a complaint with the District Court under Article 399/1 et seq. of the Code of Civil Procedure (see reference in paragraph 9 below) asking it to find that there had been a breach of the "reasonable time" requirement concerning the enforcement proceedings.

B. Relevant domestic law and practice

9. 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

10. Relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to it, the applicants complain that the respondent State failed to assist them in obtaining enforcement of the final judgments in their favour, and in particular about the police's failure to assist the bailiffs in vacating the applicants' land and premises.

11. The Court notes, firstly, that both Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention protect the enforcement of final and binding judgments – not judgments that may be subject to review by a higher court and, eventually, quashed (see *Kural v. Türkiye*, no. 84388/17, § 27, 19 March 2024; *Gjyli v. Albania*, no. 32907/07, § 33, 29 September 2009, and *Beçaj v. Albania* (dec.), no. 1542/13*,* §§ 31-33,

24 June 2014), irrespective of whether the lower court's decision was already enforceable under domestic law (see *Ouzounis and Others v. Greece*, no. 49144/99, § 21, 18 April 2002, and *Gjyli*, cited above, §§ 32-33).

12. The Court finds that the present case falls within the latter category. In particular, the applicants complained about the non-enforcement of the Court of Appeal's judgment of 14 April 2015, which under domestic law was enforceable (see paragraph 3 above). However, as submitted by the Government, this case is pending for examination before the Supreme Court (see paragraph 4 above). In those circumstances, it cannot be held that the delay on the part of the domestic authorities to implement the judgment in question could be considered incompatible with either Article 6 § 1 of the Convention or Article 1 of Protocol No. 1 thereto (compare also *Kural*, cited above, §§ 27-29).

13. 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.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 11 December 2025.

Olga Chernishova Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

List of applicants:

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
1.	Nikolin KUJXHIJA	1977	Albanian	Tirana
2.	Çeçiljana KUJXHIJA	1981	Albanian, Italian	Padova
3.	Justereza KUJXHIJA	1981	Albanian, Italian	Tirana
4.	Marie KUJXHIJA	1942	Albanian	Shkodër