

**Report of Kasowitz LLP
Regarding the Continued Unjust Detention and Prosecution of Erion Veliaj,
Mayor of Tirana, Albania**

(Updating the June 24, 2025 and the October 28, 2025 Reports)

March 10, 2026

This Report updates two prior reports concerning the unjust detention and prosecution of Erion Veliaj, the democratically elected Mayor of Tirana, Albania’s capital city. The June 24, 2025 report¹ (the “June 2025 Report”) addressed the foundational due process and human rights concerns underlying Mayor Veliaj’s arrest and detention by Albania’s Special Structure Against Corruption and Organized Crime (“SPAK”) without any charges. The October 28, 2025 report² (the “October 2025 Report”) described the increasingly apparent political motivations driving Mayor Veliaj’s prolonged detention, including an unconstitutional attempt to remove him from his position as Mayor and deprive Tirana’s citizens of their elected leader.

Two points must be stated clearly at the outset. *First*, SPAK’s legitimacy – domestically and internationally – depends on adherence to the rule of law and fundamental fairness. Albania’s justice reform efforts, including SPAK, have been developed with significant international investment and attention. In particular, the United States has played a central role in supporting and supervising key aspects of the reform effort, including through the U.S. Department of Justice’s partnership with SPAK. That partnership presupposes that SPAK’s prosecutions will comply

¹ June 2025 Report, available at: <https://www.kasowitz.com/media/rglb15fh/final-report-of-kasowitz-llp-and-mishcon-de-reya-regarding-spak-s-unjust-detention-of-a-democratically-elected-mayor-in-the-capital-of-albania-erion-veliaj.pdf>.

² October 2025 Report, available at: <https://www.kasowitz.com/media/dx3jwfvb/report-of-kasowitz-llp-and-mishcon-de-reya-regarding-the-political-persecution-of-erion-veliaj-mayor-of-tirana-10282025.pdf>.

with basic due process principles. When those standards are not met, the damage is not limited to one defendant – it corrodes confidence in the institution itself and reflects poorly on the United States’ anti-corruption efforts throughout the world.

Second, Albania repeatedly has expressed its ambition to join the European Union. Adherence to the rule of law should not be a slogan in that process; it must be a prerequisite. Prolonged pretrial detention without charges or trial, denial of meaningful access to evidence, and retaliatory detention based on lawful advocacy are precisely the kinds of practices that undermine confidence in judicial independence, due process, and democratic governance – issues that are central to EU accession assessments.

This Report focuses on SPAK’s recent actions that further deprive Mayor Veliaj of his constitutional, due process, and human rights by:

1. Blocking meaningful access to the evidence file in his case – nearly 60,000 pages – and restricting his ability to consult effectively with his state-appointed counsel as his case approaches trial; and
2. Opposing his release from pretrial detention on an unconstitutional, retaliatory basis – namely, the lawful petitioning and advocacy efforts undertaken by Mayor Veliaj’s international counsel – rather than on any lawful ground.

Familiarity with the background facts, legal framework, and analysis set forth in the June 2025 Report and October 2025 Report is presumed.

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I. Denying Mayor Veliaj Meaningful Access to the Evidence In His Case Violates Core Due Process Guarantees and the Right to a Fair Trial

Fundamental due process requires that penal proceedings “comport with prevailing notions of fundamental fairness,” including the requirement that “defendants be afforded a meaningful opportunity to present a complete defense.” *California v. Trombetta*, 467 U.S. 479, 485 (1984). Any steps taken by the prosecution to “hamper a [] defendant’s preparation for trial” – and to diminish his ability to put on an effective defense – would violate the constitutional due process rights of the defendant. *Id.* at 486; *see also U.S. v. Marion*, 404 U.S. 307, 324 (1971).

A. A Defendant Cannot Defend Himself Against Evidence He is Not Allowed to See.

Several months ago, Mayor Veliaj made the decision to represent himself in his case. In those circumstances, meaningful, timely access to the evidence is not a mere formality – it is the cornerstone to a fair trial. In cases of this magnitude, it is often “the defendant, and the defendant alone, who knows all of the relevant facts and who will appreciate the significance of a particular item of evidence.” *United States v. Baker*, 2020 WL 4589808, at *4 (S.D.N.Y. Aug. 10, 2020). Yet SPAK has repeatedly attempted to prevent Mayor Veliaj from accessing nearly 60,000 pages

of evidence without any apparent, credible justification. For the past year, SPAK and the Preliminary Hearing Court presiding over all pre-trial matters denied Mayor Veliaj of accessing and reviewing the case materials.

What's more, it is customary for detained defendants to review case materials and prepare their defense subject to certain restrictions in prison settings – for example, in a prison library or via secure computer access. SPAK has refused to provide any meaningful accommodation. As a result, with a trial date quickly approaching, Mayor Veliaj was forced to defend himself while deprived of the most basic tool of defense: the ability to read and analyze the evidence on which SPAK's charges are based.

However, on the first day of his trial session, the Trial Court consisting of three-judge panel rejected SPAK's efforts to prevent Mayor Veliaj from accessing the evidence in his case. The Trial Court ruled that all evidence should be delivered directly to Mayor Veliaj to facilitate his own review, and postponed his trial until March 24, 2026.³ Serious questions remain as to whether Mayor Veliaj can realistically review and meaningfully process more than 60,000 pages of evidence within a period of just two weeks. Nevertheless, the Trial Court's decision represents a step in the right direction, and more importantly, it vacates the

³ *The first hearing on the merits for Veliaj is postponed, the GJKKO gives the investigative acts to the mayor*, BalkanWeb, Mar. 9, 2026, available at <https://www.balkanweb.com/en/shtyhet-seanca-e-pare-ne-themel-per-veliajn-avokatja-kerkoi-njohjen-me-dokumentet-haxhij-xoxa-e-ka-te-ndaluar-te-levize-nga-shtatzenia/#gsc.tab=0>.

Preliminary Hearing Court’s prior ruling adopting SPAK’s arguments and depriving Mayor Veliaj of the ability to prepare an effective defense based on the case file.

B. Restricting Attorney-Client Communication Compounds the Harm and Makes Fairness Impossible.

SPAK also has prevented meaningful engagement and communication between Mayor Veliaj and his state-appointed counsel.⁴ At a hearing on February 1, 2026, Mayor Veliaj’s state-appointed counsel reportedly explained to the presiding court that it was “impossible for her to inform [Mayor] Veliaj about the file with a one-hour meeting in his cell in Durres and that she cannot remember 60 thousand pages of files, so [Veliaj] should be given the opportunity to read the file on a computer without internet or physically.”⁵

The mere presence of counsel does not ensure a fair trial when the conditions of detention are so restrictive that counsel cannot communicate effectively with the defendant about the evidence. Nor can counsel reasonably be expected to carry the entire defense alone, without the defendant’s informed participation – constitutional due process “does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense.” *Faretta v. California*, 422 U.S. 806, 819 (1975).

⁴ Given the penal nature of Mayor Veliaj’s case, a state-appointed counsel was assigned to represent Mayor Veliaj irrespective of his decision to represent himself.

⁵ *SPAK is attempting to consider Veliaj’s attempt to defend himself with foreign lawyers a crime*, Gazeta Tema, Feb. 2, 2026, available at: <https://www.gazetatema.net/editorial/spak-po-tenton-te-konsideroje--perpjekjen-e-veliajt-per-tu-mbrojtu-i542037> (translated to English with Google Translate).

II. Continuing to Detain Mayor Veliaj Based on International Counsel's Lawful Advocacy Is Unconstitutional, Retaliatory, and Incompatible with Democratic Norms

Mayor Veliaj has been detained for more than a year under strict conditions at IVEP Durrës despite the fact that none of the legal grounds on which to justify his pretrial detention are present. Mayor Veliaj does not pose (1) a risk of flight; (2) a risk of re-committing the offenses for which he was charged; and (3) a risk of obstructing SPAK's investigation, which concluded last year. (*See* October 2025 Report at 3–6.)

Yet at the most recent preliminary hearing, SPAK opposed Mayor Veliaj's release – *not* because he posed any of the recognized risks justifying detention – but because he had engaged in lawful petitioning and advocacy through his international counsel in the United States.

A. Lawful Petitioning is Not a Detention Factor – It Is A Democratic Right.

International lobbying and advocacy are not among the grounds on which a defendant's pretrial detention can be justified. Such activities are irrelevant to whether a defendant presents a flight risk, would re-offend, or would obstruct an investigation that has been completed.

Nevertheless, at a February 1 hearing in court, SPAK argued that lawful advocacy by Mayor Veliaj's U.S. counsel threatened to “delegitimize the bodies that are currently judging the case and shows [Veliaj's] will to avoid the criminal

process.”⁶ In other words, SPAK sought to convert lawful speech and petitioning activities into a justification for continued detention. That is not the rule of law. It is retribution against Mayor Veliaj for speaking out.

The right to petition is a core precept of democratic society. It allows citizens to express “ideas, hopes, and concerns to their government and their elected representatives.” *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379, 387 (2011). “The importance of this right [is] fundamental – it guarantee[s] not merely expression but the preservation of democracy. The very idea of government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances.” *A.D. Bedell Wholesale Co. v. Philip Morris Inc.*, 263 F.3d 239, 252 (3d Cir. 2001).

But SPAK has now deprived Mayor Veliaj of that right. By denying his request for pretrial release, SPAK has punished Mayor Veliaj for exercising the right to petition. In doing so, SPAK has only validated Mayor Veliaj’s message that his continued detention is arbitrary and unjust, and that its prosecution has grossly deviated from basic democratic principles of due process, fairness, and the rule of law.

⁶ *Audio from Veliaj’s trial revealed, Ols Dado complains about lobbying in the US against the mayor*, Hashtag.al, Feb. 6, 2026, available at: <https://www.hashtag.al/en/index.php/2026/02/06/zbulohet-audioja-ne-gjyqin-ndaj-veliajt-ols-dado-ankohet-per-lobimin-ne-shba-ndaj-krzebashkiakut/>.

Mayor Veliaj is entitled to raise the troubling flaws in SPAK’s case with U.S. law and policymakers, particularly in view of the fact that the United States has long maintained a vested interest in the development and success of SPAK. Since 2016, the U.S. Department of Justice – through its Office of Overseas Prosecutorial Development, Assistance, and Training (“OPDAT”) – was “instrumental in setting up the constitutionally protected, independent, and vetted” SPAK, and has had a resident legal advisor “embedded in SPAK to provide intensive case-based mentoring, while another advises justice sector entities and senior-level officials on, inter alia, judicial and prosecutorial independence, and critical legal reforms.”⁷

Mayor Veliaj’s case is just one of many irregular prosecutions by SPAK that threatens to undo years of OPDAT’s work on “advanc[ing] judicial reform and promot[ing] rule of law” in Albania.⁸ U.S. support for SPAK always has been predicated on the goal of implementing “sweeping judicial reforms required for the opening of EU accession negotiations, including restructuring the judicial system, creating a Specialized Anti-Corruption Structure (SPAK), and vetting of all judges and prosecutors.”⁹ SPAK’s case against Mayor Veliaj, however, has repeatedly

⁷ *Europe Region*, U.S. Dept. of Justice, Criminal Division, available at: <https://www.justice.gov/criminal/criminal-opdat/worldwide-activities/central-and-eastern-europe-region>.

⁸ *Id.*

⁹ *Albania*, U.S. Dept. of State, Office of the Coordinator of U.S. Assistance to Europe, Eurasia, and Central Asia (ACE), Foreign Assistance Fact Sheet, June 2021, available at: https://2021-2025.state.gov/wp-content/uploads/2021/08/Albania_FY-2020-Country-Assistance-Fact-Sheet.pdf.

trampled on his due process rights in contravention of the very principles of democracy that the U.S., for years, endeavored to instill in SPAK and Albania.

Critically, Albania's justice reform struggles have not gone unnoticed. In December 2025, Congressman Keith Self called out the problematic use of pretrial detention in Albania in a speech laying out the "path towards stability in the Western Balkans":

The United States has long supported efforts to build an independent, incredible judiciary in Albania. After ten years of implementation, however, it is appropriate to reexamine whether justice reform is functioning as intended and delivering impartial justice for the Albanian people. It should be concerning to all that the national case backlog has expanded from roughly 16,000 cases at the start of the reform to an estimated 200,000 today, leaving citizens waiting 8 to 15 years to receive a final ruling. Such delays undermine the rule of law, public trust and due process.¹⁰

Mayor Veliaj's lobbying has rightfully put the spotlight back on SPAK. The stakes of his case could not be higher – on a personal level for him and his family, for SPAK's credibility, and for Albania's accession to the European Union. The retribution that Mayor Veliaj has faced from SPAK for expressing his views through lobbying has severely undermined the legitimacy of SPAK's approach to this prosecution.

¹⁰ *Europe Subcommittee Chairman Keith Self Delivers Opening Remarks at Hearing on a Path Towards Stability in the Western Balkans*, House Committee on Foreign Affairs, Dec. 2, 2025, available at: <https://foreignaffairs.house.gov/news/press-releases/europe-subcommittee-chairman-keith-self-delivers-opening-remarks-at-hearing-on-a-path-toward-stability-in-the-western-balkans>.

B. Keeping Mayor Veliaj Detained Circumvents the Constitutional Court's November 2025 Order Recognizing His Mayoral Mandate and Disenfranchises the Citizens of Tirana

SPAK's retribution against Mayor Veliaj is all the more troubling in light of the November 2025 decision of the Constitutional Court of Albania affirming Mayor Veliaj's mandate as the Mayor of Tirana and rejecting attempts to remove him.¹¹ That ruling reflects a foundational democratic premise: citizens should not lose their chosen representative simply because prosecutors have unlawfully detained him.

But that is precisely what is happening. By keeping Mayor Veliaj in prison on an unlawful basis, he has been prevented from meeting constituents and performing his duties as their mayor. Consequently, the citizens of Tirana are being deprived of the leader they elected in direct contravention of their constitutional mandate.

III. International Concern Is Growing Over Albania's Commitment to the Rule of Law

Since the publication of the June 2025 and October 2025 Reports, scrutiny over Mayor Veliaj's pre-trial detention has continued to intensify across a broad spectrum of international stakeholders, including elected municipal leaders, policy observers, and commentators focused on democratic governance and the rule of law.

¹¹ Nen Si, *CC Returns Veliaj to Office, Declares Dismissal Unconstitutional*, EuroNews Albania, Nov. 3, 2025, available at: <https://euronews.al/en/cc-returns-veliaj-to-office-declares-dismissal-unconstitutional/>.

For example, in January 2026, 76 mayors and representatives from the B40 Balkan Cities Network – who hail from political parties and backgrounds across the ideological spectrum – issued a joint letter denouncing the detention of Mayor Veliaj as a threat to “local democracy in the Balkans and the world,” and “inconsistent with the principles and standards enshrined in the European Convention on Human Rights and articulated by the October 2025 Report of the Council of Europe’s Venice Commission.”¹² The B40 statement adopted the Venice Commission’s finding that “use of pretrial detention against sitting mayors constitutes a serious risk to democratic governance” because – as in Mayor Veliaj’s case – “[w]hen applied indefinitely, such detention effectively disenfranchises citizens by sidelining their chosen representatives without due process.”¹³

In December 2025, the EU Reporter published an article echoing the Venice Commission’s report that “keeping mayors locked up for extended periods without trial undermines the very idea of democratic representation,” and the European Union’s 2025 Enlargement Report on Albania that “‘serious concerns’ remain about prolonged pre-trial detention, inconsistent prosecutorial standards, and declining

¹² *76 mayors of the B40 Network write in support of Imamoglu and Veliaj: Concerned about their indefinite detention, violation of democracy*, Balkan Web, Jan. 28, 2026, available at: https://www.balkanweb.com/en/76-kryebashkiaket-e-rrjetit-te-b40-leter-ne-mbeshitetje-te-imamoglu-dhe-veliaj-te-shqetesuar-per-mbajtjen-e-tyre-ne-paraburgim-pa-afat-cenim-i-demokracise/?cat_id=7#gsc.tab=0.

¹³ *Id.*

public trust in the judiciary.”¹⁴ The article recognizes the gravity of Mayor Veliaj’s case:

None of this is abstract. A popularly elected mayor has been removed from office for the better part of a year without a trial. His family sees him under strict prison visiting rules. Hundreds of thousands of Tirana voters have effectively been deprived of the person they chose to run their city. The human cost is real, and it is felt far beyond the prison walls.¹⁵

It also outlines, in stark terms, the implications of SPAK’s flawed prosecution:

Albania is at a crossroads. The country has done more in the last decade to clean up its judiciary than most outsiders thought possible. Yet cases like [Mayor Veliaj’s] show how fragile those gains remain – and how easily anti-corruption rhetoric can be used to settle political scores.¹⁶

The International Policy Digest, in an article published in December 2025, further recognized the far-reaching consequences of Mayor Veliaj’s case for Albania’s potential future in the European Union:

What began as a domestic corruption inquiry has become one of the most closely watched governance tests on Europe’s periphery, not because of the allegations themselves but because of how Albania’s institutions have handled them. In a region where political stability and judicial independence remain unsettled, the circumstances surrounding Veliaj’s detention now carry implications that reach well beyond Tirana.¹⁷

¹⁴ *Erion Veliaj: Ten months behind bars and the slow unravelling of Albania’s justice system*, EU Reporter, Dec. 4, 2025, available at: <https://www.eureporter.co/world/albania/2025/12/04/erion-veliaj-ten-months-behind-bars-and-the-slow-unravelling-of-albanias-justice-system/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Kristopher O’Brien, *Erion Veliaj and Europe’s Uneasy Test of Democratic Resilience*, International Policy Digest, Dec. 10, 2025, available at: <https://intpolicydigest.org/erion-veliaj-and-europe-s-uneasy-test-of-democratic-resilience/>.

The article's conclusions reflect an increasing consensus within the international community over the recurring due process violations that Mayor Veliaj has repeatedly raised over the past year:

In Veliaj's case, bail was repeatedly denied with limited explanation, while his legal team struggled to gain timely access to the full evidence file. Restrictions placed on him went beyond those seen in comparable cases. Even after the Constitutional Court confirmed his mandate, prosecutorial authorities imposed conditions that prevented him from carrying out essential responsibilities, including physically attending key municipal meetings.¹⁸

IV. Conclusion

Mayor Veliaj's case is a bellwether of Albania's commitment to the rule of law and democratic principles of the European Union. Over a year ago, Mayor Veliaj was arrested by SPAK, an agency in Albania whose remit is to investigate and prosecute corruption. But instead of doing so in accordance with principles of due process and fairness, SPAK's case has deprived Mayor Veliaj of his liberty, his right to access the evidence in the case and properly prepare his defense, and his right to a fair trial. For more than a year, SPAK has repeatedly extended Mayor Veliaj's pretrial detention at the IVEP Durres prison – not because his detention is justified – but because it is the blunt instrument through which it can impair Mayor Veliaj's ability to prepare for and defend himself at trial, and to punish him for exercising his democratic right to petition.

¹⁸ *Id.*

Despite SPAK's efforts to muzzle Mayor Veliaj, his message is gaining traction. It has put Albania's commitment to the rule of law at the center of its EU accession goals. And the various stakeholders who invested in and partnered with SPAK – in particular, the United States – have begun to rightfully question whether SPAK's strong-arm tactics and flawed prosecutions have undermined the support and training they provided in furtherance of Albania's democratic reform.