



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

Communicated on 15 November 2018

SECOND SECTION

Application no. 43391/18
Petrit BARA
against Albania
lodged on 4 September 2018

SUBJECT MATTER OF THE CASE

The application concerns the applicant's alleged breach of access to court due to the temporary non-functioning of the Supreme Court.

In the elections for the new Rector of the Medicine University, held in 2016, the applicant was one of the candidates. He lodged a complaint with the Tirana Administrative Court of first instance asking it to declare null and void the results of the Institutional Electoral Commission due to some irregularities. On 29 April 2016 the Tirana Administrative Court of first instance rejected the applicant's complaints stating that although there were irregularities during the process, they were not of such nature as to affect the result. On 29 September 2016 the Tirana Administrative Court of Appeal, upheld the Tirana Administrative Court of first instance's decision. In October 2016 he brought an appeal before the Supreme Court. To date the latter has not examined his complaint due to vacancies of judges in this court.

The applicant complains under Article 6§ 1 of the Convention of a breach of access to court, a breach of his right to a judicial decision within a reasonable time and also lack of an effective domestic remedy for his Convention complains.

QUESTIONS TO THE PARTIES

1. Does Article 6 of the Convention apply to the proceedings in question (see *Vilho Eskelinen and Others v. Finland* [GC], no. 63235/00, § 62,

ECHR 2007-II and *Regner v. the Czech Republic* [GC], no. 35289/11, 19 September 2017)?

2. Has the applicant’s right of access to court as provided by Article 6 § 1 of the Convention been breached by the alleged non-functioning of the Supreme Court?

3. Was the length of the civil proceedings in the present case in breach of the “reasonable time” requirement contained in Article 6 § 1 of the Convention (see *Luli and Others v. Albania*, nos. 64480/09 and 5 others, § 91, 1 April 2014 and *Beaumartin v. France*, 24 November 1994, § 33, Series A no. 296-B)?

4. Did the applicant have at his disposal an effective domestic remedy for his Article 6 § 1 complaints, as required by Article 13 of the Convention?