

PERIODIC NEWSLETTER

MAY-JULY 2026



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Periodical Newsletter of Judgments
No. 3, May - July 2026
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INTRODUCTION

In the framework of continuous communication with the public and the media, in order to guarantee transparency, as well as to enhance access to the Constitutional Court, as one of the most significant and essential principles of administration of justice, the Court publishes a Periodical Newsletter of its judgments. This newsletter presents a summary of cases and respective judgments. The Periodical Newsletter, as a novelty for the Court's activity, aims to inform and provide legal practitioners, law researchers, and every reader with the judgments and standings of the Constitutional Court. They are presented in a concise manner and in a comprehensive language to the reader. The publication contains facts related to each case, the Court's assessment regarding the applicant's claims, as well as its ruling and voting results.

This publication introduces final judgments issued during the relevant period May – July 2026.

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The right of the parliamentary minority to request the establishment of investigative committees

KEY WORDS

Investigative committee/ Parliamentary minority/ Parliamentary control/ "Particular issue"/ Public interest/ Will of the parliamentary majority/ Electoral process/ Concealment of income/ Foreign authorities/ Former FBI agent/ Parliamentary elections/ Lawfulness of the actions of State bodies/ Competence dispute

The constitutional requirement to clearly define the scope of the investigation cannot be interpreted as meaning that the parliamentary minority must adduce conclusive evidence or prove in advance the facts that the committee intends to investigate. For the establishment of an investigative committee, it is sufficient that its scope be clearly defined and supported by reasonable indicia justifying the exercise of parliamentary control.

A group of thirty-eight MP-s (not less than one quarter) of the Assembly of Albania

Resolution of the competence dispute between the parliamentary minority and the Assembly concerning the Assembly's refusal to establish two enquiry parliamentary investigative committees

Judgment No. 62 of June 1, 2026

Facts

The applicants filed two requests with the Assembly for the establishment of two investigative committees: (i) one to verify the lawfulness of the actions of Albanian officials in relation to a former US FBI special agent (the First Committee); and (ii) another to verify the lawfulness of the activities of central and local government bodies, as well as the use of State administration resources for electoral purposes during the elections of 11 May 2025, and to assess the need for taking measures, including legislative interventions, to guarantee the principles of lawfulness, integrity, equality, freedom, and fairness in future electoral processes (the Second Committee). By decisions nos. 77/2025 and 78/2025, the Assembly decided not to approve the establishment of these parliamentary investigative committees. Subsequently, the applicants, a group of thirty-eight (38) Members of Parliament, lodged a constitutional complaint with the Court seeking the resolution of the competence dispute between them and the Assembly, as well as a declaration of unconstitutionality in respect of the Assembly's decisions nos. 77/2025 and 78/2025.

Court's Assessment

As to the merits of the application – The Court, in the present case, assessed whether the refusal to establish these committees was carried out in compliance with the constitutional criteria and standards governing the exercise of the right of the parliamentary minority under Article 77 § 2 of the Constitution.

As regards the request for the establishment of the First Committee – Following deliberations, the Court failed to reach the required majority of votes for a decision; consequently, pursuant to section 73(4) of the Organic Law of the Court, the claim was considered dismissed.

According to one view, the request for the establishment of the investigative committee did not meet the constitutional criterion of a "particular issue", as the proposed scope did not clearly individualize the facts or the set of facts that would be subject to parliamentary investigation.

According to another view, the request met the constitutional criterion of a "particular issue"; however, fulfilling this necessary condition is not always sufficient to trigger the mandatory provision of Article 77 § 2 of the Constitution.

According to a third view, the aim of establishing the committee was the exercise of parliamentary political control and the establishment of the political responsibility of high-ranking executive officials for their actions or omissions in the exercise of public functions, without seeking to determine criminal liability. The scope of the investigation was clearly defined and directly related to the constitutional functions of the Assembly, and the matter presented a particular character, as the request relied on a specific set of facts attributed to Albanian officials which raised reasonable doubts as to the lawfulness of their activities.

CONFLICT OF COMPETENCE

Requiring the facts to be fully proven at the stage of submitting the request would impose a disproportionate burden on the parliamentary minority, rendering the establishment of an investigative committee practically impossible and thus undermining the constitutional guarantee provided for in Article 77 of the Constitution.

The fact that the Assembly has decided to establish a committee on electoral reform cannot constitute constitutional grounds for denying the parliamentary minority the right to request the establishment of an investigative committee, provided that the latter fulfils the criteria laid down in Article 77 of the Constitution.

As regards the request for the establishment of the Second Committee – In light of the applicants' submissions, the Court examined whether the scope of the investigation was clearly defined, whether it related to the constitutional functions of the Assembly, and whether its purpose respected the constitutional limits of this instrument of parliamentary control. In the Court's assessment, a parliamentary investigation does not aim to determine individual criminal liability, nor to interfere with the competences of judicial bodies or bodies responsible for the administration and adjudication of electoral disputes, but rather to exercise the constitutional function of parliamentary control over the activities of public authorities and to establish the necessary basis for the exercise of the legislative function. Furthermore, the matter constitutes a "*particular issue*" within the meaning of Article 77 § 2 of the Constitution. The integrity of the electoral process, compliance with the principles of free and fair elections, and the use of public resources during elections are matters directly related to the functioning of the democratic order and present a particular public interest. As regards the scope of this committee, the fact that certain aspects of the electoral process may have been subject to review by electoral administration or adjudication bodies does not preclude the exercise of the constitutional function of parliamentary control, provided that the committee does not interfere with their competences and does not seek to review or substitute their decision-making. Therefore, the Court found the claim seeking the resolution of the competence dispute arising from the Assembly's Decision no. 78/2025 and the repeal of the relevant decision to be founded.

Decision-making

The Court decided, by a majority, to accept the application in part (three judges expressed a concurring opinion).





***Locus standi* criteria for the initiation of incidental proceedings by the ordinary courts – Right to fair compensation**

KEY WORDS

Theft committed in collaboration/ Remand in custody/ Acquittal/ Compensation for unlawful detention/ Referring court/ Stay of proceedings

Article 44 of the Constitution does not guarantee a specific amount of compensation, but rather the right to rehabilitation and/or compensation in compliance with the law. In this sense, the legislature enjoys a wide margin of appreciation in determining the conditions, criteria, procedures and the amount of compensation. However, such discretion is not unlimited. The statutory framework must respect the very essence of the constitutional guarantee, be based on objective and reasonable criteria, be proportionate to the aim pursued, and not render the right to compensation illusory or ineffective.

Lushnjë Administrative Court of First Instance

Compensation for unlawful detention

Judgment No. 70 of June 08, 2026

Facts

On 30 March 2018, the Berat District Court imposed the security measure of remand in custody on two nationals suspected of theft committed in collaboration. At the end of the trial, one was acquitted, while the other was found guilty and sentenced to eight months' imprisonment. Both individuals were released on 13 December 2018. Subsequently, in April 2025, both nationals filed actions with the Lushnjë Administrative Court of First Instance (the referring court), one seeking compensation for unlawful pre-trial detention of eight months and fifteen days in the amount of ALL 1,164,000, and the other for the period exceeding his sentence by three months and five days, in the amount of ALL 450,000.

The referring court found that the provisions of the law on compensation for unlawful detention, which set a maximum limit for compensation at up to ALL 2,000 (two thousand) per day of imprisonment, ALL 3,000 (three thousand) per day of pre-trial detention, and ALL 1,000 (one thousand) per day of house arrest, were incompatible with Article 44 of the Constitution and Article 5 § 5 of the ECHR. It therefore stayed the proceedings and lodged an application with the Constitutional Court requesting the repeal of these legal provisions.

Court's Assessment

As to the referring court's locus standi – The Court considered that the referring court had standing to seek constitutional review only in respect of the phrase “3,000 (three thousand) leks per day of pre-trial detention”, whereas it lacked standing regarding the remainder of the impugned provisions, as they were not applicable to the dispute in question. The referring court advanced specific arguments that the financial amount undermined the right to rehabilitation and/or compensation for unlawful pre-trial detention, on the grounds that the amount of compensation was at such a low level that it did not ensure effective redress for the damage caused. It had also reached a reasoned conclusion that an incidental review constituted the remedy of last resort for resolving the case in accordance with the Constitution.

As to the merits of the complaint concerning the alleged violation of the right to fair compensation – The Court deemed it necessary to examine whether the impugned legal framework, in the specific circumstances of the case, maintained a fair balance between the legislature's margin of appreciation and the very essence of the constitutional right to compensation, that is, whether the compensation mechanism continued to provide real and proportionate compensation for the damage caused by the unlawful restriction of liberty.

The Court found that, within the margin of appreciation afforded by the Constitution, the legislature had opted for a standardized compensation model aimed at guaranteeing real, effective and proportionate compensation for the harm suffered, while at the same time taking into consideration the public interest and the State's financial capacity. The amount of ALL 3,000

INCIDENTAL CONTROL

The proportionality of the compensation awarded must be assessed in the light of the economic background of the period when the right to compensation arose; the purpose of such compensation is not to replace the injured party's individual income, but rather to guarantee standardized and proportionate redress for the infringement of personal liberty.

(three thousand) did not constitute a fixed compensation amount, but rather the maximum limit that could be awarded by a court.

The law provides a mechanism allowing for the individualization of the compensation amount depending on

the specific circumstances of each case, with the aim of covering the damage caused by the unlawful restriction of liberty. In this process, the burden of proof regarding the circumstances justifying the amount of compensation rested with the applicant.

The mere fact that the statutory provisions governing compensation had not been amended since their adoption was not sufficient, in itself, to conclude that they were incompatible with the Constitution. In the instant case, the economic indicators of 2018 did not appear to have undergone such changes, compared to the period when the law was adopted, as to lead to the conclusion that the maximum limit of 3,000 leks per day of pre-trial detention had lost its constitutional function. Furthermore, the constitutionality of the provision could not be assessed on the basis of hypothetical scenarios or the assumption that the compensation might prove insufficient for individuals with particularly high incomes.

In conclusion, the Court held that the phrase "*3,000 (three thousand) leks per day of pre-trial detention*" was not incompatible with Article 44 of the Constitution, therefore, the referring court's complaint was unfounded.

Decision-making

The Court decided, unanimously, to reject the application.





Right of access to a court – Standard of a reasoned judicial decision

KEY WORDS

Electricity Distribution Operator (OSHEE)/ Overhead high-voltage power line/ Pecuniary damage/ Biological damage/ Moral damage/ Existential damage/ Technical safety rules/ Fatal accident/ Positive obligations of State authorities/ Strictu sensu

The High Court's decision to declare the applicants' appeal on points of law inadmissible, by confining itself to a de plano examination of the case and providing the limited reasoning that the grounds of appeal did not fall within those prescribed by law, without delivering a reasoned response to the complaint of a constitutional nature concerning the right to life – cast doubt on the observance and protection of the applicants' fundamental constitutional rights, resulting of the responsible authority's failure to take measures in accordance with the statutory provisions.

Dhimë Qurku, Anastasia Qurku

Compensation for the loss of a relative's life and the legal liability of State authorities

Judgment No. 55 of May 06, 2026

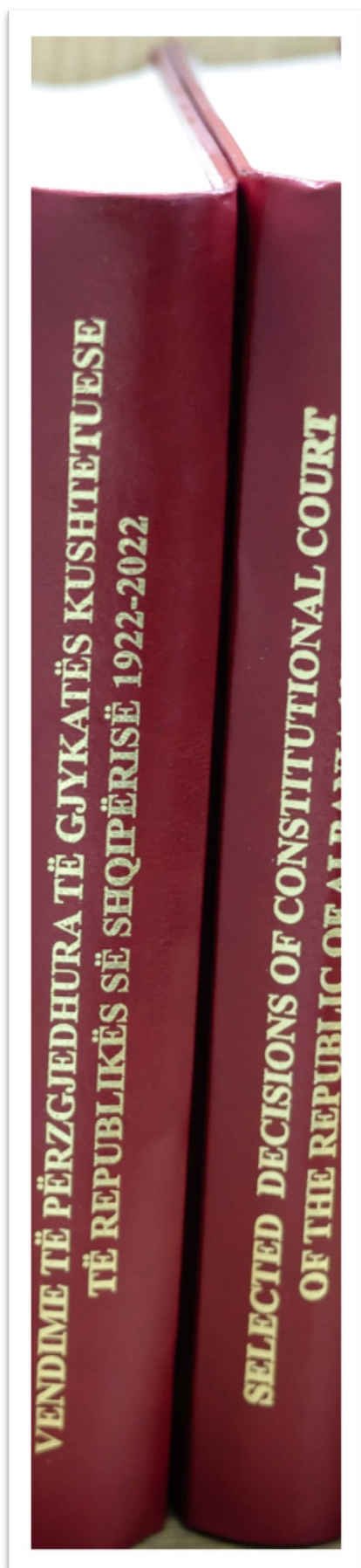
Facts

The applicants are the parents of the national Edmond Qurku, who lost his life as a result of coming into contact with an overhead power line while installing a sunshade. Based on the available evidence, the prosecuting authorities concluded that the incident did not disclose any criminal offence and issued a decision not to institute criminal proceedings. The applicants brought civil proceedings before the Saranda District Court, seeking pecuniary and non-pecuniary damage (biological, moral and existential). The District Court allowed their claim in full, reasoning that the installation of the 10 kV electricity poles had been carried out in breach of the statutory safety distances. Following an appeal by OSHEE (the Electricity Distribution Operator), the Gjirokastra Court of Appeal overturned the first-instance decision and rejected the applicants' claim. The applicants filed an appeal on points of law with the High Court, which declared it inadmissible. Therefore, the applicants lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the right of access to a court in relation to the standard of a reasoned decision – Given that the applicants' arguments concerning the alleged violation of the right to life and the right to respect for family life are intrinsically linked to the right to life, the Court considers it appropriate to examine them on the merits from the standpoint of the right of access to a court and the right to a reasoned judicial decision. In doing so, the Court must ascertain whether the applicants received a definitive response to their claims and whether the High Court's decision complied with the constitutional standards of a reasoned judicial decision. The Court further notes that the District Court found that the victim's death had resulted from OSHEE's failure to comply with technical safety standards. Conversely, the Court of Appeal, although concurring with the first-instance court regarding the breach of technical rules, attributed the cause of the accident to the victim's own negligence and absolved OSHEE of any liability, thereby rejecting the claim for damages. For its part, the High Court, despite being faced with a complaint of a constitutional nature concerning the right to life, held that the appeal on points of law did not disclose any of the statutory grounds for admissibility. The Court observes that the Court of Appeal applied a formalistic and *strictu sensu* interpretation of the domestic legal framework based on two technical regulations. Such an interpretation failed to take into consideration the purpose of the legislation, leading to a hypothetical conclusion that *a priori* exempted the institutions operating in the electricity distribution sector from liability. Furthermore, the High Court based its decision on general and formalistic reasoning, confined to standard assertions regarding compliance with procedural rules and the application of substantive law. The High Court was under an obligation to provide an explicit response to the applicants' complaint that the Court of Appeal's interpretation of the legal framework impaired the very essence of the right to life.

INDIVIDUAL CONSTITUTIONAL COMPLAINTS



This was particularly necessary having regard to the positive obligations of the State authorities responsible for taking measures in the electricity distribution sector, an area which entails inherent and heightened risks to the lives of individuals, with significant and direct implications for public safety. In these circumstances, the Court concludes that there has been a violation of the right to a fair trial as regards the right of access to a court, viewed in conjunction with the standard of a reasoned judicial decision.

Decision-making

The Court decided, by a majority, to accept the application in part (one judge expressed a dissenting opinion).



Right to a tribunal established by law –

Right of substantive access to a court related to the right to be notified, the right to defend oneself, the right to be heard and the principles of equality of arms and adversarial proceedings

KEY WORDS

Intentional homicide/ Minor bodily harm/ Spontaneous altercation/ Assessment of the form of complicity in the commission of a criminal offence/ Reassessment of facts/ Spontaneous complicity/ Divergent assessment of evidence/ Notification of the appeal on points of law/ Notification of the hearing date

Given the nature of the proceedings before the High Court, reference to the evidence established by the courts of fact is unavoidable in order to interpret the law in accordance with such evidence.

Xhonatan Muçaj and Nasi Hodo

Reassessment of evidence and facts in the evaluation of complicity – notification by the High Court

Judgment No. 56 of May 21, 2026

Facts

The applicants were convicted by the Vlorë Judicial District Court of the criminal offences provided for in Articles 76, 22 and 25 of the Criminal Code (“the CC”) committed against the national E.M., of the criminal offence provided for in Article 76 of the CC against the national P.B., and of the criminal offence provided for in Article 89 of the CC against the national D.K and were sentenced to aggregate terms of twenty and eighteen years’ imprisonment, respectively.

Following an appeal by the applicants, the Court of Appeal upheld the first-instance decision in respect of the first applicant (Xhonatan Muçaj) solely regarding the criminal offences provided for in Articles 76, 22 and 25 of the Criminal Code, sentencing him to twelve years’ imprisonment. In respect of the second applicant (Nasi Hodo), it upheld the first-instance decision solely regarding the offence provided for in Article 89 of the CC, sentencing him to two years’ imprisonment and ordering his immediate release from pre-trial detention.

Following an appeal on points of law filed by the prosecution, the High Court quashed the Court of Appeal’s decision and upheld the first-instance decision.

Therefore, the applicants lodged an individual constitutional complaint with the Court, seeking the repeal of the High Court’s decision.

Court’s Assessment

As regards the alleged violation of the right to a tribunal established by law – The Court observed that the court of first instance reasoned that the defendants (the applicants) had acted as sole perpetrators against the victims, but had shared a common purpose to overcome the victims’ resistance by any means and under any circumstances, including the use of means capable of causing death. The Court of Appeal, however, held that the incident was a spontaneous altercation where each individual had committed specific acts; consequently, in the absence of any manifested intent to commit them, complicity between the defendants had not been proven.

The High Court found the court of first instance’s reasoning to be founded, holding that criminal jurisprudence recognizes spontaneous complicity as a form of co-perpetration, a simple form arising on the spot during the commission of the criminal offence, which satisfies the legal framework to be considered as having been committed in complicity. The High Court did not reassess the facts; rather, in its legal analysis, it confined itself to the same facts established by the lower courts. In examining the facts established by the lower courts, the High Court essentially assessed whether, in legal terms, complicity could exist between the applicants.

The High Court’s reference to the evidence adduced before the lower courts, which cannot be viewed in isolation from those courts’ assessment of evidence, served the purpose of delivering a reasoned decision and substantiated the arguments in support of the legal concept of complicity.

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INCIDENTAL CONTROL

There is no indication that the Criminal Chamber of the High Court reassessed the facts of the case in excess of the powers conferred on it by law. In this regard, the Court considers that the High Court followed the legally prescribed procedure in accordance with the domestic legal order, exercising its functions in a manner consistent with the nature of the proceedings before

defense counsel were acquainted with the prosecution's counter appeal

Regarding the alleged violation of the right to substantive access to a court – As regards the complaint concerning the violation of the right to substantive access to a court related to the right to be notified, to defend oneself, and to be heard, as well as the principles of equality of arms and adversarial proceedings, the applicant Xhonatan Muçaj submitted that the High Court had failed to notify him of the criminal proceedings. The applicant Nasi Hodo submitted that the failure to notify him personally of the appeal on points of law had denied him the right to file a cross-appeal and to make submissions at the hearing. Upon examining the case file, the Court verified whether the applicants had been notified of the prosecution's appeal on points of law and of the ensuing proceedings. The record of the hearing of 10 December 2024 indicated that the parties had been duly notified in accordance with the law, by means of a public notice on 7 November 2024. The same finding was reiterated in the record of the hearing of 17 December 2024.

In conclusion, the Court held that the ordinary courts had acted with the requisite diligence in using the means at their disposal, both in respect of the notification of the appeals on points of law and the date of the hearing before the High Court, in accordance with Article 436 § 3 of the Code of Criminal Procedure.

Decision-making

The Court decided, by a majority, to reject the application (three judges expressed a dissenting opinion).



Personal liberty in the procedural aspect: Right of defence – Principle of reformatio in peius (prohibition on worsening the defendant's position)

Personal liberty in the substantive aspect: Standard of reasonable doubt based on evidence – Presumption of innocence – Dignity

KEY WORDS

Mayor/ Criminal complaint/ Abuse of public funds/ Reasonable doubt/ Remand in custody/ Tampering with evidence/ Individualization of the personal security measure/ Placement in a glass cabin/ dock during the hearing/ Effectiveness of the defense/ Appropriateness of the personal security measure

With reference to Articles 28 and 42 of the Constitution, in proceedings concerning the judicial review of a deprivation of liberty, a fair balance must be struck between the requirement for the promptness of such review and the right to an effective defence.

Erion Veliaj

Proportionality of the restriction of personal liberty in relation to the right to be elected and the right to be treated with dignity during judicial proceedings

Judgment No. 57 of May 25, 2026

Facts

The Special Prosecution Office Based on materials referred to in a written criminal complaint, submitted by a national identifying himself as N.A., instituted criminal proceedings in respect of the criminal offence provided for in Article 260 of the Criminal Code (CC). Following an investigation, a reasonable doubt arose that the applicant was involved in an organized scheme of corruption and abuse of public funds, whereby, through his decisive signature in the allocation of those funds, he and his close family members had obtained unlawful benefits.

On such grounds, he was registered as a suspect in respect of the criminal offences provided for in Articles 260 and 25 and Article 287 § 2 of the Criminal Code; on the same date, the prosecution requested that a personal security measure be imposed on him. On 9 February 2025 the Special Court of First Instance for Corruption and Organized Crime imposed the security measure of remand in custody on the applicant, which was executed on 10 February 2025. Following a request by the Special Prosecution Office for the verification of the conditions and criteria for the application of the aforementioned measure, on 12 February 2025 the Special Court of First Instance for Corruption and Organized Crime ordered the continued application of such measure. That decision was upheld by the Special Court of Appeal for Corruption and Organized Crime on 13 March 2025, and subsequently by the Criminal Chamber of the High Court on 8 July 2025.

On 21 November 2025 the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

Court's Assessment

As regards the procedural aspect of the right to liberty

Concerning the right to a defense – The Court examined the applicant's complaints regarding the right to an effective defense:

(i) *As to the time provided to get acquainted with the case file* – In respect of the complaint concerning access to the case file during the first-instance proceedings, the case involved a voluminous case file, given the number of persons under investigation and the nature of the criminal offences they were suspected of having committed. The applicant and his defense counsel were made aware of these grounds upon being notified of the decision imposing the security measure, and from that moment they had the opportunity to request access to the investigation file and to be provided with copies thereof. Subsequently, following their request during the court hearing, the court granted them an extension of time in order to consult the case file. Although the time was limited in relation to the volume of the documents, it does not appear that the defense was placed in a situation of objective impossibility to submit its arguments, adduce evidence, and file an appeal against such measure.

As regards the complaint concerning the lack of adequate time to examine and debate the evidence adduced by the Special Prosecution Office before the Special Court of Appeal for Corruption and Organized Crime, it transpires that the applicant's

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS

The short time-limits characterizing this procedure are, in themselves, a guarantee of personal liberty, as they aim to ensure the prompt judicial review of the deprivation of liberty and the prevention of any arbitrary restriction thereof. However, this guarantee must be fairly balanced against the detainee's right to an effective defense, which requires that the detainee and their defense counsel have adequate access to the essential documents of the criminal proceedings and reasonable time to examine them, even when they are voluminous, for the purpose of challenging the imposed measure.

A complaint alleging a violation of the right to a defense owing to a lack of access to every document or act in the criminal proceedings cannot be taken into consideration unless the individual demonstrates how and to what extent the lack of access hindered the exercise of the right to a defense, to the point of impairing its very essence.

defense counsel were acquainted with the prosecution's counter appeal and the newly adduced evidence before that court, and had the opportunity to object to its admission, challenge the application of the criminal procedural provisions, and debate its content. Furthermore, the applicant had the opportunity to raise such complaints before the High Court.

(ii) As to the right to communicate freely with defense counsel, owing to placement in a glass cabin/dock – The applicant was not prevented from communicating or consulting with his defense counsel, nor did he raise any specific concern in this regard. He requested and was permitted to make statements and submit his arguments regarding the verification of the statutory criteria justifying the measure depriving him of his liberty. From a constitutional standpoint, it has not been established how this manner of conducting the hearing placed the applicant in a situation of objective impossibility to freely communicate with his counsel during the hearing or to consult with him for the purpose of an effective defense.

As to the principle of reformatio in peius (prohibition on worsening the defendant's position) – In relation to this complaint, the Court did not reach the statutory majority required to adopt a decision.

According to one view, the admission of the documentary evidence submitted on appeal by the prosecution was carried out in compliance with the Code of Criminal Procedure and did not worsen the applicant's situation.

According to another view, the court of appeal assessed the existence of the conditions and criteria for imposing and extending the security measure on the basis of this new evidence. Meanwhile, the High Court's assessment in this regard was merely formal, failing to exercise its function of providing a final interpretation of the statutory provisions applied by the domestic ordinary courts and the relationship between them.

According to a third view, the complaint that the admission and use of this evidence worsened the applicant's procedural position raised issues concerning the scope of review in the appeal, the legal basis for admitting new evidence at that stage, as well as the guarantees of an effective defense, adversarial proceedings, and the equality of arms. Therefore, the High Court ought to have provided an adequate and sufficient response to this complaint.

As regards the substantive aspect of the right to liberty – The Court deemed it necessary to examine the case:

(i) In respect of a reasonable doubt based on evidence in relation to the principle of presumption of innocence – As regards the applicant's complaints concerning the use of incriminating (prejudicial) language, beyond the literal meaning of certain words and sentences, having regard to the fact that the impugned decisions are highly voluminous, and placing the contested passages in the broader context of the decisions and of this stage of the proceedings, the Court considers that, despite apparent doubts, the reasonings of the courts imposing the security measure, in their entirety, were clearly focused on establishing the existence of a reasonable doubt, based on evidence, that the accused (the applicant) might have committed the criminal offences attributed to him by the prosecution, as well as on verifying the other statutory conditions and criteria for the restriction of liberty at this stage of the criminal proceedings.

As regards the complaints referring to the courts' reasoning on the applicant's dangerousness prompted by his communications with an investigator of the National Bureau of Investigation, public posts and statements, and his cooperation with other suspects, actions which were deemed to feature a specific form of cooperation typical of a structured criminal group, this reasoning was added by the

INDIVIDUAL CONSTITUTIONAL COMPLAINTS

The language employed in the wording of the judicial decision is insufficient, from a constitutional standpoint, to call into question the safeguarding of the applicant's presumption of innocence in the reasoning of the decisions imposing and upholding the preventive measure.

Although the High Court identified the standard for the review of lawfulness of the impugned decision and endorsed the reasoning of the special courts regarding the existence of risks and the necessity of the security measure, it failed to exercise an effective review of the applicant's main complaints concerning the proportionality of the measure of remand in custody.

Furthermore, it did not verify whether the risks and the necessity of the measure had been specifically individualized, whether the most severe measure imposed was strictly necessary, whether less restrictive measures were genuinely inadequate, and what consequences such measure entailed for the applicant's right to be elected.

Special Court of Appeal for Corruption and Organized Crime, which assessed it in the context of verifying the existence of the other conditions and criteria permitting the restriction of personal liberty. Notwithstanding the statements made by the aforementioned court in this regard, they do not amount to a declaration/finding of the applicant's guilt before it has been established by a final decision. Furthermore, the High Court also reasoned that this complaint had been addressed in the court of appeal's own decision, stating that such a form of cooperation had not yet been attributed to the persons under investigation and, consequently, could not be taken into consideration at this stage of the proceedings (i.e., when determining the type of security measure), as doing so would otherwise violate the principle of the prohibition of *reformatio in peius*.

(ii) In respect of the proportionality of the measure in relation to the right to be elected – The High Court failed to sufficiently verify the applicant's complaint that alternative measures might have been capable of neutralizing the specific risks identified. The complaint regarding the proportionality of the measure, particularly in relation to its consequences for the right to be elected and the effective exercise of his public office, warranted a specific response from the High Court. The latter reasoned that the applicant's status as a special entity and public official heightened his dangerousness and the potential for interfering with the proceedings, without providing a specific response to the argument that the measure of remand in custody, owing to its nature and intensity, also affected the effective exercise of his duties. This conclusion does not imply that the office of mayor inherently precludes the application of personal security measures, or that the interest in exercising this office takes absolute precedence over the needs of the criminal proceedings; however, this did not absolve the High Court of the obligation to reply to the complaint that the impugned measure also entailed consequences for the effective exercise of a public office acquired through direct elections.

As regards the applicant's dignity in relation to the presumption of innocence – This complaint relates to the applicant's dignity in connection with his treatment in the courtroom before the court (public authorities) and in the eyes of the public, as well as to the principle of the presumption of innocence in connection with the perception of his guilt. These are arguments of a profoundly constitutional nature. Given the general importance of such an issue, and specifically in the present case owing to the high public interest in these criminal proceedings, it ought to have been examined by the High Court, which should have provided a reasoned response in this regard.

Decision-making

The Court decided, by a majority, to declare the application partly admissible (four judges expressed a concurring opinion, one judge expressed a partly concurring opinion, one judge expressed a dissenting opinion, and three judges each expressed a partly dissenting opinion).



Right to property – Standard of a reasoned judicial decision

KEY WORDS

*Mortgage loan/ Invalidity of the
sale agreement/ Default interest/
Witness testimony/ Oral contract*

The domestic courts legal characterization of the circumstances of the dispute at hand, as well as their interpretation and application of procedural and substantive law, were subsequently subject to a review of lawfulness by the High Court. In compliance with the standard of a reasoned judicial decision, the High Court provided adequate and reasoned responses to the complaints raised by the applicants in their appeal on points of law.

Ajlin Sharku and Kenin Sharku

Admission of witness testimony to verify the payment for the purchase of immovable property in the absence of a notarial act

Judgment No. 58 of May 26, 2026

Facts

The applicants are the legal heirs of the late national L.S., who had purchased an apartment in Tirana with a bank loan and secured it with a mortgage. The interested parties, Kimete and Albert Hoxha (the deceased's aunt and her son), claimed to have purchased this apartment by paying the corresponding amount to the deceased during a family lunch, in the presence of his brothers. This transaction was not finalized by means of a notarial act owing to the sudden death of the national L.S. Given that the domestic ordinary courts had upheld a claim by the applicants seeking the handover of the apartment by the interested parties, the latter instituted separate civil proceedings. They sought the restitution from the applicants of the sums they had paid to the deceased for the purchase of the apartment and the repayment of the loan, together with default interest on that amount.

For the purpose of establishing and verifying the facts, the court of first instance summoned the deceased's brothers as witnesses during the proceedings, who corroborated the payment made by the interested parties. Relying also on a bank certificate (documentary evidence) attesting to the repayment of the loan by the interested parties, the first instance court partly upheld the claim. It ordered the applicants to reimburse Kimete and Albert Hoxha for the sums paid for the purchase of the apartment and the loan repayment, while rejecting the claim in respect of default interest.

Following an appeal by the applicants, the Court of Appeal upheld the decision of the court of first instance. The High Court subsequently declared their appeal on points of law inadmissible.

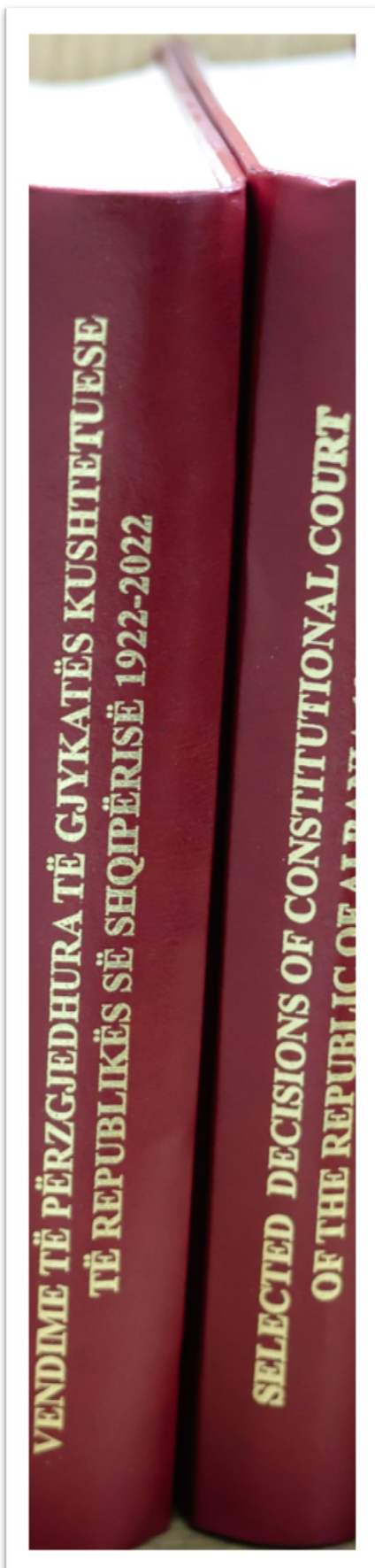
Therefore, the applicants lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the standard of a reasoned judicial decision in relation to the right to property – In connection with the applicants' complaints that the reasoning of the domestic ordinary courts' decisions was contradictory, in so far as, on the one hand, they admitted witness testimony to prove the payment and, on the other hand, they established the invalidity of the legal transaction concerning the sale of the apartment, the Court examined whether such decisions clearly identified and reflected the facts of the case and the applicable statutory provisions, and whether they adduced sufficient arguments to support their conclusions. The District Court's decision was upheld as lawful and founded by the Court of Appeal on the same grounds, while the High Court concluded that the domestic lower courts had acted in compliance with procedural and substantive rules, properly establishing the facts and circumstances and conducting a comprehensive legal analysis of the evidence.

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS



Furthermore, the High Court held that the interpretation by the District Court and the Court of Appeal of Article 233 of the Code of Civil Procedure, regarding the admission and assessment of witness testimony, was correct; whereas, within the meaning of Articles 106 and 674 of the Civil Code, the invalidity of the legal transaction could not constitute grounds for the applicants' unjust acquisition in respect of the purchase price that the plaintiffs had paid in good faith for the purpose of executing such transaction.

The Court observes that the domestic ordinary courts examined and analyzed the applicants' claims and adopted an explicit position on the grounds that led to their rejection, and provided sufficient reasoning in this regard. Their decisions were not based solely on witness testimony, but also on a body of other evidence adduced by the parties during the proceedings.

Decision-making

The Court decided, unanimously, to reject the application.



Right of access to a court – Standard of a reasoned judicial decision

KEY WORDS

Road traffic accident/ Calculation of damage/ Non-pecuniary damage/ High Court's Unifying Decision no. 12/2007/ Financial Supervisory Authority Regulation no. 53/2009

Any doubts concerning the temporal application of legal norms must be resolved by the domestic lower courts, on the basis of the constitutional provisions determining the moment of their entry into force (Article 117 of the Constitution), as well as on the constitutional principle of the hierarchy of legal norms (Articles 4 and 116 of the Constitution).

These provisions also give rise to the principles upon which the courts rely to determine the domestic applicable law in the event of a conflict between norms of equal or different legal force.

The complaints raised in the appeal on points of law in respect of the Court of Appeal's identification and application of the relevant domestic law concern, in essence, the principles of legal certainty and the hierarchy of legal norms, as well as the standard of a reasoned judicial decision, which are all of a constitutional nature.

Xhevat Topi

Legal effects of the Financial Supervisory Authority Regulation

Judgment No. 59 of May 28, 2026

Facts

The applicant, as the heir of his late son who lost his life in a road traffic accident, together with his wife filed a civil claim with the Tirana District Court seeking compensation for non-pecuniary damage and the interest. The court upheld the applicants' claim and awarded compensation in the amount of ALL 4,000,000, plus the corresponding interest. Following an appeal filed by the applicant and his spouse, the Court of Appeal decided to reduce the award of compensation to ALL 800,000. Subsequently, the litigating parties filed appeals on points of law with the High Court, which declared the appeals inadmissible. Therefore, the applicants lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the right of access to a court in relation to the standard of a reasoned judicial decision – The applicant complained before all levels of jurisdiction about the non-application of the Financial Supervisory Authority Regulation no. 53/2009, arguing that such regulation had not entered into force at the time of the accident, given that it had not been published in the Official Gazette. The Constitutional Court noted that the domestic lower courts considered the applicable law in the present case to be the law in force at the time of the accident, namely Law no. 10076/2009. However, as regards the calculation of the award of compensation, the court of first instance referred to the Unifying Decision no. 12/2007, whereas the Court of Appeal considered this to be erroneous and accepted the expert's calculation based on the Financial Supervisory Authority Regulation no. 53/2009, albeit without explicitly referring to the latter. The High Court, by means of a de plano reasoning, failed to provide a response to the applicant's main claim concerning the applicable legal framework. The Court considered that under these circumstances, the High Court, in the exercise of its competence, ought to verify the manner in which the domestic lower courts had applied the law and adopt an explicit and reasoned position regarding the legal framework applicable to the present case, in order to afford the applicant a response concerning the applicability of the legal framework to the case at hand. The fact that the High Court confined itself to a de plano reasoning, stating merely that the statutory grounds for an appeal on points of law had not been met, without providing reasoned responses to the complaints of a constitutional nature, leads to the conclusion that its application of the law undermined the right to a fair trial in respect of the standard of a reasoned judicial decision.

Decision-making

The Court decided, by a majority, to accept the application (one judge expressed a dissenting opinion).



**Right of access to a court
– Standard of a
reasoned judicial
decision – The
procedural limb of the
right to life**

KEY WORDS

*Victim of a criminal offence/
Effective investigation/ Statutory
limitation of criminal prosecution/
Discontinuation of criminal
proceedings/ Criminal complaint/
10-day time-limit for an appeal/
Notification of the decision*

The fact that the criminal proceedings had been discontinued on the grounds of being time-barred did not exempt the High Court from its obligation to verify whether the complaints concerning the conduct of the investigation had received a response in accordance with constitutional standards. Consequently, the Court emphasized that this conclusion does not imply an assessment on its part as to whether the investigation was effective, whether the criminal offence should have been given a different legal classification, or whether the criminal prosecution was not time-barred.

Sanie Metushi and Dudi Shabani (Metushi)

Statutory time-limit for criminal prosecution and the lack of reasoning by the High Court concerning the procedural limb of the right to life

Judgment No. 60 of May 28, 2026

Facts

The applicants are the mother and sister of the national B.M. (the victim), who was found murdered in Greece on 25 September 1996. Investigations into the incident were conducted in both Greece and Albania. On 10 March 1999 the Larissa First-Instance Court archived the criminal proceedings instituted by the Greek authorities against the Albanian nationals accused of the incident, which concerned the criminal offences of premeditated murder and unlawful use of a weapon. Following a criminal complaint filed by the victim's uncle, on 29 November 1996 the Fier Prosecution Office instituted criminal proceedings. By order of the prosecutor, three Albanian nationals, namely F.A., A.M., and M.T., were detained as suspected perpetrators of the murder.

On 1 December 1996 the Fier District Court remanded them in custody for a period of one month. Subsequently, on 25 March 2001, the Fier Prosecution Office stayed the investigation on the grounds that the perpetrator of the criminal offence remained unidentified. Furthermore, the Fier Prosecution Office requested the Greek authorities to confirm the commission of the offence and to provide information on whether criminal proceedings had been instituted in that State and the suspected perpetrators. They further requested that, should proceedings against Albanian nationals exist, jurisdiction be transferred or the relevant case file be made available. In response, on 4 August 2009, the Greek authorities forwarded the documents of the criminal proceedings.

On 1 September 2009 the Fier Prosecution Office reopened the investigation on the basis of the materials provided, but on 28 October 2009 it stayed the proceedings on the same grounds as before. This decision was revoked on 27 January 2017, and the criminal proceedings were discontinued on the grounds that the prosecution had become time-barred pursuant to Article 66 of the Criminal Code. Subsequently, the prosecutor ordered that the decision be notified to the plaintiffs. Furthermore, on 8 July 2022 the Fier District Court, having examined the applicants' request to repeal the decision and resume the investigation, upheld the discontinuation of the criminal proceedings. It held that the appeal had been filed outside the statutory time limit and that the prosecutor's finding that the prosecution was time-barred had been in accordance with the law. The first-instance court's decision was upheld by the court of appeal on the same grounds. Subsequently, the High Court declared the applicants' appeal on points of law inadmissible. Therefore, the applicants lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As to the alleged violation of the right of access to a court and the standard of a reasoned judicial decision in relation to the procedural limb of the right to life - The Court noted that, as regards the complaint concerning the failure to notify the decision to discontinue the criminal proceedings, the investigation file does not contain any document proving its dispatch to and receipt by the plaintiff or the victim's relatives.

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The examination of such matters falls within the remit of the prosecuting authorities and the ordinary courts, in conformity with their respective competences. At this phase, it is for the High Court, in accordance with the principle of subsidiarity, to provide a reasoned response to the complaints of a constitutional nature raised in the appeal on points of law.

The courts of fact linked the acquisition of knowledge of the decision to the correspondence from the Fier Prosecution Office and to the fact that the lawyers appointed by the victim's father had been provided with documents from the case file, thereby considering their appeal to have been filed outside the statutory time limit. However, the courts of fact also examined the application of Article 66 of the Criminal Code, concluding that the criminal prosecution had become time-barred. In these circumstances, the complaint concerning the violation of the right of access to a court on account of the lack of notification is unfounded.

As regards the applicants' complaint concerning the lack of a thorough and effective investigation into the death of their relative, it emerges from the domestic decisions that the analysis did not specifically extend to the applicants' claims regarding the conduct of the investigation in relation to the procedural limb of the right to life. The Court notes that the Criminal Chamber of the High Court's reasoning, despite the fact that specific arguments regarding the length and alleged shortcomings of the investigation had been raised in the appeal on points of law, failed to address their constitutional nature. Nor did it examine whether the lower courts had addressed them in relation to the procedural limb of the right to life; in particular, it failed to explain why the arguments calling into question the fulfilment of the procedural obligation arising from the right to life did not require an explicit response during the examination of the appeal on points of law. Therefore, the Court considers that the High Court failed to provide an effective judicial review of the complaint of a constitutional nature raised by the applicants.

Decision-making

The Court decided, by a majority, to accept the application in part (three judges expressed a dissenting opinion).



Right of substantive access to a court – Standard of a reasoned judicial decision

KEY WORDS

Dilapidated lift / Fatal accident/ Unlawful act or omission/ Causal link between act and consequence/ Owner of the building/ Lessee company/ Compensation for pecuniary and non-pecuniary damage/ Joint liability

In its decision, the High Court concluded that liability for the damage shifted to the lessee companies, yet it failed to explain why, despite this conclusion, it upheld the court of first instance's decision, which had refused to summon these companies to the proceedings. Thus, the High Court also failed to reply to the applicants' argument concerning the court of first instance's refusal of their request to summon the two lessee companies to the proceedings.

Furthermore, although the High Court quashed the Court of Appeal's decision, it did not analyze why that court's reasoning was erroneous regarding the joint liability of all three companies (the owner of the building and the two lessee companies) in causing the damage.

Fatmir Lala, Valbona Lala, Fatbardh Lala, Griselda Lala and Ortigo Lala

Compensation for the loss of a relative's life

Judgment No. 61 of May 28, 2026

Facts

The applicants, Fatmir Lala, Valbona Lala, Fatbardh Lala, Griselda Lala and Ortigo Lala, are the family members of the late K.L., who lost his life on 26 August 2016, at the age of 15, after falling into a goods lift shaft on the premises of the company "Albantic" limited liability company., where his mother was employed. The company "Pro-Plast" LLC., the owner of the building (summoned as an interested party), had leased the premises to two companies, "Albantic" LLC. and "Derrigal" LLC., for the period from 1 January 2015 to 31 December 2016.

Following the incident, the prosecution initially decided not to institute criminal proceedings, considering that the elements of a criminal offence were lacking. This decision was challenged by the victim's mother, and by a court decision in 2019, the continuation of the investigation was ordered. During the investigation, charges were brought against the administrators of "Pro-Plast" LLC. and "Derrigal" LLC. for breaching workplace safety regulations; the legal entities themselves were subsequently also charged as defendants.

In 2017, the applicants filed a civil claim against "Pro-Plast" LLC., seeking compensation for pecuniary and non-pecuniary damage, including moral and existential damage, caused by the loss of their relative's life. During the proceedings, a technical expert report revealed that the lift was dilapidated and that the necessary technical inspections had not been carried out (thus failing to meet safety standards), which was considered to be one of the main causes of the accident.

The court of first instance rejected the claim, holding that liability did not lie with the owner of the building, as at the time of the accident the premises were being managed by the lessee companies. However, the Court of Appeal held that the owner of the building and the two lessee companies had joint liability.

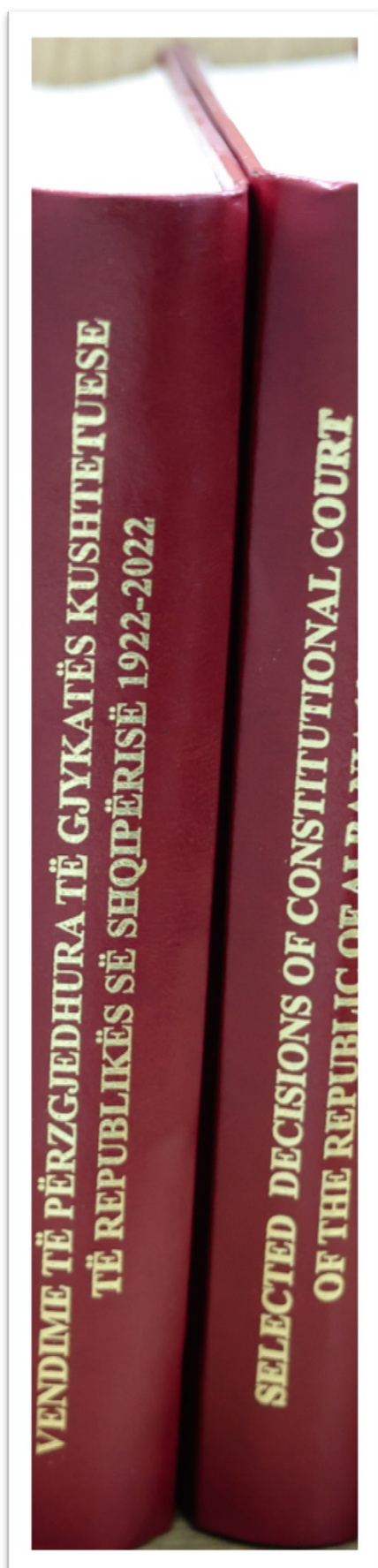
Following an appeal on points of law filed by "Pro-Plast" LLC., the Civil Chamber of the High Court quashed the Court of Appeal's decision and upheld the court of first instance decision. It held that responsibility for the safety of the lift lay with the entity that had effective use and management of the building pursuant to the lease agreement, whereas the owner had not committed any unlawful acts or omissions establishing a causal link to the damage. Therefore, the applicants lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the substantive right of access to a court in relation to the standard of a reasoned decision – The Court observed that the court of first instance and the Court of Appeal had taken divergent approaches on questions of fact and, consequently, on the application of substantive law regarding the determination of liability for the damage caused. Although the High Court based its analysis on the same facts and evidence adduced during the proceedings before the lower courts, its conclusion excluding the liability of the building's owner relied on an interpretation

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of the lease agreements which lacked foundation and was inconsistent with their objective content; specifically, it failed to exhaustively analyze the obligations of all parties to the lease agreements, nor was it supported by the facts established by the High Court itself and by the lower courts. Under these circumstances, the conclusion to exclude the owner's liability was not the result of a comprehensive and logically coherent analysis of the applicable contractual and statutory provisions.

The Court considered that the High Court's reasoning did not satisfy the constitutional standard of a reasoned judicial decision. The incomplete interpretation of the lease agreements and the failure to provide a specific response regarding the joint liability of the companies led to an application of the law that was not grounded in the objective elements of the case. Consequently, this resulted in a decision-making process demonstrating elements of arbitrariness within the meaning of Article 42 of the Constitution and constitutional jurisprudence. Therefore, the applicants' complaint concerning the violation of the right of access to a court, linked to the standard of a reasoned judicial decision, is founded.

Decision-making

The Court decided, by a majority, to accept the application (three judges expressed a dissenting opinion).



Right to a hearing within a reasonable time

KEY WORDS

Compensation/ Civil claim/ Administrative Court's lack of subject-matter jurisdiction/ Interim decision staying the proceedings/ Interim appeal/ Application for the acceleration of proceedings/ High Judicial Council decision no. 78/2019/ Applicant's age/ 30-day time-limit/ Article 471/a of the Code of Civil Procedure

The individual constitutional complaint did not become devoid of purpose merely because the court of appeal concluded its examination of the interim appeal after the complaint had been filed. The applicant retains a constitutional interest in having the merits of the constitutional complaint examined, as the finding of a violation may serve to afford her compensatory redress for the violated right.

Dashmira Zaro

Unreasonable length of proceedings in the Administrative Court of Appeal

Judgment No. 63 of June 02, 2026

Facts

The applicant brought an action before the administrative court, raising three distinct claims. In respect of one of those claims, the Lushnja Administrative Court of First Instance declared the lack of subject-matter jurisdiction and transferred the case file to the competent civil court. As regards the other two claims, by an interim decision of the same date, the aforementioned court stayed the proceedings pending the final judicial resolution of the claim in respect of which this court had declared its lack of jurisdiction. The applicant filed an interim appeal against the interim decision, on the basis of which the case was registered with the Administrative Court of Appeal on 3 July 2025. On 22 September 2025, the applicant filed an application with the High Court seeking a finding of a violation of the reasonable time requirement and the acceleration of the proceedings.

Therefore, on 25 November 2025, the applicant lodged an individual constitutional complaint. In the meantime, by a decision of 22 January 2026, the High Court rejected the applicant's request, holding that the Administrative Court of Appeal's failure to act had not resulted from subjective factors linked to any arbitrary assessment or conduct on the part of the judge rapporteur, but rather from that court's objective impossibility to examine the case within a reasonable time.

Following a preliminary examination of the applicant's individual constitutional complaint on 9 February 2026, a decision was taken to refer the case for examination in a plenary session on the basis of the submitted documents. Subsequently, according to information dated 20 May 2026 provided by the Administrative Court of Appeal, it transpired that the applicant's case had been examined and that the relevant court had quashed the interim decision staying the proceedings, remitting the case to the Administrative Court of First Instance for continuation of proceedings.

Court's Assessment

As regards the alleged violation of the right to a hearing within a reasonable time – The applicant retains a legitimate interest in having the merits of her individual constitutional complaint examined. The complaint does not become devoid of purpose merely because the court of appeal concluded its examination of the interim appeal after the constitutional complaint had been filed. The proceedings concerning the interim appeal before the Court of Appeal lasted for more than nine months, thereby exceeding the 30-day statutory time-limit. Assessing what is at stake for the applicant owing to the delay in the proceedings, the Court observed that the merits of the present case concerned a claim for compensation for property which the applicant alleged had been taken by the State. Although this case does not directly involve vital interests requiring priority treatment in all circumstances, it concerns the right to property. The administrative proceedings have been pending before the Lushnja Administrative Court of First Instance for more than sixteen months and the examination of the interim appeal against the decision staying the proceedings lasted for more than nine months, thereby violating the right to a hearing within a reasonable time.

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A prolonged period of inactivity on the part of the courts cannot be justified solely by the justice system reform or the resulting heavy workload of the judges.

Although the merits of the case concern a claim for compensation for property which the applicant alleges was taken by the State and thus does not directly involve vital interests requiring priority treatment in all circumstances, the case nevertheless concerns the right to property.

In so far as the administrative proceedings on the merits were stayed by virtue of the interim decision, the failure to examine the appeal against such decision within the statutory time-limit prevented the continuation of the proceedings on the merits. However, given that the examination of the interim appeal has already been concluded, the Court confined itself to finding a violation of the applicant's right to a hearing within a reasonable time, a finding which affords her the opportunity to seek redress for such violation in accordance with the relevant statutory provisions.

Decision-making

The Court decided, by a majority, to accept the application (three judges expressed a dissenting opinion).



Right to a trial within a reasonable time

KEY WORDS

Immediate and unjustified termination of employment contract/ Invalidity of dismissal/ Reinstatement/ Compensation/ Notice deadline/ Disciplinary dismissal procedure/ Seniority-related pay/ Annual leave/ Two-year statutory time-limit/ Application for a finding of a violation of the reasonable time requirement/ Acceleration of proceedings/ Articles 399/1 et seq. of the Code of Civil Procedure (CCP)/ Article 399/5 of the Code of Criminal Procedure

The standard enshrined in Article 42 of the Constitution is not confined solely to the absence of subjective fault on the part of the Judge Rapporteur or the specific court concerned.

Rather, it necessitates an assessment of whether the State, acting through the authorities responsible for the organization, administration, and functioning of the justice system, has taken the requisite legal, institutional, and organizational measures to guarantee the determination of cases within a reasonable time.

Alma Lleshi

Unreasonable length of proceedings before the High Court

Judgment No. 64 of June 02, 2026

Facts

The applicant was employed as a teacher until her employment contract was terminated by a decision of the school directorate, on the grounds that the term stipulated in the contract had expired. The applicant filed a civil claim with the court, seeking a declaration of the invalidity of the termination of her employment contract, reinstatement to her previous position, as well as the relevant compensation for the immediate and unjustified termination of the individual employment contract, failure to respect the procedure and the notice deadline for the termination of the employment contract, a seniority bonus, and the payment of her salary for untaken annual leave.

The District Court partly upheld the claim, granting the applicant's requests for compensation while rejecting the remainder of the claim. Following an appeal by the defendant, the case was registered with the Court of Appeal.

While the case was pending before the Court of Appeal, the applicant filed two requests with that court seeking the acceleration of the proceedings. Furthermore, the applicant was informed that the case was awaiting scheduling for a hearing, as the court was still examining cases registered in 2017 and 2018. The applicant subsequently filed a request with the High Court seeking a finding of a violation of the reasonable time requirement and the acceleration of the proceedings before the Court of Appeal, pursuant to Articles 399/1 et seq. of the Code of Civil Procedure (CCP). The High Court, relying on Article 399/5 of the CCP, forwarded the request to the Court of Appeal, as the court before which the delay was alleged to have occurred.

The latter forwarded the request back to the High Court, together with information provided by the judge rapporteur in the applicant's case. The High Court subsequently decided to reject the request. Therefore, the applicant lodged an individual constitutional complaint with the Court.

Court's Assessment

As regards the alleged violation of the right to a hearing within a reasonable time – The Court observed that the High Court, in the impugned decision, acknowledged the exceeding of the two-year statutory time-limit for the examination of the case on appeal. However, it considered that the delay was not attributable to the subjective conduct of the judge rapporteur, but rather to the objective impossibility of the Court of Appeal of General Jurisdiction, owing to the heavy workload caused by the backlog of cases accumulated over the years and the reduction in the number of active judges in the judicial system. The Court, reiterating its standpoint in other cases of this nature, emphasized that this approach is incompatible with the consolidated constitutional and Convention standards regarding the right to a hearing within a reasonable time.

The applicant made use of the remedy provided for by Articles 399/1 et seq. of the Code of Civil Procedure, but the High Court's decision failed to acknowledge and restore the alleged violation, while the main proceedings before the Court of Appeal

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In employment disputes, the importance of what is at stake for the applicant does not depend exclusively upon proof of extreme financial hardship. It is equally dependent on the nature of the employment relationship, its function as a source of income, and the legal uncertainty engendered for the individual when the lawfulness of their dismissal remains without of a final judicial determination for a prolonged period.

are still pending. In these circumstances, insofar as there has been neither a finding of a violation, nor a real acceleration of the proceedings, nor any other appropriate form of redress, the applicant continues to retain her victim status for the purposes of constitutional review.

Having regard to the fact that the judicial proceedings have been pending for more than five years and five months, while the case has been pending examination before the Court of Appeal of General Jurisdiction alone for more than four years and six months; that the delay is not attributable to the applicant's conduct; that the case is not of any particular complexity; and that the dispute concerns an employment relationship, the Court concluded that, in the present case, there has been a violation of the applicant's right to a hearing within a reasonable time, within the meaning of Article 42 of the Constitution.

Decision-making

The Court decided, unanimously, to accept the application.



Admissibility criteria for lodging an individual constitutional complaint – *Ratione materiae*

KEY WORDS

Service contract/ Enforceable title/ Pecuniary damage/ Causal link with the violation found/ Non-pecuniary damage/ European Court of Human Rights (ECtHR)/ Reopening of proceedings/ Articles 6, 13 and 41 of the European Convention on Human Rights/ Specific remedy

In examining the applicant's complaints in relation to the ECtHR judgment, insofar as they concern her, the Court considered that an examination of these claims could not restore her violated right, since the ECtHR judgment not only found a violation of the right to a fair hearing on account of the unreasonable length of the proceedings before the High Court, but also awarded compensation for the damage arising from that delay, which is precisely the aim pursued by the applicant company through this individual constitutional complaint.

"Arb Private Bailiff" LLC.

Reopening of the judicial proceedings following the European Court of Human Rights judgment

Judgment No. 65 of June 02, 2026

Facts

In 2012, after concluding a service contract with the Albanian Power Corporation (KESH), the applicant company instituted enforcement proceedings for the execution of an order issued by the Tirana District Court in favor of the Albanian Power Corporation. It issued an order for the imposition of a conservative seizure on the accounts of the debtor, namely -CEZ Shpërndarje sh.a., addressed to second-tier banks.

On 28 May 2014, the applicant company brought an action against BKT, a second-tier bank, claiming that the failure to comply with the seizure order on the debtor's account had prevented the enforcement of the enforceable title and had caused it pecuniary damage. The ordinary jurisdiction courts rejected the claim (in 2015 and 2016 respectively), since the existence of pecuniary damage resulting from the respondent's conduct was not established, and the claim concerning the refusal to conclude further contracts with the applicant company was unfounded in law.

On 20 May 2016, the applicant company filed an appeal on points of law, and on 14 December 2020 it filed a request with the High Court seeking a finding of a violation of the reasonable-time requirement and for the acceleration of the proceedings in the civil case in question, pursuant to Articles 399/1 et seq. of the Code of Civil Procedure.

As to that delay, on 21 April 2021 the applicant company also lodged an individual constitutional complaint with the Constitutional Court, but both courts rejected the requests on the grounds that the delays were justified by the heavy caseload of the High Court and by the objective circumstances of the case. The applicant company lodged two applications with the Constitutional Court (in 2021 and 2024), and its requests were rejected. Meanwhile, on 27 November 2024, the High Court ruled on the merits of the case, declaring the appeal on points of law inadmissible as filed on grounds other than those provided for in Article 472 of the Code of Civil Procedure.

Following the applicant company's application to the European Court of Human Rights (ECtHR), a violation of Article 6 § 1 of the European Convention on Human Rights was found on account of the failure to comply with the reasonable time requirement, and the ECtHR awarded the applicant company just satisfaction.

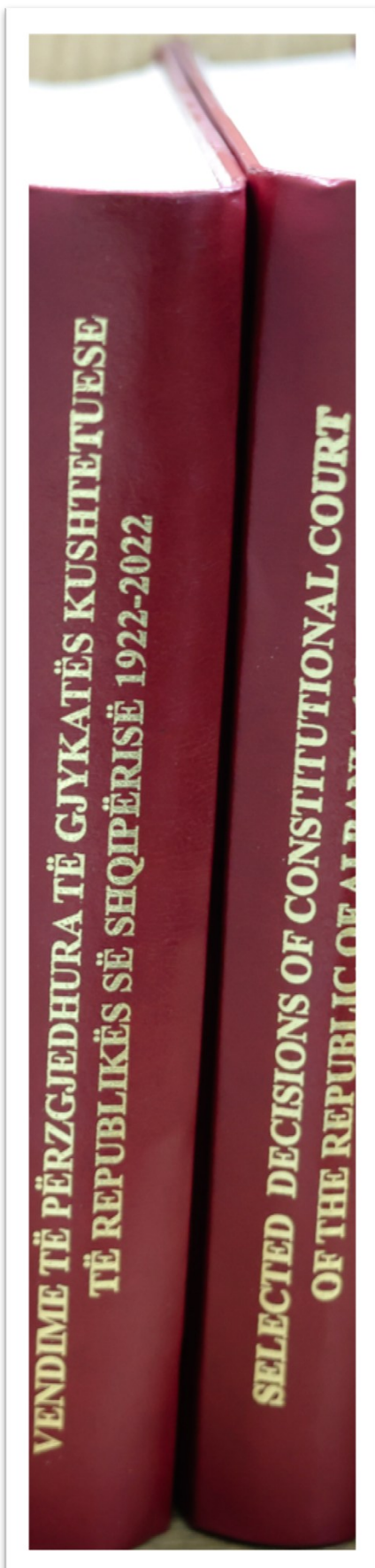
Therefore, the applicant filed an individual constitutional complaint with the Court, requesting the reopening of the judicial process.

Court's Assessment

As to the applicant's locus standi – In the context of admissibility *ratione materiae*, the Court observed that the applicant company sought the reopening of the proceedings relying on the judgment of the European Court of Human Rights. In that judgment, the ECtHR held that there had been a violation of Article 6 § 1 and Article 13 of the Convention and, pursuant to Article 41 of the Convention, awarded the applicant company compensation in respect of non-pecuniary damage as well as costs and expenses (whereas, regarding the alleged pecuniary damage, it found no causal

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link between the damage claimed and the violations found.

As regards the applicant company's complaints in relation to the ECtHR judgment, insofar as they concern her, the Court considered that an examination of these claims could not restore her violated right, since the ECtHR judgment not only found a violation of the right to a fair hearing on account of the unreasonable length of the proceedings before the High Court, but also awarded compensation for the damage arising from that delay, which is precisely the aim pursued by the applicant company through this individual constitutional complaint.

The measures indicated by the ECtHR did not state any specific remedies; rather, they highlighted in general terms the existing systemic issue, the general measures already undertaken, and those which must continue to be implemented by the State concerning the length of judicial proceedings and the failure to comply with the reasonable time requirement.

Consequently, the Court held that the applicant company lacks locus standi in respect of this complaint.

Decision-making

The Court decided, unanimously, to reject the application.



Right of substantive access to a court – Standard of a reasoned judicial decision

KEY WORDS

Criminal offence/ Accomplice/ New evidence/ Incompatibility of facts between final judgments/ Review of a judgment/ Extraordinary remedy/ Article 450 of the Code of Criminal Procedure/

Legal reasoning/ Legal classification of the criminal offence/ Length of sentence

The extraordinary nature of the reopening of proceedings and the restrictive character of the grounds provided for in Article 450 of the Code of Criminal Procedure (CCP) did not absolve the High Court of its obligation to conduct a concrete examination of the ground relied upon by the applicant.

On the contrary, insofar as the applicant had identified two final judgments and alleged that they were based on incompatible facts, the court was required to verify whether such complaint fell within the scope of application of Article 450 § 1 (a) of the Code of Criminal Procedure. Only such a verification could ensure that access to the remedy of reopening was substantive and not merely formal.

Fran Ndreca

Review of a judicial decision regarding the incompatibility of facts provided on the merits of another final decision

Judgment No. 66 of June 03, 2026

Facts

The applicant was identified as a suspected accomplice in a murder committed in 1999, an incident which led the Tirana District Prosecution Office to institute criminal proceedings. The other accomplice, P.M., having been tried in absentia at first instance and subsequently retried under summary proceedings, was convicted of premeditated murder committed in complicity and unlawful possession of weapons, and was sentenced to fourteen years' imprisonment. Following an appeal by the prosecution against the sentence, and an appeal by P.M. regarding the legal classification of the criminal offence, the Tirana Court of Appeal, in 2007, convicted him of "intentional murder" committed in complicity and "unlawful possession of military weapons", sentencing him to twelve years' imprisonment.

In the meantime, the proceedings against the applicant were stayed pending his identification and subsequent arrest in Italy in 2003. Upon the resumption of the proceedings and pending his extradition, the Tirana District Court convicted the applicant in absentia of "premeditated murder" committed in complicity, sentencing him to twenty years' imprisonment. According to the findings of that court, the applicant had assisted P.M. in the execution of the victim.

Following his extradition from Italy, the applicant was granted leave to appeal out of time (reinstatement of the time-limit for appeal). The case was subsequently examined by the Tirana Court of Appeal, which upheld the conviction. His appeal on points of law was declared inadmissible by the Criminal Chamber of the High Court, and the Constitutional Court refused to examine his constitutional complaint on the grounds of non-exhaustion of effective domestic remedies.

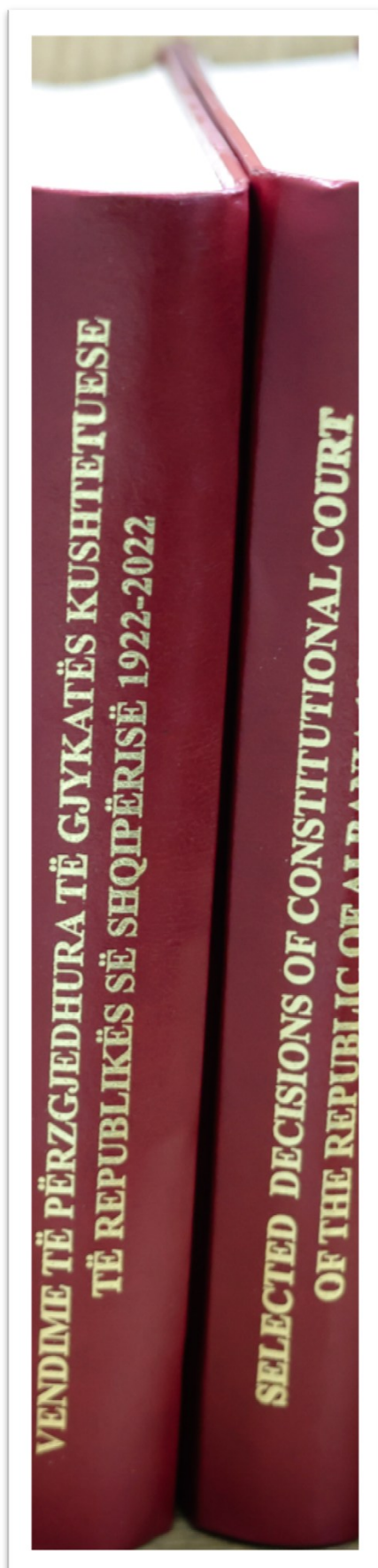
In 2022, the applicant filed a request for the reopening of the criminal proceedings, alleging the existence of facts that were incompatible with another final judgment, as well as the discovery of newly adduced evidence. The request was declared inadmissible by the Tirana District Court, a decision which was upheld by the Court of Appeal of General Jurisdiction and the Criminal Chamber of the High Court. Therefore, the applicant lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the right of access to a court in relation to the right to a substantive appeal and the standard of a reasoned judicial decision – The Court held that, although the High Court had correctly identified the concept of factual incompatibility in the abstract, it had failed to apply this standard comprehensively to the specific circumstances of the case. The reclassification of the criminal offence from "premeditated murder" to "intentional murder" does not merely constitute a divergent legal interpretation of the same situation. Rather, it relates to historical facts concerning the origin and nature of the conflict, its chronological development, and the existence or otherwise of a prior decision to commit the murder. These elements ought to have been concretely compared with the facts provided on the merits of the decision sentencing the applicant for premeditated murder committed

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in complicity. In particular, an assessment should have been made as to whether the factual situation established by the Court of Appeal, namely, the spontaneous nature of the conflict and the absence of premeditation, was compatible with the existence of a prior joint plan or decision, which had served as the foundation for establishing the applicant's guilt.

Having regard to the fact that the purpose of reopening proceedings is to correct substantial errors of a final criminal judgment, the High Court was under an obligation to examine the applicant's complaint in a concrete and exhaustive manner. It was required to identify the final judgment concerning P.M., isolate the decisive facts established therein, and compare them with the facts upon which the applicant's conviction relied. The failure to conduct such a verification renders the conclusion that the two judgments did not contain incompatible facts entirely unfounded. It does not appear that the High Court examined the factual circumstances underlying the amendment of the judgment in respect of P.M., nor did it assess their potential relevance to the substantial findings of the applicant's guilt. In these circumstances, the response provided by that court fails to satisfy the requirement of a concrete and effective examination of the grounds for reopening the proceedings.

Decision-making

The Court decided, by a majority, to accept the application in part (one judge expressed a dissenting opinion).



Principle of the presumption of innocence

KEY WORDS

Conviction and sentence to imprisonment for premeditated murder/ Discontinuation of criminal proceedings/ Suspension of the investigation/ Statements made to the police/ Transcription of ambient audio recordings/ Scientific evidence/ Dactyloscopic comparison of traces found at the scene/ Contradictory testimony/ Absence of direct evidence/ Existence of a weak motive/ Request for re-transcription of the recordings

Legal or factual presumptions must remain within reasonable limits and must not impair the rights of the defense. The manner in which the domestic courts of ordinary jurisdiction assessed the evidence, thereby undermining the constitutional guarantees afforded by the presumption of innocence, is subject to constitutional review.

Skënder Krasniqi

Finding of guilt without relying on sufficient evidence

Judgment No. 67 of June 03, 2026

Facts

The applicant was prosecuted for the premeditated murder of an 82-year-old man. In the absence of direct evidence, the prosecution first decided to discontinue the criminal proceedings against him and furthermore, it suspended the investigation into the incident due to the failure to identify the perpetrator. Following an appeal by the victim's heirs, the court ordered the reopening of the investigation. Upon reopening, the prosecution instructed, inter alia, a re-transcription of the ambient audio recordings.

At first instance, the Fier District Court convicted the applicant and sentenced him to 20 years' imprisonment. Such judgment was upheld by the Vlora Court of Appeal, and the High Court dismissed the applicant's appeal on points of law. Therefore, the applicant lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

Court's Assessment

As to the alleged violation of the principle of the presumption of innocence – The Court observed that the applicant challenged the manner in which the evidence had been assessed and examined whether the finding of guilt was based on factual presumptions exceeding reasonable limits or had impaired his defense rights.

It found that the domestic courts of ordinary jurisdiction had based their reasoning on the existence of a weak motive by reconstructing in detail the manner in which the offence was committed and the applicant's specific actions, yet without relying on any direct or circumstantial evidence for that purpose. They had based their conclusions on the re-transcription of the ambient audio recordings of the conversation between the applicant and his mother, the content of which, only upon the reopening of the investigation, five years after the incident, was interpreted as circumstantial evidence supporting the applicant's commission of the murder. The defense's request that the re-transcription be carried out by a team of experts in order to verify the reliability of this evidentiary element was dismissed as unnecessary.

The Court held that the manner in which the domestic courts assessed the applicant's guilt violated the principle of the presumption of innocence, being founded on mere factual presumptions, and that the refusal to permit expert verification of the crucial evidentiary element had impaired the defense rights. Given that redressing the violation requires a reassessment of the facts and evidence adduced during the investigation, the reopened investigation, and the trial proceedings, the case must be re-examined by the court of appeal.

Decision-making

The Court decided, unanimously, to accept the application in part.



Right to a fair trial – Standard of a reasoned judicial decision

KEY WORDS

*Statutory inheritance/ Issuance of
documentation/ Provision of
information/ Local Immovable
Property Registration Office*

*(State Cadaster Agency)/
Supplementary grounds of appeal/
Reasoning of a decision*

Not every breach of the procedural rules renders the proceedings unfair from a constitutional perspective, unless the infringement is of a fundamental nature.

The High Court reasoned that it was incumbent upon the applicants to clearly set out their grounds and to substantiate their complaints regarding the misapplication of substantive and procedural law, or the fundamental importance of the violation for the purposes of unifying or developing the case-law.

Diana Kademi and Sutë Kademi

*Failure by the Local Immovable Property Registration Office
State Cadaster Agency) to issue documentation and property
records*

Judgment No. 68 of June 04, 2026

Facts

Since 2008, the applicants have repeatedly applied to the Local Immovable Property Registration Office (LIPRO), requesting to be provided with copies of the documentation relating to two properties (a plot of land and a house) which they had allegedly acquired through statutory inheritance. They also requested the issuance of the relevant property records and cadastral maps. However, they received replies stating that the properties in question were registered in the names of third parties.

In these circumstances, they brought proceedings before the court, seeking an order to compel the Local Immovable Property Registration Office to make the requested documentation available and to issue the relevant records.

The First-Instance Court rejected the applicants' claim, holding that the Local Immovable Property Registration Office had already made available to the applicants, and had submitted during the judicial proceedings, the acts and documents reflecting the changes in the surface area and the property rights relating to the properties in question. Furthermore, the applicants' claims challenging the property titles of the third parties had been rejected in separate judicial proceedings by a final decision. Consequently, their request for the Local Immovable Property Registration Office to issue the property records and cadastral maps was unfounded. Such decision was upheld by the Administrative Court of Appeal. Following an appeal on points of law and supplementary grounds of appeal lodged by the applicants, in which they argued, inter alia, that the court of appeal's reasoning ran counter to unifying decision no. 216/2018 of the Administrative Chamber of the High Court – the High Court declared the appeal on points of law inadmissible, holding that the arguments raised did not fall within the statutory grounds of appeal. Therefore, the applicants lodged an individual constitutional complaint with the Court seeking the repeal of the court's decisions.

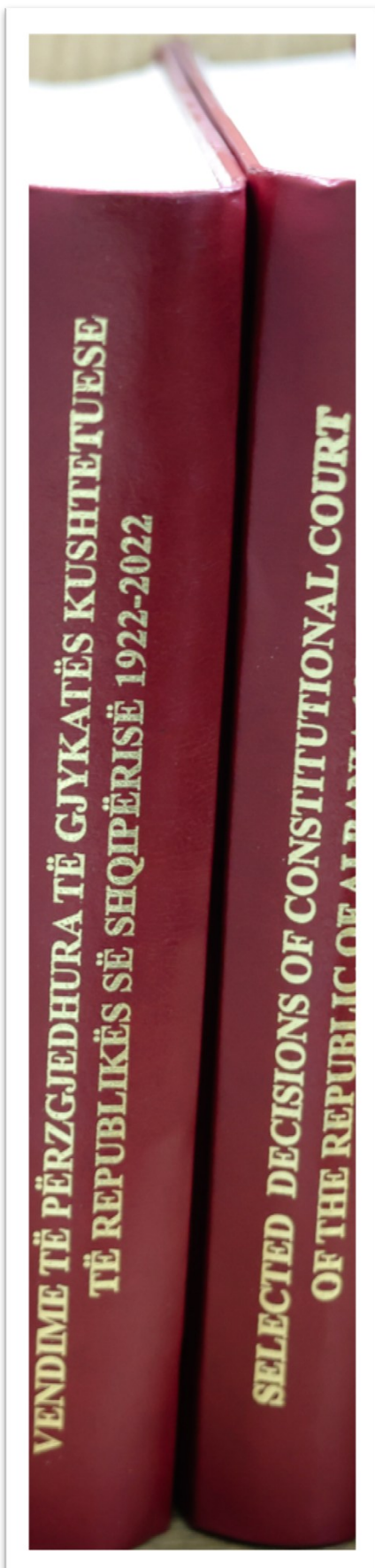
Court's Assessment

As regards the alleged violation of the standard of a reasoned judicial decision – The Court, while noting that the High Court's reasoning did not mention the submission of the supplementary grounds of appeal or contain an assessment thereof, examined whether the applicants had raised new arguments in that document and whether the failure to acknowledge the supplementary appeal in the High Court's decision undermined the very essence of that court's decision and the constitutional standard of a reasoned judicial decision.

The Court considers that the failure to reflect the complaints set out in the supplementary grounds of appeal did not affect the essence of the High Court's decision, given that its decision no. 216/2018 was not a unifying one. Furthermore, the arguments adduced in the supplementary grounds of appeal essentially constituted a reiteration of the complaints previously raised during the proceedings before the ordinary courts and in the initial appeal on points of law. The Court considers that the High Court also examined the case from the perspective of the lower courts' compliance with unifying case-law.

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS



Consequently, the applicants received an adequate response to the complaints raised in that connection. Accordingly, the failure to reflect the complaints raised by the applicants in their supplementary grounds of appeal in the High Court's decision does not constitute a fundamental defect. Therefore, the complaint concerning the alleged violation of the standard of a reasoned judicial decision is unfounded.

Decision-making

The Court decided, unanimously, to reject the application.



Right of access to a court – Standard of a reasoned judicial decision

KEY WORDS

*Best interests of the child/
Parental responsibility/ Lack of
jurisdiction/ Convention on the
Rights of the Child/ Convention on
Parental Responsibility/
Dissolution of marriage/ Hierarchy
of norms*

Although the subject matter of the examination in the present case is not the manner in which parental responsibility is to be exercised, but rather the determination of jurisdiction to examine this claim, the analysis must also take into consideration the principle of the best interests of the child, as guaranteed by Article 54 of the Constitution and reflected in domestic legislation and the applicable international instruments. In family matters involving cross-border elements, this principle does not operate as an autonomous criterion, nor can it be applied in isolation from the jurisdictional rules determining the competent authority.

Renisa Selenica

Removal from Albanian judicial jurisdiction of the exercise of parental responsibility

Judgment No. 69 of June 04, 2026

Facts

The applicant and a Belgian national, Mr. Samuël Soares, had a child born in Belgium during their marriage, which was concluded in 2020. They cohabited in that State until July 2022, when they travelled to Albania for holidays. Following disputes between them, the applicant did not return to Belgium; she registered the child in Albania with Albanian nationality and instituted judicial proceedings for the dissolution of the marriage and the regulation of its consequences. The same proceedings were instituted by the husband in Belgium, who simultaneously sought the child's return to Belgium.

Subsequently, the Belgian authorities via a request addressed to the Ministry of Justice of the Republic of Albania and based on the decisions of the Belgian courts, which had concluded that the applicant had breached the provisions of the Hague Convention on the Civil Aspects of International Child Abduction, requested the return of the child to his/her habitual residence in Belgium. Although the Albanian courts ultimately ordered the return of the child, the applicant failed to comply with the judicial decisions and repeatedly requested a stay of execution of the return order.

In the proceedings concerning the dissolution of the marriage and its consequences, the Belgian courts granted the divorce and temporarily awarded the exercise of parental responsibility to Mr. Samuël Soares and ordered that the child reside with him in Belgium. The judicial proceedings conducted in Albania also resulted in the dissolution of the marriage. However, as regards the consequences concerning the child, during the examination of the case at first instance court, Mr Samuël Soares requested that the matter be removed from Albanian jurisdiction, a request which was granted by the court.

Following a separate appeal on points of law lodged by the applicant concerning the removal of the issue of parental responsibility from Albanian judicial jurisdiction, and a counter-appeal by the national S.S., the High Court upheld the first-instance court's decision. Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the right of access to a court in connection with the standard of a reasoned judicial decision – In relation to the applicant's claim that the child's factual presence in Albania, his Albanian nationality, and his registration in that State were determinative for establishing Albanian judicial jurisdiction, the Court found that the reasoning of the High Court contained no manifest error of law or fact, nor did it render manifestly arbitrary its conclusion that these circumstances were insufficient to establish the jurisdiction of the Albanian courts. This is because the duration of the child's stay in Albania must be assessed in the light of Article 7 of the Convention on Parental Responsibility and the specific circumstances of the case; in the present case, the factual duration of the child's stay in Albania was linked to the consequences of a situation judicially assessed as the wrongful retention of the child,

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS

Constitutional review in the present case does not consist in reassessing the best interests of the child in relation to the specific manner in which parental responsibility is exercised, but rather in verifying whether the ordinary courts have identified, interpreted, and applied the rules of jurisdiction free from arbitrariness, in a manner compatible with the principle of the best interests of the child.

which was prolonged due to the applicant's failure to comply in a timely manner with the decision ordering the child's return to his habitual residence in Belgium.

Furthermore, the Court considered that the applicant's claim, that the jurisdiction accepted for the dissolution of the marriage should necessarily entail jurisdiction over the claim relating to the exercise of parental responsibility, finds no support in Article 10 of the Convention. This provision requires the parents' acceptance of jurisdiction to take measures regarding the protection of the child, a jurisdiction which ceases upon the conclusion of the divorce proceedings. Following that moment, only the authority having jurisdiction under Articles 5 to 9 of the Convention may decide on such measures.

As regards the applicant's complaint concerning Article 13 of the Convention on Parental Responsibility – the Court notes that this Article does not establish a rule of formal priority in favor of the authority first set in motion, regardless of whether it has jurisdiction under the Convention. This provision applies in cases where corresponding measures have been requested before the authorities of another Contracting State having jurisdiction under Articles 5 to 10 of the Convention and are still under examination. In this sense, the applicant's claim that the proceedings had been instituted earlier before the Albanian court is not sufficient, in itself, to render the High Court's conclusion manifestly arbitrary. Consequently, the absence of a specific analysis of Article 13 does not reveal a shortcoming in the High Court's reasoning such as to render it insufficient or its conclusion manifestly arbitrary, provided that it gave reasons for the lack of Albanian jurisdiction in relation to the rules of the Convention on Parental Responsibility, which it deemed determinative. In conclusion, the Court considers that the impugned decisions do not disclose any manifest errors of law or fact, ambiguities, or elements of arbitrariness of such a degree as to violate the right claimed by the applicant.

Decision-making

The Court decided, by a majority, to reject the application (one judge expressed a dissenting opinion).



Withdrawal of the complaint – Discontinuation of the proceedings – Principle of Availability (disponibility)

KEY WORDS

Investigative measures/ Person with no formal procedural status in criminal proceedings/ Search of premises/ Seizure of electronic devices

The Court found that there were no compelling reasons of public interest to continue the proceedings, given that the applicant's complaints related directly to the alleged violation of her own constitutional interests.

In these circumstances, there were no grounds to apply the exception to the principle of availability (disponibility).

Enkeleda Kapedani

Withdrawal of the complaint and discontinuation of the proceedings

Judgment No. 71 of June 11, 2026

Facts

The applicant served as a judge at the Elbasan District Court until 18 May 2022. Subsequently, she became subject to investigative measures carried out within the framework of criminal proceedings instituted by the Special Prosecution Office in 2023, although she had no formal procedural status in those proceedings. By a decision of the Special Court of First Instance for Corruption and Organized Crime a search of her home was authorized, during which several electronic devices and a document, namely, a judicial decision, were seized.

The applicant initially challenged the decision authorizing the search of her home, however, her appeal and subsequent appeal on points of law were declared inadmissible. Furthermore, she requested the lifting of the seizure and the restitution of the seized items. Such request was rejected by the Special Court of First Instance for Corruption and Organized Crime, a decision which was upheld by the Special Court of Appeal for Corruption and Organized Crime. Moreover, the High Court declared the applicant's appeal on points of law inadmissible.

Consequently, the applicant lodged two constitutional complaints with the Constitutional Court: one challenging the decisions authorizing the search of her home, and another challenging the decisions refusing to lift the seizure and return the items. Both cases were referred to the plenary session for an examination on the basis of the case file and, given the connection between them, the court ordered their joinder.

On 10 June 2026, the applicant withdrew her complaints and requested that the proceedings be discontinued.

Court's Assessment

The Court observed that, one day prior to the examination of the case in a plenary session on the basis of the case file, the applicant submitted a request to withdraw her complaint and to discontinue the proceedings. Article 31/b of the Constitutional Court Organic Law provides for an applicant's right to withdraw a complaint prior to the initiation of its examination by the Court; in such an event, the Court shall order the discontinuation of the proceedings, unless it considers that the examination of the case is a matter of public interest. Article 43/b § 2 of the same Law affords the applicant this right at any stage of the proceedings, up until a decision has been adopted by the Court. Having regard to this regulatory framework, the Court found that there were no compelling reasons of public interest to continue the proceedings, given that the applicant's complaints related directly to the alleged violation of her own constitutional interests. In these circumstances, there were no grounds to apply the exception to the principle of availability (disponibility). Consequently, the proceedings were to be discontinued, pursuant to Article 31/b of the Constitutional Court Act.

Decision-making

The Court, decided, unanimously, discontinuation of the proceedings.



Right of substantive access to a court – Standard of a reasoned judicial decision

KEY WORDS

Road traffic accident/ Military zone/ Absence of signage prohibiting civilian vehicles/ Unauthorized activity/ Automotive expert examination/ Discontinuation of criminal proceedings/ Non-contractual liability/ Negligence by the public authorities/ Compensation for pecuniary and non-pecuniary damage

A person's life is protected by law and where a loss of life has occurred as a result of negligence by public authorities, the State has an obligation to take effective measures to clarify the circumstances of the incident, to identify those responsible and to ensure appropriate compensation for the victim or their relatives.

Zymer Martinaj and Diana Martinaj

Validation of the seizure of computer data and equipment

Judgment No. 72 of June 16, 2026

Facts

The applicants are husband and wife and the legal heirs of their son, who lost his life as a result of an accident that occurred on the runway of the Gjadër military airfield. The prosecution investigated the incident and decided to discontinue the criminal proceedings against the driver of the vehicle, classifying it as an unfortunate event. Therefore, the applicants claimed compensation for the incident from the Ministry of Defense and the Air Force Command, alleging that the loss of life had occurred as a result of the failure to take the necessary measures for the guarding and administration of the military zone. The Lezhë District Court dismissed the action, holding, inter alia, that the liability of the public institutions for the incident had not been proven. Such decision was upheld by the Shkodër Court of Appeal, and the High Court declared the applicants' appeal on points of law inadmissible as lacking a statutory basis.

Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

Court's Assessment

As to the alleged violation of the right to substantive access to a court in relation to the standard of a reasoned judicial decision – The Court noted that the applicants' complaints related to the omissions of the public authorities responsible for the administration of the former military airfield; it therefore examined whether the response of the ordinary courts satisfied the constitutional standards of a fair trial.

The Court found that the courts of fact had failed to clarify the crucial circumstances of the case, namely the legal status of the area where the accident occurred, the authority responsible for its administration, the nature of the measures required to control, guard and restrict access to that territory, and the measures that had actually been taken prior to the accident. Rather, they had confined their examination to a formal assessment of the elements of non-contractual liability. They had attached weight to the fact that the prosecution had classified the incident as an unfortunate event and had not registered criminal proceedings against the public authorities responsible for the administration of the territory where the accident occurred. The High Court did not adopt an express position on these issues.

In this regard, the Court considered that the ordinary courts had not sufficiently examined whether the public authorities had fulfilled their statutory obligations regarding the administration, guarding and control of the territory where the accident occurred, from the standpoint of the constitutional right to the protection of life and the State's positive obligations arising from that right. Consequently, the decision-making process did not satisfy the constitutional standards regarding substantive access to a court and a reasoned judicial decision.

Decision-making

The Court decided, unanimously, to accept the application in part.



Right of substantive access to a court in relation to the right to an effective remedy – Standard of a reasoned judicial decision – Right to a hearing by a tribunal established by law

KEY WORDS

*Civil Aviation Authority/
Employment relations/*

*Civil service/ Labor Code/ Lack of
subject-matter jurisdiction/
Interim decision/ Principle of
disponibility (availability of action)*

The applicable law governing the applicant's labor relations and the consequences of the entry into force of the new Civil Aviation Authority law on her status constituted issues challenged on the merits of the claim. Under these circumstances, insofar as the conclusion that the applicant's labor relations was governed by the Labor Code and that the dispute was of a civil nature was directly linked to contested issues on the merits, the High Court should have provided reasons as to why this assessment could be made at the phase of determining subject-matter jurisdiction, without prejudicing the examination on the merits of the applicant's claims regarding her civil servant status and the lawfulness of the impugned acts.

Stela Ulqinaku

Determination of subject-matter jurisdiction by the High Court

Judgment No. 73 of June 16, 2026

Facts

The applicant had been employed by the Civil Aviation Authority (the CAA) since 2015, holding civil servant status. Following the entry into force of the new Law on the Organization and Functioning of the Civil Aviation Authority, the CAA was removed from the civil service regime and the employment relations of its staff became subject to the Labor Code.

In 2023, following a structural reorganization and by order of the Executive Director of the CAA, the applicant was dismissed from her position as head of a directorate and appointed as head of a sector within the same directorate. Following her refusal to accept this position, the CAA decided to terminate her employment and financial relations. Claiming that she still enjoyed civil servant status pursuant to Law no. 152/2013 and that her dismissal had been carried out in breach of that legal regime, the applicant filed a claim with the court seeking the repeal of the administrative acts, her reinstatement, and remuneration of the monthly salary she had received at the time of her dismissal, calculated from the date her financial relations were terminated until the enforcement of the judicial decision.

The Tirana Administrative Court of First Instance declared that it lacked subject-matter jurisdiction, holding that the dispute was of a civil nature, and therefore transferred the case to the Tirana Court of First Instance of General Jurisdiction.

The latter court brought proceedings before the High Court for a ruling on the conflict of subject-matter jurisdiction, pursuant to Article 64 of the Code of Civil Procedure.

In a decision by its Civil Chamber, the High Court determined that the Tirana Court of First Instance of General Jurisdiction was the competent court. It held that, owing to the entry into force of the new CAA law, the applicant's legal relations no longer fell under the civil service regime but constituted employment relations governed by the Labor Code, rendering the dispute civil in nature.

Therefore, the applicant lodged an individual constitutional complaint with the Court seeking the repeal of the Supreme Court's decision.

Court's Assessment

As to the criterion of the exhaustion of effective remedies – The Court observed that, in formal terms, the subject matter of the individual constitutional complaint is an interim judicial decision, which did not determine the merits of the case but rather determined the court holding subject-matter jurisdiction to examine it. However, the Court considered that, in the present case, the impugned decision of the High Court is regarded as final for the purposes of constitutional review, since, although it did not resolve the merits of the dispute, it fulfils the criteria that allow, on an exceptional basis, the constitutional review of an interim decision. Consequently, the applicant satisfies the criterion of the exhaustion of effective legal remedies.

As to the alleged violation of the right to substantive access to a court in relation to the right to an effective legal remedy – The Court deemed it necessary to emphasize

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS

In its analysis, it does not appear that the High Court took into consideration the principle of disponibility (availability of action) and the unifying conclusions of the Joint Chambers in decision no. 3/2012, as regards the identification of the cause of action, the plaintiff's role in determining the judicial protection sought, and the ensuing consequences when a court assesses whether or not the raised claim enjoys legal protection on the merits.

that a judicial remedy is effective when the relevant court is able to examine the essence of the party's main complaints and provide a reasoned response to them.

In the present case, the High Court failed to clarify whether the civil court, as the designated competent court, could provide a response to the complaints concerning the lawfulness of the acts, which the applicant links to the termination of her civil service employment, the preservation of her civil servant status, and the ensuing consequences. Consequently, the mere fact that the proceedings are ongoing before the civil court is insufficient, in the circumstances of the present case, to rule out a violation of the right of substantive access to a court and the right to an effective legal remedy.

As to the alleged violation of the standard of a reasoned judicial decision – The Court considered that the violation of the applicant's right lies in the fact that the reasoning employed was insufficient to justify the conclusion that the nature of the dispute, as presented by the applicant, the impugned acts, the specific claims advanced, and her alleged civil servant status were not determinative of subject-matter jurisdiction.

In particular, the High Court failed to provide reasons as to whether and why the issue of the applicable law governing the applicant's labor relations, which was one of the main issues of the claim, could be resolved at the phase of determining jurisdiction without undermining the applicant's opportunity to have her claims examined on the merits. By failing to address such elements, the High Court violated the standard of a reasoned judicial decision, insofar as that standard is linked to safeguarding substantive access to a court and to an effective remedy.

As to the alleged violation of the right to a hearing by a tribunal established by law – Insofar as the Court does not itself determine the competent court and does not resolve the civil or administrative nature of the dispute, this complaint cannot be addressed independently in the present constitutional proceedings. It must be examined and addressed by the High Court, in fulfilling of its obligation to provide reasons regarding subject-matter jurisdiction, taking into consideration the nature of the impugned acts, the status claimed by the applicant, the main claims and the criteria set out in Article 7 of the Law on Administrative Courts.

Decision-making

The Court decided, unanimously, to accept the application.



Right of substantive access to a court in relation to the standard of a reasoned judicial decision – No punishment without law (*nulla poena sine lege*) – Principle of presumption of innocence – Right of the defense – Principle of equality of arms

KEY WORDS

Abuse of office/ Administrative measure of dismissal from office/ Failure to report a crime/ Remand in custody/ Political asylum/ Whistleblower status/ Narcotics trafficking/ Suspected criminal activities/ Reporting of high-ranking public officials

The argument that the applicant's claims had been addressed by the court of appeal does not exempt the High Court from its obligation to verify whether those responses complied with constitutional standards. A mere general reference to the reasoning of the Court of Appeal, without identifying the constitutional complaints and without providing reasons as to why they did not constitute statutory grounds for an appeal on points of law, fails to fulfil its constitutional function.

An examination *de plano* cannot be reduced to a mere procedural formality, particularly where the appeal on points of law raises issues directly related to the lawfulness of a criminal conviction and the observance of fundamental procedural safeguards.

Dritan Zagani

Clarification of the legal classification of the facts and the lack of reasoning regarding the applicant's guilt by the High Court

Judgment No. 74 of June 16, 2026

Facts

The applicants served as the head of the narcotics section at the Fier Regional Police Directorate. Initially, disciplinary proceedings were brought against him, resulting in his dismissal from office on the grounds that he had carried out actions unauthorized by his superiors and prohibited by law. Concurrently, criminal proceedings were instituted against him for the criminal offences provided for in Articles 248 and 300 of the Criminal Code. While subject to the security measure of house arrest, he left Albania and, according to his submissions, obtained asylum-seeker status in Switzerland. At the conclusion of the proceedings, he was found guilty as charged by the Fier District Court and sentenced to 4 years and 6 months' imprisonment. This judgment was upheld by the Vlora Court of Appeal, whereas the Criminal Chamber of the High Court declared the applicant's appeal on points of law inadmissible. Therefore, the applicant lodged an individual constitutional complaint with the Court.

Court's Assessment

As regards the alleged violation of the right of substantive access to a court in relation to the standard of a reasoned judicial decision – In relation to the applicant's complaints, the Court observes that his arguments, in essence, do not merely seek a reassessment of the evidence or a different interpretation of domestic law, but rather concern compliance with the principle of no punishment without law (*nulla poena sine lege*), the principle of the presumption of innocence, the rights of the defense, and the principle of equality of arms. The High Court ought to have provided reasons as to why the complaint concerning the failure to identify the specific rule breached regarding hierarchical responsibility for communications with superiors in the pursuit of a criminal event did not relate to the constitutional principle of no punishment without law, and why the actions involving the informant did not constitute a criminal offence but rather a criminal contravention. Furthermore, that court should have reasoned why the claims regarding the absence of a specific consequence and of a causal link between the conduct and the consequence did not raise issues relating to the principle of the presumption of innocence. It should also have provided arguments as to why the complaint concerning the failure to consider exculpatory evidence regarding his role and contribution in preventing crime did not relate to the rights of the defense and the principle of equality of arms. Moreover, the applicant's claim that he had acted within the context of political developments that subsequently led to the dismissal and conviction of a high-ranking public official was such as to require careful assessment by the High Court. Such an assessment is necessary to guarantee public confidence in the justice system, insofar as this claim relates to the right to a hearing by an independent and impartial tribunal and the principle of the presumption of innocence. The Court does not prejudice the manner in which the High Court should respond to the merits of the complaints raised. The task of the constitutional jurisdiction is confined to verifying whether the applicant was afforded an effective examination of his submissions and a reasoned response to his complaints of a constitutional nature.

Decision-making

The Court decided, unanimously, to accept the application in part.



Right of access to a court – Standard of a reasoned judicial decision

KEY WORDS

Road traffic accident/ Violation of traffic regulations/ Pecuniary and non-pecuniary damage/ Insurance company/ Albanian Insurance Bureau/ Compensation/ Three-year statutory time-limit/ Statute of limitation/ Civil action filed outside the statutory time-limit/ Article 115 (dh) of the Civil Code

The responses given by the domestic ordinary courts to the argument that the filing of the civil action was conditional upon a final criminal conviction was both adequate and clear, as it analyzed how the concurrent criminal liability of the perpetrator did not preclude the applicant from seeking compensation for damages via civil proceedings.

Razije Hoxholli

Statutory time-limit for compensation of non-contractual damage

Judgment No. 75 of June 18, 2026

Facts

In 2008 the applicant was involved in a road traffic accident. The Prosecution Office at the Elbasan District Court instituted criminal proceedings and began an investigation against the driver of the vehicle, the national E.Xh., who had caused the accident. A forensic medical examination concluded that the applicant had sustained severe injuries, while a technical expert report established that the accident had been caused by the driver's violation of traffic regulations.

On 20 November 2009 the case was sent for trial, and the Elbasan District Court found the national E.Xh guilty. Such decision was upheld by the Durrës Court of Appeal in 2012.

On 11 November 2013 the applicant filed a claim for compensation with the insurance company. Owing to uncertainties regarding the identity of the insurer, the claim was examined by the Albanian Insurance Bureau, which rejected it as being time-barred.

On 11 September 2014 the applicant and her family members filed a civil claim with the Tirana District Court, seeking compensation for pecuniary and non-pecuniary damage resulting from the injuries sustained by the applicant in the accident. The District Court rejected the claim, finding that it had been filed outside the three-year statutory time-limit provided for in Article 115 (dh) of the Civil Code. That decision was upheld by the Tirana Court of Appeal on the same grounds. The Civil Chamber of the High Court subsequently declared the applicant's appeal on points of law inadmissible, holding that it did not disclose any of the grounds provided for in Article 472 of the Code of Civil Procedure. Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

Court's Assessment

As regards the alleged violation of the right of access to a court in relation to the standard of a reasoned judicial decision – The Court held that the applicant, in her capacity as the victim of the criminal offence, was aware of the identity of the perpetrator who had caused her health damages at least from the moment the case was sent for trial, namely on 20 November 2009. Consequently, the statutory limitation period for bringing a civil action began to run from that date, meaning the claim should have been filed by 19 November 2012.

The Court considered that the response given by the domestic ordinary courts to the applicant's argument that the filing of the civil claim was conditional upon a final criminal conviction was both adequate and clear, as it analyzed how the concurrent criminal liability of the perpetrator did not preclude her from seeking compensation for damages via civil proceedings.

The Court observed that the High Court, when examining the decisions of the domestic ordinary courts and endorsing their reasoning and analysis, had concluded by means of a *de plano* reasoning that the applicant's appeal on points of law did not disclose any of the statutory grounds triggering its jurisdiction as a court of law.

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS

The High Court, when examining the decisions of the domestic ordinary courts and endorsing their reasoning and analysis, concluded by means of a *de plano* reasoning that the applicant's appeal on points of law did not disclose any of the statutory grounds triggering its jurisdiction as a court of law.

The High Court's *de plano* reasoning does not run counter to the standard of a reasoned judicial decision, insofar as it essentially sets out the grounds on which the Civil Chamber decided to declare the appeal on points of law inadmissible during the preliminary examination in chambers.

In this context, the Court held that the High Court's reasoning complies with the standard of a reasoned judicial decision and constitutional case-law. Consequently, the applicant's complaint concerning the violation of the right of access to a court in relation to the standard of a reasoned judicial decision was unfounded, and the application was therefore rejected.

Decision-making

The Court decided, by a majority, to reject the application (two judges expressed a dissenting opinion).



Standard of a reasoned judicial decision

KEY WORDS

Land Acquisition Act/ Verification of titles/ Invalidity/ Law no. 20/2020/ Unification of case-law/ Waiver of the right of action

The High Court ought to have provided specific reasoning regarding the application of Law no. 20/2020 “On the finalization of transitional ownership processes in the Republic of Albania”, and in particular as to how the provisions of that law concerning the waiver of claims filed by prefects prior to its entry into force, seeking the invalidity or repeal of the Land Acquisition Acts, were to be applied.

Jak Dobrozi, Manushe Dobrozi, Eglantina Lleshi (Dobrozi), Gëzim Dobrozi, Ilir Dobrozi

Applicable law on the dispute concerning the invalidity/ annulment of the act of acquiring ownership of the land

Judgment No. 76 of June 18, 2026

Facts

In 1996, the applicant, Jak Dobrozi, was allocated “arable” land and was issued a Land Acquisition Act (AMTP) under Law no. 7501/1991. Pursuant to Law no. 9948/2008 and upon the request of an interested party, Gj.M., the Local Commission at the Prefect of the Lezhë Region verified the validity of this property title and, following an administrative investigation, repealed it. The First-Instance Administrative Court, acting on a claim filed by the Prefect of the Lezhë Region, ordered the complete repeal of the Land Acquisition Act and the return of the land to State ownership, holding that the applicant was not eligible to benefit from agricultural land under the applicable primary and secondary legislation. Following an appeal by the applicant, the Administrative Court of Appeal rejected the claim of the Prefect of the Lezhë Region, confirming that the issuance of the Land Acquisition Acts had been carried out in compliance with the requirements of Decision of the Council of Ministers (DCM) no. 255/1991 “On the criteria for the distribution of agricultural land”.

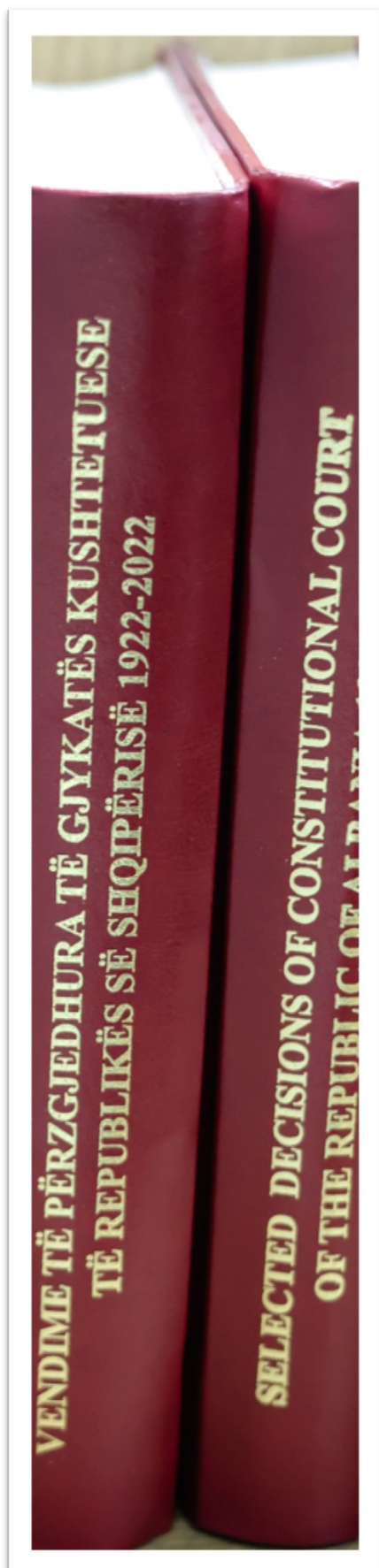
The interested parties Gj.M., the State Advocacy Office, and the State Cadaster Agency filed an appeal on points of law against this decision. Prior to the examination of the appeal on points of law, the interested party Gj.M. withdrew his appeal on points of law. The High Court quashed the court of appeal’s decision and upheld the decision of the first-instance court, holding that the latter was the result of a correct application of substantive law to the specific circumstances of the case at hand. Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court’s decisions.

Court’s Assessment

As regards the alleged violation of the standard of a reasoned judicial decision – The Court observed that the High Court found justified the first-instance court’s legal interpretation that, in order to benefit from agricultural land, an individual had to have been a member of the agricultural cooperative and a resident thereof, or at least a resident of the village according to the civil registry as of 1 August 1991; it also endorsed the lower court’s finding of fact that the applicant was neither a member of the Gjorm Agricultural Enterprise nor a resident of that village on 1 August 1991, but rather a resident of neighborhood no. 6 in the town of Laç. Consequently, the Court held that this aspect of the complaint concerning the violation of the standard of a reasoned judicial decision was unfounded.

Regarding the argument that the High Court should have discontinued the proceedings, as they ought not to have continued pursuant to Article 68 § 5 of Law no. 20/2020 “On the finalization of transitional ownership processes in the Republic of Albania”, according to which the State Cadaster Agency was obliged to withdraw from ongoing proceedings initiated by prefects prior to the entry into force of this law, seeking the invalidity or repeal of Land Acquisition Acts, the Court noted that, in the present case, the appeals on points of law had been filed prior to the entry into force of Law no. 20/2020.

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Furthermore, the Court observed that approximately two months prior to adopting the impugned decision, the Administrative Chamber of the High Court had issued an interim decision to unify the case-law in this area, whereas several months after rendering its decision in the applicant's case, it issued a unifying ruling.

Under these circumstances, the Court considered that the High Court had identified Law no. 9948/2008 as the applicable law but had failed to provide an answer regarding the continuation of the proceedings before it, given that Law no. 20/2020 had stipulated that for all claims filed by a prefect prior to the entry into force of that law seeking the invalidity/repeal of Land Acquisition Acts, regardless of the level of jurisdiction at which they were pending, the State Cadaster Agency was required to waive the right of action.

The Court held that the decision impugned by the applicants did not sufficiently meet the criteria established by constitutional jurisprudence for providing the guarantees of a fair trial in respect of the standard of a reasoned judicial decision; therefore, their complaints regarding the violation of this aspect of the application were founded.

Decision-making

The Court decided, unanimously, to accept the application.



Right of access to a court in relation to the standard of a reasoned judicial decision

KEY WORDS

Foundation/ State contribution/ State Cadaster Agency/ Property Restitution and Compensation Commission/ Property Restitution and Compensation Agency/ Heirs/ Co-ownership of the plot of land/ Decision of the Council of Ministers (DCM) No. 207/2000 / Exceeding of competence (ultra vires)/ Council of Ministers/ Repeal of a decision/ Overlapping property titles/ Partial absolute invalidity of the DCM/ Restrictive measure on immovable property/ Stay of proceedings/ Registration of property

At the conclusion of the deliberations, the judges' assessments were divided into two views:

According to one view, the High Court failed to fulfil its constitutional obligation to provide a reasoned response to the essential submissions of the appeal on points of law. The lack of reasoning, both as regards the issue of the proper joinder of litigating parties and its impact on the applicant's procedural rights, as well as the request for a stay of the administrative proceedings pending the outcome of the civil dispute, violated the right of access to a court in respect of the standard of a reasoned judicial decision.

The Albanian-American Foundation "Harry T. Fultz"

Partial absolute invalidity of Council of Minister's Decision no. 207/2000 concerning overlapping property titles

Judgment No. 77 of June 23, 2026

Facts

The interested party G.B., heir of the late O.B., is a co-owner of a plot of land measuring 1,804 sq. m in Tirana, which was restored in kind by decision no. 157/1995 of the Tirana Property Restitution and Compensation Commission (PRCC) and registered with the Tirana Local Immovable Property Registration Office (IPRO).

By Decision no. 207/2000 of the Council of Ministers (CMD), this land was included in the assets granted as a State contribution to the applicant, the "Harry T. Fultz" Foundation. In the meantime, the Property Restitution and Compensation Agency (PRCA), by decision no. 160/2009, repealed decision no. 157/1995; however, following a legal challenge, the domestic courts of fact declared the agency's act absolutely invalid in 2012.

Following the respective registration of the property title over the land by both parties (in 2013 by the applicant and in 2014 by the interested party), the Tirana Local Immovable Property Registration Office ordered the imposition of a restriction measure on the property due to the overlapping titles.

In 2019, the interested party filed a claim with the courts seeking a declaration of partial absolute invalidity of CMD no. 207/2000, insofar as it infringed upon the 1,804 sq. m plot of land co-owned by the B. family. The applicant further sought an order compelling the Tirana IPRO to lift the restriction measure on the property and to delete from the land register any other registration deriving from the aforementioned CMD. The Council of Ministers and the State Cadaster Agency (SCA) were summoned as respondents to the proceedings, while the applicant Foundation participated as a third party.

The Tirana First-Instance Administrative Court rejected the claim as unfounded in law and in fact, holding that the Council of Ministers had not exceeded its powers in issuing CMD no. 207/2000. Regarding the arguments concerning the validity of the property titles, that court held that they fell outside the scope of the proceedings and that the parties could address the matter before the civil courts. The applicant appealed against this judgment.

The Administrative Court of Appeal, *in primis*, rejected the request of the Foundation, acting as a third party, to stay the proceedings pending the final outcome of the civil case concerning the disposition of the contested property title. The court of appeal held that, despite the connection between the two sets of proceedings, the assessment of whether Council of Minister's Decision no. 207/2000 constituted a partially absolutely invalid administrative act was not dependent on the outcome of the civil proceedings instituted by the third party (the Foundation).

The Administrative Court of Appeal subsequently upheld the claim, declared the partial absolute invalidity of the CMD, and ordered the State Cadaster Agency to lift the restriction and register the property in accordance with decision no. 157/1995.

Therefore, the applicant and the State Advocacy Office filed appeals on points of law against this judgment, which the High Court declared inadmissible.

Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

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According to the opposing view, the applicant freely exercised his right of appeal on points of law to the High Court, before which he submitted his complaints regarding the court of appeal's decision.

The grounds of the appeal on points of law submitted by the applicant before that court, whether in form or content, were not such as to vitiate the judicial proceedings conducted before the court of appeal, thereby upholding the Administrative Court of Appeal's interpretation and application of the law. This reasoning cannot be considered illogical or manifestly unreasonable such as to undermine the very essence of the right to a fair hearing.

Court's Assessment

As to the applicant's standing (locus standi) in relation to the exhaustion of effective domestic remedies – The applicant complained of a violation of the principle of equality of arms and adversarial proceedings, as well as of the principle of equality of rights, on account of the improper constitution of the litigating parties in the proceedings, in that, having been summoned as a third party, he had been afforded unequal and limited procedural means as compared with the other party.

At the conclusion of the deliberations, the judges were divided and the Court was unable to obtain the requisite majority for a decision in that respect, as provided for by Article 133 § 2 of the Constitution and Article 72 § 2 of the Court's Organic Law.

-According to one view, the applicant had not previously raised before the High Court, either in form or in content, the complaint concerning the improper constitution of the litigating parties in the proceedings, nor had he argued that he had been deprived of the opportunity to exercise his rights or to put forward his arguments during those proceedings. Consequently, according to this view, the applicant had failed to exhaust the effective domestic remedies available to him.

-According to the other view, although this complaint had not been expressly formulated in the appeal on points of law filed with the High Court, it had in substance been raised as an argument closely connected with the civil proceedings challenging decision no. 157/1995 of the Tirana Property Restitution and Compensation Commission (PRCC), which had also been relied upon as a ground of appeal. Consequently, the applicant has exhausted the effective domestic remedies available to him.

As to the alleged violation of the right of access to a court in relation to the standard of a reasoned judicial decision – After examining this complaint, at the conclusion of the deliberations, the judges were divided and the Court could not obtain the requisite majority for a decision as to its merits, as provided for by Article 133 § 2 of the Constitution and Article 72 § 2 of the Court's Organic Law.

-According to one view, the applicant's complaint was founded. Firstly, the High Court had not provided a reasoned response to the complaint, raised in substance in the appeal on points of law, concerning the proper constitution of the litigating parties in the proceedings and the consequences of that matter for the applicant's procedural position, particularly as regards his ability to participate effectively in the proceedings and to defend the rights claimed. Secondly, it failed to address the applicant's submission concerning the stay of the administrative proceedings pending the outcome of the civil proceedings, which concerned the validity of the property title to the plot of land. This submission was of crucial importance for the resolution of the dispute, given that the impugned Decision of the Council of Ministers had itself determined property rights over the plot of land, relying on the provisions of the Civil Code governing property relations.

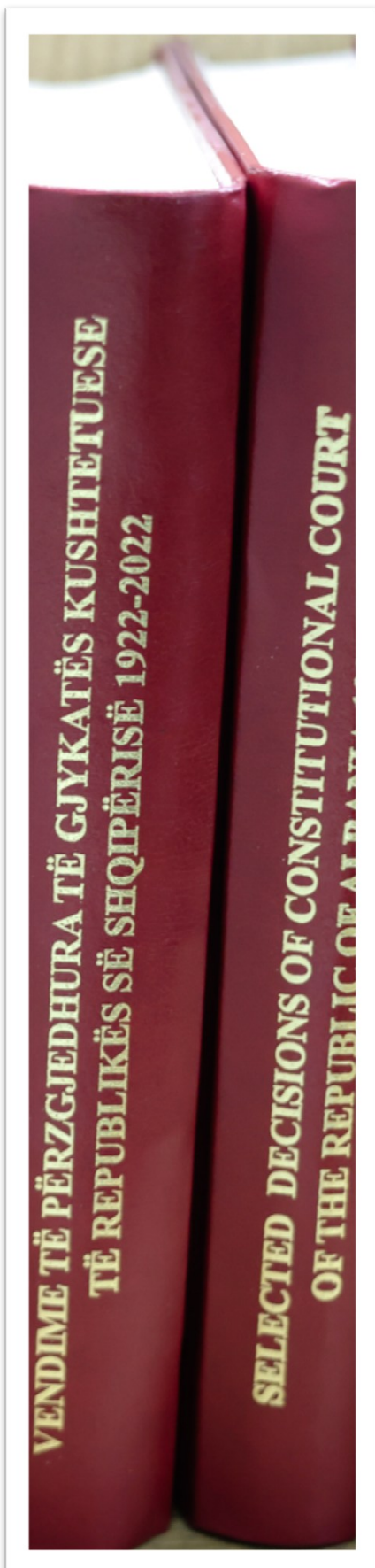
Under these circumstances, the High Court ought to have assessed whether the continuation of the administrative proceedings prior to the conclusion of the civil proceedings was compatible with the requirements of effective judicial protection and the imperative to avoid potentially conflicting judgments.

According to the opposing view, the applicant freely exercised his right of appeal on points of law to the High Court. The Administrative Chamber of the High Court, albeit providing limited reasoning, held that the grounds of appeal submitted by the applicant, both in form and in content, were not such as to vitiate the proceedings before the court of appeal, thereby upholding the Administrative Court of Appeal's interpretation and application of the law.

This reasoning cannot be considered illogical or manifestly unreasonable such as to undermine the very essence of the right to a fair hearing. The mere fact that the

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Administrative Chamber declared the appeal inadmissible in chambers is insufficient, from a constitutional perspective, to call into question the right to a fair trial.

For these reasons, the complaint concerning the alleged violation of the right of access to a court in relation to the standard of reasoning in the judicial decision, is unfounded and must be rejected.

Decision-making

The Court decided to reject the application, due to the failure to obtain the requisite majority of five judges, within the meaning of Article 73 § 4, of its Organic Law.



**Right to private life –
Protection of personal data
– Right to the secrecy of
correspondence and
procedural aspect of
physical integrity its
procedural aspect (limb) –
Standard of a reasoned
judicial decision – Right to
an effective judicial review**

KEY WORDS

*Search of premises/ Documentary
and electronic evidence/ Personal
search/ Seizure of a telephone/
Judicial authorization*

The High Court ought to take into consideration, insofar as applicable, the standards established in constitutional case-law regarding the existence and individualization of the specific grounds capable of justifying personal searches and seizures; the distinction between technical measures aimed at securing the integrity of evidence and investigative measures involving the search and processing of data; as well as the determination of the scope and extent of access, the restriction of data processing to the strict minimum necessary, and the provision of procedural safeguards for the separation and handling of data that are irrelevant to the investigation or enjoy special protection. Furthermore, it must exercise an effective ex post factum judicial review of the lawfulness, necessity, and proportionality of such interferences.

Vladimir Vladimirov

Judicial review of the lawfulness of the personal search and the seizure of the mobile phone

Judgment No. 78 of June 29, 2026

Facts

The Special Prosecution Office instituted criminal proceedings in respect of the criminal offences of “passive corruption of officials exercising public functions” and “laundering of the proceeds of a criminal offence or criminal activity,” committed within the framework of a structured criminal group, as well as the offences “structured criminal group” and “commission of criminal offences by a criminal organization and structured criminal group.” These proceedings were initiated on the basis of a reasonable suspicion that public procurement procedures concerning the supply of liquid and gaseous oxygen to hospitals had been prearranged and were the result of collusion between several companies and the contracting authority, namely the Ministry of Health and Social Protection.

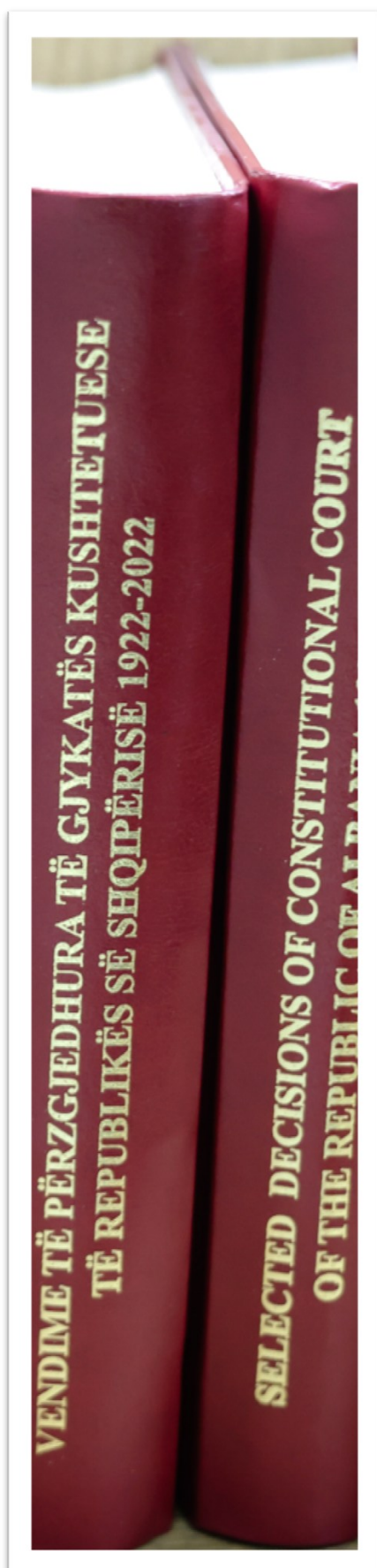
Within the framework of the investigation in the present criminal proceedings, the Special Prosecution Office initially filed a request with the court for the personal search of twelve individuals, other than the applicant. The First-Instance Special Court for Corruption and Organized Crime accepted the request and authorized the personal search of those individuals. Concurrently, the Special Prosecution Office filed a further application with the court for the search of the residences, premises, and offices of several individuals and companies involved in the investigation, including the company in which the applicant served as an administrator. These requests were accepted by the First-Instance Special Court for Corruption and Organized Crime, which authorized, inter alia, the search of the headquarters of the limited liability company “M.A.” LLC. During the enforcement of this order, judicial police officers also carried out a personal search of the applicant, who was present on the premises, and seized his mobile telephone containing two SIM cards. The search record was signed by the applicant in the presence of a trusted individual, while the seizure was justified on the grounds of the risk of alteration or loss of the item.

Therefore, the applicant challenged the lawfulness of the seizure and requested the restitution of his mobile telephone. The First-Instance Special Court for Corruption and Organized Crime held that there was a reasonable suspicion that criminal offences had been committed and that the search pursued the legitimate aim of discovering traces of the crime and seizing material evidence relevant to the investigation, including electronic devices. The applicant was present on the premises where the search was being conducted, and the item seized from him fell within the scope of the authorized search of the premises.

This decision was upheld by the Special Court of Appeal for Corruption and Organized Crime, which found the seizure of the mobile telephone and the Special Prosecution Office’s decision validating it, to be lawful. Subsequently, the High Court declared the applicant’s appeal on points of law inadmissible, holding that it did not contain any of the statutory grounds provided for in Article 432 § 1 of the Code of Criminal Procedure (CCP). Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court’s decisions.

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Court's Assessment

As regards the alleged violation of the right to respect for private life in relation to the protection of personal data, the secrecy of correspondence, and physical integrity – under its procedural limb

As regards the alleged violation of the standard of a reasoned judicial decision and the right to an effective judicial review – The Court observed that the personal search had been the procedural measure through which the mobile telephone was discovered, whereas the seizure constituted the direct consequence of that measure. Therefore, the lawfulness of the seizure could not be examined separately from the lawfulness of the preceding personal search.

The ordinary courts ought to have verified, on the basis of the submissions and the case file, the nature of the measures carried out or intended on the telephone's data, and whether such measures were limited to technically securing the integrity of the evidence or extended to the search, analysis, selection, and extraction of data relevant to the investigation. It does not appear from the reasoning of the impugned judicial decisions that the ordinary courts provided a reasoned analysis as to whether the personal search and the seizure of the mobile telephone, as well as the purpose of that seizure, namely, to enable access to the device's contents, met the requirements set out in Article 17 of the Constitution.

The Court observed that, although the ordinary courts had identified the purpose of the measures, linking it to the securing of evidence and the proper administration of the criminal proceedings, they had failed to sufficiently examine the criteria of lawfulness, necessity, and proportionality of each interference. The ordinary courts did not examine whether the intended or actual access to the telephone's contents was strictly limited to data relevant to the investigation, nor did they assess whether it was accompanied by adequate and effective safeguards against an unlimited search or processing, including the separation and handling of data that were irrelevant to the investigation.

Furthermore, the High Court, in the exercise of its function as a court of law, ought to have addressed the applicant's complaints of a constitutional nature. In particular, it should have assessed whether the lower courts had properly identified the specific circumstances capable of justifying the personal search of the applicant and the seizure of his telephone. It should also have reviewed the lawfulness and proportionality of the subsequent interference with his personal data and correspondence resulting from the intended access to its contents, the scope of the intended or performed actions on the data, and the safeguards concerning data irrelevant to the investigation.

The High Court confined itself to the mere finding that the lower courts had provided logical reasoning and that Article 205 of the Code of Criminal Procedure permits the search of persons present on the premises.

Decision-making

The Court decided, unanimously, to accept the application in part.



Principle of legal certainty of the law – Standard of a reasoned judicial decision

KEY WORDS

Legal heirs of the expropriated entity/ Prolonged non-enforcement of the Property Restitution and Compensation Commission/ Financial valuation of the property recognized for compensation by the Agency for the Treatment of Property/ Law no. 133/2015; Decision of the Council of Ministers no. 89/2016/ Effective legal remedy

The High Court's dismissal of the applicant's appeal on points of law, confining itself merely to a de plano examination of the case and to the limited reasoning that the grounds of the appeal on points of law were not among those provided for by law, without providing a reasoned response to the claim of a constitutional nature concerning the right to property, as well as the failure to observe the binding force of constitutional and international case-law, has called into question the respect for and protection of fundamental constitutional rights.

Ilirian Cani

Unfair compensation for expropriated property

Judgment No. 79 of June 30, 2026

Facts

The applicant is one of the legal heirs of the expropriated entity, who, by virtue of decision no. 1278/1996 of the Property Restitution and Compensation Commission (PRCC), was recognized as the owner of a plot of land measuring 130,000 sq. m, as well as the right to receive compensation in accordance with the law. While the applicant had lodged an application with the European Court of Human Rights (ECtHR) concerning the prolonged non-enforcement of the Property Restitution and Compensation Commission's decision, the Agency for the Treatment of Property (ATP) published its initial financial valuation of the PRCC's decision. The applicant, disagreeing with this valuation, challenged it before the Court of Appeal. However, while the case was pending before that court, the Agency for the Treatment of Property published a financial revaluation of PRCC decision no. 1278/1996, awarding the exact same value. This revaluation was also challenged by the applicant before the Court of Appeal, and the court ordered the joinder of the claims into a single set of proceedings.

At the conclusion of the judicial examination, the Court of Appeal rejected the claim, holding that, at the time of the expropriation, the cadastral categorization of the property in question was "pasture-meadow" rather than "building plot", and that the valuation method complied with the Constitution and with the Constitutional Court's decision no. 1/2017. The High Court subsequently declared the applicant's appeal on points of law inadmissible.

At the time the case was pending before the High Court, the European Court of Human Rights declared the applicant's application inadmissible, on the grounds that the remedy introduced by the 2015 Property Act constituted an effective domestic remedy.

Following the entry into force of Law no. 77/2022, the ATP carried out a second valuation of decision no. 1278/1996, which the applicant once again challenged before the courts of ordinary jurisdiction. The latter decided to stay the proceedings pending the conclusion of the judicial proceedings concerning the initial valuation. Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court's decisions.

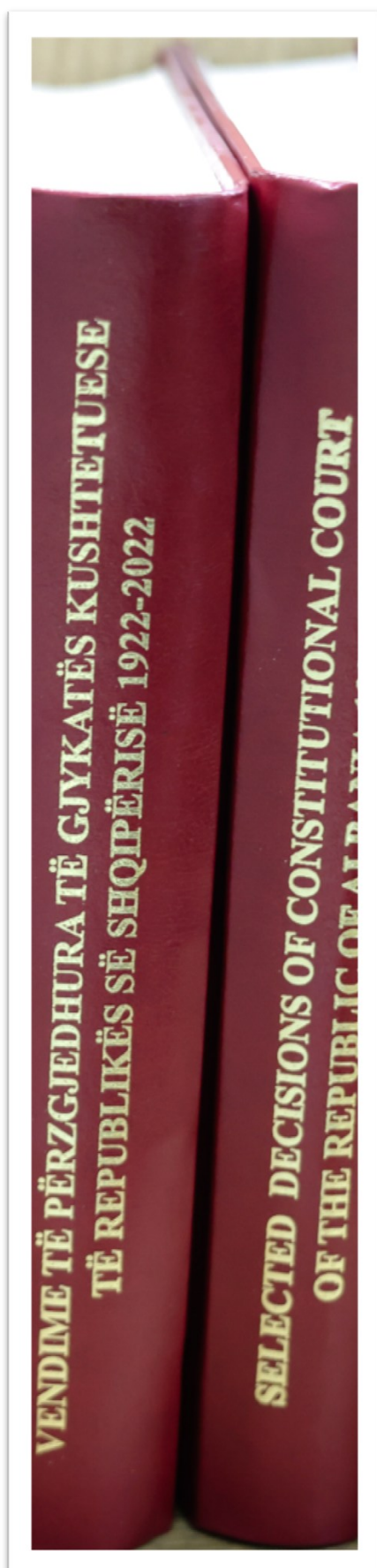
Court's Assessment

As to the applicant's standing (locus standi) – The Court found that the applicant had lodged an individual constitutional complaint with the Court after the judicial proceedings had been concluded at both levels of jurisdiction and after he had exhausted, in form and in substance, the ordinary remedies against the decision of the Administrative Court of Appeal.

As to the alleged violation of the principle of legal certainty in relation to the standard of a reasoned judicial decision – The Court observed that, in the proceedings conducted by the Agency for the Treatment of Property and subsequently in the judicial proceedings concerning the first financial valuation/revaluation of the

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property, the applicant had expected compensation to be determined according to the cadastral category of “building land” at the time of expropriation, as also recognized by Decision no. 1278/1996 of the Property Restitution and Compensation Commission, whereas in 2018 the ATP had valued the property by classifying it under the cadastral category “pasture – meadow”.

In its decision-making, the Administrative Court of Appeal referred to the reasoning provided by the ATP, but without taking into consideration the cadastral category determined by Decision no. 1278/1996 of the Property Restitution and Compensation Commission, while at the same time claiming that the burden of proof for determining the cadastral category of the property lay with the applicant.

Although the High Court was confronted with claims of a constitutional nature concerning the applicant’s property right to fair compensation according to the cadastral category of “building land”, as determined by the final Decision no. 1278/1996 of the Tirana Property Restitution and Compensation Commission, in the exercise of its function and in the light of the principle of subsidiarity, ought to have adopted an express position on claims raised in the appeal on points of law. In the applicant’s case, it was not examined whether the valuation of the property complied with the minimum standard of “10% for the difference in valuation between the current cadastral category and that at the time of expropriation”, within the meaning of Articles 42 and 142 § 1 of the Constitution, since the reasoning of the High Court did not take into consideration the binding decisions of the Constitutional Court and of the European Court of Human Rights. This situation is the consequence of several factors, starting with the failure of the Assembly to fulfil the obligation determined by the Court’s Decision no. 4 of 15 February 2021, the existence of a legislative gap for a considerable period of time, the failure to respect the binding force of constitutional and international case-law, and ending with the reasoning of the courts, which, in any event, are required to play their subsidiary role in ensuring respect for fundamental rights, without departing from that role even in situations of a legislative gap.

Decision-making

The Court decided, by a majority, to accept the application in part (three judges expressed a dissenting opinion).



Right of access to a court – Standard of a reasoned judicial decision

KEY WORDS

Agricultural land/ Restructuring of agricultural enterprises/ Land Acquisition Act/ Law no. 20/2020 of 5 March 2020 “On the finalization of transitional ownership processes in the Republic of Albania”/ Claims filed by the Prefect/ Unifying decision of the Administrative Chamber of the High Court

Matters concerning the interpretation and application of domestic law, as well as the assessment of evidence for the resolution of specific cases, fall outside constitutional jurisdiction unless they entail a violation of the individual’s constitutional rights to a fair trial.

Although the legal issue had been referred for unification prior to the determination of the applicants’ appeal on points of law, the High Court decided on the case without awaiting the establishment of the unifying rule, which was adopted only a few days later.

Pranvera Dashi and Denis Dashi

Applicable law on the dispute concerning the invalidity/ annulment of the act of acquiring ownership of the land

Judgment No. 80 of June 30, 2026

Facts

The applicants acquired land free of charge by means of the Land Acquisition Act issued in 1999, which was subsequently annulled by the Local Commission for the Verification of Property Titles at the Prefecture of the Tirana Region. On the basis of this latter decision, the Prefect of the Tirana Region filed a claim with the court seeking the declaration of the absolute invalidity of the Land Acquisition Act. The first-instance court rejected the claim, considering that Decision of the Council of Ministers (DCM) no. 452 of 17 October 1992 “On the restructuring of agricultural enterprises”, as amended, was applicable to the present case, and that, consequently, the agricultural family of the applicant Pranvera Dashi (the granddaughter of the late Shaqir P.) fulfilled the criteria set forth therein to benefit from agricultural land. The aforementioned court noted that the land surrendered for the creation of the former cooperative was classified in the cadaster as “agricultural land” rather than “pasture”, and that the property of the former owner had been confiscated in 1946.

Conversely, the court of appeal held that the applicable law was Law no. 9948 of 7 July 2008 “On the validity of property titles to agricultural land”, as amended. It further held that the issuance of the Land Acquisition Act was unjustified, given that neither the applicant nor members of her immediate family had been employees of the former agricultural enterprise, nor were they residents of the village, nor did they hold the status of original contributors of the agricultural land so as to be entitled to its use and subsequent ownership. It therefore concluded that the applicants had unlawfully acquired the land. Such decision was upheld by the Administrative Chamber of the High Court, which held that any potential property claims were governed not by Law no. 7501 of 19 July 1991 “On land”, but by the relevant legislation on the restitution and compensation of property to former owners. Subsequently, the applicants lodged an individual constitutional complaint with the Court, seeking the repeal of the court’s decisions.

Court’s Assessment

As regards the alleged violation of the right of access to a court in relation to the standard of a reasoned judicial decision – The Court considered that the High Court, in the exercise of its function as a court of law, had an obligation to verify and provide a reasoned finding as to whether Law no. 20/2020 of 5 March 2020 “On the finalization of transitional ownership processes in the Republic of Albania” was applicable to the applicants’ specific case. This obligation stemmed not only from the fact that the law had entered into force while the case was pending before that court and contained transitional provisions extending to ongoing proceedings, but also from the fact that the Administrative Chamber of the High Court itself had referred for unification the precise legal question concerning the interpretation and application of those provisions.

In these circumstances, the failure to take this law into consideration and the total absence of reasoning regarding its applicability to the case at hand, despite the applicants having raised this issue in their submissions, does not merely amount to a

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Given that the unifying decision specifically concerned the interpretation of transitional provisions applicable to proceedings such as those of the applicants, this procedural course of action by the High Court appears to have also violated their legitimate expectations that their case would be examined on the basis of a consistent and uniform interpretation of the law.

matter of interpretation of substantive law, which, as a rule, falls outside constitutional jurisdiction. Rather, it constitutes an error of law, namely a lack of reasoning on a crucial and potentially decisive issue for the resolution of the dispute.

The Court emphasizes that the verification by the High Court of the prefect's waiver of claims in such cases assumes constitutional significance for the individual, as it is *prima facie* linked to the right to private property guaranteed by Article 41 of the Constitution. Such an approach by the High Court fails to satisfy the constitutional standard of a reasoned judicial decision and deprives the applicants of an effective judicial response to a submission of decisive importance for their case.

The Court further observed that, although the legal issue had been referred for unification prior to the determination of the applicants' appeal on points of law, the High Court decided on the case without awaiting the establishment of the unifying rule, which was adopted a few days later. Given that the unifying decision specifically concerned the interpretation of transitional provisions applicable to proceedings such as those of the applicants, this procedural course of action by the High Court appears to have also violated their legitimate expectations that their case would be examined on the basis of a consistent and uniform interpretation of the law.

Decision-making

The Court decided, unanimously, to accept the application in part.



Personal liberty -Principle of proportionality of interference – Standard of a reasoned judicial decision

KEY WORDS

Director of the Albanian Road Authority/ Irregular financial benefits/ Public office/ Public procurement/ Company shares/ Remand in custody/ Appropriateness of the measure/ Substitution of the security measure

The domestic ordinary courts examined the matter and held that, even though four months had elapsed since the imposition of the security measure of remand in custody, the needs justifying the detention remained real and present.

This analysis was carried out in an individualized manner by those courts, responding to the specific facts and circumstances of the case, without shifting the burden of proof onto the detainee (the applicant) to demonstrate the existence of reasons justifying his release.

Evís Berberi

Substitution of the personal security measure of remand in custody

Judgment No. 81 of July 02, 2026

Facts

In 2023 the Special Prosecution Office instituted criminal proceedings in respect of the criminal offence provided for in Article 258 of the Criminal Code (CC) and subsequently also registered the criminal offences provided for in Articles 244 and 25, 259, and 287 § 2 of the Criminal Code. In respect of the latter two offences, the applicant was registered as a suspect on the doubt that, in his capacity as the former General Director of the Agency for Energy Efficiency and subsequently of the Albanian Road Authority, he had indirectly accepted and received irregular financial benefits from company “N.”, which had won public procurement procedures conducted by the contracting public authorities headed by the applicant through company “D.”, which he indirectly owned, and which were subsequently invested in the purchase of real estate in the name of company “D”. Furthermore, on 13 March 2024 the Special Court of First Instance for Corruption and Organized Crime imposed the personal security measure of remand in custody on the applicant, which was enforced on the same date.

By a decision of 16 March 2024, the Special Court of First Instance for Corruption and Organized Crime ordered the continued application of that measure, which was upheld by the Special Court of Appeal for Corruption and Organized Crime by a decision of 25 April 2024.

The Criminal Chamber of the High Court, by a decision of 17 October 2024, subsequently declared the applicant’s appeal on points of law inadmissible. By decision no. 40 of 26 March 2026, the Constitutional Court dismissed the applicant’s complaint challenging such judicial decisions.

In the view of the foregoing, on 30 July 2024, the applicant requested the Special Court of First Instance for Corruption and Organized Crime to provide information regarding the investigation and to substitute the security measure. On the same date, this court ordered the continued application of the measure. Such decision was upheld by the Special Court of Appeal for Corruption and Organized Crime on 10 October 2024, and the High Court subsequently declared the applicant’s appeal on points of law inadmissible by a decision of 30 January 2025.

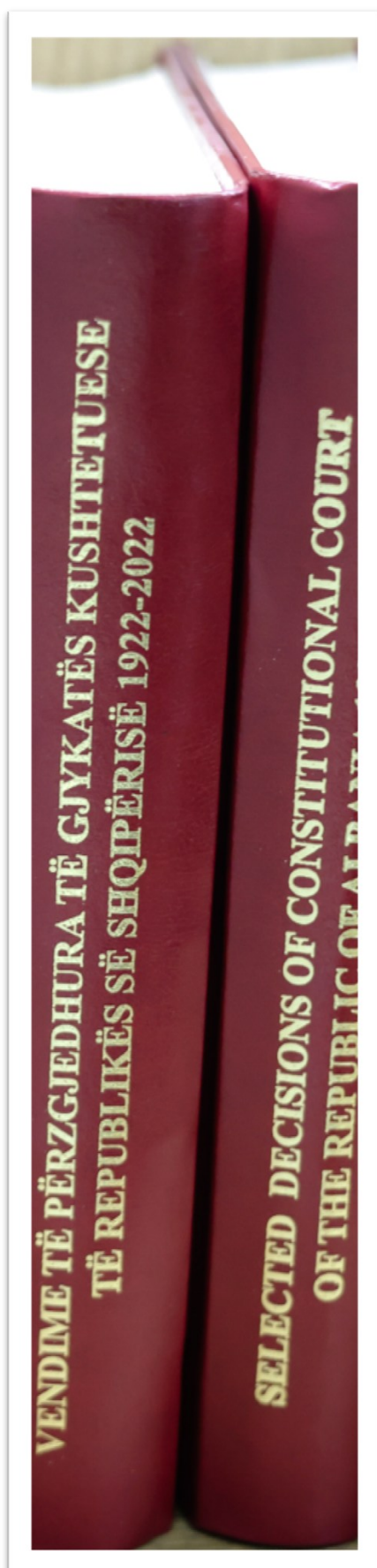
Therefore, the applicant lodged an individual constitutional complaint with the Court, seeking the repeal of the court’s decisions.

Court’s Assessment

As regards the alleged violation of the personal liberty in relation to the principle of proportionality in conjunction with the standard of a reasoned decision – The Court held that, as grounds for substituting the measure, the applicant had relied on his family circumstances and his wife’s health condition, which allegedly made it impossible for her to exercise her rights and duties towards their children. In this regard, the Special Court of First Instance for Corruption and Organized Crime considered that the applicant’s situation did not fall within any of the cases provided for in Article 230 § 2 of the Code of Criminal Procedure (CCP), as the specific family

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INDIVIDUAL CONSTITUTIONAL COMPLAINTS



situation and the circumstances referred to by the applicant were incapable of outweighing the needs justifying the security measure.

According to the reasoning of the Special Court of Appeal for Corruption and Organized Crime, pursuant to Article 230 § 2 of the CCP, the continued application of the measure would only be precluded in the event of a particularly serious health condition of the actual person subjected to the security measure. The Criminal Chamber of the High Court concluded that it had not been established that the health condition of the applicant's wife was particularly serious or that she was in a situation of absolute impossibility to care for their minor children, and it considered the reasoning of the domestic ordinary courts to be adequate and sufficient. That Chamber also considered the domestic ordinary courts' reasoning to be adequate and sufficient with regard to the applicant's arguments disputing the existence of a risk of tampering with evidence, or his claims that there was no risk of absconding or of committing the same or a more serious criminal offence, finding that they had been assessed in accordance with the principles of appropriateness and proportionality.

The domestic courts at all levels of jurisdiction held that the reasonable doubt persisted, as there were clear, relevant and sufficient reasons to justify the applicant's continuation of the security measure of detention on remand in the light of his individual circumstances.

Decision-making

The Court decided, unanimously, to reject the application.

DECISIONS OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ALBANIA 1998-2011

VENDIME TË GJYKATËS KUSHTETUESE TË REPUBLIKËS SË SHQIPËRISË 1993-2015

VENDIME TË GJYKATËS KUSHTETUESE TË REPUBLIKËS SË SHQIPËRISË 1993-2015

**VENDIME TË GJYKATËS KUSHTETUESE
TË REPUBLIKËS SË SHQIPËRISË 2012**

**VENDIME TË PËRZGJEDHURA TË GJYKATËS KUSHTETUESE
TË REPUBLIKËS SË SHQIPËRISË 1922-2022**