

**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**

June 24, 2025

I. Introduction

Alastair Campbell, former strategist and spokesperson for British Prime Minister Tony Blair, recently wrote:

*The European Union must not look the other way. If the accession process means anything, it must uphold the values on which the Union is built: **due process, judicial integrity, human rights**. No official, regardless of status, should be immune from investigation. **But no citizen – however prominent – should be held without charge or outside legal procedure. Not in a democracy. Not in a country aspiring to join Europe.***¹

Since February 10, 2025, Mayor Erion Veliaj has been unlawfully detained by the Albanian authorities. His continued detention without charge, and effective isolation at a prison known as IVEP Durrës during the national election campaign period, violates the European Convention of Human Rights (“ECHR”) and runs contrary to traditional constitutional and statutory due process principles in the United States and Europe.

The arrest and detention without formal charges of the current mayor of Tirana, Albania’s capital city, not only violates Mayor Veliaj’s personal rights and has interfered with his duties to govern as mayor, but exposes the broader weaknesses of Albania’s quest to combat corruption. Indeed, as Dorian Matlia, Albanian lawyer and activist, recently wrote:

*In Albania, they throw you in jail first, then collect the evidence. Detention is indefinite, and then another problem arises—if someone has been locked up for too long, and no major evidence emerges, the court still convicts them just to justify the time they spent in prison. The outcome is decided from the start.*²

II. Factual Background

Erion Veliaj is the current Mayor of Tirana. He was first elected mayor in June 2015 and has since been re-elected twice in 2019 and 2023. Under Mayor Veliaj’s leadership, Tirana has seen significant reforms in infrastructure, public works and law enforcement. For example, he has introduced several sustainability initiatives, including the creation of green spaces (including a project to plant millions of trees), the promotion of environmentally friendly transportation options, “car free” days, and a project to reduce the use of plastic bags. He also has overseen projects improving Tirana’s livability and aesthetics, including the renovation of Skanderberg Square as a pedestrian-friendly public area, the upgrading of municipal infrastructure, sidewalks and bike paths, and the construction of new kindergartens and playgrounds. He has encouraged and enhanced transparency and accountability in local governance, including by creating an app which contains a database of public works and services – the first of its kind in Albania. These projects, among others, have revitalized Tirana, allowing the city to host the European Union-

¹ Alastair Campbell: *What’s Happening with Tirana Mayor Erion Veliaj Should Concern Us All*, NOA Albanian News Agency (May 30, 2025), <https://noa.al/lajmi/2025/05/2512096.html> (emphasis added).

² *Lawyer launches blistering criticism of SPAK practices after winning Strasbourg case on unjust detention*, Albanian Times (February 27, 2025), <https://albaniantimes.al/lawyer-launches-blistering-criticism-of-spak-practices-after-winning-strasbourg-case-on-unjust-detention/>.

Western Balkans summit (the first non-European Union city to do so) and the Giro d'Italia, and bringing numerous awards and accolades to the municipality. He has been integral to the improvement in Albania's reputation internationally.

In July 2023, the Special Prosecutors Office (“SPO”), contained within the Special Anti-Corruption and Organized Crime Structure (“SPAK”),³ received an anonymous one-page complaint relating to Mayor Veliaj from a fictitious individual, who falsely identified himself as Nesti Angoni, a name that does not appear in the Albania civil registry. The document is composed of unsubstantiated rumors and innuendo rather than credible and detailed criminal allegations, and should not have been sufficient to justify launching an investigation. As the investigation developed, the SPO appears to have undertaken an exceedingly broad inquiry into nearly two decades of Mayor Veliaj’s life, raising concerns of prosecutorial overreach.

Despite being under investigation since July 2023, it wasn’t until February 10, 2025—three months before the national parliamentary elections—that SPAK detained Mayor Veliaj without charge and under conditions that prevent him from carrying out his responsibilities as mayor and prevented him from participating in the national campaign. On February 9, 2025, SPAK imposed the personal security measure of Arrest in Prison pursuant to Article 238 of the Criminal Procedure Code on Mayor Veliaj. The next day, February 10, 2025, the judicial police detained Mayor Veliaj on the basis that he was “suspected” of committing corruption and money laundering offences, allegations that he categorically denies.⁴

Two days later, Mayor Veliaj appeared before the SPAK court. During that session, Mayor Veliaj’s defense attorneys requested the maximum time to familiarize themselves with the 26,400 pages of documents contained in the investigative files. The Court allowed them less than half a day to review the voluminous files. This effectively denied his counsel access to the documents that were essential to challenge the legality of his detention. Mayor Veliaj was further deprived from effectively communicating with his attorneys after SPAK placed him in a security cage throughout the initial hearing. Perhaps unsurprisingly, SPAK ordered the continued detention of Mayor Veliaj.

Shortly after, Mayor Veliaj appealed the ruling to SPAK’s dedicated appellate court. During this hearing, he was again kept in a security cage, stifling his ability to communicate with his defense. Notably, the presiding judge permitted the prosecution to present new evidence collected after the court’s initial ruling. The prosecution argued that this evidence, a collection of telephone call recordings between Mayor Veliaj and his family, constituted obstruction of justice.⁵ Yet these

³ SPAK is a specialized court and prosecution structure independent of the legacy Albanian judiciary, with a unique focus on political corruption and organized crime. It was created to curtail the pervasive corruption as a necessary component of Albania’s efforts to join the European Union. Article 135(2) of the Albanian constitution gives SPAK jurisdiction over cases involving corruption, organized crime, and charges against high-level governmental officials, including the president, prime minister, judges and members of the High Judicial Council and High Prosecutorial Council. See Ivan Gunjic, *Albania’s Special Courts against Corruption and Organised Crime*, U4 Anti-Corruption Resource Center 3-4 (2022), <https://www.u4.no/publications/albanias-special-courts-against-corruption-and-organised-crime.pdf>.

⁴ Nen Si, *Erion Veliaj files appeal to Supreme Court, seeks release from prison*, EuroNews Albania (19-09-2025 15:55), <https://euronews.al/en/erion-veliaj-files-appeal-to-supreme-court-seeks-release-from-prison/#:~:text=The%20Mayor%20of%20Tirana%2C%20Erion,of%20corruption%20and%20money%20laundering>

⁵ See Appellate Opinion.

phone intercepts were either unrelated to the case, or merely demonstrated Mayor Veliaj's (entirely proper) efforts to proclaim his innocence. These recordings also were leaked to the media along with photographs of Mayor Veliaj in the security cage. The SPAK appeals court upheld Mayor Veliaj's continued detention on March 13, 2025.⁶

The Supreme Court of Albania is expected to hear and consider Mayor Veliaj's formal appeal of the lower court's decisions to detain him without charges.

III. Concerns and Criticisms of SPAK

While the creation of an independent judiciary dedicated to rooting out corruption was no doubt well-intentioned, SPAK has faced significant criticism since its inception. For instance, SPAK has been routinely criticized for its lack of oversight and accountability.⁷ As one commentator noted, SPAK, like the rest of the Albanian judiciary, "works in a highly politicized environment, where power structures in politics have historically impacted the judiciary. In a country with a fragile rule of law and a history of judicial corruption, the independence of SPAK is under constant pressure from political forces that even try to interfere in investigations and prosecutions."⁸ Furthermore, the central body responsible for overseeing SPO prosecutors, the High Council of Prosecution, is itself particularly prone to interference, without facing the same restrictions as the SPO personnel themselves (who are subject to periodic monitoring of their telecommunications).⁹

SPAK's investigation against Mayor Veliaj appears to have involved political and personal conflicts of interest. Prior to the SPO's investigation, a member of the prosecution team reportedly submitted a request to Mayor Veliaj's administration to modify a construction permit for personal property. That request was denied by the mayor's administration.¹⁰ And now, the SPO is not only investigating Mayor Veliaj, but also other competing real estate developers as targets of this investigation – creating a strong appearance of impropriety and a conflict of interest. But of all the targets of this investigation, Mayor Veliaj is the only one that is currently detained.

Some of SPAK's practices—most notably, the propensity for the SPO to request, and the courts to grant, lengthy pretrial detention of high-profile defendants based on mere suspicion—have proven highly questionable. In February 2025, the European Court on Human Rights (the "Strasbourg Court") heard *Gëllçi v. Albania*, a case brought by Thoma Gëllçi, the former director of Albania's national broadcaster, against the government, alleging that his rights were violated when he was detained by SPAK for nearly eight months before trial.¹¹ Gëllçi was arrested by SPAK in October 2021 and remained in prison until his conviction in June 2022.¹²

⁶ *Id.*

⁷ Adela Kusuri, *The journey of SPAK: A comprehensive analysis of its achievements and challenges*, 9 European Journal of Economics, Law and Social Sciences 70, 73, 76 (2015).

⁸ *Id.* at 76.

⁹ *Id.*

¹⁰ Editorial Note: *Erion Veliaj case becomes political thriller as SPAK faces growing backlash*, Albanian Times (February 15, 2025), <https://albaniantimes.al/veliaj-case-spak-legal-scrutiny/>.

¹¹ *Gëllçi v. Albania*, no. 15468/23, §§ 1-11, 25 February 2025.

¹² *Id.*, §§ 6-11.

The Strasbourg Court held that whilst “persistence of a reasonable suspicion is a condition *sine qua non* for the validity of a pre-trial detention, [] after a certain lapse of time it no longer suffices” and a court must have “other grounds” to “continue to justify the deprivation of liberty.”¹³ In Gëllçi’s case, the SPO and SPAK court simply “referred to the need for obtaining additional evidence as a ground for the applicant’s prolonged detention” and generally contended that the defendant would tamper with evidence and intimidate witnesses (because he was “familiar with” them) but (a) “failed to specify the concrete pieces of evidence that were still to be collected as well as to explain why those pieces of evidence could not have been collected at an earlier stage of the investigation”; (b) did not respond to Gëllçi’s argument that the suspicion was based on documents already seized by SPAK; and (c) did not have any “concrete factual evidence or any indication of actual attempts by [Gëllçi] to engage in tampering with the evidence.”¹⁴ With respect to the risk of flight, the Strasbourg Court credited Gëllçi’s argument that he had already left Albania and returned despite the known specter of impending investigation and arrest, found that this argument had not been “duly weighted” by the SPAK courts in light of his other family and community ties within Albania, and criticized SPAK’s refusal to consider “alternative security measures” “beyond a mere formal statement.”¹⁵ The Strasbourg Court accordingly found that SPAK had violated Article 5 § 3 of the Convention and awarded costs to Gëllçi.¹⁶

Gëllçi’s case highlighted a potential trend in SPAK cases. As his lawyer, Dorian Matlia, explained, SPAK “create[s] the image that it is working by throwing people behind bars” in a form of “repressive justice.”¹⁷ Mr. Matlia accused SPAK of “putting on a televised show” by selectively leaking case files to the media and argued that “[t]his is not how justice works in a country that wants to join the EU.”¹⁸ Others have echoed these concerns, with media reports decrying a “troubling pattern” of SPAK turning “high-profile arrests into a form of public spectacle,” focusing on “dramatic arrest[s] that generate media headlines” rather than on “adhering to European legal standards.”¹⁹

IV. U.S. Legal Principles

SPAK’s continued detention of Mayor Veliaj without charges is an anathema to fundamental principles of justice in the United States. Detaining an individual who has not been charged for any period longer than reasonably necessary for the prosecutors to decide whether to release him or bring formal charges violates fundamental due process.²⁰ The United States Supreme Court has long recognized that in most cases federal law “unequivocally provide[s] that a person arrested for a non-capital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of

¹³ Gëllçi, § 19.

¹⁴ *Id.*, § 23.

¹⁵ *Id.*, §§ 24-25.

¹⁶ *Id.*, §§ 28-32.

¹⁷ *Lawyer launches blistering criticism*, *supra* n. 2.

¹⁸ *Id.*

¹⁹ *A legal and moral Victory against unjust detention in Albania*, Tirana Times (Feb. 25, 2025), <https://www.tiranatimes.com/a-legal-and-moral-victory-against-unjust-detention-in-albania/>

²⁰ 16C C.J.S. Constitutional Law § 1629.

punishment prior to conviction.”²¹ This right is tightly bound to the “axiomatic and elementary” principle of “the presumption of innocence”²² and without it, “the presumption of innocence, secured only after centuries of struggle, would lose its meaning.”²³ This right also is encompassed within the right to due process—courts have held that where the deprivation of liberty, or the conditions of that deprivation, amount to a “punishment” before an “adjudication of guilt,” they violate the detainee’s substantive due process rights,²⁴ and where the detainee is held without meaningful opportunity to be heard, it implicates his procedural due process rights.²⁵

The Bail Reform Act, 18 U.S.C. §§ 3141 et seq., enacted in 1984, “codified . . . the traditional presumption favoring pretrial release for the majority of Federal defendants.”²⁶ Pursuant to the Act, a criminal defendant cannot be detained pending trial “unless the release will present a risk of flight or danger, or both, and no set of conditions can reasonably protect against those risks.”²⁷ Relevant factors in making these determinations include:

(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of [the federal statute criminalizing sex trafficking], a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

(2) the weight of the evidence against the person;

(3) the history and characteristics of the person, including--

(A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

²¹ *Stack v. Boyle*, 342 U.S. 1, 4 (1951); *see also id.*, at 7-8 (Jackson, J., concurring) (“The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty. Without this conditional privilege, even those wrongly accused are punished by a period of imprisonment while awaiting trial and are handicapped in consulting counsel, searching for evidence and witnesses, and preparing a defense.”).

²² *Nelson v. Colorado*, 581 U.S. 128, 135–36 (2017).

²³ *Stack*, 342 U.S. at 4.

²⁴ *Bell v. Wolfish*, 441 U.S. 520, 535-36 (1979); *Lopez-Valenzuela v. Arpaio*, 770 F.3d 772, 791 (9th Cir. 2014) (finding state statute which “categorically denies bail or other pretrial release and thus requires pretrial detention for every undocumented immigrant charged with any of a broad range of felonies, regardless of the seriousness of the offense or the individual circumstances of the arrestee, including the arrestee’s strong ties to and deep roots in the community” would violate substantive due process).

²⁵ *See Torres v. Collins*, 2023 WL 6166523, at *9-11 (E.D. Tenn. Sept. 21, 2023) (finding bail practices which did not give defendants “opportunity to be heard in a meaningful manner” would violate procedural due process).

²⁶ *United States v. Berrios-Berrios*, 791 F.2d 246, 250 (2d Cir. 1986) (citation omitted).

²⁷ *United States v. Ermin*, 710 F. Supp. 3d 163, 175 (W.D.N.Y. 2024), *aff’d*, No. 24-138, 2024 WL 1652240 (2d Cir. Feb. 21, 2024); *see Bell*, 441 U.S. at 536 (1979) (denial of bail appropriate “to ensure [the defendant’s] presence at trial”); *United States v. Salerno*, 481 U.S. 739, 747 (1987) (denial of bail appropriate or to “prevent[] danger to the community”).

(B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

*(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. . . .*²⁸

Under these standards, pretrial detention of a white collar defendant with significant community responsibilities in the relevant jurisdiction, such as Mayor Veliaj, is improper.²⁹ With respect to the risk of flight, courts have regularly found that criminal defendants do not pose a risk of flight where, as in Mayor Veliaj's case, they "have households, children and significant financial interests in" the relevant jurisdiction or "are visible, well-known public figures who could not easily go into hiding."³⁰ Courts also consider a defendant's awareness of impending charges and decision *not* to abscond despite having the opportunity to do so.³¹ All of these factors heavily weigh in Mayor Veliaj's favor—he is a visible, prominent figure in Albania with a wife, young child, and home in Tirana, and despite knowing about the investigation prior to his arrest, he has returned to Albania after having travelled abroad on official trips on multiple occasions.

V. European Legal Principles

Mayor Veliaj's detention violates a number of central precepts of European law. As a member of the Council of Europe and party to the European Convention on Human Rights ("ECHR"), Albania must protect its citizens from arbitrary detention, ensure they receive a fair trial, and where individuals are detained, guarantee humane detention conditions. There are serious grounds for concern that, in Mayor Veliaj's case, these requirements have not been met and as a result, his ECHR rights have been violated.

ECHR Article 3

Article 3 of the ECHR prohibits "inhuman or degrading treatment or punishment." Mayor Veliaj is currently being detained in near-solitary conditions in IVEP Durrës, and international counsel has been denied access to him, raising concerns regarding his rights under Article 3. Albanian prisons have been the subject of serious and sustained criticism, including by the Committee for

²⁸ 18 U.S.C. § 3142(g).

²⁹ See, e.g., *United States v. Giordano*, 370 F. Supp. 2d 1256, 1270-72 (S.D. Fla. 2005) (holding pretrial detention not warranted where (i) charges were non-violent economic fraud; (ii) defendant's family and community ties outweighed showing that he had financial resources to flee; (iii) defendant would likely not face "lifelong sentence" and would face longer sentence if he jumped bail; (iv) defendant's family ties outside the country were "not lifelong family ties"; (v) any danger to the community could be ameliorated by an order precluding him from engaging in investment activity and (vi) "monetary conditions" would secure the defendant's appearance at court).

³⁰ *In re Extradition of Chapman*, 459 F. Supp. 2d 1024, 1027 (D. Haw. 2006); see also *United States v. Autry*, 2018 WL 1598677, at *1 (W.D. Tex. Apr. 2, 2018) (finding strong community ties precluded detention).

³¹ *United States v. Hammond*, 204 F. Supp. 2d 1157, 1166 (E.D. Wis. 2002) ("One year before his arrest ATF agents advised defendant that he was facing charges, and he did not abscond. This is strong evidence that defendant is not inclined to flee."); *United States v. Digiacomo*, 746 F. Supp. 1176, 1189 (D. Mass. 1990) ("If he did not flee in the three years prior to his indictment, the court does not expect he will flee after his brother pledges his home and the home which belonged to his mother in order to assure his appearance at future court proceedings."); *United States v. McIndoo*, 2016 WL 5092637, at *12 (W.D.N.Y. Sept. 19, 2016)

the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the U.S. State Department, and Amnesty International, for systemic issues including severe overcrowding, poor physical conditions and inadequate medical care.³² Moreover, an extremely high percentage of the Albanian prison population is on remand, which is particularly troubling in the context of Mr. Veliaj's case.³³ Unless or until Mayor Veliaj's international counsel are permitted to visit him at IVEP Durrës, it is very difficult to assess the extent to which his Article 3 rights may be being violated.

ECHR Article 5

Article 5 guarantees “the right to liberty and security” and prohibits the deprivation of liberty except in certain cases by lawful procedure. While Article 5 § 1(c) provides for “the lawful arrest or detention” of a person arrested upon reasonable suspicion of having committed a crime where that detention is “effectuated for the purpose of bringing him before the competent legal authority” or “when it is reasonably considered necessary to prevent his committing an offence or fleeing,” the Article also demands that the arrestee be entitled either to a prompt trial or “release pending trial,” which can be guaranteed by conditions (Article 5 § 3), and that anyone so deprived of liberty be allowed to challenge the lawfulness of their detention in pretrial proceedings and have their challenge be “decided speedily by a court and his release ordered if the detention is not lawful” (Article 5 § 4).

In Mayor Veliaj's case, there are serious concerns that his detention is arbitrary, and in no way necessary, proportionate, or reasonable. The Albanian authorities have consistently failed to present a pressing public interest justifying his ongoing detention, in direct contravention of decisions by the Strasbourg Court,³⁴ in several ways.

First, to justify continued pretrial detention, there must be a persistent reasonable suspicion that the detainee committed the offense at issue, and accordingly, Mayor Veliaj must be given an opportunity to *effectively* challenge the basis of the allegations against him.³⁵ But while the Strasbourg Court has held that such proceedings must be adversarial with “equality of arms” between the parties, Mr. Veliaj's lawyers were allowed less than half a day to inspect a 26,400 page case file (accumulated over a 20-month investigation), before arguing his pretrial detention hearing in the SPAK court on February 12, 2025. In effect, this denied his lawyers true access to his case file and violated Article 5 § 4 of the ECHR.³⁶

Second, after a lapse of a certain period of time, the persistence of a reasonable suspicion no longer suffices to justify continued detention; rather, the national authorities must establish with “special diligence” whether other “relevant” and “sufficient” grounds continue to justify the deprivation of liberty.³⁷ Such relevant and sufficient justifications include: (i) the danger of absconding; (ii) the

³² Council of Europe anti-torture Committee (CPT) publishes report on Albania, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (12/01/2024), <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-albania.-1>.

³³ World Prison Brief, Albania, <https://www.prisonstudies.org/country/albania> (last visited June 6, 2025).

³⁴ See *Merabishvili v. Georgia* [GC] 2017 § 234.

³⁵ *Turcan v. Moldova* 2007 §§ 67 to 70.

³⁶ *Zarakolu v Turkey* 2020 §§ 59-61.

³⁷ *Idalov v. Russia* [GC] 2012 § 140; *Buzadji v. Moldova* [GC] 2016, § 87.

risk of pressure being brought to bear on witnesses or evidence being tampered with; and (iii) the risk of reoffending.³⁸ Here, the SPAK court made superficial and misconceived findings about these justifications, whilst failing to properly consider them. In determining whether there was a risk Mayor Veliaj would abscond, the SPAK court was required to consider his character and morals, his home life and family ties, and his occupation, assets and other links to Albania,³⁹ but failed to sufficiently address these pertinent factors, ignoring his responsibilities as Mayor of Tirana, his good character, his high-profile position and his strong family ties to the Tirana community. The SPAK court failed to point to any evidence of connections or assets outside Albania which might suggest a risk of flight. The court also disregarded the fact that, even after being informed of the investigation and probable arrest, Mayor Veliaj twice traveled outside Albania and returned, demonstrating his intention to remain in Albania and defend the charges against him.

One of the SPAK court's justifications for Mayor Veliaj's continued detention was the risk of interference with witnesses, which the court found upon supposed evidence that, in December 2024, Mayor Veliaj's wife had attempted to interfere with a potential witness. In so finding, the court ignored the position of the Strasbourg Court, that the risks alleged of disruption to the investigation naturally diminish with the passing of time as statements are taken and lines of inquiry are concluded.⁴⁰ The court also demonstrated a suspect double-standard, justifying Veliaj's detention upon one alleged attempt of witness interference by a co-defendant whose own actions were not considered serious enough to warrant her own detention. This cannot be considered a consideration "sufficient" to justify Mayor Veliaj. There was no evidence presented in the proceeding to support a risk of commission of further offences. Such evidence would need to establish a plausible danger, and the measures imposed to prevent the danger must be appropriate based on "the circumstances of the case and in particular the past history and personality of the person concerned."⁴¹ But rather than establish a plausible danger by resort to proper evidence, the SPAK court of appeal relied on general and abstract comparisons to cases of other defendants accused of similar defenses, which is contrary to the well-established principle requiring arguments against release to be supported by specific facts and personal circumstances of the defendant.⁴²

Contrary to Strasbourg case law applying Article 5, including the decision in Gëllçi, referenced above, the SPAK courts also failed to meaningfully consider alternatives to detention such as house arrest, surrender of travel documents, or police reporting.⁴³

Finally, during pre-trial detention hearings, the court repeatedly maintained that, in denying the offences, Mr Veliaj has "*failed to show remorse*" and "*denied any responsibility for his offending.*" It appears that the court equated denial of an offence with evidence of guilt, the clearest possible indication that it had disregarded the presumption of innocence in conducting its assessment as to whether Mr Veliaj ought to be released from pre-trial detention.⁴⁴ This evidence of the denial

³⁸ Buzadji § 88.

³⁹ Sulaoja v. Estonia 2005 § 64.

⁴⁰ Clooth v. Belgium 1991 §§ 43-44.

⁴¹ Id. § 40.

⁴² Id.; Boicenco v. Moldova 2006 § 142; Perstner v. Luxembourg 2023 § 33; Labita v. Italy 1995 § 163.

⁴³ S, V and A v. Denmark [GC] 2018 § 161.

⁴⁴ Buzadji §§ 89-91.

of the presumption of innocence may indicate a lack of personal impartiality on the part of the first instance court.

EHCR Article 6

Under Article 6, every criminal suspect is “entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law” (Article 6 § 1), is “presumed innocent until proved guilty” (§ 2) and is guaranteed “adequate time and facilities for the preparation of his defense” (§ 3(b)). There are indications that Mayor Veliaj is being denied these rights.

First, as mentioned, the SPAK courts have already violated § 2 by commenting in pretrial proceedings on Mayor Veliaj’s purported failure to show remorse or accept responsibility in denying release, projecting a clear presumption of guilt, rather than innocence. Such open hostility towards a defendant is a strong factor in determining a court’s improper partiality and attendant denial of a fair trial.⁴⁵

Second, as noted above, in litigating his pretrial detention in February, Mayor Veliaj’s local counsel were effectively denied access to the investigation file, giving rise to grave concerns regarding the “equality of arms” at any future trial.⁴⁶

Finally, during these pretrial proceedings, Mayor Veliaj was placed in a security cage, an arrangement usually made for high-risk, violent defendants.⁴⁷ As a result, he was unable to communicate with his lawyers during the hearings. There is no reason to believe he will not be made to do so in future proceedings, including trial.

EHCR Article 34

Article 34 of the EHCR concerns access to the Strasbourg Court and makes clear that the “High Contracting Parties”—including Albania— “undertake not to hinder in any way the effective exercise of” the right of a purported victim of an EHCR violation to apply for relief from the Court.

Mayor Veliaj’s right to apply for such relief has been violated. International counsel has been denied access to him multiple times on transparently misconceived grounds, including that they are not qualified to practice Albanian law or were not specifically licensed in EU jurisdictions. Accordingly, Mayor Veliaj’s international counsel has been limited in their ability to properly assess the conditions of his detention or take instructions with a view to applying to the Strasbourg Court for relief. The Strasbourg Court has found that denial of access to a defendant’s representatives on nearly identical grounds can violate that defendant’s Article 34 right of petition.⁴⁸

⁴⁵ *Buscemi v. Italy*, 1999 §§ 67-68.

⁴⁶ *Niderost-Huber v. Switzerland* 1997 § 23.

⁴⁷ A photo of Mayor Veliaj in this security cage was leaked to the press. Because only SPAK employees are allowed to have their mobile telephones at these hearings, it is almost certainly the case that the photograph was improperly taken and shared deliberately by SPAK personnel, raising even more concerns of impropriety and bias by the entire SPAK structure.

⁴⁸ *Zakharin v. Russia* 2010 §§ 157-160.

EHCR Article 3 of Additional Protocol

Article 3 of Additional Protocol 1 protects the right to free and fair elections, providing that the contracting parties “undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature” and “guarantee[] the right of every elected representative to exercise his or her mandate.” While the Additional Protocol and the case law applying it⁴⁹ may not *directly* apply to Mayor Veliaj (as the protection afforded applies to the legislature, rather than members of the executive) the relevant principles are instructive as to the overall assessment of the legality of his detention, given that he is a democratically elected holder of public office, known to be of good character, with a mandate to serve the public interest in Tirana. There is no evidence that the SPAK courts in this case have considered Mayor Veliaj’s ability to carry out his public mandate when assessing whether his detention is necessary, proportionate and reasonable.

* * *

For all of the foregoing reasons, Mayor Veliaj’s detention violates Western, constitutional, and statutory principles of due process, and Mayor Veliaj should immediately be released. Should he be released, Mayor Veliaj is eager to immediately resume his duties as the democratically elected Mayor of Tirana.

⁴⁹ See, e.g., *Selahattin Demirtaş v. Turkey* 2020 §§ 395-396.