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

THIRD SECTION

DECISION

Application no. 20127/16
Rudina PRODA
against Albania
(see appended table)

The European Court of Human Rights (Third Section), sitting on 5 May 2022 as a Committee composed of:

Andreas Zünd, *President,*
Darian Pavli,
Mikhail Lobov, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 5 April 2016,

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 applicant's details are set out in the appended table.

The applicant was represented by Ms T. Proda, her mother and legal guardian.

The applicant's complaints under Article 6 § 1 and Article 13 of the Convention related to the delayed enforcement of a domestic decision were communicated to the Albanian Government ("the Government").

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the delayed enforcement of decision no. 558 of 6 May 2004 of the Tirana Court of Appeal was in breach of Article 6 § 1 of the Convention. They further informed the Court that the decision had been fully enforced. The Government offered to pay the applicant 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 will constitute the final resolution of the case.

The applicant was sent the terms of the Government's unilateral declaration several weeks before the date of this decision. She did not accept the terms of the 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 applicant wishes 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).

Noting the admissions contained in the Government's declaration as well as 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 in the part covered by the unilateral declaration (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 in that part (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, it is appropriate to strike the case out of the list of cases as regards the complaint under Article 6 § 1 of the Convention.

The applicant also complained under Article 13 of the Convention about the lack of an effective remedy in respect of the delayed enforcement of domestic decisions. Having regard to the facts of the case, the Government's unilateral declaration and the Court's decision to strike out the complaint under Article 6 § 1 of the Convention, the Court considers that the main legal question raised in the present application has been resolved. It concludes, therefore, that there is no need to examine this part of the application.

For these reasons, the Court, unanimously,

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 as regards the complaint under Article 6 § 1 of the Convention in accordance with Article 37 § 1 (c) of the Convention;

Decides that there is no need to examine the remaining part of the application.

Done in English and notified in writing on 25 May 2022.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
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]
20127/16 05/04/2016	**Rudina PRODA** 1978	Proda Theodhora Tirana	17/01/2022	08/02/2022	2,500

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