FIRST SECTION

**CASE OF SHARXHI AND OTHERS v. ALBANIA**

*(Application no. 10613/16)*

JUDGMENT

STRASBOURG

11 January 2018

FINAL

28/05/2018

*This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.*

In the case of Sharxhi and Others v. Albania,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Linos-Alexandre Sicilianos, *President,* Kristina Pardalos, Ledi Bianku, Aleš Pejchal, Armen Harutyunyan, Pauliine Koskelo, Tim Eicke, *judges,*and Abel Campos, *Section Registrar,*

Having deliberated in private on 23 May and 5 December 2017,

Delivers the following judgment, which was adopted on the last-mentioned date:

PROCEDURE

1.  The case originated in an application (no. 10613/16) 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”) by eighteen Albanian nationals and one Italian national, on 19 February 2016. The applicants’ details are set out in the appended table.

2.  The applicants were represented by Mr A. Saccucci, a lawyer practising in Rome. The Albanian Government (“the Government”) were represented by their Agent, Ms A. Hicka of the State Advocate’s Office.

3.  The applicants alleged that, as a result of the authorities’ disregard of an administrative court injunction, there had been a breach of Article 6 § 1 of the Convention. They also complained under Article 1 of Protocol No. 1 to the Convention of an interference with the peaceful enjoyment of their possessions and under Article 8 of the Convention of an interference with their right to respect for their homes. They further complained under Article 13 of the Convention of a lack of an effective domestic remedy for the above complaints, as required by Article 13 of the Convention.

4.  On 19 April 2016 the application was communicated to the Government. The Italian Government did not make use of their right to intervene in the proceedings (Article 36 § 1 of the Convention).

5.  A hearing took place in public in the Human Rights Building, Strasbourg, on 23 May 2017 (Rule 59 § 3).

There appeared before the Court:

(a)  *for the Albanian Government*  
Ms A. Hicka, Ministry of Justice, *Agent*,  
Mr A. Hysi, Ministry of Justice, *Adviser*,   
Mr R. Hoxha, Ministry of Justice, *Adviser*,   
Ms E. Sadushaj, Ministry of Justice, *Adviser*;

(b)  for the applicants  
Mr A. Saccucci, *Counsel*,  
Ms G. borgna, *Counsel*,  
Ms E. Ballanca, *Adviser*.

The Court heard addresses by Ms Hicka, Mr Saccucci and Ms Borgna and replies to questions from the Court.

THE FACTS

I.  THE CIRCUMSTANCES OF THE CASE

A.  Background to the case

6.  On 11 November 2009 two of the applicants, Xhuvi Sharxhi (“the first applicant”) and Xhafer Isufi (“the second applicant”), purchased a plot of land measuring 1,663 square metres from several individuals whose property was recognised and returned in 1995 by a decision of the Commission on Property Restitution and Compensation. The land is situated on the coastline of the city of Vlora in the so-called area of Uji i Ftohtë - Tuneli.

7.  On an unspecified date the first and second applicants entered into an agreement with a company for the construction of a five-storey residential and service building, with a penthouse floor and an underground floor containing shops (hereinafter “the Jon Residence” or “the building”) on the above-mentioned plot of land.

8.  On 17 August 2010 the Vlora Municipal Council for Territorial Planning *(Këshilli i Rregullimit të Territorit të Bashkisë Vlorë –* “the CTP”*)* issued a building permit to the company and the first and second applicants. The remaining applicants entered into purchase agreements in respect of the flats to be constructed on the plot of land. The first and second applicants, by virtue of their ownership of the plot of land, were to be owners of some of the flats and shops in the Jon Residence. On 27 December 2012 the building was registered with the Immovable Property Registration Office (“the IPRO”).

9.  Upon completion of the construction works in September 2012, it appears that the majority of the flats and shops were furnished, the owners moved into their respective flats, and a pool bar/pizzeria was opened. The adjacent stretch of beach was opened for public use.

10.  It appears from a letter from the Ombudsman dated 13 November 2013 (see paragraph 24 below) that on 30 October 2013 the National Construction and Urban Planning Inspectorate (*Inspektoriati Ndërtimor dhe Urbanistik Kombëtar* *–* “the NUCI”) requested support from the Vlora district police for the demolition of illegal constructions along the Vlora coastline, to be carried out the same day. Further demolition work was to continue the next day on other parts of the Vlora coastline.

11.  On 3 November 2013, without prior notice, officials of the NUCI and the Vlora Construction and Urban Planning Inspectorate (*Inspektoriati Ndërtimor dhe Urbanistik Vlorë –* “the MUCI”), supported by the State Police, surrounded the Jon Residence and cordoned it off with yellow police tape marked “Crime scene – no entry” (*Skenë krimi, nuk lejohet kalimi*). According to the evidence submitted by the applicants, which were widely published in the media, the residents of the building were told that the authorities were seizing the building. They were prevented from entering their flats and retrieving their valuables. The applicants only learned of the situation through the media or by telephone from the building’s security guards. They were told that the authorities were examining the legality of the building permit and other relevant documents. It appears from the documents submitted that the building was guarded by armed police officers, who were positioned in such a way as to prevent the residents of the building (including some of the applicants) from entering. Furthermore, when one of the residents asked one of the State employees to provide identification or another official document to justify the authorities’ interference with their property rights, the State employee declared that they were not obliged to give any information because they were an official body.

12.  On an unspecified date the NUCI prepared an information report concerning the inspection they had carried out at the Jon Residence on 3 November 2013. According to the report, neither had the members of the CTP, the employees of the Vlora Urban Planning Department nor the inspectors of the MUCI had at no stage carried out the necessary building and planning inspections of the site. With their continuous actions and omissions they had allowed irregularities and unlawfulness throughout the whole period from the very moment the relevant permits had been approved in clear breach of the law, as well as throughout the construction and project implementation process.

13.  On 20 November 2013, according to the evidence submitted by the applicants, the then Deputy Minister of Transport and Infrastructure, in an television interview for national TV Top Channel given in relation to the Jon Residence, stated:

“...The State is entitled to have the land back in its previous state. The demolition of the building is an indisputable consequence. The land should be cleared. If this means that the building should be demolished, then demolition should take place. The demolition is not a purpose *per se*. It is the result of a series of unlawful acts, a series of flagrant violations of Albanian law...The Immovable Property Registration Office has been involved in this illegality (*futet në këtë valle të paligjshmërisë*); then there is Vlora Municipal Council, which – in contravention of the urban plan and in respect of land which does not exist – issued a building permit. The Immovable Property Registration Office has registered a building that has zero – nil – value (*ndërtim me vlerë zero, nul*). There is a 3,000-square-metre construction on a plot of land that only measures 600 square metres ... it’s like a stage set for a show put on by corrupt authorities. We have reached this point in flagrant violation of the law ... Everyone could have been a victim as a result of this series of illegalities. Those that have bought flats in this building are victims. These people cannot be treated the same as those who have flagrantly violated the law. The Government should approve a fund for the full compensation of the people who have bought flats in this building ...”

14.  On 28 November 2013, according to the evidence submitted by the applicants, the Prime Minister publicly declared that the Government intended to realise a project for the construction of Lungomare, a seaside promenade in Vlora, with a view to completion by the summer of 2015. He also declared that the Government would put out a tender for the design of the project.

15.  The Jon Residence was demolished with explosives between 4 December 2013 and 8 December 2013.

B.  Judicial proceedings concerning the interim measure and proceedings for its enforcement

16.  On 4 November 2013 eleven residents, including nine of the applicants (E. Durolli, A. Deromemaj, V. Kacorri, P. Rakipaj, G. Calliku, V. Calliku, B. Rakipaj, Xh. Sharxhi and E. Ballanca) lodged a claim with the Vlora Administrative District Court (“the District Court”) against the NUCI and MUCI, requesting an “acknowledgment of the unlawfulness of the administrative actions carried out on 3 November 2013, which had resulted in a violation of their property rights, and the obligation of administrative authorities, the NUCI and MUCI to refrain from taking any further administrative action, necessary for the protection of the applicants’ property rights” *(konstatimi i paligjshmërisë së veprimit administrativ të kryer nga pala e paditur i datës 3 Nëntor 2013, që kanë sjellë cënimin e të drejtave të pronësisë së paditësave; detyrimi i organit administrativ INUK dhe INUV Vlorë për të ndaluar kryerjen e një veprimi tjetër administrativ, të nevojshëm për mbrojtjen e të drejtave të paditësave).*

17.  It appears from the District Court’s decision dated 7 November 2013 (see paragraph 19 below) that during the proceedings the applicants argued that the actions taken by the NUCI and MUCI had been arbitrary because the construction had been lawful and in accordance with urban planning regulations. They claimed that police officers and representatives of the MUCI and NUCI had refused to allow them to enter the building by surrounding the building with crime scene tape. The cordoning off of the building had been done with a view to its demolition because the authorities had already proceeded in the same manner with other buildings, a fact which made it ever more apparent that there was a risk of adverse consequences for the applicants. The actions taken, namely the surrounding of the building with a view to its demolition without conducting a detailed analysis of whether the documentation was unlawful, and without the situation being examined by a court, had resulted in an extreme interference with the applicants’ property rights.

18.  During those proceedings the applicants further requested the District Court to issue an interim order for the necessary measures to stay the implementation of the above-mentioned administrative action and for the removal of the obstacles which had made the seizure of the building possible and had made it impossible for them to use their properties, as well as a stay of all administrative decisions already issued or which were in the process of being issued related to the demolition of a lawful construction.

19.  On 7 November 2013 the District Court, under Articles 202 et seq. of the Code of Civil Procedure (“CCP”) and Articles 28, 29 and 30 of the Administrative Disputes Act (see “Relevant domestic law and practice” below), in its operative provisions ordered: “the issuance of an interim order staying the administrative actions of any public authority that can interfere with the peaceful enjoyment by the applicants of their respective properties...the interim order is to remain in place until a decision is given on the merits, provided that the applicants themselves institute proceedings on the merits within ten days of the interim order to challenge the administrative actions or any administrative decision that will be adopted in respect of their properties”. The decision, in so far as relevant, is reasoned as follows:

“...it is proved that the applicants – owners of the flats in the Jon Residence − have not been allowed to enter their respective properties, thus impeding them in the exercise of their property rights to a property which they have acquired legally in accordance with domestic law...the court considers that the request for the interim order should be accepted because the applicants submitted evidence which proves...that in the event that a civil claim on the merits is allowed, the execution of that decision would be difficult or impossible, thus creating a situation where the legal interest or subjective right recognised by a final judicial decision remains ineffective ... in the present case the interim order requested by the applicants represents their right to access the court with the purpose of prohibiting any further action by the administrative authority...in this way protecting their fundamental constitutional and legal rights until the examination of the merits of their claims...the court considers that the NUCI and MUCI have not documented their administrative decision in the form required by law...under administrative law this [undocumented administrative action] is also considered an administrative decision...this does not affect the actual consequences of the execution of the decision, consequences which may bring about irreparable damage to the legal interest and subjective rights of the applicants...The District Court considers that it is the duty of the administrative authority to issue an administrative decision in the written form required by law, in this way there is compliance with the principle of good governance of the public administration authorities as well as effective compliance with the rights of the party against which the administrative decision has been issued, so that that party is able to institute judicial proceedings and always in respect of the principle of the right to a fair trial...the principle of proportionality during the administrative procedure followed by the authorities in the present case is similar to the constitutional principles of proportionality examined above, which essentially aim to strike a balance between the purpose to be achieved through the administrative act and the means to be used, without disregarding fundamental freedoms and rights and the achievement of legal public interests...”

20.  On an unspecified date the applicants’ representative submitted a request to the NUCI, informing it of the interim order of 7 November 2013. He stressed the fact that under Article 210 of the CCP an interim order was an executable decision, even in the event of an appeal against it. He urged the authorities to take the necessary measures for the immediate enforcement of the interim order. It appears that no reply was given.

21.  On 11 November 2013 the NUCI lodged an appeal against the interim order of 7 November 2013.

22.  On 20 January 2014 the Administrative Court of Appeal terminated the proceedings concerning the interim measure on the grounds that the subject matter of the proceedings had ceased to exist, as the Jon Residence had already been demolished in December 2013 (see paragraph 15 above). The decision, in so far as relevant, reads as follows:

“...it was already ...a well-known public fact that the Jon Residence had been demolished, in relation to which the District Court had decided to stay the administrative actions of any State authority with the aim of the peaceful enjoyment of the property by the applicants until the final solution of the dispute ... The outcome which the interim order was trying to stay, has now occurred...”

C.  Complaint to the Ombudsman

23.  It appears that on an unspecified date one of the applicants complained to the Ombudsman (*Avokati i Popullit*) about the authorities’ interference with her entering her flat and other residents entering their flats (see also paragraph 24 below). She complained that the authorities had arbitrarily cordoned off the building using yellow police “crime scene” tape.

24.  On 13 November 2013, in reply to the applicant’s complaints and to other residents’ complaints appearing in the media, the Ombudsman sent an official letter to the chief of Vlora police station *(Komisariati i Policisë)*, the head of Vlora district police *(Policia e Qarkut)*, and for information to the Director General of the State Police *(Policia e Shtetit)*, recommending that they take all appropriate measures to stop the unlawful actions that had resulted in a violation of the Jon Residence residents’ property rights. The Ombudsman stated that the NUCI had seized the building without any formal act. The cordoning off of the building preventing the applicants from enjoying their properties was unlawful and had consequently resulted in a violation of their legal interests. Moreover, the use of yellow police “crime scene” tape was not appropriate since the events in the present case did not involve a crime scene. He further suggested that it was necessary to examine the case and undertake organisational measures aimed at ensuring that such actions were not repeated in the future.

D.  Proceedings concerning the merits of the case related to the seizure of the building

25.  On an unspecified date, but within ten days from the interim order, eleven residents, including nine of the applicants (E. Durolli, A. Deromemaj, V. Kacorri, P. Rakipaj, G. Calliku, V. Calliku, B. Rakipaj, Xh. Sharxhi and E. Ballanca), lodged a claim on the merits with the District Court. It appears from the District Court’s decision of 28 January 2014 (see paragraph 26 below) that the object of the claim was the same as that lodged on 4 November 2013 (see paragraph 16 above).

26.  On 28 January 2014 the District Court declared that the actions carried out by the MUCI and NUCI on 3 November 2013 had been arbitrary and in flagrant breach of the Albanian Constitution and the law. The decision in so far as relevant reads as follows:

“...[the] MUCI and [the] NUCI abusively and without any administrative decision to justify their illegal actions took arbitrary action with the aim of demolishing a property which had been acquired in accordance with the law. The NUCI had no legal reason to take this administrative action, and therefore its actions were totally illegal...the administrative action for the demolition of the construction as duly authorised by the competent authorities without first analysing in detail the illegality of the actions and without an assessment of the situation by an independent court of law, was within the limits of extreme illegality...The authorities unilaterally and without a full and comprehensive administrative investigation surrounded the building... The authorities with their arbitrary actions gravely violated the principle of legal certainty, according to which no one should suffer an interference with their rights obtained by law and has the expectation that no State authority will take any administrative decision or action by which the rights obtained by law could later be violated as a consequence of the State authorities’ actions...”

The District Court accordingly allowed the claim. The applicants, however, withdrew their request for the authorities to be prohibited from taking any further action, which had become devoid of purpose, since the Jon Residence had in the meantime been demolished by the authorities. The District Court therefore discontinued the examination of this part of the claim.

27.  On 6 May 2016, following an appeal by the authorities, the Administrative Court of Appeal upheld the District Court’s decision of 28 January 2014. It appears from the decision that the applicants argued that the MUCI and NUCI had abusively and without any administrative decision to justify their illegal actions taken arbitrary action with a view to demolishing a lawful property. The Administrative Court of Appeal reasoned that the cordoning off of the building and prevention of the applicants from entering it had been arbitrary, not in accordance with the law and in breach of their property rights. It further noted that the NUCI were obliged to compensate the applicants for their illegal actions under the Non-Contractual Liability of the State Act (see “Relevant domestic law and practice” below) and Article 608 of the Civil Code. Only after the actions taken by the authorities were declared unlawful were the applicants entitled to bring a claim for damages under section 14 of the Inspection of Buildings Act (see “Relevant domestic law and practice” below). However, it did not decide this issue as it had not been part of the claim. It appears that the proceedings are pending before the Supreme Court.

E.  Administrative and judicial proceedings concerning the expropriation and demolition of the applicants’ building

1.  Administrative proceedings

28.  On 8 October 2013 the National Council for Territorial Planning *(Këshilli Kombëtar për Rregullimin e Territorit* – “the NCTP”) adopted a decision on emergency measures to be undertaken for the protection and rehabilitation of the environment in some areas of national importance, as well as a procedure for the preparation of an integrated sectoral plan concerning stretches of coastline. The decision stated that stretches of coastline were areas of national importance where measures of an emergency nature were to be undertaken with a view to protecting and rehabilitating the territory and environment. Furthermore, it was decided that the granting of new development building permits for individual buildings on stretches of coastline and in other areas of national importance would be suspended pending the preparation of the integrated sectoral plan.

29.  On 27 November 2013 the Council of Ministers issued a decision, which came into effect immediately, ordering the expropriation in the public interest of immovable private properties affected by the environmental rehabilitation of Uji i Ftohtë – Tuneli, a protected stretch of coastline in the Vlora Municipality. The expropriation was made in favour of Vlora Municipality within thirty days of the decision. The total compensation awarded was 462,919,230 Albanian Leks (ALL) (approximately 3,456,600 euros (EUR)) in respect of the construction measuring 8,121.39 square metres in total, to be divided among the owners. The decision was taken under the Expropriation Act and on the basis of two decisions of the NCTP – the above-mentioned decision of 8 October 2013 (see paragraph 28 above) and an earlier decision of 23 June 2004 on the approval of the Vlora city centre plan. According to the decision, after the expropriation the legal owners of the property would be compensated (by the authorities) on presentation of their property title documents. The deadline for the termination of the expropriation procedure was set for 28 December 2013.

30.  The decision was published in the Official Gazette on 3 December 2013. It appears that the applicants only learned of the decision that day, when the press spokesman for the Minister of Home Affairs announced that the Jon Residence was to be demolished – a process that was to start the following day (4 December 2013).

31.  On 2 December 2013 the mayor of Vlora requested the assistance of the NUCI with the demolition of the Jon Residence in accordance with the decision of 27 November 2013. On the same day the NUCI requested the assistance of Vlora police station with the demolition, which was planned to start at 8 a.m. the next morning.  The entire building was demolished between 4 December 2013 and 8 December 2013 (see also paragraph 15 above).

32.  On 29 January 2014 the IPRO, in response to a letter sent by one of the applicants asking for a copy of her certificate of ownership, said that since the building had been demolished, it was unable to issue a certificate of ownership in respect of a property that no longer existed.

33.  On 9 April 2014 the Council of Ministers issued another decision, “On some amendments to the Council of Ministers’ decision of 27 November 2013”, amending its previous decision of 27 November 2013 to the effect that it awarded the applicants a total of ALL 441,168,600 in compensation in respect of a plot of land measuring 7,739.80 square metres. The deadline for the termination of the expropriation procedure was set for 30 April 2014. No appeal was lodged against this decision.

34.  On 12 April 2017 the Budget Management Department of the Ministry of Finance addressed a letter to the Government Agent, stating that the Ministry of Finance had approved a fund of ALL 362,919 and ALL 100,000 (approximately EUR 3,460 in total) for the implementation of the Council of Ministers’ decision of 27 November 2013. No payment has been made to the applicants.

2.  Judicial proceedings

(a)  Proceedings in the District Court

35.  On 26 December 2013 twenty-one residents, including all the applicants, lodged a claim with the District Court against the Council of Ministers’ decision of 27 November 2013, challenging the value of the compensation awarded and the calculation of the exact surface area of the property which had been expropriated, on the basis that the decision had been issued as a result of an expropriation procedure in flagrant breach of the law. They also requested that the Council of Ministers be ordered to change the amount of compensation (to ALL 57,000 per square metre) and compensate each owner based upon the exact size of their property, corresponding to an amount of fair compensation in accordance with the law and calculated by an expert appointed by the court, also taking into consideration the possibility of development of the property. In their claim the applicants maintained that the expropriation had been unlawful and that a “*de facto* expropriation” *(shpronësim de facto)* had taken place. They also maintained that the actions of 3 November 2013 of the NUCI and MUCI had been abusive and had been taken without any administrative decision to justify their illegal actions with the aim of demolishing a lawful property. They further submitted that, even though the authorities had issued an interim order and the Ombudsman had also acknowledged the illegality of the authorities’ actions and had recommended that similar actions in the future should not be repeated without awaiting a decision of the District Court, they had nevertheless adopted the Council of Ministers’ decision of 27 November 2013.

36.  On 6 March 2014 the District Court allowed the applicants’ claim. It reasoned that the expropriation had been unlawful in that the Council of Ministers’ decision of 27 November 2013 had been adopted in gross procedural violations and breaches of the Expropriation Act (see “Relevant domestic law and practice” below) and various by-laws.

37.  As regards the facts of the case, the District Court mentioned that the actions taken on 3 November 2013 consisting of the cordoning off of the building with a view to its demolition had been arbitrary and taken in breach of domestic law, as it had held in its decision of 28 January 2014 (see paragraph 26 above). It also reiterated the fact that the Ombudsman had recommended that necessary measures be taken so that similar arbitrary actions would not be repeated in the future. It nevertheless noted that the authorities had adopted the Council of Ministers’ decision of 27 November 2013 without awaiting the decision on the merits of the case.

38.  As regards the legal arguments as to whether the interference had been lawful, the District Court reasoned that the authorities had not complied with the whole expropriation procedure as set out in sections 9 to 16 and 20 to 21 of the Expropriation Act. The competent ministry had not informed the owners of the property or the construction company of the expropriation, therefore they and any other third parties had been deprived of the opportunity to challenge it. According to their claims submitted before the district court, the applicants had only learned of the expropriation decision through the media, while the building was being demolished. Even afterwards, the applicants had never been informed, despite it being a legal requirement. This would have given them reasonable time to leave the building and take their belongings to other places. The authorities had continued with the demolition of the property without having all the information as to who the residents were. From the documents in the case file it was evident that the relevant ministry had only asked the Vlora Municipality for information about the residents of the Jon Residence a month after the building had been demolished and more than forty-five days after the decision on the expropriation had been issued. It further held that the expropriation had been disguised as a formal expropriation taken in compliance with the legal provisions in force, but that in reality the seriousness of the violations had been such as to make it a “*de facto* expropriation” *(shpronësim de facto)*. The Council of Ministers’ decision to expropriate the property had been a formal act, the sole purpose of which had been to disguise the actual nature of the expropriation. Furthermore, as a result of the immediate demolition of the building, without the authorities respecting the deadlines set in the law, the applicants had been prevented from being returned to their previous situation, even though the Council of Ministers’ decision had been null and void. The District Court reasoned that the non-compliance with domestic law concerning the expropriation procedure had aggravated the applicants’ situation and, therefore, the violation of the property rights had been so serious that it was unacceptable in a State governed by the rule of law. It reasoned that, according to the Court’s case-law (reference was made to *Guiso-Gallisay v. Italy* judgment(just satisfaction) [GC], no. 58858/00, §§ 94-95, 22 December 2009), in cases of unlawful expropriation the domestic courts had a strict obligation to award higher compensation than in cases of lawful expropriation. Moreover, as regards the existence of any legitimate aim in the public interest, the District Court noted that there had been no infrastructure or ecological (environmental) regulatory plan approved by law, not even a plan for the development of the protected area. The District Court noted that the decisions of the NCPT of 8 October 2013 and 23 June 2004 had not provided for the demolition of any legal building or its expropriation, or the invalidity of any authorisation that had already been granted and of any construction already built. On the basis of the above considerations, the District Court decided to amend the Council of Ministers’ decision of 27 November 2013 concerning the exact total surface area of the expropriated property, as well as the total amount of compensation and the amounts to be paid to each applicant. More concretely, the District Court increased the total compensation to be awarded to the applicants to ALL 1,580,712,321, on the basis of a court-ordered experts’ report. The District Court found that the authorities had blatantly violated the procedure set out in the Constitution and domestic law concerning the determination of the compensation to be paid in expropriation cases. Therefore, the calculation by the Council of Ministers in its decision of 27 November 2013 had not been made in accordance with the law. It accepted the report on the grounds that the valuation of the property had been based on the open market value following contemporary valuation methods for immovable properties such as the direct comparison and the state of the development of the property and taking also into consideration the location of the property, the development of the property, its actual development on the basis of legal documents as well as analysing the values of sales and rents of similar properties. The experts had also tried to analyse increases or decreases in the market prices of sales or purchases of similar properties. Under the expert report, the price per square metre was EUR 1,155 (ALL 161,700) in respect of the flats and EUR 2,000 (ALL 280,000) in respect of the business premises. The price was calculated using the average market value during the period between 2013 and January 2014 based on a Council of Ministers’ decision “on the valuation methods for immovable properties in Albania” which stated that such calculations are made in accordance with international valuation standards.

39.  The District Court also recalculated the surface area of the expropriated property, stating that it actually measured 8,396 square metres. Furthermore, it included all the owners of the Jon Residence in the list of parties to be compensated, as some of the applicants had been excluded from the list under the Council of Ministers’ decision of 27 November 2013. Lastly, the court ruled that the compensation was to be paid by the Council of Ministers and the Vlora Municipality in three tranches over a period of eighteen months from the moment the court’s decision became final. Both the Council of Ministers and the Vlora Municipality were obliged to pay jointly the judicial costs and expenses including the experts’ fee, the court fees for lodging the claim (ALL 11,409,852) and the lawyers’ fee for the representation of G. Calliku, V. Calliku, M. Mecaj, A. Deromemaj, E. Durolli, M. Hanxhari, P. Rakipaj, B. Rakipaj, K. Kapedani (applicants in the proceedings before the Court), J. Ismailaj and S. Ismailaj (not applicants before the Court), which amounted to EUR 12,000 (ALL 1,680,000) in total.

(b)  Proceedings in the Court of Appeal

40.  On an unspecified date thereafter the applicants lodged an appeal against the part of the District Court’s decision of 6 March 2014 concerning the amount of compensation and the manner in which it was to be paid. They argued that the expert report did not reflect the market value of the property, which was much higher than the value indicated, and that the valuation standards for expropriated properties had not been complied with. More concretely, the experts had not complied with the criteria and standards provided for by The European Group of Valuers’ Associations (TEGOVA) and the valuation standards based on the financial and legal interests of the applicants. The property had had a higher value at the time of its expropriation. The experts had not specified the value of the specific components of the relevant calculation formula or the market value for every flat in order to reflect the market value of the building. Nor had they taken into consideration all the official data in the purchase agreements for the flats. They also complained of factual and calculation errors in the expert report and requested that another be produced. An appeal was also lodged by the Attorney General’s Office.

41.  On 23 September 2014 the Administrative Court of Appeal upheld in part the District Court’s decision of 6 March 2014. It reiterated the facts of the case as noted by the District Court and upheld the amount of compensation awarded, the size of the construction land and the list of owners concerned. It decided that the applicants should be compensated individually based on the size of their property. The total amount of compensation (ALL 1,580,712,321) was to be divided as follows: ALL 161,700 (EUR 1,155) per square metre in respect of the flats, which measured 6,564.79 square metres in total, and ALL 280,000 (EUR 2,000) per square metre in respect of the business premises, which measured 1,831.63 square metres in total. It decided that the value calculated in the expert report represented the real value and just compensation in accordance with the Constitution, the European Convention, the Expropriation Act and other by-laws. It ruled that the compensation was to be paid by the Council of Ministers in one lump sum. The Council of Ministers was also obliged to pay the legal costs and expenses.

(c)  Proceedings in the Supreme Court

42.  Both the applicants and the Attorney General’s Office lodged an appeal with the Supreme Court against the lower courts’ judgments. The applicants requested a higher amount of compensation for their expropriated property. The Council of Ministers, however, requested that the execution of the decision be stayed.

43.  On 15 January 2015 the Supreme Court, on the basis of Article 479 of the CCP allowed the request of the Council of Ministers and the proceedings were stayed. The decision contained no reasoning. The case is still pending before the Supreme Court. There is no information in the case file on what grounds the Council of Ministers appealed against the lower courts’ decisions and requested a stay of execution.

F.  Criminal proceedings against State officials

44.  It appears from the Ombudsman’s letter of 13 November 2013 (see paragraph 24 above) that on 18 February 2011 the NUCI lodged a criminal complaint with the Vlora District Prosecutor against the head of the Vlora Urban Planning Department, alleging irregularities in the proceedings leading to the granting of the building permit on 17 August 2010. The case was sent to the Vlora District Court for trial. There is no information about the outcome of those proceedings.

45.  On 4 November 2013 the first applicant and another resident lodged two separate criminal complaints with the District Prosecutor, alleging abuse of power on the part of officials of the NUCI and the police officers of the State Police involved in the seizure of the Jon Residence on 3 and 4 November 2013. They complained that they had not been allowed to enter their homes, that the State Police had cordoned off the building with police crime scene tape and that inspectors of the NUCI had entered the building. They also asked the authorities to take measures to end the arbitrary interference with their property rights, which was still continuing the day that they lodged the criminal complaint.

46.  In February 2014 the District Prosecutor decided not to initiate criminal proceedings, on the grounds that the actions did not constitute a criminal offence *(fakti i kallëzuar nuk parashikohet nga ligji si vepër penale).* It reasoned that the NUCI’s employees under domestic law had been entitled to carry out the inspection and verify the regularity of the documents concerning the approval of the building permit and the implementation of its technical standards by the construction company. They had accordingly been entitled to enter the premises of the Jon Residence. Furthermore, the officers of the State Police had been entitled to cooperate with and support the NUCI. After the authorities had carried out the inspection criminal proceedings had been instituted, therefore the suspicion of non-compliance with the rules and urban planning conditions had been realistic. The District Prosecutor further reasoned that one of the complainants had said that when he had returned to the building the following day he had seen officers of the State Police inside and had been allowed to enter his flat freely after showing them his certificate of ownership. That statement had also been corroborated with the information given by the NUCI and the Vlora police.

47.  On 18 December 2013 the District Prosecutor, following a request lodged by the Taskforce for Territorial Protection (*Task-Forca për Mbrojtjen e Territorit* – a body under the authority of the Minister of Home Affairs), instituted a criminal investigation against six public officials (some of them employees of the IPRO, others employees of the Vlora Municipality) for possible abuse of power because of the irregularity of the proceedings concerning the restitution of the applicants’ property and the subsequent proceedings concerning the issuance of the building permit. On 20 April 2016 the Vlora Court of Appeal terminated the proceedings in respect of four of the public officials and the remaining two were acquitted. The proceedings are currently pending before the Supreme Court following an appeal by the District Prosecutor.

G.  Other information submitted by the parties

48.  On 14 August 2013 an article was published on the official website of the Vlora Municipality reading, *inter alia,* as follows:

“Today the Vlora Municipality instituted an action for the demolition of illegal buildings in the Old Beach area of Vlora. The head of the Vlora Municipality declared that three weeks ago the Municipality had already demolished 130 other illegal buildings situated in Radhimë village in the city of Vlora. These actions [were] aimed at clearing and releasing territory which had been unlawfully occupied, as well as the management of the urban territory. He also declared that the process for the demolition of all illegal buildings would continue on the whole Vlora coastline. The second phase would deal with the revaluation of lawful constructions which have not been constructed in accordance with the regulatory planning and the touristic perspective of Vlora ...the Vlora Municipality in cooperation with the new Government will provide for legal forms of compensation or if necessary, financial indemnification. In this category there were [two to three] buildings, amongst others, [which] impeded the implementation of the Lungomare [promenade] construction project.”

49.  On 2 November 2013 an article was published on an online portal, *Shqiptarja.com*, stating that the authorities in Vlora were continuing with the demolition of buildings in the area where the promenade would be constructed. Provisional permits had been issued by the authorities for the buildings which operated as bars and restaurants during the summer.

50.  On 4 November 2013 an article was published on an online portal, *Tema*, stating that the residents of the Jon Residence were unable to enter the building. The article mentioned that, according to the NUCI, the building had been seized so that the authorities could inspect the building permit, the relevant documentation for the construction, and whether or not the building permit had been carried out in compliance with the law. The Ministry of Home Affairs, having been contacted by *Vizion Plus* (a national television station), had clarified that the police had taken part in the actions taken on 3 November 2013 to support the NUCI. The head of the NUCI had declared that they were still examining the case and if any shortcomings resulted, the Taskforce would then have to decide whether or not to demolish the building.

51.  It appears from the evidence submitted by the applicants that on 4 December 2013 a local television channel broadcast in their news bulletin that the NUCI, supported by police officers, had started the procedure for the demolition of the building. According to the broadcast, on that day the demolition was considered to be partial, and the residents of the building were given five days to remove their movable property from their flats. The owners of the residential premises had not removed their movable property on the grounds that the authorities had not properly valued their flats, whereas the owners of the business premises had duly removed their movable property. The authorities had valued their flats as being worth EUR 350 per square metre, whereas they had paid EUR 1,300 per square metre when they had bought them. However, according to the broadcast it was noted that the procedure for the demolition of the property had already been started by the authorities following the Jon Residence having been blocked for a long time.

52.  On 20 June 2016 an online portal, *Vizioplus.tv*, published an article stating that the National Inspectorate for Territorial Protection (*Inspektoriati Kombëtar për Mbrojtjen e Territorit* – “the NIPT”, the former NUCI), had initiated proceedings for the demolition of illegal buildings so as to make possible the implementation of the Lungomare project. A two-storey building had already been demolished on the Monday, and the demolition of two other buildings (bars) would happen in the days that followed.

53.  On 29 June 2016 an online portal, *JavaNews*, published an article stating that the NIPT had initiated an operation in Vlora city for the implementation of the Lungomare project. The NIPT had already demolished a single-storey building. It would also demolish another building. During the first part of the operation the NIPT had already demolished three other buildings.

54.  On 31 March 2017 the NIPT addressed a letter to the Government Agent. In so far as relevant, the letter reads as follows:

“... [The] NUCI had exercised their functions in accordance with domestic law. On 3 November 2013 the NUCI, in the presence of a representative of the Vlora Urban Planning Department, inspected the construction site of the Jon Residence. All the remaining procedures followed by the NUCI were based on the Council of Ministers’ decision of 27 November 2013. On the basis of the expropriation procedure the Vlora Municipality on 2 December 2013 had requested the NUCI’s cooperation with the implementation of the Council of Ministers decision to demolish immovable properties which would be expropriated. On the basis of this request, the NUCI had carried out the demolition of the building in cooperation with the Ministry of Home Affairs, the Defence Ministry, the Environmental Ministry and the Vlora Municipality... In the present case the NUCI had complied with the interim order of 7 November 2013 and had not taken any action in breach of this decision. In compliance with the Council of Ministers’ decision of 27 November 2013 and following the request of the Vlora Municipality it had undertaken all the necessary steps for the demolition of the building...in the present case there had not been any administrative or criminal investigation in respect of the applicants’ claims concerning the non-enforcement of the interim order...the use of yellow crime scene tape had not been made by the NUCI. It is true that the NUCI had requested the support of the State Police, however it is not the NUCI’s competence to dictate or examine the manner and equipment used by the State Police for securing the perimeter of the site under the authorities’ control...the NUCI had not taken any action that could have impeded the applicants in exercising their property rights. The object of the inspection had been the building and the subject of the inspection had not been the residents but the construction company and the activities of the MUCI’s employees.”

55.  The Government submitted as part of their observations domestic case-law consisting of two decisions of the district courts allowing appellants’ claims for compensation in respect of pecuniary damage suffered as a result of the demolition of their properties by the MUCI and NUCI. In one case the demolition had occurred in respect of a property which had been illegally built but for which proceedings for its legalisation were ongoing. The claim was allowed under the Non-Contractual Liability of the State Act and Articles 608 to 640 of the Civil Code. In the other case the district court allowed the appellants’ claim for compensation on the grounds that the demolition of the property had occurred despite another court taking a decision to suspend the NUCI’s decision to demolish the property for being illegally built. The claim was allowed under Articles 608 and 640 of the Civil Code. It is unclear whether the two district court decisions became final.

56.  The Government also submitted three other domestic court decisions in which the domestic courts allowed the appellants’ claim for a higher amount of compensation for their expropriated property in the public interest.

57.  At the hearing the applicants’ representative pleaded that on 9 December 2013 the applicants had lodged a request with the Vlora Municipality for compensation. On 20 January 2014 the Vlora Municipality had asked the applicants to produce a copy of their certificate of ownership accompanied by a map of flats issued by the IPRO within the last seventy-two hours. The applicants did not submit the two documents. They further submitted that the IPRO had refused to issue the certificates (see also paragraph 32 above).

II.  RELEVANT DOMESTIC LAW AND PRACTICE

A.  Constitution

58.  The relevant part of the Constitution reads as follows:

“Article 37

1.  The inviolability of residence is guaranteed.

2.  Searches of a residence, as well as of equivalent premises may be carried out only in the cases and manner provided for by law.

...

Article 41

1.  The right of private property is guaranteed.

...

3.  The law may provide for expropriations or limitations in the exercise of a property right only in the public interest.

4.  Expropriations, or limitations of a property right that are equivalent to expropriation, are permitted only in return for fair compensation.

5.  A complaint may be lodged with a court to resolve disputes regarding the amount or extent of the compensation.

Article 42

1.  Freedom, property and other rights recognised in the Constitution and by law may not be infringed without a fair hearing.

2.  In order to protect their constitutional and legal rights, freedoms and interests, or when an accusation has been made against them, everyone has the right to a fair and public trial, within a reasonable time, by an independent and impartial tribunal established by law”.

B.  Civil Code

59.  Article 608 of the Civil Code provides that anyone who unlawfully causes damage to another person or to that person’s property is obliged to pay compensation for the damage. He is not liable if he proves that he is not at fault. Article 609 provides that the damage should be the result of a person’s direct and immediate act or omission. Article 625 provides that a person who suffers non-pecuniary damage is entitled to compensation if there has been damage to his health, physical or mental integrity; his honour, personality or reputation have been infringed or his right to respect for his private life has been infringed. Under Article 640, pecuniary damage consists of the actual loss suffered and loss of profit.

C.  Code of Civil Procedure

60.  Under Article 202 of the CCP, an interim order may be issued when there is reason to suspect that the execution of a final decision may be impossible or difficult. An interim order is allowed when the claim is based on evidence and the claimant party gives an undertaking for any damage that the defendant party may suffer as a result of the interim order. Under Article 204, an interim order may also be issued before the main proceedings have been instituted. In such cases the claim on the merits should be brought within the time fixed by the court but within no more than fifteen days. An appeal against the interim order does not stay its execution (Article 210). In the event that the claim is not lodged within the time fixed by the court, the interim order ceases to have effect (Article 211). If the claim is allowed in the final decision, the domestic court also validates the interim order (Article 212). Article 510 provides that an interim order constitutes an “executable decision” (*titull ekzekutiv*), which is subject to mandatory enforcement. Under Articles 511 and 515, enforcement of the interim order is carried out directly by the bailiff’s office at the creditor’s request.

61.  Article 479 provides that the Supreme Court may stay execution of a decision when: (a) immediate execution of the decision would bring about serious and irreparable damage, and/or (b) the party making the application gives an undertaking in damages which ensures the execution of the eventual decision.

D.  Administrative Disputes Act and relevant domestic case-law

62.  Section 1 of Law no. 49/2012 of 18 May 2013 “On the administrative courts and the examination of administrative disputes” (“the Administrative Disputes Act”), provides that provisions of this Act are supplemented by provisions of the CCP unless it is provided otherwise. Section 14 provides that during judicial proceedings the parties’ rights and obligations are governed by the provisions of the CCP unless there is incompatibility. Section 28 provides that, until the adoption of a decision on the merits of the case, a claimant may apply to the court for an interim order if serious and irreparable damage may result as a result of the execution of an administrative decision. The claim on the merits should be lodged within ten days. Under section 29, the interim order is issued if there is reasonable suspicion that serious damage may result and that no breach of any public interest exists. Under section 32, an appeal against the interim order does not stay its execution. Under section 33, the interim order is executed in accordance with the rules concerning the execution of administrative court decisions provided for in the Act. Under section 40, the domestic court in its final decision on the merits of the case, when it has allowed the claim in full or in part, validates the interim order. Under section 65, enforcement of the interim order is carried out by the bailiff’s office at the creditor’s request. According to a consisting domestic case-law, administrative courts decide their cases based on both the administrative law, namely the Administrative Disputes Act, and the provisions of the CCP.

E.  Expropriation Act

63.  Law no. 8561 of 22 December 1999 “On Expropriations and Temporary Use of Private Property in the Public Interest” (“the Expropriation Act”) sets out the expropriation procedure of private properties in the public interest. Sections 2 and 4 provide that an expropriation is only in the public interest, where the public interest prevails over the private interest, and only for the reasons and in accordance with the procedures expressly set out in the Act, to the extent that it is essential for the achievement of the purpose of the expropriation and is in exchange for fair compensation. The principles of transparency, equality of citizens and protection of their property interests and rights must be respected (section 3). An expropriation can be made for various reasons, including the realisation of national or local projects and investments in the interests of the environment, health, etc. as well as infrastructure protection in the public interest (section 8). Under section 10, the applicant in whose favour the expropriation is to be carried out, including a municipal authority, must apply to the ministry that is competent under the law. The application must be accompanied by several documents, including a list of the owners of the private properties to be expropriated, together with explanations and information concerning each owner, including their addresses and last known residences, with respective estimates in respect of the valuation of the properties, and the amount of compensation that is to be paid for each of them. Section 11 provides that the competent minister must order the setting up of a special commission to supervise the implementation of the expropriation procedure. Section 12 provides that the competent ministry must verify the application and supporting documents. Section 13 provides that if the application is in accordance with the Act, the competent ministry accepts it and immediately notifies the applicant in whose favour the expropriation is sought in writing. An agreement must be entered into between the applicant and the competent ministry on the mutual rights and obligations related to the expropriation procedure. Section 14 provides that within ten days of the agreement the competent ministry must directly notify each owner or co-owner of the private properties to be expropriated of their compensation. Under section 15, the competent ministry must publish the application for expropriation in the Official Gazette, and in a national and local newspaper for a one week period. Section 16 § 2 provides that upon the completion of the expropriation proceedings, the competent Ministry is obliged to decide on the amount of compensation. That amount is paid to the person concerned as decided by the final court decision, in case of appeal, after having informed the competent ministry. Section 16 § 3 provides that the owners of the private properties must inform the competent ministry whether they accept the voluntary transfer of the property. Within fifteen days of receipt of the answer of the owners, and in any event no less than one month from the publication of the application for expropriation, the competent ministry, in the event that the parties have accepted the conditions of expropriation, must initiate the procedure for transferring ownership to the State in exchange for fair compensation (section 16 § 4). Section 17 provides that the special commission must calculate the amount of compensation related to the property to be expropriated. Section 20 provides that the competent minister must then submit to the Council of Ministers the proposal for expropriation accompanied by several documents. Under section 21, the Council of Ministers decides on the expropriation when the proposal for expropriation is considered to have a basis in law and in fact. The decision on expropriation must include the private properties to be expropriated and their respective owners, the amount of compensation to be awarded as well as the time limit and the manner for payment. The decision on expropriation comes into effect immediately and is published in the Official Gazette. Section 23 provides that the amount of compensation must be given to the person concerned within the time-limit indicated in the decision of the Council of Ministers, or from the date when the court decision becomes final in accordance with sections 16 § 2 and 24 of this Act. Section 24 provides that the decision of the Council of Ministers on expropriation must be sent by the competent ministry directly to the owners concerned. They may appeal to a court within thirty days against the amount of compensation specified in the decision. An appeal against a decision of the Council of Ministers on the expropriation does not stay implementation of the decision. As regards the amount of compensation, if an appeal to the court is not submitted within thirty days in accordance with the Act, the decision of the Council of Ministers on the expropriation becomes executable. Under section 26, the expropriation procedure is considered invalid when the subject in whose favour the expropriation was done does not commence or terminate the works within three months of the date specified in the decision of the Council of Ministers. The expropriation is also invalid when the subject uses the expropriated properties or performs actions in non‑compliance with the purpose of the expropriation, or when he changes the intended use of the properties or projects already performed on them before the expiry of the period as set out in the expropriation decision. An expropriation is also considered invalid if no payment has been made or no amount of compensation has been given in favour of the expropriated party and other owners in accordance with the Act. If the expropriation is invalid, upon an application by the respective owners, the private properties are returned to them with the same rights they had at the time of expropriation. The owners concerned may request compensation in respect of damage suffered as a result of the invalid expropriation.

F.  Other Acts

64.  Under the Non-Contractual Liability of the State Act (Law no. 8510 of 15 July 1999 “On the non-contractual liability of State administrative authorities”), a State entity is obliged to compensate the pecuniary and non‑pecuniary damage caused to third parties during the exercise of its public functions.

65.  Section 14 of the Inspection of Buildings Act (Law no. 9780 of 16 July 2007 “On the inspection of buildings”) at the material time provided that an appeal against a decision of the NUCI or MUCI taking urgent measures or issuing administrative sanctions could be brought to a court. In the event that the court allowed the claim and the decision became final, the damaged party was entitled to request the NUCI or MUCI (whichever issued the decision) to award compensation for the damage caused.

66.  The Prevention and Payment of Arrears Act (Council of Ministers’ decision no. 50 of 5 February 2014 “On the approval of the strategy for the prevention and payment of arrears and the action plan”) sets out the procedure that the Albanian Government should follow in respect of the payment of central government financial arrears, as well as measures to be taken for the prevention of an accumulation of financial debt in the future. One of the measures is the amendment of certain legislation such as laws on the management of the budget, financial management and control, procurement and various related by-laws. Under the Act, unpaid financial obligations include obligations stemming from final court decisions and compensation in the public interest.

67.  The Council of Ministers’ decision “on the valuation methods for immovable properties in Albania” no. 658 of 26 September 2012, provides that, in evaluating immovable properties, authorities have to have regard, amongst others, to the protection of the right to property, the right of expropriation in return for fair compensation, the principle of legality, international immovable properties valuation standards based on the market price, type of property and the purpose of its use. The calculation of the value of the property is made in accordance with the price of sale contracts, which take into account the market price according to the type of property and the purpose of its use. The market price is set by official data of sale contracts registered with the IPRO.

G.  Relevant domestic case-law

68.  The Constitutional Court has reaffirmed its long‑established practice of finding a breach of appellants’ rights on account of the non-enforcement of final domestic court decisions (decisions nos. 63/17 of 31 July 2017, 50/17 of 3 July 2017, 35/17 of 18 April 2017, 25/17 of 27 March 2017, 89/16 of 30 December 2016, 79/16 of 27 December 2016, 66/16 of 7 November 2016) and where proceedings have been excessively long (decisions nos. 51/17 of 3 July 2017, 42/17 of 25 May 2017, 32/17 of 30 March 2017, 22/17 of 20 March 2017, 36/16 of 27 June 2016, 14/16 of 10 March 2016). No awards were made to the appellants in the above‑mentioned decisions, nor was any other means of redress provided in relation to the continued non-enforcement or the length of proceedings.

THE LAW

I.  ALLEGED VIOLATION OF ARTICLE 6 § 1 TAKEN ALONE AND IN CONJUNCTION WITH ARTICLE 13 OF THE CONVENTION

69.  The applicants alleged that there has been a breach of Article 6 § 1 of the Convention on account of the authorities’ disregard of the interim order of 7 November 2013 granting a stay of execution of the demolition order. They further submitted that the authorities’ failure to comply with the interim order had entailed a violation of their procedural rights and had prevented them from having the merits of their complaint properly examined in the proceedings before the District Court. They also complained of a lack of an effective remedy in that regard.

Article 6 § 1 of the Convention, insofar as relevant, reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

Article 13 of the Convention reads as follows:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A.  Admissibility

1.  Whether the applicants have exhausted domestic remedies

70.  The Government submitted that the applicants had failed to exhaust the available domestic remedies. In particular they had not brought a claim for compensation for the unlawful acts of 3 November 2013 under the Non‑Contractual Liability of the State Act or the Inspection of Buildings Act, either in separate proceedings or during the domestic proceedings concerning those events. The Government submitted domestic case-law in support of this submission (see paragraph 55 above).

71.  The applicants argued that there had been no effective remedies that they could make use of. In their oral submissions they argued that, by failing to enforce the interim order, the authorities had irreversibly deprived them not only of their property rights but also of the opportunity to have the merits of their complaint effectively examined by a court. No domestic remedy could redress such a denial of justice. Furthermore, they submitted that it had been well-established that the disregard of the interim order had deprived the applicants of any effective judicial protection.

72.  The Court considers that the question of exhaustion of domestic remedies is closely related to the merits of the applicants’ complaint of a lack of an effective remedy for the alleged interference with their right to a fair trial.

73.  Thus, the Court joins the issue of whether the applicants exhausted the domestic remedies to the merits of their complaint under Article 13, in conjunction with Article 6 § 1 of the Convention.

2.  Whether the applicants lack “victim status”

74.  The Government submitted that the domestic courts had issued reasoned decisions, properly addressing the applicants’ arguments and finding in their favour. The applicants had therefore abused their right of individual application.

75.  The applicants did not submit any particular comments.

76.  The Court reiterates that the adoption of a measure favourable to the applicant by the domestic authorities will deprive the applicant of victim status only if the violation is acknowledged expressly, or at least in substance, and is subsequently redressed (see *Scordino v. Italy* (no. 1) [GC], no. 36813/97, §§ 178 et seq. and § 193, ECHR 2006‑V, and *Dalban v. Romania* [GC], no. 28114/95, § 44, ECHR 1999-VI).

77.  The issue as to whether a person may still claim to be the victim of an alleged violation of the Convention essentially entails on the part of the Court an *ex post facto* examination of his or her situation (see *Scordino,* cited above, § 181, and *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 82, ECHR 2012). Whether the redress given is effective will depend, among other things, on the nature of the right alleged to have been breached, the reasons given for the decision and the persistence of the unfavourable consequences for the person concerned after that decision (see *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, § 78, 21 July 2015). The redress afforded must be appropriate and sufficient. Whether an individual has victim status may also depend on the amount of compensation awarded by the domestic courts and the effectiveness (including the promptness) of the remedy affording the award (see *Paplauskienė v. Lithuania*, no. 31102/06, § 51, 14 October 2014).

78.  The Court observes that, following the applicants’ specific submissions, made during the proceedings concerning the expropriation and demolition of the applicants’ building the domestic courts held that the authorities had adopted the Council of Ministers’ decision of 27 November 2013 without awaiting the decision on the merits and in disregard of the interim order (see paragraphs 37 and 41 above). However, they did not award the applicants any compensation. Furthermore, the Court notes that the fact that the domestic courts in the interim and main proceedings found in the applicants’ favour is irrelevant, since those decisions remained unexecuted and failed to prevent the demolition of the building.

79.  Accordingly, the Court considers that the national authorities did not afford redress to the applicants in respect of their complaint about the non‑enforcement of the interim order in their favour and that they can still claim to be victims of the violation alleged.

3.  Conclusion

80.  The Court considers that the applicants’ complaint under Article 6 § 1 and Article 13 of the Convention are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible, without prejudice to the decision ultimately to be taken on the Government’s objection of non-exhaustion of domestic remedies.

B.  Merits

1.  Compliance with Article 13 in conjunction with Article 6 § 1 of the Convention

81.  The Court reiterates that Article 13 of the Convention requires domestic legal systems to make available an effective remedy empowering the competent national authority to address the substance of an “arguable” complaint under the Convention (see *Z and Others v. the United Kingdom* [GC], no. 29392/95, § 108, ECHR 2001-V). Its object is to provide a means whereby individuals can obtain appropriate relief at national level for violations of their Convention rights before having to set in motion the international machinery of complaint before the Court (see *Kudła v. Poland* [GC], no. 31210/96, § 152, ECHR 2000-XI).

82.  However, the protection afforded by Article 13 does not go so far as to require any particular form of remedy, Contracting States being afforded a margin of discretion in conforming to their obligations under this provision (see, for example, *Kaya v. Turkey*, 19 February 1998, § 106, *Reports* 1998‑I).

83.  Turning to the present case, the Court is not convinced by the Government’s arguments that a claim for compensation under the Non‑Contractual Liability of the State Act, the Inspection of Buildings Act or the Civil Code as exemplified by the domestic case-law submitted by the Government (see paragraph 55 above), would have been effective in the particular circumstances of the case. Firstly, the Court notes that the examples given by the Government refer to claims for damages in cases where the MUCI or NUCI had demolished illegal buildings or where the legalisation procedure was still ongoing. However, the Court notes that there is no information in the case file as to whether those decisions became final at domestic level, and if so, whether the authorities enforced them. Furthermore, the Court notes that in the cases concerned the authorities did not proceed with any subsequent expropriation in the public interest, the circumstances being different from those in the present case. Secondly, the Court notes that the applicants did not complain to the Court of a lack of compensation for pecuniary damage for the non-enforcement of the interim order of 7 November 2013, rather that the authorities failed to enforce the interim measure, which made it impossible for them to have the merits of their case properly examined.

84.  Furthermore, the Court reiterates that the principle of the rule of law which the Contracting States undertook to respect when they ratified the Convention encompasses the duty to ensure that the competent authorities enforce judicial remedies when granted (see, *Iatridis v. Greece* [GC], no. 31107/96, § 66, ECHR 1999‑II, and *Pavić v. Croatia*, no. 21846/08, § 38, 28 January 2010). Moreover, referring to the cases of *Gjyli v. Albania* (no. 32907/07, §§ 55-61, 29 September 2009), *Manushaqe Puto and Others v. Albania* (nos. 604/07 and 3 others, §§ 33-35, 31 July 2012) and *Luli and Others v. Albania* (nos. 64480/09 and 5 others, §§ 77-84, and §§ 114-119, 1 April 2014), the Court finds that there was no effective remedy in Albania in respect of the non-enforcement of final decisions and length of proceedings at the material time. It further observes that the Constitutional Court, other than making a declaratory finding of a breach where final court decisions are not enforced (see paragraph 68 above), is unable to offer any means of redress to remedy the situation. In such circumstances, the Court finds that there was, and still is, no effective remedy available to the applicants in respect of the non-enforcement of the interim order.

85.  It view of the above, the Court concludes that there has been a violation of Article 13 in conjunction with Article 6 § 1 of the Convention. It follows that the Government’s preliminary objection of non-exhaustion in this respect must be dismissed.

2.  Compliance with Article 6 § 1 of the Convention

(a)  The parties’ submissions

(i)  The applicants

86.  The applicants submitted that there has been a violation of Article 6 § 1 of the Convention as a result of the non-enforcement of the interim order of 7 November 2013. The interim order, which had prohibited any further action by any State authority against the Jon Residence that could hinder their right to peaceful enjoyment of their properties, had clearly stated that the building should not be demolished. However, the Albanian authorities demolished the Jon Residence despite the interim order issued by the District Court and just a few days before the hearing scheduled before the Administrative Court of Appeal. There was no public evidence of any demolition order ever being either adopted by the Vlora Municipality or notified to the applicants.

87.  Moreover, as the domestic courts had ruled, the expropriation decision had been unlawful and overtly aimed at circumventing the interim order. The authorities had failed to comply with the interim order as the applicants had not been allowed unrestricted access to their properties following the seizure and the public announcement of the demolition.

88.  Lastly, the authorities’ failure to comply with the interim order and the demolition of the Jon Residence in just a matter of days had entailed a violation of the applicants’ procedural rights by irreversibly frustrating their claims in the main proceedings.

(ii)  The Government

89.  The Government initially submitted that the authorities had not challenged the interim order of 7 November 2013 as it had not been issued in accordance with domestic law. In their oral submissions the Government argued that the Court had to have regard to the general situation faced by the new Government of June 2013: 400,000 illegal buildings had been constructed for a population of only 2.8 million and illegal constructions had been tolerated for twenty-five years. Accordingly, the Jon Residence having been built on the basis of a permit issued by the local authorities instead of the central authorities, had initially been considered a construction without a regular permit registered with the IPRO. Moreover, the building had not complied with urban planning. It had been under these circumstances that the NUCI and MUCI had taken action on 3 November 2013 in view of the irregularities observed during the procedures concerning the issuance of the building permit, with a view, potentially, to having the State employees responsible punished, as well as the building demolished as an administrative sanction under the Inspection of Buildings Act.

90.  The Government further submitted that the interim order, for as long as it had any effect, had been complied with by the domestic authorities in that the NUCI and MUCI had not taken any unlawful action except for the actions taken on 3 November 2013. The interim order of 7 November 2013 had to be read and interpreted together with the District Court’s decision of 28 January 2014. The building had been considered by the authorities to be illegal until the adoption of the District Court’s decision of 7 November 2013. After its adoption, the authorities could no longer deal with the applicants’ building as a *prima facie* illegal construction. However, at the site of the Jon Residence an infrastructure project in the public interest had been planned. All other buildings had been demolished solely for the implementation of that project. The effects of the interim order had been extended until 27 November 2013, when the property had been subsequently expropriated and demolished in accordance with domestic law as it had then been presumed to be a lawful construction.

91.  The Government further submitted that in fact the applicants were erroneously considering the Council of Ministers’ decision of 27 November 2013 as one which had not implemented the interim order. The interim order of 7 November 2013 had not prevented the expropriation procedure. It had been addressed only to the NUCI and MUCI and not the Council of Ministers. Therefore, the case in hand was different to that of *Okyay and Others v. Turkey* (no. 36220/97, ECHR 2005‑VII), in which the circumstances were different. The interim proceedings in relation to the events of 3 November 2013 had been unrelated to the main proceedings for the demolition of the building taken from 4 to 8 December 2013 in that the interim order had not concerned the demolition of the building, only the conduct of the authorities prior to the decision on expropriation. They also pointed to the fact that during the interim proceedings before the Administrative Court of Appeal the applicants themselves had withdrawn their application for the adoption of an interim measure.

(b)  The Court’s assessment

92.  The Court reiterates that the execution of a judgment given by a court – including a judgment given in interim proceedings (see, amongst many other authorities, *Okyay and Others,* cited above, and *Micallef v. Malta* [GC], no. 17056/06, §§ 87-89, ECHR 2009) - is to be regarded as an integral part of the “trial” for the purposes of Article 6 of the Convention (see *Hornsby v. Greece*, 19 March 1997, § 40, *Reports* 1997‑II). The right of access to a court guaranteed under that Article would be rendered illusory if a Contracting State’s legal system allowed a final binding judicial decision or an interlocutory order made pending the outcome of a final decision to remain inoperative to the detriment of one party. This principle is of even greater importance in the context of administrative proceedings concerning a dispute whose outcome is decisive for a litigant’s civil rights (see *Okyay and Others*, cited above, § 72).

93.  The Court also reiterates that a person who has obtained a judgment against the State at the end of legal proceedings should not be expected to bring separate enforcement proceedings (see *Burdov v. Russia (no. 2)*, no. 33509/04, § 68, ECHR 2009).

94.  Turning to the present case, the Court notes that it is not in dispute that Article 6 § 1 is applicable to the interim proceedings in issue. Taking into consideration the Government’s submissions, it should firstly examine whether the interim proceedings were related to the demolition of the building which took place one month after the issuance of the interim order. Following the applicants’ explicit request to stay the adoption of all administrative decisions related to the demolition of the building (see paragraphs 17-18 above), the District Court in the operative part of its decision explicitly suspended all administrative actions of any public authority that could interfere with the peaceful enjoyment by the applicants of their respective properties. It further gave extensive reasons why the interim order had been issued (see paragraph 19 above). On 20 January 2014 the Administrative Court of Appeal noted that the consequence which the interim order had tried to stop – namely the demolition of the building – had occurred (see paragraph 22 above). Also, subsequent decisions of the domestic courts noted that the NUCI and MUCI had abusively taken arbitrary action with the aim of demolishing the building (see paragraphs 26 – 27, and paragraphs 37 and 41 above). For all the above considerations, the Court concludes that the interim order was issued with a view to preventing any possible demolition of the applicants’ building.

95.  The Court will now turn to the question whether the authorities complied with the interim order of 7 November 2013. It notes that under Article 510 of the Code of Civil Procedure an interim order is directly enforceable and binding to all state institutions (see paragraphs 19 and 62 above). Turning to the present case, the Court notes that the interim order, directed to any official body, was to remain in place until a decision was given on the merits of the case (see paragraph 19 above). By contrast, by the time the domestic courts should have decided on the merits of the case, the Council of Ministers had decided that the Jon Residence should be expropriated in the public interest and the building had been demolished. Therefore, the enforcement of the interim order and the outcome of the main proceedings became redundant (see paragraphs 22 and 26-27 above). The Court also notes that the domestic courts at all levels observed that the Albanian authorities had failed to comply with the interim order (see also paragraphs 78 and 94 above).

96.  In the light of the foregoing, the Court considers that the national authorities failed to comply in practice with the decision rendered by the Vlora Administrative District Court on 7 November 2013, thus depriving Article 6 § 1 of any useful effect (see, *mutatis mutandis*, *Okyay and Others*, cited above, §§ 72-73, and *Kübler v. Germany*, no. 32715/06, §§ 60-66, 13 January 2011).

97.  There has therefore been a violation of Article 6 § 1 of the Convention.

II.  ALLEGED VIOLATIONS OF ARTICLE 8 TAKEN ALONE AND IN CONJUNCTION WITH ARTICLE 13 OF THE CONVENTION

98.  The applicants complained that their forcible removal from their homes without any prior notice and the seizure of the building had been in breach of Article 8 of the Convention. They further complained that the expropriation and subsequent demolition of the building had violated their right to respect for their homes under that provision. They also complained of a lack of an effective remedy in that regard.

Article 8 of the Convention reads as follows:

“1.  Everyone has the right to respect for his private and family life, his home and his correspondence.

2.  There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

A.  Complaint concerning the seizure of the building

1.  Admissibility

(a)  In respect of the first and second applicants

99.  The Court notes that the first and second applicants became owners of several flats and shops in the Jon Residence by virtue of their ownership of the plot of land (see paragraph 8 above). However, the Court notes that, the first and second applicants did not submit any documentary evidence to prove that they were actually using them as their homes or business premises (see, *a contrario*, *Société Colas Est and Others v. France*, no. 37971/97, § § 41-42, ECHR 2002‑III) for the purpose of Article 8 of the Convention. Accordingly, this complaint in respect of the first and second applicants is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4. On the same basis, the Court also rejects their complaint under Article 13 of the Convention taken in conjunction with Article 8.

(b)  In respect of the remaining applicants

(i)  Whether the applicants have exhausted the domestic remedies

100.  The Government submitted that the applicants had not complained to the domestic courts of a breach of their right to respect for their home. The applicants had only challenged the expropriation value. They had not claimed any compensation in the proceedings which had ended with the Administrative Court of Appeal’s decision of 21 January 2014; alternatively, they could have brought claims under the Civil Code, the Non-Contractual Liability of the State Act and the Inspection of Buildings Act.

101.  The applicants reiterated that they had complained to the domestic courts about the seizure and surrounding of the building. They had challenged the unlawful acts of the administrative authorities (seizure, expropriation and demolition) interfering with their right to respect for their home, thereby raising at least in substance a complaint under Article 8 of the Convention.

102.  The Court considers that the question of exhaustion of domestic remedies is so closely related to the merits of the applicants’ complaint of a lack of an effective remedy for the alleged interference with their right to home that they cannot be detached from it.

103.  Thus, the Court holds that the issue of whether the applicants exhausted the domestic remedies should be joined to the merits of their complaint under Article 13, in conjunction with Article 8 of the Convention.

(ii)  Whether the applicants lack “victim status”

104.  The Government submitted that the Administrative Court of Appeal in its decision of 21 January 2014 had declared the NUCI’s actions of 3 November 2013 unlawful; therefore, the issue had already been addressed at domestic level.

105.  The applicants did not submit any particular comments.

106.  In the light of the foregoing (see paragraphs 76-79 above), the Court considers that the national authorities did not afford redress to the applicants in respect of their complaint of a breach of their right to respect for their home and that they can still claim to be victims of the violation alleged.

(iii)  Conclusion

107.  The Court considers that the applicants’ complaint under Articles 8 and 13 of the Convention are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible, without prejudice to the decision ultimately to be taken on the Government’s objection of non-exhaustion of domestic remedies.

2.  Merits

(a)  Compliance with Article 8 of the Convention

(i)  The parties’ submissions

108.  The applicants submitted that their right to respect for their home had been violated on account of their sudden, forced, unlawful and permanent eviction from their homes without any prior official notice. They alleged that on 3 November 2013 officials of the NUCI and MUCI, assisted by the State Police, had suddenly surrounded the building and cordoned it off with yellow police tape. Most of them had only learned of the situation by chance through the media or by telephone from the guards of the building. Those of them who had been inside their properties at the time had been forcibly removed and, from that moment onwards, all of them had been prevented from having access to their homes, even to recover their most essential belongings and valuables before the building was demolished. They also submitted that upon delivery of the interim decision, they had finally been allowed to return to their homes, provided they showed a certificate of ownership and a valid identity card (ID).

109.  The applicants further submitted that the seizure of the building and ensuing impossibility for them to have access to their properties had not been based on a court decision. Furthermore, the seizure of the building had continued in spite of the interim order. The unlawfulness of the administrative authorities’ conduct had already been established by the domestic courts. Therefore, the seizure of the applicants’ homes and possessions had not been lawful, had not pursued a legitimate aim, and had not been proportionate to any aim pursued.

110.  The Government acknowledged that there had been an interference with the applicants’ rights under Article 8 of the Convention but that interference had had a basis in law and had also pursued a legitimate aim, namely the recovery and reconstruction of the seafront of the city. As to the proportionality test, the Government submitted that a balance had been maintained between the applicants’ rights and the public interest. The applicants had also been awarded fair compensation. The circumstances in the present case were different to those in the cases of *Demades v. Turkey* (no. 16219/90, 31 July 2003), and *Loizidou v. Turkey* (merits) (18 December 1996, *Reports* 1996‑VI).

111.  Furthermore, the Government submitted that the applicants’ flats had been mainly summer homes and that they had not had to bear too much of a burden. They noted that after the interim order of 7 November 2013 the applicants themselves had admitted that they had been allowed to enter their flats. The Government also submitted that the use of yellow police crime scene tape had been standard procedure for the NUCI (see also paragraph 177 below). In their oral submissions the Government submitted that the issue was closely related to the examination of the case under Article 1 of Protocol No. 1 concerning the expropriation procedure.

(ii)  The Court’s assessment

(α)  Whether the Jon Residence was the applicants’ “home” within the meaning of Article 8 of the Convention

112.  The Court notes at the outset that applicants nos. 3-19, as listed in the appendix, became owners of flats by virtue of purchase agreements (see paragraph 8 above). It observes that they had submitted sufficient documentary evidence showing that, upon completion of the construction works, their flats were furnished and used as holiday homes (see paragraph 9 above). It also notes that some of the applicants already started to make regular use of and lived in their flats. The Court further notes that the applicants’ flats were treated by them as a home. For all the above considerations, the Court, having regard also to the documents in the case file, concludes that although some of the applicants’ flats were used as holiday homes they qualify as “homes” for the purposes of Article 8 of the Convention as the applicants would have also formed emotional ties with their second homes (see *Demades*, cited above, § 34).

(ß)  Whether there was an interference by a public authority with the applicants’ right to respect for their homes

113.  Having established that the flats in question were the applicants’ homes for the purposes of Article 8 of the Convention, the Court has to determine whether there was an interference with their right to respect for their homes by a public authority.

114.  The Court notes that the domestic courts established that the applicants had been unable to have access to their homes (see paragraphs 19, 26-27, 37 above). The Court further notes that the applicants nevertheless made clear in their written submissions that they had been allowed to return to their homes in the Jon Residence. However, that access was only possible if residents presented a certificate of ownership and valid ID to the authorities. The Court also notes that one of the residents declared during the proceedings before the District Prosecutor that he had only been allowed to enter his flat the day after he had shown the authorities his certificate of ownership (see paragraph 46 above). The fact that the District Prosecutor, following the first applicant’s criminal complaint, decided not to initiate any criminal proceedings on the grounds that on 3 November 2013 the authorities had acted in accordance with the law does not alter the decisions of the domestic courts which stated that the actions of 3 November 2013 had been arbitrary (see paragraphs 19, 26-27 and 37 above).

115.  Based on the above considerations, the Court concludes that the applicants were unable to gain access to and use their homes, and that access was only possible if a certificate of ownership and valid ID were presented to the authorities. Furthermore, the Court notes that the fact that some applicants had limited access to their homes under particular conditions does not change the fact that the full and free access required by the interim order was not permitted. The Court thus finds that the police intervention, which led to the building being surrounded and the applicants being unable to gain access to and use their homes, constituted an interference by a public authority with their right to respect for their homes.

(ʏ)  Whether the interference was justified

116.  According to the Court’s case-law, the expression “in accordance with the law” not only requires that the impugned measure should have some basis in domestic law, but also refers to the quality of the law in question, requiring that it should be accessible to the person concerned and foreseeable as to its effects. However, it is for the national authorities, notably the courts, to interpret and apply domestic law (see, among many other authorities, *Paradiso and Campanelli v. Italy* [GC], no. 25358/12, § 169, ECHR 2017).

117.  The Court observes that the Government’s submissions concerning the regularity of the seizure and surrounding of the building were rejected by the domestic courts. More concretely, the District Court in its decision of 28 January 2014 concluded that the surrounding of the building had taken place without informing the owners or the construction company, and that no order had been issued by the authorities prohibiting the applicants from entering their flats (see paragraphs 19 and 26 above). That decision was upheld by the Administrative Court of Appeal in 6 May 2016 (see paragraph 27 above). The Court also notes that the interim order to remove the yellow police tape was not respected, in clear breach of national law, as the Albanian courts stated (see also paragraph 37 above). It is clear that in the present case there was no legal basis for the police intervention in the seizure and surrounding of the building. Furthermore, the requirement for the applicants to show the authorities a certificate of ownership or ID to access their properties was not based on any domestic law or a court decision. At this juncture, the Court considers it necessary to emphasise that the practice of police forces preventing people from entering their homes without any legal basis, and the seizure and cordoning off of a building contrary to domestic law, are not compatible with the rule of law in a democratic society respecting the fundamental rights and freedoms guaranteed under the Convention (see, *mutatis mutandis*, *Khalikova v. Azerbaijan*, no. 42883/11, § 128, 22 October 2015).

118.  It follows that the interference in the present case cannot be considered to have been “in accordance with the law”, as required by Article 8 § 2 of the Convention. Having reached this conclusion, the Court is not required to determine whether the interference was “necessary in a democratic society” for one of the aims listed in paragraph 2 of Article 8. There has accordingly been a violation of these applicants’ right to respect for their home, within the meaning of Article 8, on account of the seizure and surrounding of the building (see among many other authorities, *Khalikova*, cited above, § 129, and *Demades*, cited above, § 37).

(b)  Compliance with Article 13 in conjunction with Article 8 of the Convention

119.  Having regard to its findings with respect to Article 8 of the Convention, the Court considers that the complaints under that Article were “arguable” for the purposes of Article 13 of the Convention (see, *mutatis mutandis*, *Boyle and Rice v. the United Kingdom*, 27 April 1988, § 52, Series A no. 131, and *Sabanchiyeva and Others v. Russia*, no. 38450/05, § 153, ECHR 2013 (extracts)).

120.  The Court notes that the applicants complained about the seizure and surrounding of the building both in the interim and in the main proceedings concerning the actions of 3 November 2013, and that the domestic courts accordingly decided their claims, noting that they had been prevented from entering their homes (see paragraphs 16-19, 22, 25-26 and 94-95 above). Criminal proceedings were also brought (see paragraph 45 above). The Court notes that all those claims were made before the applicants were in a position to know that the building was to be demolished on 4 December 2013, irrespective of the property and compensation claims. In view of the above considerations, the Court accepts that the applicants did complain in substance to the domestic courts under Article 8 of the Convention – right to respect for their home.

121.  As regards a claim for compensation under the Civil Code, the Non-Contractual Liability of the State Act and the Inspection of Buildings Act, the Court rejects the Government’s objections on the same grounds as previously (see paragraph 83 above).

122.  Furthermore, the Court notes that the cordoning off of the building was clearly considered a violation of the applicants’ rights by the domestic courts. However, the Administrative Court did not award the applicants any compensation for this violation.

123.  For the above reasons, the Court considers that there has been a violation of Article 13 in conjunction with Article 8 of the Convention. It follows that the Government’s preliminary objection of non-exhaustion in this respect must be dismissed.

B.  Complaint concerning the expropriation and demolition of the building

124.  The Government submitted that the applicants had failed to raise this complaint before the domestic courts. They also submitted that the Court should not examine Article 8 of the Convention separately but should do so under Article 1 of Protocol No. 1 to the Convention.

125.  The applicants submitted that there had been a breach of Article 8 of the Convention on account of the demolition of their homes. Since the demolition of the building had been carried out in violation of Article 1 of Protocol No.1, it had automatically entailed a violation of Article 8 of the Convention.

126.  The Court considers that it is not necessary to examine this complaint separately under Article 8 taken alone and in conjunction with Article 13 of the Convention. It considers that it is more appropriate to examine this complaint under Article 1 of Protocol No. 1 to the Convention taken alone and in conjunction with Article 13 of the Convention (see paragraphs 137-175 below).

III.  ALLEGED VIOLATIONS OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION TAKEN ALONE AND IN CONJUNCTION WITH ARTICLE 13 OF THE CONVENTION

127.  All the applicants complained that the seizure, expropriation and demolition of their properties without compensation had violated their right to the peaceful enjoyment of their possessions under Article 1 of Protocol No. 1 to the Convention. They also complained of a lack of an effective remedy in that regard.

Article 1 of Protocol No. 1 to the Convention reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A.  Complaint concerning the seizure of the building

1.  Admissibility

128.  The Government did not submit any specific objections concerning the complaint under Article 1 of Protocol No. 1 to the Convention. Their arguments were essentially focused on the inadmissibility of the applicants’ complaints concerning the demolition of the property and the expropriation procedure.

129.  The Court, taking into consideration the findings concerning the admissibility of complaints under Articles 8 and 13 of the Convention (see paragraphs 100-107 above) and that the first and second applicants complained about a breach of their property rights also in respect of their flats and business premises, notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

2.  Merits

(a)  The parties’ submissions

130.  The applicants raised the same arguments as those submitted in respect of Article 8 of the Convention and Article 13 in conjunction with Article 8 of the Convention.

131.  The Government submitted that the applicants had not been deprived of their properties and hindered in their access for similar reasons to the *Demades* case (cited above) as they had been expropriated in the public interest in exchange for fair compensation.

(b)  The Court’s assessment

(i)  General principles

132.  The Court reiterates that Article 1 of Protocol No. 1, which guarantees in substance the right of property, comprises three distinct rules. The first rule, which is set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of peaceful enjoyment of property. The second rule, contained in the second sentence of the same paragraph, covers deprivation of possessions and subjects it to certain conditions. The third rule, stated in the second paragraph, recognises that the Contracting States are entitled, amongst other things, to control the use of property in accordance with the general interest, by enforcing such laws as they deem necessary for the purpose. However, the rules are not “distinct” in the sense of being unconnected. The second and third rules are concerned with particular instances of interference with the right to peaceful enjoyment of property and should therefore be construed in the light of the general principle enunciated in the first rule (see, among many other authorities, *James and Others v. the United Kingdom*, 21 February 1986, § 37, Series A no. 98; and *Sargsyan v. Azerbaijan* [GC], no. 40167/06, § 217, ECHR 2015).

133.  The first and most important requirement of Article 1 of Protocol No. 1 is that any interference by a public authority with the peaceful enjoyment of possessions should be lawful: the second sentence of the first paragraph authorises a deprivation of possessions only “subject to the conditions provided for by law” and the second paragraph recognises that States have the right to control the use of property by enforcing “laws”. Moreover, the rule of law, one of the fundamental principles of a democratic society, is inherent in all the Articles of the Convention. It follows that the issue of whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual’s fundamental rights becomes relevant only once it has been established that the interference in question satisfied the requirement of lawfulness and was not arbitrary (see, among many other authorities, *Serkov v. Ukraine*, no. 39766/05, § 33, 7 July 2011).

(ii)  Application to the present case

134.  The Court notes that, as established by the domestic courts, as a consequence of the fact that the applicants were refused access to their properties for a period of one month from 3 November to 4 December 2013, they effectively lost complete control over their properties, and the opportunity to use and enjoy them. The continuous denial of access for a period of one month must therefore be regarded as an interference with their rights under Article 1 of Protocol No. 1. Such an interference, in the view of the fact that the measures were taken with the purpose of demolishing the Jon Residence between 4 and 8 December 2013, clearly falls within the meaning of the first sentence of that provision as an interference with the peaceful enjoyment of possessions. Based on the reasons given by the domestic courts, the Court notes that the Government did not provide any legal justification whatsoever for this interference. The Court observes, as it did under Article 8 of the Convention above, that the seizure and surrounding of the Jon Residence with yellow police tape, and impeding the applicants’ use of their properties for about one month, were not lawful under domestic law because the authorities disregarded the interim order issued by the domestic courts.

135.  For the above reasons, the Court concludes that there has been a violation of Article 1 of Protocol no. 1 to the Convention.

136.  As regards the complaint under Article 13 in conjunction with Article 1 of Protocol No. 1 to the Convention, the Court notes that the applicants were not awarded any compensation by the domestic courts concerning the seizure of the building. The applicants did not therefore have any effective remedy at their disposal for the purpose of Article 13 of the Convention. Accordingly, it concludes that there has been a violation of Article 13 in conjunction with Article 1 of Protocol No. 1 to the Convention.

B.  Complaint concerning the expropriation and demolition of the property

1.  Admissibility

(a)  Whether the applicants have exhausted domestic remedies

(i)  Government’s submissions

137.  The Government submitted that the applicants’ appeal pending before the Supreme Court was an effective remedy. The proceedings had been stayed under Article 479 of the CCP on the grounds that the State had been unable to pay the compensation all at once. They submitted that the Council of Ministers had approved the decision of 5 February 2014 in order to prevent the accumulation of financial debts stemming from judicial decisions and the adequate planning of their payment. Under the *Gjyli* judgment (cited above) and Article 479 of CCP, the final decision on compensation would be the Supreme Court’s decision. They also submitted domestic case-law according to which legal proceedings to challenge the amount of compensation had been successful at domestic level (see paragraph 56 above). The proceedings before the Supreme Court had not been excessively long, taking into account the complexity of the case, the need to call different experts for the valuation of the property and the backlog before it. They further submitted that the Albanian authorities, in view of an ongoing reform in the justice system, were taking measures to address the length of judicial proceedings at domestic level.

138.  In their oral submissions the Government stressed that the applicants had failed to seek compensation from the domestic authorities on the basis of the Council of Ministers’ decision of 27 November 2013 as amended by its decision of 9 April 2014, which had been the only enforceable decision at domestic level to date. The expropriation value had been available to the applicants for three years but they had failed to say to which bank account the award should be transferred. The additional compensation had not yet been awarded by a final decision.

139.  Furthermore, the applicants had had the following remedies at their disposal: property rights claims, claims for possession and claims under the Inspection of Buildings Act, all of which were compensatory.

140.  The Government further submitted that the applicants had failed to challenge the decision to demolish the Jon Residence before the domestic courts. They could have applied for an interim order to stay the demolition of the building since they had known about the demolition from at least 27 November 2013, the date of the Council of Ministers’ decision, or alternatively from 28 November 2013, when the Prime Minister had declared that the Lungomare project would be constructed, or from 3 December 2013, when the Council of Ministers’ decision had been published, until 8 December 2013, when the building had been demolished. Furthermore, the applicants had failed to challenge the alleged “*de facto* expropriation” *(shpronësim de facto)* under section 26 of the Expropriation Act. The unlawfulness of the expropriation procedure had not been part of the claim lodged with the domestic courts.

141.  The Government also submitted that the applicants had failed to complain to the domestic courts about their movable property and the relevant compensation. In any case, from 7 November 2013 to 8 December 2013 the applicants had had all the time needed to remove their movable property.

(ii)  Applicants’ submissions

142.  The applicants contended that their appeal pending before the Supreme Court was not an effective remedy for the purposes of Article 13 of the Convention. Firstly, the proceedings concerned only the amount of compensation due to them for the unlawful expropriation and not the issue of whether the demolition had been in breach of their right to respect for their home and property. Secondly, the proceedings had been pending since 2013 and despite repeated requests by them for the case to be dealt with urgently, not even the first hearing had been scheduled. Thirdly, the proceedings had no reasonable prospect of success since it was unlikely that the Supreme Court would allow their appeal and rule against the Government and order them to pay them compensation at full market value, considering both the high political profile of the present case and the broader context of growing governmental interferences in the administration of justice. They relied on *Kozacıoğlu v. Turkey* ([GC], no. 2334/03, 19 February 2009). Lastly, even if the appeal before the Supreme Court turned out to be successful, the decision was doomed to remain unexecuted as the Government had clearly shown no intention of complying with the domestic decisions or even its own decisions. Payment of compensation was thus at the State’s discretion and dependent on their willingness. They relied on *Driza v. Albania* (no. 33771/02, §§ 119-120, ECHR 2007‑V (extracts)).

143.  As regards the applicants’ asserted failure to seek compensation, they submitted that they had done so (see paragraph 57 above).

144.  The applicants further submitted that the ordinary judicial remedies available at domestic level could not be considered effective given that they did not allow them to assert their right to full redress for the adverse consequences of the unlawful deprivation of their property.

145.  The applicants further submitted that the expropriation procedure had only lasted three days. Therefore, they could in no way have preventively challenged the unlawfulness of the authorities’ actions before the domestic courts before the demolition of the building had actually been carried out. They had only learned of the Council of Ministers’ decision on 3 December 2013. They also submitted that the administrative courts had duly assessed the unlawfulness of the expropriation procedure. They had challenged the expropriation decision both on substantive and procedural grounds and the domestic courts had explicitly acknowledged that the expropriation had been invalid under domestic law.

146.  The applicants submitted that they had had no time to save their most essential belongings and valuables before the building was demolished.

(iii)  Court’s assessment

147.  The Court considers that the question of exhaustion of domestic remedies is so closely related to the merits of the applicants’ complaint of a lack of an effective remedy for the alleged interference with their property rights that they cannot be detached from it.

148.  Thus, the Court holds that the issue of whether the applicants exhausted domestic remedies should be joined to the merits of their complaint under Article 13, in conjunction with Article 1 of Protocol No. 1 to the Convention.

(b)  Whether the applicants lack “victim status”

149.  The Government further submitted that the domestic courts at all levels had found in the applicants’ favour. They had allowed the parties to present their claims on all issues on the merits and had drawn the relevant conclusions. Therefore, the applicants lacked victim status.

150.  The applicants submitted that to date they had not received any compensation and that there was no prospect of them ever receiving payment.

151.  Referring to the applicable principles in respect of victim status (see paragraphs 76-77 above), the Court notes that the first criterion, namely acknowledgment of a violation, has been met. Both the District Court and the Court of Appeal found that the Expropriation Act had been breached and that the authorities had “*de facto* expropriated” *(shpronësuar de facto)* the applicants’ properties. An appeal has been pending before the Supreme Court since 2014. As to the second criterion, the Court notes that both courts awarded compensation to the applicants and that the Court of Appeal increased the amount of that compensation. However, the Court notes that the Ministry of Finance approved a fund of only EUR 3,460 for the implementation of the Council of Ministers’ decision of 27 November 2013, that is to say one thousand times less than the amount awarded in the decision. Even that amount has not yet been paid to the applicants (see paragraph 34 above). Under domestic law, expropriation should be made against fair compensation. Furthermore, in its own case-law the Court has recognised that the mere acceptance of a violation without adequate compensation does not deprive the applicants of their victim status. The Court, taking into consideration the fact that the applicants have not received any compensation for the demolition of their properties (see also paragraph 153 below), and that no sufficient relief has been provided to them to date at domestic level, meaning that they continue to suffer the consequences of a breach of their rights, considers that the applicants thus retain victim status for the purposes of this complaint (see *Almeida Garrett, Mascarenhas Falcão and Others v. Portugal*, nos. 29813/96 and 30229/96, § 54, ECHR 2000‑I; *Öneryıldız v. Turkey* [GC], no. 48939/99, § 156, ECHR 2004‑XII; and *Montanaro Gauci* *and Others v. Malta*, no. 31454/12, §§ 41-48, 30 August 2016).

(c)  Conclusion

152.  The Court considers that the applicants’ complaints under Articles 1 of Protocol No. 1 to the Convention and Article 13 of the Convention are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible, without prejudice to the decisions ultimately to be taken on the Government’s objections of non-exhaustion of domestic remedies.

2.  Merits

(a)  Compliance with Article 13 in conjunction with Article 1 of Protocol No. 1 to the Convention

153.  The Court notes that the case regarding the level of compensation has been pending before the Supreme Court since 2014. On 15 January 2015 the Supreme Court stayed the proceedings, without giving any reasons (see paragraphs 42- 43 above). The Court notes that the applicants have not to date been compensated at all, not even in the amount awarded under the Council of Ministers’ decision of 27 November 2013. In addition, the Court notes that the Council of Ministers, by its decision of 9 April 2014, unilaterally reduced the amount of compensation as awarded by the District Court’s decision of 6 March 2014, and that only EUR 3,460 have been allocated so far to the applicants. Therefore, in the circumstances of this case, the duration, and in particular the lengthy stay, of the Supreme Court proceedings further exacerbates the applicants’ situation. A delay of four years in paying compensation to the applicants, who have lost their homes and belongings, cannot be considered effective for the purposes of effective compensation. Such a delay already constitutes a violation of Article 1 of Protocol No. 1 to the Convention (see *Öneryıldız* cited above, § 137). The Court also notes that, in view of the lack of compensation, the applicants were denied an effective remedy for the alleged breach of their rights under Article 1 of Protocol No. 1 to the Convention (see *Öneryıldız,* cited above, § 156).

154.  Furthermore, the Court reiterates that is has already noted on many occasions that it is not open to a State authority to cite lack of funds as an excuse for not honouring a judgment debt (see, among many other authorities, *Burdov v. Russia*, no. 59498/00, § 35, ECHR 2002‑III).

155.  The Court also notes that even though the applicants did not submit the request sent to the Vlora Municipality seeking the payment of compensation to the Court, they did submit the IPRO’s reply of 29 January 2014 stating that it was unable to issue a certificate of ownership for a property that no longer existed (see paragraphs 32 and 57 above). It appears that the authorities had asked for the applicants’ certificates of ownership as a supporting document when they sought compensation. The Court notes that, under the Expropriation Act, it is up to the authorities to initiate the relevant compensation proceedings (see paragraph 63 above). Therefore, the Court considers that, in such cases, owners should not be expected to incur the expense and burden of instituting proceedings to ensure the authorities’ fulfilment of their legal obligation (see, *mutatis mutandis*, *Apostol v. Georgia*, no. 40765/02, §§ 64-65, ECHR 2006‑XI, and *Frendo Randon and Others v. Malta*, no. 2226/10, § 65, 22 November 2011, in relation to enforcement proceedings).

156.  The Court notes that the Government failed to specify what remedies under domestic law they were referring to in respect of property rights claims and claims for possession (see also paragraph 139 above). In any event, the Government made a similar argument under the Inspection of Buildings Act in the context of the complaint under Articles 6 § 1 and 13 which was rejected by the Court (see paragraph 83 above).

157.  As regards the purported failure to bring a challenge against the demolition order and the ensuing interim order prohibiting the authorities from carrying out the demolition, the Court is not convinced by the Government’s argument, having regard to the particular circumstances of the case. An applicant who has exhausted a remedy that is apparently effective and sufficient cannot be required also to have tried others that were available but probably no more likely to be successful (see *O’Keeffe v. Ireland* [GC], no. 35810/09, §§ 109-111, ECHR 2014 (extracts)), and the cases cited therein). The applicants requested the authorities to refrain from any future actions in respect of the building with a view to its demolition. The judicial authorities granted the interim order to that effect, which was disregarded by the executive authorities and became futile. Therefore, the Court is left to wonder how a similar remedy could have been effective. At no point did the authorities inform the applicants or the construction company of the demolition of the property or the initiation of the expropriation procedure (see paragraphs 36-38 and 41 above). In view of the above, the applicants had no apparent opportunity to challenge the demolition when no demolition order had been issued except the Council of Ministers’ decision on expropriation, or to apply for a new interim order.

158.  The Court also notes that while it is true that the applicants did not specifically lodge a claim with the domestic courts to have the expropriation procedure acknowledged as invalid, they expressly complained to the domestic courts of the unlawfulness of those proceedings. The domestic courts found that the expropriation had been unlawful and that a “*de facto* expropriation” *(shpronësim de facto)* had taken place. Accordingly, they found that the Council of Ministers’ decision of 27 November 2013 had been adopted in gross procedural violations and accordingly amended the amount of compensation. Therefore, the Court finds it difficult to accept that a claim under section 26 of the Expropriation Act could have been successful and redressed the applicants’ situation at a time when, as the District Court noted in its decision of 6 March 2014, the applicants were prevented from being returned to their previous situation.

159.  As regards the applicants’ complaints about their movable property, assuming that they were told to move their belongings on 4 December 2013 (see paragraph 51 above), the Court is left to wonder how and when the applicants could have moved their movable property to other places when on the day that they were told to do so, the authorities had continued with the demolition of the building. Furthermore, the Court notes that in the Council of Ministers’ decision of 27 November 2013 the authorities failed to decide the issue of the applicants’ movable property, no assessment being made as to that property.

160.  For all the above reasons, the Court concludes that there has been a violation of Article 13 in conjunction with Article 1 of Protocol No. 1 to the Convention. It follows that the Government’s objection about the non‑exhaustion of domestic remedies must be dismissed.

(b)  Compliance with Article 1 of Protocol No. 1 to the Convention

(i)  The applicants’ submissions

161.  The applicants alleged a breach of their property rights as a result of the unlawful expropriation and demolition of the building in violation of the Expropriation Act and in disregard of the interim order, and the authorities’ failure to pay them any compensation. They submitted that they had had all the necessary permits, the residence had been built in full conformity with the provisions of the building permit and domestic law, and that they themselves had bought their properties in good faith. The authorities had ignored the interim measure and accelerated the expropriation procedure with a view to demolition. The expropriation order had been adopted on Wednesday 27 November 2013 and the following two days had been public holidays. On 2 December, the first working day thereafter, the mayor of Vlora had requested the NUCI’s assistance in demolishing the Jon Residence before the Council of Ministers’ decision had even been published in the Official Gazette. Therefore, in no way could they have preventively challenged in court the lawfulness of the authorities’ actions before the demolition of the building had actually been carried out.

162.  The interference with their property rights had been unlawful and contrary to the Expropriation Act because, amongst other reasons, no application for expropriation had been submitted by the Vlora Municipality to the competent minister, no preliminary assessment had been carried out by the competent ministry, and no public notice of the planned expropriation had been given, let alone direct notification to them. The statutory time-limits had been disregarded. The expropriation procedure had lasted only three days. The disregard of the procedural safeguards provided for by law had made it impossible for them to present their case to the competent authorities challenging the interference with their property rights. The applicants further submitted that the expropriation and demolition of the Jon Residence had not pursued any legitimate objective in the public interest at the time of the expropriation. Ostensibly the expropriation had been ordered for purposes of environmental rehabilitation of the coastline. However, the Prime Minister had publicly announced that the expropriation had been necessary in order to build the so-called “Lungomare of Vlora” for leisure and tourism purposes.

163.  Furthermore, the Albanian authorities had failed to establish a fair balance between the competing interests. They should have carried out a preventive building inspection to assess possible opposing interests well before issuing legitimate building permits and not arbitrarily change their mind immediately after the building had been completed. The applicants submitted that they had not received any compensation to date and were uncertain as to whether they might receive any at all. Furthermore, they had not received any compensation for the loss of their movable assets and personal belongings. They submitted that the stay of execution of the Court of Appeal’s decision on 15 January 2015 by the Supreme Court had had nothing to do with the 2014 Council of Ministers’ decision on compensation, which was still in force, and for unspecified reasons remained unexecuted. They also claimed an arbitrary legislative interference as a result of the Council of Ministers’ decision of 9 April 2014 which had unilaterally decreased the amount of compensation awarded for the deprivation of their property under the District Court’s decision of 6 March 2014.

(ii)  The Government’s submissions

164.  The Government initially submitted that since the proceedings were still pending before the Supreme Court, it was impossible for them to provide their opinion with regard to Article 1 Protocol No. 1. In their oral submissions they reiterated that, while acknowledging that there had been an interference with the applicants’ property rights on account of the expropriation procedure, there had been no interference with the applicants’ property rights as a result of the actual demolition. According to the Government, there had existed a legitimate aim in the public interest for the applicants’ expropriation, namely the realisation of the infrastructure project, which also included a reclassification of the area and an environmental intervention, mainly due to problems of flooding in the area. Despite the difficulties encountered, the project was now complete and most of Lungomare had come into use. The expropriation procedure had been undertaken in accordance with domestic law and the Council of Ministers’ decision of 27 November 2013. It was on that basis that the Vlora Municipality had requested the assistance of the NUCI with the demolition of the property. According to the Government, the applicants had been aware that a legitimate reason for the expropriation had existed, that is why they had only challenged the expropriation value before the domestic courts. Even supposing that the expropriation had been declared invalid, that would have simply delayed matters – an expropriation would have taken place one day. The domestic courts had amended the Council of Ministers’ decision of 27 November 2013 concerning the amount of compensation but not the expropriation. The applicants had claimed for the first time before the Court that the expropriation had not been legitimate or in the public interest. Furthermore, the Council of Ministers had amended its own decision of 27 November 2013 with its decision of 9 April 2014 because at the time it had considered that the decision of 27 November 2013 had lacked certain elements (some of the residents had been excluded). The Council of Ministers’ decision of 9 April 2014 was unrelated to the domestic courts’ decisions of 6 March and 23 September 2014.

(c)  The Court’s assessment

(i)  General principles

165.  Regarding whether or not there has been an interference, the Court reiterates that, in determining whether there has been a deprivation of possessions within the second “rule”, it is necessary not only to consider whether there has been a formal taking or expropriation of property but to look behind the appearances and investigate the realities of the situation complained of. Since the Convention is intended to guarantee rights that are “practical and effective”, it has to be ascertained whether the situation amounted to a *de facto* expropriation (see *Brumărescu v. Romania* [GC], no. 28342/95, § 76, ECHR 1999‑VII, and *Sporrong and Lönnroth v. Sweden*, 23 September 1982, §§ 63 and 69-74, Series A no. 52).

166.  The taking of property can be justified only if it is shown, *inter alia*, to be “in the public interest” and “subject to the conditions provided for by law” (see *Jahn and Others v. Germany* [GC], nos. 46720/99, 72203/01 and 72552/01, § 91, ECHR 2005-VI; *Immobiliare Saffi v. Italy*, [GC], no. 22774/93, § 49, ECHR 1999-V; and, *mutatis mutandis*, *Fleri Soler and Camilleri v. Malta*, no. 35349/05, § 65, 26 September 2006). Any interference with property must also satisfy the requirement of proportionality. As the Court has repeatedly stated, a fair balance must be struck between the demands of the general interest of the community and the requirements of the protection of the individual’s fundamental rights, the search for such a fair balance being inherent in the whole of the Convention. (see *Sporrong and Lönnroth*, cited above, §§ 69-74, and *Brumărescu,* cited above, § 78).

167.  Compensation terms under the relevant legislation are material to the assessment of whether the contested measure respects the requisite fair balance and, notably, whether it imposes a disproportionate burden on the individuals (see *Jahn and Others*, cited above, § 94). In this connection, the taking of property without payment of an amount reasonably related to its value will normally constitute a disproportionate interference, and a total lack of compensation can be considered justifiable under Article 1 of Protocol No.1 only in exceptional circumstances (see *The Holy Monasteries v. Greece*, 9 December 1994, § 71, Series A no. 301-A). However, while it is true that in many cases of lawful expropriation only full compensation can be regarded as reasonably related to the value of the property, Article 1 of Protocol No. 1 does not guarantee a right to full compensation in all circumstances. Legitimate objectives in the “public interest”, such as those pursued in measures of economic reform or measures designed to achieve greater social justice, may call for less than reimbursement of the full market value (see *Urbárska Obec Trenčianske Biskupice v. Slovakia*, no. 74258/01, § 115, ECHR 2007-XIII).

168.  The Court reiterates, however, that the adequacy of the compensation would be diminished if it were to be paid without reference to various circumstances liable to reduce its value, such as unreasonable delay. Abnormally lengthy delays in the payment of compensation for expropriation lead to increased financial loss for the person whose property has been expropriated, putting him in a position of uncertainty (see *Akkuş v. Turkey*, 9 July 1997, § 29, *Reports* 1997-IV).

(ii)  Application of the above principles to the present case

169.  The Court notes that it is undisputed that the applicants had “a possession” within the meaning of Article 1 of Protocol No. 1 to the Convention. They had purchased the flats in good faith, whereas the first and second applicants had given their plot of land for construction and had subsequently enjoyed ownership of several flats and shops. The Court notes that even though an interim order was issued by the domestic courts prohibiting the authorities from taking any other action on the Jon Residence, the applicants could not enjoy their properties.

170.  The Court notes that the demolition of the building deprived the applicants of any future possibility of enjoying their properties. In these circumstances, there has been an interference with the applicants’ property rights in the form of “a deprivation” within the meaning of the second sentence of the first paragraph of Article 1 of Protocol No. 1.

171.  The Court must therefore now determine whether this deprivation was justified in accordance with the requirements of Article 1 of Protocol No. 1.  In the instant case the lawfulness of the demolition has been disputed by the parties.

172.  The Court notes that on 3 November 2013 the authorities cordoned off the building, alleging that it was illegal. On 7 November 2013 the domestic court ruled that the authorities’ actions of 3 November 2013 had been unlawful and accordingly issued an interim order. On 27 November 2013, despite the interim order and twenty days after it had been issued, the Council of Ministers issued the decision to expropriate the applicants’ properties, without informing them or the construction company. By 8 December 2013 the building had already been demolished. Taking into consideration the described sequence of events, the Court finds that legitimate concerns arise about the adequacy of a procedure whereby the authorities could decide, in such a short time, to expropriate the applicants’ properties in the public interest, and immediately proceed with the demolition. The Court also notes that in their decisions the domestic courts concluded that both the authorities’ failure to comply with the interim order, and the demolition of the Jon Residence had been unlawful. Therefore, the Court, as the domestic courts rightly pointed out (see paragraphs 36, 38 and 41 above), concludes that in the present case the whole procedure on the applicants’ expropriation was carried out hastily and was thus not in accordance with domestic law.

173.  The Court further considers that the taking of the Jon Residence entailed sufficiently serious consequences for the applicants as their properties had been unlawfully dispossessed, in a manner incompatible with their right to the peaceful enjoyment of their possessions (see, among many other authorities, *Iatridis*, cited above, *Papamichalopoulos and Others v. Greece*, 24 June 1993, Series A no. 260‑B, *Kolona v. Cyprus*, no. 28025/03, §§ 70-78, 27 September 2007, *Loizidou,* cited above, §§ 63-64, and *Demades*, cited above, § 46).

174.  In view of all the above, the Court considers that the interference in question was manifestly in breach of Albanian law and, therefore, unlawful (see paragraph 133 above concerning the relevant principles). It was accordingly incompatible with the applicants’ right to the peaceful enjoyment of their possessions. This conclusion makes it unnecessary to ascertain whether a fair balance was struck between the demands of the general interest of the community and the requirements of the protection of the individual’s fundamental rights.

175.  There has, accordingly, been a breach of Article 1 of Protocol No. 1 to the Convention an account of the expropriation and demolition of the applicants’ properties.

IV.  OTHER ALLEGED VIOLATIONS OF THE CONVENTION

A.  Complaints under Article 6 § 2 of the Convention

176.  The applicants submitted that the use of yellow tape by the police for over six weeks to prevent them from having access to their homes had amounted to a breach of the presumption of innocence under Article 6 § 2 of the Convention.

They also complained that the Prime Minister, members of the Government and other high-ranking police officers had made numerous statements in the press aimed at creating doubts as to their innocence. They also relied on the fact that criminal proceedings had been instituted against State officials for abuse of power concerning the regularity of the restitution process in respect of the applicants’ properties.

Article 6 § 2 of the Convention, in so far as relevant, reads as follows:

“2.  Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law...

177.  The Government submitted that the applicants had not raised this complaint before the domestic courts. Moreover, no criminal charge had been brought against the applicants. They also argued that the use of yellow police “crime scene” tape was standard procedure for the NUCI for the suspension of any possible activity in a building where the lawfulness of the building permit was in question. They further submitted that the authorities had never mentioned the applicants’ names in the media. No investigation had taken place against them either. In their oral submissions the Government submitted that Article 6 § 2 was not applicable.

178.  The Court reiterates that Article 6 § 2 of the Convention applies only when a criminal accusation is pending. Where no such proceedings are, or have been in existence, statements attributing criminal or other reprehensible conduct may, nevertheless, be relevant to considerations of protection against defamation and adequate access to court to determine civil rights and raising potential issues under Articles 8 and 6 of the Convention (see *Zollmann v. the United Kingdom* (dec.), no. 62902/00, ECHR 2003-XII).  In the absence of a criminal charge against the applicants the Court concludes that Article 6 § 2 of the Convention is not applicable.This part of the application is therefore incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 35 § 3. Furthermore, the Court notes that the applicants failed to substantiate their allegations in this respect. Therefore, in any event this part of the application is manifestly ill-founded. For all the above reasons, it must be rejected pursuant to Article 35 § 4 of the Convention.

B.  Complaints under Article 8 of the Convention

179.  The applicants also complained of the right to reputation as guaranteed under the head of “private life” by Article 8 of the Convention for the same reasons as given earlier (see paragraph 176 above).

180.  The Government submitted the same arguments as those made under Article 6 § 2 of the Convention.

181.  The Court notes that there is no documentary evidence in the case file that any statement made by public officials cast doubts on the applicants’ innocence, or that declarations of members of the Government or statements of other high-ranking officials, the institution of criminal proceedings against police officers for abuse of power, or the cordoning off the building with yellow police tape, were directed against the applicants’ reputation (see paragraphs 13-14 and 44-47 above). Therefore, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. 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.

C.  Alleged violation of Article 14 read in conjunction with Article 6 § 1 and Article 8 of the Convention as well as Article 1 of Protocol No. 1 to the Convention

182.  The applicants submitted that they had been discriminated against because the Jon Residence had been the only legally constructed building that the authorities had demolished, whereas all the other buildings situated on the Lungomare promenade had been illegally constructed.

Article 14 of the Convention, reads as follows:

“The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, religion, political or other opinion, national or social origin, association with a minority, property, birth or other status.”

183.  The Government submitted that the applicants had not raised this complaint before the domestic authorities. They further submitted that there had been no violation of Article 14 of the Convention as the procedure followed by the NUCI and MUCI in the present case had been the same as that followed in other cases where the authorities had demolished other buildings.

184.  The Court notes that the applicants failed to raise this complaint before the domestic courts, even in substance. It therefore follows that this part of the application must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

V.  APPLICATION OF ARTICLE 41 OF THE CONVENTION

185.  Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A.  Damage

1.  Pecuniary damage

(a)  The parties’ submissions

186.  The applicants initially claimed the following amounts in respect of pecuniary damage:

(i)  EUR 14,222,986.00, on the basis of an expert report, to be divided among the applicants proportionally according to the surface area of their properties in the Jon Residence;

(ii)  EUR 20,000.00 on an equitable basis to each applicant as an additional amount for loss of opportunities resulting from the unlawful seizure, expropriation and demolition of the building.

(iii)  EUR 15,000.00 on an equitable basis to applicants nos. 3-19 as listed in the appendix, for the loss of their belongings, valuables, furniture and household items as a result of the demolition of the building. The first applicant also claimed EUR 15,000.00 on an equitable basis for the loss of equipment and furniture owned in his Bar-Restorant. They submitted that since the building had been demolished it was impossible for them to precisely quantify the amount of damages or to provide accurate evidence of the movable properties that had been destroyed.

(iv)  An additional amount to the first and second applicants in respect of interest accrued on the last instalment of a bank loan (taken for the construction of the building) at a rate of 7 %, from 27 November 2013 to the date of the delivery of the judgment by the Court. They submitted that the applicants had taken a mortgage of ALL 397,920,600.00 (approximately EUR 3 million) and had already paid back two thirds before the demolition of the building. The applicants still owe the final instalment of EUR 903,350.000 to Banka Credins. Following the demolition of the Jon Residence, the applicants have been unable to pay off the remaining instalment and considerable interest has started to accrue at an annual LIBOR interest rate of 7 %.

187.  The Government contended that as long as the applicants’ claims for compensation in respect of pecuniary damage were the subject of judicial proceedings pending at domestic level and partially had not been raised in the domestic courts, they should be rejected as an abuse of the right of application. Therefore, the applicants’ claims under Article 41 of the Convention were premature. The applicants could not be compensated twice. The amounts were exaggerated, speculative, and unsubstantiated. The applicants had also failed to lodge a claim with the domestic courts for pecuniary damage for loss of profit, the interest of the loan taken with the bank and the alleged damage for the loss of movable assets and buildings. The applicants had further failed to itemise their claims. Furthermore, no compensation had to date been paid to the applicants on the grounds that the proceedings were pending before the Supreme Court, not because of the authorities’ unwillingness. Their case was different from the case of *Driza* (cited above).

188.  On 3 May 2017, in reply to the Court’s letter in preparation for the oral hearing, asking *inter alia* for any additional documentary material on which they wished to rely at the hearing before the Court, the applicants submitted additional claims in respect of pecuniary damage. They submitted an expert report, in which the calculation of the pecuniary damage had been based on the market values indicated in their first observations, EUR 1,600 per square metre in respect of the residential premises, and EUR 2,200 in respect of the business premises. The net value of the expropriated surface area (8,218.15 square metres), which amounted to EUR 14,222,986.00, had been further adjusted in line with inflation rates in Albania for the period 27 November 2013 (the date of the unlawful expropriation) to 31 March 2017. Furthermore, statutory interest on the capital progressively adjusted had been added for the period 27 November 2013 (the date of the unlawful expropriation) to 23 May 2017 (the date of the public hearing before the Court). In the light of the above, each applicant made the following claims in respect of the pecuniary damage they had suffered as a result of the demolition of the Jon Residence:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Applicant | Total Value of Residential, Business and Common Premises | Total Inflation value Nov. 2013 March 2017 | Total of St. Interest Nov. 2013-May 2017 | Loan Award of Pecuniary damages | Grand Total |
|  | 1 | 2 | 3 | 4 | 5 | 6=(2+3+4+5) |
| 1 | Ballanca Erinda | € 164,352.00 | € 9,194.84 | € 17,859.44 | - | € 191,406.28 |
| 2 | Basha Arben | € 164,352.00 | € 9,194.84 | € 17,859.44 | - | € 191,406.28 |
| 3 | Calliku Gerti | € 140,384.00 | € 7,853.93 | € 15,254.93 | - | € 163,492.86 |
| 4 | Calliku Valbona | € 82,176.00 | € 4,597.42 | € 8,929.72 | - | € 95,703.14 |
| 5 | Deromemaj Abdul | € 111,280.00 | € 6,225.67 | € 12,092.33 | - | € 129,598.00 |
| 6 | Durolli Eduard | €157,056.00 | € 8,786.66 | € 17,066.61 | - | € 182,909.27 |
| 7 | Hanxhari Ilonka and Mihallaq | € 98,048.00 | € 5,485.40 | € 10,654.46 | - | € 114,187.86 |
| 8 | Kacorri Vullnet | € 111,280.00 | € 6,225.67 | € 12,092.33 | - | € 129,598.00 |
| 9 | Kapidani Klima | € 172,560.00 | € 9,654.05 | € 18,751.36 | - | € 200,965.41 |
| 10 | Mecaj Mimoza | € 126,640.00 | € 7,085.01 | € 13,761.43 | - | € 147,486.44 |
| 11 | Pojani Teri | € 76,720.00 | € 4,292.18 | € 8,336.84 | - | € 89,349.02 |
| 12 | Rakipaj Pano | € 76,720.00 | € 4,292.18 | € 8,336.84 | - | € 89,349.02 |
| 13 | Rakipaj Baki | € 79,488.00 | € 4,447.04 | € 8,637.62 | - | € 92,572.66 |
| 14 | Schenetti Giuliano | € 84,352.00 | € 4,719.16 | € 9,166.17 | - | € 98,237.33 |
| 15 | Sopoti Etnik | € 97,584.00 | € 5,459.44 | € 10,604.04 | - | € 113,647.48 |
| 16 | Dorina Ylli | € 171,792.00 | € 9,611.08 | € 18,667.91 | - | € 200,070.99 |
| 17 | Xhafer Isufi (35 properties) | € 5,341.090.00 | € 298,812.80 | € 580,393.62 | - | € 6,220,296.42 |
| 18 | Xhuvi Sharxhi (3 properties) | €744,932.00 | € 41,675.99 | € 80,948.60 | - | € 867,556.60 |
| 19 | Xhafer Isufi and Xhuvi Sharxhi (as co-owners) (25 properties) | € 6,222,180.00 | € 348,106.29 | € 676,137.94 | - | € 7,246,424.23 |
| 20 | Loan Award of Pecuniary damages Nov. 2013-May 2017 | € - | € - | € - | € 242,025.08 | € 242,025.08 |
|  | Total value | € 14,222,986.00 | € 795,719.65 | € 1,545,551.63 | € 242,025.08 | € 16,806,282.37 |

189.  The applicants also submitted photographs of their furnished flats before they were demolished.

190.  The above documents of 3 May 2017 were included in the case file under Rules 54 and 64 of the Rules of the Court and the Government was invited to submit any comments on them at the hearing.

191.  In their oral submissions the Government submitted that the Article 41 claim was premature.

192.  In their oral submissions the applicants submitted that since the building had been taken unlawfully and *restitutio in integrum* was impossible, they were entitled to compensation corresponding at the very least to the full market value of the property at the date of expropriation. Apart from the fact that no compensation had yet been paid, the amount awarded by the Council of Ministers in 2014 was disproportionately low and inadequate to mitigate sufficiently the prejudicial consequences for the loss of their properties. That amount was only one-third of the amount for which they had purchased their flats, and a smaller proportion still of the value of their properties at the time of expropriation.

(b)  The Court’s assessment

193.  The Court reiterates that a judgment in which it finds a breach imposes on the respondent State a legal obligation to put an end to the breach and make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach (see, among many other authorities, *Scordino*, cited above, § 246). If domestic law does not allow – or allows only partial – reparation to be made for the consequences of the breach, Article 41 empowers the Court to afford the injured party such satisfaction as it deems appropriate. The Court enjoys a certain discretion in the exercise of that power, as the adjective “just” and the phrase “if necessary” attest. Among the matters which the Court takes into account when assessing compensation are pecuniary damage, that is the loss actually suffered as a direct result of the alleged violation, and non‑pecuniary damage, that is reparation for the anxiety, inconvenience and uncertainty caused by the violation (see *Comingersoll S.A. v. Portugal* [GC], no. 35382/97, § 29, ECHR 2000‑IV).

194.  The Court further notes that the rule that domestic remedies should be exhausted does not apply to just satisfaction claims submitted to the Court under Article 41 (formerly Article 50) of the Convention (see *De Wilde, Ooms and Versyp v. Belgium* (Article 50), 10 March 1972, §§ 15‑16, Series A no. 14, and *Salah v. the Netherlands*, no. 8196/02, §§ 67, ECHR 2006‑IX (extracts)).

195.  The unusual situation has arisen whereby applicants have presented just satisfaction claims to the Court under Article 41 of the Convention even though claims to the same effect are pending before a domestic court. The Court has held on an earlier occasion that it cannot allow proceedings before it and proceedings in a domestic court aimed at precisely the same intended result to be actively pursued in parallel. Normally, it will make little difference whether such parallel domestic proceedings are already pending at the time when the application is lodged with the Court, in which case the application will be inadmissible under Article 35 § 1 of the Convention, or whether the application is lodged with the Court first (see *Salah,* cited above,§§ 65-66).

196.  The present case, however, does not fit the usual mold. The Court has found the proceedings available to the applicants not to constitute effective domestic remedies. In these circumstances, the Court cannot consider itself prevented by the pending domestic proceedings from examining the applicants’ claims: such an interpretation of Article 41 of the Convention would make this provision ineffective in a case such as the present (see, *mutatis mutandis*, *Mikheyev v. Russia*, no. 77617/01, § 155, 26 January 2006, and *Frendo Randon and Others,* cited above, § 77).

197.  The Court further considers that by awarding amounts for damage at this stage there is no risk that the applicants will receive the said dues twice, as the national jurisdictions would inevitably take note of this award when deciding the case (see, *mutatis mutandis,* *Serghides and Christoforou v. Cyprus* (just satisfaction), no. 44730/98, § 29, 12 June 2003; *Serrilli v. Italy* (just satisfaction), no. 77822/01, § 17, 17 July 2008, and *Silva Barreira Júnior v. Portugal*, nos. 38317/06 and 38319/06, § 40, 11 January 2011).

198.  Turning to the applicants’ claim for pecuniary damage, having regard to the fact that the pending proceedings before the Supreme Court have not yet changed the applicants’ situation, and that the Court of Appeal in its decision of 23 September 2014 based its calculation of the pecuniary damage on an experts’ report which took into consideration the development of the property, the open market value, an analysis of the values of sales and rents of similar properties, and a comparison of sale prices with similar properties in the same area, the Court concludes that the applicants should be awarded the amount of compensation as decided by the Court of Appeal in that decision, namely EUR 1,155 per square metre in respect of the flats and EUR 2,000 per square metre in respect of business premises (see *Guiso Gallisay*, cited above, § 105, and paragraphs 38 and 41 above). The Court further notes that interest will have to be paid on this amount so as to offset, at least in part, the four-year period during which the applicants were deprived of the land. In the Court’s opinion the interest should take the form of simple statutory interest based on the European Central Bank interest rates. Having regard to the above, the Court awards the applicants, jointly, EUR 13,098,600. The compensation is to be paid in the same manner as provided for in the decision of 23 September 2014, that is to say on the basis of the size of each applicant’s property and in one lump sum (see paragraph 41 above).

199.  The Court considers that the applicants’ complaint of loss of opportunities should be rejected. The applicants failed to elaborate this claim and specify what type of opportunities they are claiming to have lost.

200.  As regards the payment of compensation in respect of the loss of movable property, the Court notes that the applicants submitted photographs of their furnished flats without specifying to whom the movable property belonged. However, the Court notes that it is undisputed that some of the flats were furnished. Furthermore, the day that the applicants were told to move their movable properties, the authorities had continued with the demolition of the building (see paragraph 51 above). The Court also notes that the applicants learned about the expropriation only on 3 December 2013, the demolition had started to take place the next day. In these circumstances, having regard to the short time the proceedings had been conducted, the Court concludes that it had been impossible for the applicants to submit before the Court detailed documentary evidence. For all the above considerations, the Court finds it more appropriate to take this fact into consideration when considering the applicants’ claim for non‑pecuniary damage.

201.  As regards the first and second applicants’ claims in respect of the loan taken with their bank, the Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim.

2.  Non-pecuniary damage

202.  The applicants also claimed EUR 100,000 each in respect of non‑pecuniary damage, alleging that the authorities’ actions had caused them severe moral suffering. They submitted that a number of factors had to be taken into account, such as the frustration and anxiety stemming from being powerless witnesses to the abuses perpetrated by the Albanian authorities and from not being able to prevent the unlawful demolition of their properties, as well as the prolonged state of anxiety arising from not knowing whether they would ever be able to recover any compensation. They also drew attention to the situation of the first and second applicants, who had been investors in the Jon Residence and had eventually been forced to shut down their company at the end of 2015.

203.  The Government contested their arguments as unsubstantiated on facts and evidence. The applicants had failed to submit any evidence, either direct or indirect, to prove they had suffered damage to their business or mental health. The applicants had further failed to exhaust domestic remedies and had abused their right of application.

204.  The Court rejects the Government’s objection about the non‑exhaustion of domestic remedies (see paragraph 194 above). Although the Court has not accepted the applications in their entirety, it does accept that the applicants have suffered non-pecuniary damage that cannot be made good by the findings of violations alone. Accordingly, making its assessment on an equitable basis, the Court awards to each of the applicants nos. 3-19 as listed in the appendix, EUR 13,000 in respect of non-pecuniary damage for the suffering and the anguish they have experienced as a result of the violations under Article 6 § 1, Article 8 and Article 1 of Protocol No. 1 to the Convention.

Furthermore, making its assessment on an equitable basis, the Court awards to each of the first and second applicants, EUR 7,800 in respect of non-pecuniary damage for the suffering and the anguish they have experienced as a result of the violations under Article 6 § 1 and Article 1 of Protocol No. 1 to the Convention.

B.  Costs and expenses

205.  The applicants submitted the following claims in respect of costs and expenses:

(i)  ALL 11,409,852.52 corresponding to the court fees for the institution of the domestic judicial proceedings to the first applicant, who on behalf of all applicants paid the court fees;

(ii)  EUR 9,600 to the applicants M. Hanxhari, T. Pojani, G. Calliku, M. Mecaj, E. Durolli, B. Rakipaj, P. Rakipaj, A. Deromemaj (EUR 1,200 each), in respect of costs and expenses incurred at domestic level (the payment made to their lawyer in the proceedings before the domestic courts);

(iii)  EUR 33,750.00 jointly to all applicants, in respect of costs and expenses incurred in the proceedings before the Court. On 3 May 2017 the applicants submitted additional claims for costs and expenses incurred before the Court as follows: EUR 2,582.63 in respect of the lawyers’ expenses incurred for their participation in the hearing held on 23 May 2017, and EUR 1,500 in respect of the preparation of the additional expert report submitted on 3 May 2017.

206.  The Government submitted that the legal costs of the domestic proceedings were payable by the losing party in those proceedings, the Albanian State. Given that the domestic proceedings were still pending, despite the unfounded and abusive claims, the claims were premature since the proceedings were pending before the Supreme Court. As regards the costs and expenses incurred before the Court these were exaggerated, speculative and not necessarily incurred. The Government submitted that the applicants had failed to submit detailed receipts, as provided by the tax authorities, in accordance with domestic law.

207.  According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum (see, for example, *Gjyli*, cited above, § 72). To this end, Rule 60 §§ 2 and 3 of the Rules of Court states that applicants must enclose with their claims for just satisfaction “any relevant supporting documents”, failing which the Court “may reject the claims in whole or in part”.

208.  The Court notes that the domestic courts awarded all applicants costs and expenses related to the court fees for the institution of the domestic judicial proceedings, and their representation before the domestic courts (see paragraphs 39 and 41 above). Nevertheless, as regards the court fees for the institution of the domestic judicial proceedings, the Court awards the applicants EUR 84,500. As regards the costs and expenses for the representation before the domestic courts, the Court considers it reasonable to award EUR 9,600 to the applicants M. Hanxhari, T. Pojani, G. Calliku, M. Mecaj, E. Durolli, B. Rakipaj, P. Rakipaj, A. Deromemaj, jointly. It will then be for the Albanian courts, if they deem it appropriate, to take account of the Court’s awards (see *mutatis mutandis*, *Silva Barreira Júnior*,cited above, § 40).

209.  As regards the costs and expenses incurred before the Court, the Court cannot accept the Government’s suggestion that invoices officially approved by the tax authorities are required: there is no such obligation under the Convention, it not being for this Court to regulate the relationship between a taxpayer and the State (see *Delijorgji v. Albania*, no. 6858/11, § 100, 28 April 2015).

The Court has no reason to doubt that the applicants incurred expenses before the Court since it is in possession of an invoice which contains a detailed breakdown of the number of hours billed and the corresponding hourly rate. However, the Court considers that the expenses incurred during the Convention proceedings were not reasonable as to *quantum*. Making its own estimate based on the information contained in the case file, the Court considers it reasonable to award EUR 18,000 in respect of legal costs and expenses incurred before the Court under all heads (see *Mullai and Others v. Albania* (just satisfaction – striking out), no. 9074/07, § 18, 18 October 2011).

C.  Default interest

210.  The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1.  *Decides* to join to the merits of the complaints under Article 13, in conjunction with Articles 6 and Article 1 of Protocol No. 1 to the Convention in respect of all applicants, and in conjunction with Article 8 of the Convention in respect of applicants nos. 3-19 as listed in the appendix, the Government’s objections of non-exhaustion of domestic remedies and dismisses them;

2*.  Declares* admissible the complaints concerning Articles 6 § 1 and Article 1 of Protocol No. 1 to the Convention in respect of all applicants, and the complaints concerning Article 8 of the Convention in respect of applicants nos. 3-19 as listed in the appendix, and the lack of an effective remedy related thereto;

3.  *Declares* the remainder of the application inadmissible;

4.  *Holds* that there has been a violation of Article 13, in conjunction with Article 6 § 1 of the Convention;

5.  *Holds* that there has been a violation of Article 6 § 1 of the Convention;

6.  *Holds* that there has been a violation of Article 8 of the Convention, in respect of applicants nos. 3-19 as listed in the appendix, as regards the seizure of the building;

7.  *Holds* that there has been a violation of Article 13, in conjunction with Article 8 of the Convention, in respect of applicants nos. 3-19 as listed in the appendix, as regards the seizure of the building;

8.  *Holds* that there is no need to examine the complaint under Article 8 taken alone and in conjunction with Article 13 of the Convention concerning the expropriation and demolition of the building;

9.  *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention as regards the seizure of the building;

10.  *Holds* that there has been a violation of Article 13, in conjunction with Article 1 of Protocol No. 1 to the Convention as regards the seizure of the building;

11.  *Holds* that there has been a violation of Article 13, in conjunction with Article 1 of Protocol No. 1 to the Convention concerning the expropriation and demolition of the building;

12.  *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention concerning the expropriation and demolition of the building;

13.  *Holds*

(a)  that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

(i)  EUR 13,098,600 (thirteen million ninety-eight thousand six hundred euros) to all applicants, plus any tax that may be chargeable, in respect of pecuniary damage;

(ii)  EUR 13,000 (thirteen thousand euros) to each of the applicants nos. 3-19 as listed in the appendix, plus any tax that may be chargeable, in respect of non-pecuniary damage;

(iii)  EUR 7,800 (seven thousand eight hundred euros) to each of the first and second applicants, plus any tax that may be chargeable, in respect of non-pecuniary damage;

(iv)  EUR 84,500 (eighty-four thousand five hundred euros) to all applicants, jointly, plus any tax that may be chargeable, in respect of costs and expenses incurred before the domestic courts (the tax fee);

(v)  EUR 9,600 (nine thousand six hundred euros) to applicants M.Hanxhari, T. Pojani, G. Calliku, M. Mecaj, E. Durolli, B. Rakipaj, P. Rakipaj, A. Deromemaj, jointly, plus any tax that may be chargeable, in respect of costs and expenses incurred before the domestic courts (lawyer’s fees);

(vi)  EUR 18,000 (eighteen thousand euros) to all applicants, jointly, plus any tax that may be chargeable to the applicants, in respect of costs and expenses incurred before the Court;

(b)  that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

14.  *Dismisses* the remainder of the applicants’ claim for just satisfaction.

Done in English, and notified in writing on 11 January 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Abel Campos Linos-Alexandre Sicilianos  
 Registrar President

**APPENDIX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | First name  Last name | Birth year | Nationality | Place of residence |
|  | Xhuvi SHARXHI | 1961 | Albanian | Tirana |
|  | Xhafer ISUFI | 1948 | Albanian | Tirana |
|  | Arben BASHA | 1969 | Albanian | Tirana |
|  | Gerti CALLIKU | 1976 | Albanian | Tirana |
|  | Valbona CALLIKU | 1976 | Albanian | Tirana |
|  | Abdul DEROMEMAJ | 1939 | Albanian | Vlore |
|  | Eduard DUROLLI | 1947 | Albanian | Vlore |
|  | Ilonka HANXHARI | 1955 | Albanian | Tirana |
|  | Mihallaq HANXHARI | 1955 | Albanian | Tirana |
|  | Erinda BALLANCA | 1973 | Albanian | Tirana |
|  | Vullnet KACORRI | 1971 | Albanian | Vlore |
|  | Klima KAPIDANI | 1956 | Albanian | Tirana |
|  | Mimoza MECAJ | 1962 | Albanian | Tirana |
|  | Teri POJANI | 1961 | Albanian | Tirana |
|  | Baki RAKIPAJ | 1963 | Albanian | Vlore |
|  | Pano RAKIPAJ | 1968 | Albanian | Vlore |
|  | Giuliano SCHENETTI | 1946 | Italian | Toano |
|  | Etnik SOPOTI | 1969 | Albanian | Tirana |
|  | Dorina YLLI | 1986 | Albanian | Tirana |