



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

THIRD SECTION

CASE OF HOXHA AND OTHERS v. ALBANIA

(Application no. 5805/23)

JUDGMENT

STRASBOURG

13 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Hoxha and Others v. Albania,

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

Diana Kovatcheva, *President*,

Darian Pavli,

Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 5805/23) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 31 January 2023 by ten Albanian nationals (“the applicants”), whose relevant details are listed in the appended table, and who were represented by Mr E. Syziu, a lawyer practising in Tirana;

the decision to give notice of the complaint concerning access to a court to the Albanian Government (“the Government”), represented by Mr O. Moçka, General State Advocate;

the parties’ observations;

Having deliberated in private on 22 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

I. THE CIRCUMSTANCES OF THE CASE

1. The case concerns an alleged violation of the applicants’ right of access to the Supreme Court.

2. On 2 September 1995 the Commission for the Restitution and Compensation of Property (“the Commission”) recognised the applicants’ inherited property rights on a plot measuring 5,878 sq. m situated in Tirana. It decided to restore part of that plot measuring 2,999.6 sq. m and to award compensation for 2,501.4 sq. m in one of the ways provided for by law. It further awarded the applicants the right to first refusal of a plot of 615 sq.m. In 1996 the title to the restored property was entered in the land register. The reasoning of the 1995 Commission decision expressly stated that the property had an actual surface area of 7,600 sq. m.

3. On 12 September 2007 the Immovable Property Registration Office of Tirana (“the IPRO”) informed the applicants that because of an inconsistency between the plot restored under the decision and the accompanying map, it was unable to take any further action in respect of their property. On 12 March 2008 the applicants requested the Agency for the Restitution and Compensation of Property (“the Agency” - the successor of the Commission) to correct that inconsistency.

4. On 18 March 2008 the Agency informed the applicants that they should submit a request for the correction of the Commission’s decision to the Agency’s Regional Office for the Restitution and Compensation of Property (“the regional office”) in accordance with Article 120 of the Code of Administrative Procedure.

5. On 4 April 2008 the applicants submitted a request to the regional office for the rectification of the 1995 decision. On 14 November 2008 the regional office dismissed that request for lack of jurisdiction. It also indicated that under section 18 of the Property Act, the power to amend the Commission’s decision of 1995 rested with the Agency.

6. On 25 November 2008 the applicants addressed the Agency’s central office (“the central office”), seeking the correction of the 1995 Commission’s decision. The proceedings before it lasted for more than three years because they were suspended pending the Constitutional Court’s decisions of 2010 and 2011 (see paragraph 15 below).

7. On 7 November 2011 the Agency held that the Commission’s decisions were no longer subject to administrative review because the Agency lacked jurisdiction, as those decisions were considered quasi-judicial. It further noted that the 2008 decision of the regional office had been lawful, since at the time the request was lodged, the Agency’s central office had had the power to review decisions of former commissions. However, that jurisdiction had been removed following a ruling of the Constitutional Court in 2010.

8. Following that response, the applicants brought a civil action in the Tirana District Court (“the District Court”), seeking the quashing of the Agency’s decision and the rectification of the 1995 Commission’s decision. On 3 December 2012 that court partly allowed the applicants’ claim. Relying on an expert report, it found that the documents establishing the applicants’ ancestor’s property rights referred to an outdated unit of measurement. It therefore ordered the rectification of the Commission’s decision of 1995 by adding the word “old” to the unit of measurement used in the operative part of that decision.

9. The Agency and the State Advocate’s office appealed against that decision, arguing, *inter alia*, that the claim should be dismissed as time-barred.

10. On 26 June 2014 the Tirana Court of Appeal upheld the District Court’s judgment. The correction was entered in the land register.

11. On 6 April 2022 the Supreme Court reversed *in camera* the lower courts’ judgment and dismissed the applicants’ claim as time-barred. It held that the applicants should have brought proceedings within 30 days of becoming aware of the discrepancy between the 1995 decision and the accompanying map. The Supreme Court held that even assuming that the applicants had not been aware of the inconsistency in 1995, the 30-day time-limit to address the courts had started to run from the moment the IPRO had informed them of its existence. It further found that rather than lodging

an administrative complaint, the applicants should have brought the matter directly before the domestic courts.

12. On 12 October 2022 the Constitutional Court dismissed a constitutional complaint lodged by the applicants, on the grounds that it was of a fourth-instance nature.

II. RELEVANT DOMESTIC LAW AND PRACTICE

13. Article 120 of the Code of Administrative Procedure provides that if an administrative act is valid but is found to contain inaccuracies or obvious errors, the competent authority may, either of its own motion or at the request of a party to the proceedings, correct any clerical errors or manifest inaccuracies in the act without altering its substance. Such corrections are not subject to any statutory time-limit.

14. Section 18 of the 2004 Property Act, as amended by law no. 9684/2007, provided at the material time that, in respect of appeals against decisions given by the former local commissions recognising property rights or ordering the restitution of or compensation for property, both the expropriated party and the State Advocate's office were entitled to lodge an appeal with the central office of the Agency. The expropriated party could subsequently appeal against that decision to the Tirana District Court within 30 days of its notification.

15. An overview of the relevant domestic constitutional case-law is presented in *Gaba v. Albania* (no. 33369/17, §§ 51-56, 17 December 2024).

THE COURT'S ASSESSMENT

I. PRELIMINARY REMARKS

16. The Court notes at the outset that one of the applicants, Mr Naferit Hoxha, died in the course of the proceedings (see the appended table). His heirs expressed the wish to continue the proceedings before the Court. The Government did not object, and the Court considers that the above-mentioned heirs have a legitimate interest in pursuing the application on behalf of the late applicants. However, reference will still be made to the applicant throughout the present text (see *Horváthová v. Slovakia*, no. 74456/01, §§ 25-27, 17 May 2005).

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

A. Admissibility

17. In their observations on just satisfaction, the Government informed the Court of another set of proceedings brought by the applicants concerning

a financial evaluation of the plot that had been recognised as their property by the 1995 decision but had not been restored because it was occupied. They argued that since those proceedings were still pending before the domestic authorities, the Court should reject the applicants' complaint as premature. They further submitted that by failing to inform the Court of those proceedings, the applicants had acted in bad faith.

18. The Court notes that the Government's objection is unsubstantiated and must be rejected. The financial compensation concerns a separate matter relating to a different plot from the one in issue in the present case. As regards the present case, the domestic courts have already delivered their judgments.

19. The Court concludes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. The merits

20. The applicants complained that they had not been afforded a fair hearing and that by holding that their claim had been time-barred, the Supreme Court had effectively deprived them of the right of access to a court. They further asserted that they had become aware of the error in the 1995 Commission decision only in 2007. The IPRO had informed them of the discrepancy between the operative part of the decision and the accompanying map, which had prevented the final entering of their title in the land register. That error was attributable to the State authorities and not to the applicants. Owing to the error in question, they had been unable to exercise their property rights and to protect their land against third-party claims. Lastly, they argued that, as their claim had concerned property rights, it had not been subject to any limitation period. They relied on Supreme Court's judgment no. 51 of 16 February 2022, in which that principle had been applied.

21. The Government argued that the applicants had enjoyed real and effective access to the Supreme Court. They contended that there had been formalities to be observed prior to the bringing of proceedings before the national courts. They further submitted that the Commission's decision of 1995 had become final in 1995 and had been duly registered. The applicants could reasonably have foreseen that the Commission would be regarded as a quasi-judicial body and that any challenge to its decisions had had to be lodged within 30 days of notification. Any other interpretation would have undermined the principle of legal certainty. The Government further argued that this approach was consistent with the applicable legal framework and the relevant case-law of both the Constitutional Court and the Court. In any event, the applicants had failed to comply with the 30-day time-limit, even assuming that it had begun to run from the date on which the IPRO had informed them of the discrepancy in question (see paragraph 3 above). Furthermore, by challenging the 1995 decision more than 15 years after it had become final,

the applicants had acted not only outside the statutory 30-day time-limit, but also beyond the general ten-year limitation period.

22. Furthermore, the Government referred to several unifying judgments of the Supreme Court (nos. 24/2002, 25/2003, 5/2004, 7/2005, and 6/2006) to support their arguments that the Commission's decisions had been considered quasi-judicial and final.

C. The Court's assessment

23. The relevant principles regarding the right of access to a court and, in particular, access to superior courts have been summarised in *Zubac v. Croatia* [GC], no. 40160/12, §§ 76-99, 5 April 2018). The Court stresses that the right of access to a court may be subject to limitations, which, however, must not restrict the access left to the individual in such a way or to such an extent that the very essence of the right is impaired. Furthermore, a limitation will not be compatible with Article 6 § 1 if it does not pursue a legitimate aim and if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (see *Zubac*, cited above, § 78, with further references; see also *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 195, 25 June 2019, with further references; *Grzęda v. Poland* [GC], no. 43572/18, § 343, 15 March 2022; and *Zouboulidis v. Greece (no. 3)*, no. 57246/21, § 66, 4 June 2024).

24. For the right of access to a court to be effective, a person must have a clear, practical opportunity to challenge an act that interferes with his or her rights. Equally, the right of access to a court includes not only the right to institute proceedings but also the right to obtain a determination of the dispute by a court (see *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 86, 29 November 2016, and *Zouboulidis*, cited above, § 65).

25. In the instant case, the applicants did indeed have access to the Albanian courts, but only to be told that their claim was inadmissible on the ground that it was time-barred. The Court reiterates that the fact that the applicants were able to use domestic remedies does not necessarily satisfy the requirements of Article 6 § 1: the degree of access afforded by the national legislation must also be sufficient to secure the individual's "right to a court", having regard to the principle of the rule of law in a democratic society (see *Jurić v. Croatia*, no. 51771/21, § 70, 7 May 2026).

26. In this connection, the Court notes that when the applicants were formally informed of the discrepancy in the 1995 decision, section 18 of the Property Act, as in force at the material time, entitled them to refer the matter to the Agency's central office at any time (see paragraph 14 above). Despite the applicable provision, the applicants' request was not examined, as each authority referred the matter to the other, citing lack of jurisdiction (see paragraphs 4-6 above). It was only on 7 November 2011 that the Agency concluded that it no longer had jurisdiction to review decisions given by the

former commissions as a result of the two judgments adopted by the Constitutional Court in 2010 and 2011, while the applicants' appeal had been pending examination. Nevertheless, it accepted that when the applicants had submitted their request, it had been competent to examine it.

27. The Court observes that neither the Government in their submissions nor the domestic authorities were able provide any evidence of bad faith or negligence on the part of the applicants which might have contributed to the error in the Commission's decision of 1995. Moreover, in 2007 the IPRO informed the applicants that no further action in respect of their property was possible (see paragraph 3 above). The outcome of the proceedings had serious adverse consequences for the applicants, as it resulted, through no fault on their part, in the definitive loss of title to a substantial property after decades of litigation.

28. Having regard to the foregoing and to the legal provisions in force at the material time, the Court finds it difficult to follow the reasoning of the Supreme Court to the effect that the applicants' claim was time-barred when it was brought before domestic courts. The applicants pursued the administrative remedy available to them at the time and diligently followed the instructions of the competent authorities. Following the subsequent amendments of the relevant legislation which rendered that remedy unavailable, they brought their claim before the courts without delay. In these circumstances, the Court considers that the applicants acted with the requisite diligence and cannot be reproached for any delay resulting from any possible uncertainties in the applicable procedural framework.

29. The Court takes note of the fact that the Agency lost its appeal jurisdiction as a result of the two Constitutional Court decisions and the subsequent amendments of the Property Act. However, it appears that the Supreme Court applied those developments retroactively, to the applicants' detriment. According to the latter logic, the applicants should have acted contrary to the legal framework and established practice that was in place prior to the Constitutional Court's decisions. At the material time, such a course of action would have had virtually no prospect of success.

30. Furthermore, the Government have not shown that the position taken in the impugned judgment of the Supreme Court had been well-established and foreseeable at the relevant time. While the applicants in their submissions relied on a 2022 Supreme Court judgment in which a similar claim had not been considered time-barred (see paragraph 20 above), the Government failed to provide any examples from domestic case-law showing that the same limitation period had been applied in similar circumstances. Moreover, none of the Supreme Court judgments submitted to the Court (see paragraph 22 above) imposed a 30-day time-limit for lodging a court claim against a decision of a former property commission. It has not been shown therefore that this interpretation of the time-limit has been applied consistently either before or after the present case. In this connection, the Government

acknowledged in their observations that it was only in 2010 that the Constitutional Court recognised the Commission's decisions as quasi-judicial, a position which was later reflected in changes to the relevant laws. This further supports the conclusion that the applicants acted in accordance with the legal regime in force at the material time.

31. Taking into account the considerations above, the Court concludes that the impugned decision of the Supreme Court dismissing the applicants' claim as time-barred amounted to an unjustified denial of the applicants' right of access to a court. There has accordingly been a violation of Article 6 § 1 of the Convention.

III. REMAINING COMPLAINT

32. The applicants also raised a complaint under Article 1 of Protocol No. 1 to the Convention in respect of an interference with their right of property. They argued that, if the Court finds that the national Supreme Court's approach to the time-limit question deprived them of access to that court, it follows that the Supreme Court had not examined the merits of their complaints.

33. Having regard to its findings concerning the applicants' right of access to the Supreme Court under Article 6 § 1 of the Convention (see paragraph 31 above), the Court notes that the applicants now have an opportunity to seek the reopening of domestic proceedings. That would allow for the examination of the applicants' complaint under Article 1 of Protocol No.1 (see, for example, in respect of the possibility of the domestic courts addressing complaints concerning the right to a fair trial, *Muçaj v. Albania* [Committee], no. 37814/10, § 26, 11 July 2023, and *Rarani and Others v. Albania* [Committee], no. 19017/18, § 31, 14 October 2025, with further references). The Court cannot speculate on what the outcome of such proceedings on the merits would be. In these circumstances, the Court considers that the applicants' remaining complaints are premature and should be rejected in accordance with Article 35 §§ 3 and 4 of the Convention (see, *mutatis mutandis*, *Baljak and Others v. Croatia*, no. 41295/19, §§ 45-46, 25 November 2021).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

34. The applicants claimed 706,320,170 Albanian Leks in respect of pecuniary damage, 1,000,000 euros (EUR) in respect of non-pecuniary damage and EUR 50,000 in respect of cost and expenses incurred before domestic courts and the Court.

35. The Court reiterates that a judgment in which it finds a breach of the Convention imposes on the respondent State a legal obligation to put an end to the breach and make reparation for its consequences. Given the nature of

the applicants' complaints and of the violation found, the Court considers that the most appropriate form of reparation for the violation found would be the reopening of the domestic proceedings should the applicants so request, given that it is capable of providing *restitutio in integrum* as required under Article 41 of the Convention (compare *Shkalla v. Albania*, no. 26866/05, §§ 77-79, 10 May 2011, and *Meli and Swinkles v. Albania*, nos. 41373/21 and 48801/21, § 83, 16 July 2024).

36. The Court does not discern any causal link between the violation found and the pecuniary damage alleged by the applicants. It therefore rejects this claim. On the other hand, the Court considers that the applicants must have suffered some non-pecuniary damage as a result of the violation found. Making its assessment on an equitable basis, as required by Article 41 of the Convention, it awards to the applicants jointly EUR 3,600 in respect of non-pecuniary damage.

37. As regards the costs and expenses related to the proceedings before the domestic courts and the Court, according to the Court's case-law, an applicant is entitled to their reimbursement only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, the Court rejects the claim for costs and expenses since the applicants have failed to provide any documents to support those claims.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* that the heirs of Mr. Naferit Hoxha have standing to continue the proceedings in his stead;
2. *Declares* the complaint concerning the applicants' right of access to a court under Article 6 § 1 of the Convention admissible and the complaint under Article 1 of Protocol No. 1 inadmissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention as regards the applicants' right of access to a court;
4. *Holds*
 - (a) that the respondent State is to pay to the applicants jointly, within three months, EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 13 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Diana Kovatcheva
President

APPENDIX

List of applicants:

Application no. 5805/23

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Astrit HOXHA	1956	Albanian	Tirana
2.	Ilir ADEMI	1957	Albanian	Tirana
3.	Ylli ADEMI	1954	Albanian	Durrës
4.	Artur DEMI	1956	Albanian	Tirana
5.	Renato DEMI	1963	Albanian	Tirana
6.	Arben HOXHA	1959	Albanian	Tirana
7.	Gazmend HOXHA	1965	Albanian	Tirana
8.	Naferit HOXHA	1936 Died in 2025	Albanian	Tirana
9.	Tahsim HOXHA	1941	Albanian	Tirana
10.	Servete MILAJ	1939	Albanian	Tirana

Decedent	Heirs
Naferit HOXHA Died in 2025	Astrit HOXHA Born in 1956
	Arben HOXHA Born in 1959
	Gazmend HOXHA Born in 1965