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KASOWITZ LLP AND MISHCON DE REYA LLP PUBLISH AN UPDATED REPORT REGARDING THE POLITICAL PERSECUTION OF ERION VELIAJ, MAYOR OF TIRANA

## **Kasowitz LLP and Mishcon de Reya LLP Publish an Updated Report Regarding the Political Persecution of Erion Veliaj, Mayor of Tirana**

OCTOBER 28, 2025

Kasowitz LLP (New York) and Mishcon de Reya LLP (London) today announced the public release of an Updated Veliaj Report, titled "Report Regarding the Political Persecution of Erion Veliaj, Mayor of Tirana." The report updates the "Report Regarding SPAK's Unjust Detention of a Democratically Elected Mayor in the Capital of Albania: Erion Veliaj," which the firms previously published on June 24, 2025.

The Updated Veliaj Report examines the apparent and improper political motivations underlying SPAK's case against Tirana Mayor Erion Veliaj. According to the report, in the span of eight months, key events have created the undeniable appearance that SPAK's prosecution of Mayor Veliaj is no ordinary prosecution. Mayor Veliaj has been detained since February, despite the fact that he does not pose a risk of flight, a risk of obstructing SPAK's case, or a risk of re-committing the supposed offenses for which he has been charged. According to the report, the fact that Mayor Veliaj was denied bail – while 17 of the other defendants charged in the same case were released on minimal conditions – illustrates the stark disparity in the way that he has been treated by the Albanian authorities.

Moreover, the Updated Veliaj Report notes that recent political events have amplified the concern that Mayor Veliaj's case is a political persecution designed to strip him of his duly elected position as Mayor in violation of the Albanian Constitution. In September, the Municipal Council of Tirana – citing Mayor Veliaj's involuntary detention – removed him from office. As the report notes, this decision, followed by an announcement by the President of the Republic to hold new elections to replace Mayor Veliaj, created the appearance that Mayor Veliaj's unjustified detention was the pretext on which the Albanian authorities have tried to unconstitutionally strip him of his position and disenfranchise the citizens of Tirana of their right to self-government.

While the Constitutional Court has, for the time being, suspended any such actions until Mayor Veliaj's appeal challenging the Municipal Council's decision has been decided, the Updated Veliaj Report

explores the implications of this constitutional crisis. One of the observations of the report is that Mayor Veliaj's case is a clear example in which Albania's commitment to due process has come into question. According to the report, recent political maneuvers intended to depose Mayor Veliaj have vitiated the presumption of innocence to which Mayor Veliaj is entitled, and deprived him of his liberty and his office – all before his trial has even begun.

A copy of the Updated Veliaj Report is available [here](#).

The Kasowitz team includes partners Daniel J. Fetterman and Brian S. Choi in New York, and senior counsel Clarine Nardi Riddle and special counsel David Miller in Washington, D.C.

The Mishcon de Reya team includes partners James Libson and Ben Brandon, managing associate Celia Marr, and associates Grace Houghton and Elizabeth Fitton.

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**Report Of Kasowitz LLP And Mishcon de Reya  
Regarding The Political Persecution Of  
Erion Veliaj, Mayor Of Tirana**

**October 28, 2025**

This Report updates the Final Report of Kasowitz LLP and Mishcon de Reya LLP Regarding SPAK’s Unjust Detention Of A Democratically Elected Mayor In The Capital Of Albania: Erion Veliaj, which was published on June 24, 2025, and is attached hereto as Attachment A (the “Initial Report”). Familiarity with the background facts, principles, and legal framework of the Initial Report is presumed.

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## **I. The Unlawful and Unjustified Detention of Erion Veliaj**

Erion Veliaj is the 45-year old Mayor of Tirana, the capital and most populous city of Albania. First elected to office in 2015, Mayor Veliaj has played a pivotal role in Tirana’s growth, overseeing dramatic improvements in infrastructure and investments in youth and education programs, among other initiatives. Under Mayor Veliaj’s leadership, Tirana has emerged as a world-class city – named as the European Capital of Youth for 2022 by the European Youth Forum,<sup>1</sup> the European City of Sport by ACES Europe in 2023,<sup>2</sup> and the Mediterranean Capital of Culture and Dialogue by the Union for the Mediterranean and the Anna Lindh Foundation in 2025.<sup>3</sup> Over the past ten years, Tirana has become the face of Albania’s ascension on the global stage – putting the country one step closer to achieving its long-desired

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<sup>1</sup> *Congratulations, Tirana! Winner of the European Youth Capital for 2022*, European Youth Forum (21 November 2019), <https://www.youthforum.org/news/congratulations-tirana-winner-of-the-european-youth-capital-for-2022>.

<sup>2</sup> *European Cities of Sport*, ACES, <https://aceseurope.eu/european-cities-of-sport/>.

<sup>3</sup> *Tirana takes centre stage as Mediterranean Capital of Culture and Dialogue*, Union for the Mediterranean (12 March 2025), <https://ufmsecretariat.org/tirana-launch-capitals-2025/>.

goal of joining the European Union. Mayor Veliaj was elected to his third term in 2023 in overwhelming fashion.<sup>4</sup>

In July of 2023, however, the Special Structure Against Corruption and Organized Crime (“SPAK”) – a government entity in Albania responsible for investigating public corruption – received an anonymous tip-off accusing Mayor Veliaj of engaging in corruption. Based on this tip, SPAK initiated a far-reaching investigation into Mayor Veliaj, examining virtually every facet of his life. SPAK raided the offices of Mayor Veliaj’s family members, seizing their personal devices and items.<sup>5</sup> SPAK subjected Mayor Veliaj and his wife, among other family members and close friends, to multiple hours-long interrogations. Nothing was off limits – even events that had occurred nearly two decades ago in Mayor Veliaj’s life were scrutinized. At every step of SPAK’s two-and-a-half year investigation, Mayor Veliaj provided his full cooperation. On numerous occasions, Mayor Veliaj even returned to Albania during international trips that he had taken in his capacity as Mayor to meet with SPAK investigators.

Over two-and-a-half years, SPAK refused to disclose anything about its investigation. On 10 February 2025, SPAK escalated its investigation by arresting

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<sup>4</sup> Local Elections, 14 May 2023, Preliminary Election Information, Central Election Commission, <https://iemis.kqz.gov.al/results2023/results2023.htm>; *see also Erion Veliaj reconfirmed Mayor of Tirana, winning the election by a landslide*, Euronews Albania (16 May 2023), <https://euronews.al/en/erion-veliaj-reconfirmed-as-mayor-of-tirana-winning-the-election-by-a-landslide/>.

<sup>5</sup> *Veliaj’s family members complained about SPAK checks, the judge who will examine the case is appointed*, A2 CNN (19 December 2024), <https://a2news.com/english/shqiperia/kronike/familjaret-e-veliajt-ankimuan-kontrollet-e-spak-caktohet-gjyqt-i1135877>.

and detaining Mayor Veliaj on unspecified, undisclosed, and uncharged allegations of “passive corruption.” Even at this juncture, however, SPAK did not bring formal charges supporting its arrest and detention of Mayor Veliaj.<sup>6</sup> SPAK only formally announced its charges against Mayor Veliaj on 23 July 2025<sup>7</sup> – more than five months into his detention.

After his arrest, Mayor Veliaj promptly requested his release from pre-trial detention. In Albania – similar to Europe and the United States – a court must evaluate certain fundamental risks to determine whether a defendant should be released: (1) the risk of flight; (2) the risk of obstructing the authorities’ investigation; and (3) the risk of re-committing the offenses for which he is charged.<sup>8</sup> In considering these risks, a court must assure itself that a defendant will appear for every hearing in his case and will not harm the public while released on bail.<sup>9</sup> All three of these risks were virtually non-existent at the time of Mayor Veliaj’s arrest (and remain so today).

First, there was and remains virtually no risk that Mayor Veliaj would abscond to a foreign jurisdiction. His wife, seven-year-old son, and elderly mother reside in

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<sup>6</sup> *Erion Veliaj, Mayor of Tirana, held without charge for past five months*, Colin Stevens, EU Reporter (30 June 2025), <https://www.eureporter.co/world/albania/2025/06/30/erion-veliaj-mayor-of-tirana-held-without-charge-for-past-5-months/>.

<sup>7</sup> *SPAK communicates the charges to Erion Veliaj*, Arbjona Cibuku, Citizens.al (23 July 2025), <https://citizens.al/en/2025/07/23/erion-veliaj-zyrtarisht-i-pandehur/>.

<sup>8</sup> *Analysis of the Criminal Justice System of Albania*, Mari-Ann Roos, Organization for Security and Cooperation in Europe (2006) at 33, <https://www.osce.org/files/f/documents/3/c/22211.pdf>.

<sup>9</sup> *Id.*

Tirana. His friends, community, and colleagues are based in Albania. Mayor Veliaj built his entire career and livelihood in Albania. All of his assets and property are in Albania. He had every incentive to remain in Albania to vindicate himself and restore the promising career that was derailed by SPAK's investigation. And, even if Mayor Veliaj were to flee Albania – a task made infinitely more difficult by his public profile and the public scrutiny surrounding his case – he lacked the assets abroad to support himself and his family in a foreign country.

Second, the risk that Mayor Veliaj would obstruct or otherwise interfere with SPAK's investigation was always low and is non-existent today because the investigation now has been concluded.<sup>10</sup> Since the inception of the investigation, Mayor Veliaj fully cooperated with SPAK and would have continued doing so if he had been released. With the intense media attention surrounding his case, any attempt by Mayor Veliaj to obstruct SPAK's investigation or tamper with witnesses and evidence would have generated relentless coverage, subjected him to public scorn, and been completely at odds with his own interests.

Third, there was and is virtually no risk that Mayor Veliaj would re-commit the alleged “passive corruption” offenses for which he was ultimately charged. The material disclosed by SPAK to date does not provide evidential support for the

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<sup>10</sup> *SPAK communicates the charges to Erion Veliaj*, Arbjoia Cibuku, Citizens.al (23 July 2025), <https://citizens.al/en/2025/07/23/erion-veliaj-zyrtarisht-i-pandehur/>.

contention that Mayor Veliaj used his official powers to grant a favor (*i.e.*, approving a real estate permit or artistic and cultural event budgets) to another party specifically in exchange for or with the expectation of a personal benefit. In any event, the concern that Mayor Veliaj, if released, would somehow continue using his authority improperly can be mitigated, if not eliminated, through a formal delegation of such authority to an independent party. In other words, Mayor Veliaj can remove himself from the process of reviewing any future permit or project requests submitted before his office, and leave that task in the hands of an independent party.

In view of the foregoing, Mayor Veliaj easily satisfied the criteria for release. But the court in February summarily denied – and appeals courts subsequently denied – Mayor Veliaj’s request.<sup>11</sup> Remarkably, out of the 18 defendants implicated in SPAK’s “passive corruption” case, Mayor Veliaj is the sole defendant whose bail request was denied. 17 other defendants in this case have been released on minimal conditions. Thus, over the past eight months, Mayor Veliaj has remained in detention. During that time, he has been (i) subjected to highly-intrusive, unnecessary and humiliating bodily searches during routine medical examinations, (ii) deprived of full access to his legal counsel, which has impaired his ability to

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<sup>11</sup> *Albania Appeal Court Orders Tirana Mayor to Stay in Custody*, Fjori Sinoruka, Balkan Insight (13 March 2025), <https://balkaninsight.com/2025/03/13/albania-appeal-court-orders-tirana-mayor-to-stay-in-custody/>; *Erion Veliaj, Mayor of Tirana, held without charge for past five months*, Colin Stevens, EU Reporter (30 June 2025), <https://www.eureporter.co/world/albania/2025/06/30/erion-veliaj-mayor-of-tirana-held-without-charge-for-past-5-months/>.

adequately prepare his defense; and (iii) had highly personal communications with his friends, family, and lawyers wiretapped by the authorities – and then publicly disclosed to the media without his consent.

The fact that the sitting Mayor of Albania’s capital city has been detained indefinitely without posing any risk of flight or danger to the community violates all established principles of due process, fundamental fairness, and the rule of law. According to the United Nations Subcommittee on Prevention of Torture, Albania has failed to stem its overuse of pre-trial detention<sup>12</sup> in cases where, as in Mayor Veliaj’s case, such measures are wholly unnecessary. The glaring disparity between the treatment of Mayor Veliaj and his 17 co-accused, all of whom have been released, suggests an ulterior motive for his prolonged detention – to stifle his political platform and message, and interfere with the preparation of his defense in this case.

## **II. The Apparent Political Persecution of Mayor Veliaj**

Recent political events lay bare that SPAK’s case – and Mayor Veliaj’s unjustified pre-trial detention over the past eight months – has served as a pretext to unconstitutionally strip him of his position as the duly elected Mayor of Tirana.

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<sup>12</sup> *Albania: High number of pre-trial detainees, access to healthcare matters of concern, UN torture prevention body says*, United Nations Human Rights Office of the High Commission (23 April 2024), <https://www.ohchr.org/en/press-releases/2024/04/albania-high-number-pre-trial-detainees-access-healthcare-matters-concern-un>.

Since his arrest in February 2025, the conduct of the Albanian authorities has made it increasingly apparent that the case against Mayor Veliaj is no ordinary prosecution. His prolonged and punitive detention – now stretching into its ninth month – has effectively deprived him of the ability to govern, campaign, and discharge his mayoral duties. It is notable that Mayor Veliaj was detained just two months before Albania’s national elections, at a time when he was leading the Socialist Party’s campaign efforts.

The events of September 2025 have further exposed the political motivations underlying these proceedings. On 23 September, the Municipal Council, without affording Mayor Veliaj the constitutionally required notice, opportunity to be heard, or administrative investigation, attempted to remove him from his elected position.<sup>13</sup> The Council invoked Article 62(c) of Law No. 139/2015,<sup>14</sup> which allows the removal of a mayor absent from duty for more than three months. In doing so, however, for the reasons set forth below, the Council revealed the true and only reason for Mayor Veliaj’s extended detention: to manufacture an artificial “absence” from office as pretext for his removal.

Mayor Veliaj has appealed these actions to the Constitutional Court of Albania. According to Mayor Veliaj’s appeal, a mayor may be removed pursuant to

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<sup>13</sup> *Tirana Council Dismisses Mayor Erion Veliaj*, Tirana Times (23 September 2025), <https://www.tiranatimes.com/tirana-council-dismisses-mayor-erion-veliaj/>.

<sup>14</sup> *Erion Veliaj challenges the government in Constitutional Court*, Citizens.al (29 September 2025), <https://citizens.al/en/2025/09/29/Erion-Veliaj-challenges-the-government-in-the-constitutional-court/>.

Article 62(c) of Law No. 139/2015 for absence exceeding three months only if that absence is voluntary.<sup>15</sup> Mayor Veliaj's absence was instead the direct result of an involuntary and arbitrary detention. His multiple applications and appeals challenging his detention demonstrate his continuous willingness to perform his official duties. According to the arguments in Mayor Veliaj's appeal, his removal from office based on his absence from office for three months was unconstitutional because the constitution requires that his absence had to be voluntary – which it was not – and the process by which he was removed violated his due process rights as well as the presumption of innocence.

This issue is not unprecedented. In the case of Rexh Byberi, the Mayor of Tropoja, the Municipal Council concluded that although he had been under house arrest for more than three months, the coercive nature of that measure rendered his absence involuntary. The Council therefore did not remove him. The same reasoning applies here with even greater force, as Mayor Veliaj's detention is far more restrictive than house arrest.

On 29 September 2025, Mayor Veliaj appealed the Council's decision to the Constitutional Court.<sup>16</sup> Mayor Veliaj argued that, pursuant to Article 115 of the Constitution, filing the appeal automatically suspended both his removal and any

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<sup>15</sup> *Veliaj appeals dismissal to the Constitutional Court*, Tirana Post (29 September 2025), <https://tiranapost.al/english/aktualitet/veliaj-ankimon-shkarkimin-ne-gjykatën-kushtetuese-i540301>.

<sup>16</sup> *Veliaj appeals dismissal to the Constitutional Court*, Tirana Post (29 September 2025), <https://tiranapost.al/english/aktualitet/veliaj-ankimon-shkarkimin-ne-gjykatën-kushtetuese-i540301>.

related electoral process pending a final decision.<sup>17</sup> Nevertheless, on 1 October 2025, the President of the Republic announced new elections for 9 November to replace him.<sup>18</sup> This development indicated two things: (1) the Albanian authorities are intent on removing Mayor Veliaj from office, and (2) they are prepared to do so in defiance of his constitutional and due-process rights.

On 9 October 2025, the Constitutional Court intervened, suspending the planned elections and holding that proceeding with them before hearing and addressing Mayor Veliaj's appeal would cause irreparable harm to his rights and disenfranchise the citizens of Tirana.<sup>19</sup> This consequential decision, for now, has halted efforts to depose Mayor Veliaj and preserved his lawful status as Mayor. Mayor Veliaj's substantive appeal on the constitutionality of his removal from office is scheduled to be heard by the Constitutional Court on 31 October 2025.<sup>20</sup>

SPAK's deeply flawed prosecution and the Municipal Council's hasty and unconstitutional efforts to strip Mayor Veliaj of his office strongly suggest that the country's executive and judicial institutions remain susceptible to political interference.

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<sup>17</sup> Article 115(2), Albanian Constitution, <https://constitutionnet.org/sites/default/files/Albania%20Constitution.pdf>.

<sup>18</sup> *Early Elections in 6 Municipalities on November 9 – Presidency Clarifies Decree for Tirana*, Nen Si, Euronews Albania (1 October 2025), <https://euronews.al/en/early-elections-in-6-municipalities-on-november-9-presidency-clarifies-decree-for-tirana/>.

<sup>19</sup> *Constitutional Court Suspends Tirana Elections Pending Veliaj's Appeal*, Nen Si, Euronews Albania (9 October 2025), <https://euronews.al/en/constitutional-court-suspends-tirana-elections-pending-veliajs-appeal/>.

<sup>20</sup> *On October 31, the Constitutional Court will review Veliaj's appeal over his dismissal*, Nen Si, Euronews Albania (9 October 2025), <https://euronews.al/en/on-october-31-the-constitutional-court-will-review-veliajs-appeal-over-his-dismissal/>.

### III. Conclusion

The treatment of Mayor Veliaj raises serious concerns about Albania's adherence to the rule of law. His case represents the most prominent example of Albania's systemic misuse of pre-trial detention – a practice repeatedly condemned by the European Commission,<sup>21</sup> the U.S. Department of State,<sup>22</sup> and Amnesty International<sup>23</sup> that suggests a broader institutional failure to comply with international rule of law and due process norms.

Over the past eight months, Albanian authorities have unjustifiably and unlawfully detained Mayor Veliaj and subsequently sought to unconstitutionally remove him from office. In doing so, they have violated Mayor Veliaj's constitutional and due process rights and deprived the citizens of Tirana of their right to self-government. Albania purports to recognize the presumption of innocence. However, by detaining Mayor Veliaj indefinitely and then seeking to depose him on the basis of his involuntary detention, the authorities have effectively declared him guilty of the conduct for which he was charged and imposed the punitive

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<sup>21</sup> *Albania 2024 Report* at 36, European Commission (30 October 2024), [https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68\\_en?filename=Albania%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf).

<sup>22</sup> *Albania 2024 Human Rights Report* at 8-9, U.S. Dep't of State, [https://www.state.gov/wp-content/uploads/2025/07/62451\\_ALBANIA-2024-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2025/07/62451_ALBANIA-2024-HUMAN-RIGHTS-REPORT.pdf).

<sup>23</sup> *Albania: inhuman and degrading detention conditions in police stations* at 23-24, Amnesty International (2021), <https://www.amnesty.org/en/wp-content/uploads/2021/09/eur110012004en.pdf>; see also *Concerns Mount Over High Pretrial Detention Rates in Albania*, Oculus News (7 February 2024), [https://www.ocnal.com/2024/02/concerns-mount-over-high-pretrial.html#google\\_vignette](https://www.ocnal.com/2024/02/concerns-mount-over-high-pretrial.html#google_vignette) (reporting that the Council of Europe has highlighted concerns about the continuous increase in the population held in pretrial detention institutions, and that "these statistics place Albania at the bottom of the list among countries in the region and Europe in terms of the high number of pretrial detainees relative to the overall prison population, reflecting significant issues in the violation of personal liberty, as individuals are presumed innocent but are practically in prison").

consequences of his pre-determined guilt: the loss of his liberty and his office. Such actions undermine the principles of democracy, judicial independence, and the rule of law.

The Veliaj case thus poses a direct and troubling question: whether Albanian authorities who are willing to disregard constitutional safeguards and override the democratic will of its citizens can credibly claim alignment with the standards of governance and justice required of EU member states.

**Attachment A**

**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.***<sup>1</sup>

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.*<sup>2</sup>

## 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-

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<sup>1</sup> 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).

<sup>2</sup> *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”),<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> Yet these

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<sup>3</sup> 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>.

<sup>4</sup> 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>

<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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."<sup>8</sup> 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).<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup> Gëllçi was arrested by SPAK in October 2021 and remained in prison until his conviction in June 2022.<sup>12</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> 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).

<sup>8</sup> *Id.* at 76.

<sup>9</sup> *Id.*

<sup>10</sup> *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/>.

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

<sup>12</sup> *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.”<sup>13</sup> 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.”<sup>14</sup> 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.”<sup>15</sup> The Strasbourg Court accordingly found that SPAK had violated Article 5 § 3 of the Convention and awarded costs to Gëllçi.<sup>16</sup>

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.”<sup>17</sup> 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.”<sup>18</sup> 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.”<sup>19</sup>

#### 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.<sup>20</sup> 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

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<sup>13</sup> Gëllçi, § 19.

<sup>14</sup> *Id.*, § 23.

<sup>15</sup> *Id.*, §§ 24-25.

<sup>16</sup> *Id.*, §§ 28-32.

<sup>17</sup> *Lawyer launches blistering criticism, supra* n. 2.

<sup>18</sup> *Id.*

<sup>19</sup> *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/>

<sup>20</sup> 16C C.J.S. Constitutional Law § 1629.

punishment prior to conviction.”<sup>21</sup> This right is tightly bound to the “axiomatic and elementary” principle of “the presumption of innocence”<sup>22</sup> and without it, “the presumption of innocence, secured only after centuries of struggle, would lose its meaning.”<sup>23</sup> 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,<sup>24</sup> and where the detainee is held without meaningful opportunity to be heard, it implicates his procedural due process rights.<sup>25</sup>

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.”<sup>26</sup> 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.”<sup>27</sup> 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*

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<sup>21</sup> *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.”).

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

<sup>23</sup> *Stack*, 342 U.S. at 4.

<sup>24</sup> *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).

<sup>25</sup> *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).

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

<sup>27</sup> *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. . . .*<sup>28</sup>

Under these standards, pretrial detention of a white collar defendant with significant community responsibilities in the relevant jurisdiction, such as Mayor Veliaj, is improper.<sup>29</sup> 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."<sup>30</sup> Courts also consider a defendant's awareness of impending charges and decision *not* to abscond despite having the opportunity to do so.<sup>31</sup> 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

<sup>28</sup> 18 U.S.C. § 3142(g).

<sup>29</sup> 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).

<sup>30</sup> *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).

<sup>31</sup> *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.<sup>32</sup> 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.<sup>33</sup> 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,<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

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.<sup>37</sup> Such relevant and sufficient justifications include: (i) the danger of absconding; (ii) the

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<sup>32</sup> *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>.

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

<sup>34</sup> See *Merabishvili v. Georgia* [GC] 2017 § 234.

<sup>35</sup> *Turcan v. Moldova* 2007 §§ 67 to 70.

<sup>36</sup> *Zarakolu v Turkey* 2020 §§ 59-61.

<sup>37</sup> *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.<sup>38</sup> 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,<sup>39</sup> 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.<sup>40</sup> 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."<sup>41</sup> 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.<sup>42</sup>

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.<sup>43</sup>

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.<sup>44</sup> This evidence of the denial

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<sup>38</sup> *Buzadji* § 88.

<sup>39</sup> *Sulaoja v. Estonia* 2005 § 64.

<sup>40</sup> *Clooth v. Belgium* 1991 §§ 43-44.

<sup>41</sup> *Id.* § 40.

<sup>42</sup> *Id.*; *Boicenco v. Moldova* 2006 § 142; *Perstner v. Luxembourg* 2023 § 33; *Labita v. Italy* 1995 §163.

<sup>43</sup> *S, V and A v. Denmark* [GC] 2018 § 161.

<sup>44</sup> *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.<sup>45</sup>

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.<sup>46</sup>

Finally, during these pretrial proceedings, Mayor Veliaj was placed in a security cage, an arrangement usually made for high-risk, violent defendants.<sup>47</sup> 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.<sup>48</sup>

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<sup>45</sup> *Buscemi v. Italy*, 1999 §§ 67-68.

<sup>46</sup> *Niderost-Huber v. Switzerland* 1997 § 23.

<sup>47</sup> 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.

<sup>48</sup> *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 it<sup>49</sup> 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.

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



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No. É' ""/ /frot.  
Doc. No. 202503295/12

Tirana /\_\_\_ 2025

Subject: *Information on the status of the complaint procedure submitted*

To: Mr Erion Veliaj  
IEVP Durrës

*Dear Mr Veliaj,*

During the periodic inspection carried out on 31.07.2025 at IEVP Durrës, the inspection team of the Ombudsman's institution made contact with you and received several complaints that you had submitted, one of which concerns a breach of privacy during the medical examination you underwent at the private clinic "Vila Alba", where you allege that security personnel were stationed inside the doctor's consulting room while you were receiving consultations and medical examinations.

By our previous letter, No. K2/M21-9 Prot., dated 06.10.2025, we informed you of the administrative investigation we have launched to verify this complaint.

Currently, the administrative investigation has concluded and, having established that Order No. 651 of 21.01.2019 from the Director General of Prisons, "*Transportation and Escort of Prisoners*", with regard to the security procedure, according to which, *the carrying out of procedures by medical personnel must always be in the presence of a prison officer*, which infringes the right to respect for private life and the principle of medical confidentiality, we have recommended to the Directorate General of Prisons that this Order be amended, with our letter No. K2/M21-11 Prot., dated 17 December 2025, a copy of which is attached.

*With consideration and our commitment to your rights!*

COMMISSIONER





AVOKATI I E'DUL LIT

/dresa: Bulës'ardi: "Jeanne d'Arc" No.?  
Tirana, Albania



PUBLIC PROSECUTOR OF THE  
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No. *R2/M2* If Prot.  
Doc. No. 202503295/11

Tirana / J/2025

Liinda: *Please acknowledge receipt of the letter from the Directorate General of Prisons No. 651 of 21 January 2019, regarding the approval of the transport procedure and the transfer of prisoners.*

Directorate-General of Prisons  
Tirana

For information:

Ministry of Justice  
Tirana

*Dear Mr Director General,*

The Institution of the Ombudsman, in exercising its constitutional and legal mandate to protect and promote the protection of fundamental human rights and freedoms, has closely monitored the conditions and manner in which health services are provided to persons deprived of liberty in institutions for the execution of penal sentences. In this context, we emphasise that we appreciate the efforts made by the responsible health and security structures within the prison system to provide healthcare services to inmates.

However, during monitoring visits and the handling of complaints raised by some prisoners, it has been observed that respect for human dignity and privacy during the provision of healthcare services, still presents deficiencies that require immediate intervention in order to establish institutional mechanisms and administrative practices that guarantee the protection of the dignity and privacy of persons deprived of liberty when receiving health care services, as well as to ensure compliance with the •the performance of the prison administration with international human rights standards.



- How many members of the Prison Police staff were present inside the medical room during the time Mr Erion Veliaj was conducting consultations and medical examinations?

In response to our requests, the Directorate General of Prisons has sent information by the following documents: No. 12875/1 Prot., dated 21 August 2025; No. 12997/1 Prot., dated 22 September 2025; and No. 16054/1 Prot., dated 24 October 2025. Based on this information, it appears that:

*Based on the request of the IEVP of Durrës, the Directorate General of Prisons has taken measures to transfer Mr Erion Veliaj to the private hospital "Vila Alba", in the city of Durrës, on 17 July 2025, in accordance with the recommendations of the Health Sector for the performance of an imaging examination (colonoscopy).*

*The escort was carried out under Escort Order SH-17081/1, dated 16 July 2025, accompanied by a Measures Plan for the safe delivery of the service.*

*For this service, eight police officers in a basic role, two vehicle drivers and one service officer have been scheduled. This preliminary planning was carried out on the grounds of ensuring security during the journey, providing suitable parking facilities, establishing a perimeter security detail around the hospital objective, and securing the areas where visits, consultations and examinations would take place on the relevant floors of the building, etc.*

*Additionally, the escort team was accompanied by the medical assistant of the IEVP Durrës, who accompanies the inmate during examinations and manages the medical file and accompanying documentation.*

*As far as the employee's conduct is concerned security within the room during When carrying out medical examinations, we clarify that this is a unified practice in the regulatory acts, which during When accompanied outside the institution, the prisoner is guarded and protected at all times. In the present case, at the examinations, present the të paraburgosurin ka qEndured I punonjës pe oil.*

*Based on the cooperation agreement between the Directorate General of Prisons and the State Police, in any case prisoners will be escorted outside the institution for procedural actions; notifications will be made to the relevant local police structures, which takes measures independently to support the above services, especially when the inmate is assessed as high risk, a procedure that was not applied in the case of escorting Mr Erion Velinj, since he did not pose a risk.*

*Regarding Mr Erion Veliaj, the Directorate General of Prisons did not have any operational information, so security and escort measures were applied without additional forces by the prison authorities or the State Police.*

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The Ombudsman considers that respecting the right to healthcare in conditions that guarantee the individual's dignity and privacy is an essential component of treatment.

human treatment, in accordance with the requirements of the Constitution of the Republic of Albania, the European Convention on Human Rights, as well as the standards set out by the European Committee for the Prevention of Torture (CPT) and the United Nations Minimum Rules for the Treatment of Prisoners (Mandela Rules)."

Below, we draw your attention to some of the findings and conclusions of the Office of the Ombudsman regarding the administrative handling and investigation carried out to examine Mr's complaint. Erion Veliaj, in relation to "*violation of dignity and breach of privacy*", since during the medical examination carried out at the private clinic 'Lila Alba' in Durrës, it is alleged that *prison police officers were present in the doctor's room, during the procedure of performing the examination "Clysmacolonoscopy"*.

### I. Case Description

During the periodic inspection carried out on 31 July 2025 at IEVP Durrës, the inspection team of the Office of the Ombudsman made contact with 2. Eñon Veliaj, who, among other things, has lodged a complaint concerning violations of human dignity and invasion of privacy during the medical examination carried out at the private clinic "Vila Alba", where he alleges that guards were present in the room and during the preliminary examination procedure *using a nd colonoscope*.

For the examination of Mr Erion Veliaj's complaint, our institution referred to the Directorate General of Prisons by letters No. K2/M21-2 Prot., dated 14 August 2025; No. 474, dated 13 August 2025 and No. K2/M21-8 Prot., dated 6 October 2025, in which we have requested information on the following:

Has Mr Erion Veliaj been accompanied to any private clinic to undergo medical examinations?

- Is Order No. 651 of 21 January 2019 of the Director-General of Prisons, "Transportation and Escort of Inmates," still in force?
- Has the Risk and Needs Indicator Form been completed by the staff of IEVP Durres during the escort of Mr. Z. Has Erion Veliaj, for private medical care, complied with the procedures laid down in Director General of Prisons' Order No. 651 of 21 January 2019 on "Transport and Escort of Prisoners"? If so, please send us a copy of this form, completed for the case in the ward.
- How many members of the Prison Police staff accompanied Mr Erion Veliaj to the private clinic (of these, how many were medical staff and how many were security officers)?

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- The Constitution of the Republic of Albania;
  - European Convention on Human Rights;
  - Practice of the European Court of Human Rights (ECtHR);
  - Law No. 81/2020 *"On the rights and treatment of prisoners and persons in pre-trial detention"*,
  - Decision No. 209, dated 06.04.2022 *"For the approval of the General Prison Regulations"*,
  - Directorate General of Prisons' Order No. 651, dated 21.01.2019 *"On approval of the procedure for the transport and escort of prisoners"*.
  - Patient rights<sup>1</sup>.
  - European Rules for Prisons (2006)<sup>4</sup>;
  - The rmbi Guide to the European Prison Rules, drawn up by the Council of Europe in 2023<sup>5</sup>;
  - United Nations Standard Minimum Rules for the Treatment of Prisoners Prisoners (the Nelson Mandela Rules) ;
  - Report of the European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment (CPT), published on 12 January 2024<sup>7</sup>, concerning visits carried out to several institutions of deprivation of liberty in Albania. "European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment (CPT) Standards on Health Care in Prisons, published in 1993."
  - Recommendation No. R (98) 71 of the Committee of Ministers of the Council of Europe to Member States on the ethical and organisational aspects of healthcare in prisons, published on 8 April 1998<sup>9</sup>.
- Constitution of the

Republic of Albania, Article

15(2)

*"Public authorities, in carrying out their duties under the law, must respect the rights of the individual and contribute to their realisation."*

Article 17

*1. The exercise of the rights and freedoms recognised in this Constitution may be regulated by law only in the public interest or for the protection of the rights of others. Such restrictions must be proportionate to the situation which has given rise to them.*

<sup>1</sup> <https://www.qsut.gov.al/per-pacientet-dhe-family-members/patient-expectations/rights-and-duties-of-patient/>

<sup>4</sup> <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

<sup>5</sup> <https://edOc.coe.int/en/eurDpean-prison-refDrrn/11S95-guidance-document-on-the-european-prison-rules.html>

<sup>\*</sup> [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

<sup>7</sup> <https://rm.coe.int/1680ae233b>

<https://rm.coe.int/16806ce943>

<https://rirLcoe.int/09000016804fb13c>



Imprisonment, as a measure that deprives a person of their liberty, brings inherent restrictions on their private and family life. Nevertheless, the protection of personal data is an essential part of a prisoner's rights.

The Court has emphasised that: "*...the protection of personal data is of fundamental importance for the enjoyment of the right to respect for private and family life, as guaranteed by Article 8 of the Convention.*" *Respecting the confidentiality of health data is a vital principle in the legal systems of all Contracting Parties to the Convention. It is essential not only that a patient's sense of privacy is respected, but also that their trust in the medical profession and in healthcare services in general is preserved.*

*Without such maintenance, those who need it:r medical examinations may be discouraged because of the disclosure of information of such a personal and intimate nature that it may be necessary for obtaining proper treatment and, indeed, for seeking such assistance, thereby jeopardising their health...*

The Court has required that domestic law provide appropriate safeguards to prevent any communication or disclosure of personal health data which would be contrary to the guarantees of Article 8 of the Convention (*Mockutė v. Lithuania*, 2018, § 93).

- Law No. 81/2020 "*On the rights and treatment of persons sentenced to imprisonment and detainees*", Government Decree No. 209, dated 06.04.2022 "*For the adoption of the General Rules of Prisons*" and Order No. 651, dated 21 January 2019 of the Director General of Prisons "*For the adoption of the procedure for the transport of prisoners to and from institutions*".

Domestic legislation concerning prisoners aims to guarantee conditions for the dignified treatment of pre-trial detainees and persons sentenced to imprisonment, to respect their fundamental rights and freedoms, and to prevent any behaviour or treatment that is cruel, inhuman, degrading or humiliating.

In any event, public authorities cannot avoid the obligation to implement Article 3 of the European Convention on Human Rights, which prohibits the infliction of torture, punishments or inhuman or degrading treatment. This right is non-derogable under Article 15(2) of the Convention.

Life in penal institutions should be as close as possible to life in the community, and restrictions should be applied only as an exception. Under domestic legislation, the rights of prisoners may be limited to the minimum necessary and only in order to fulfil the purpose of release in cases and in accordance with the criteria laid down in this law. <sup>12</sup>

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<sup>11</sup>Z v. Finland case (25 February 1997, Reports 1997-1)

<sup>12</sup>Article 8, paragraph 2 of Law No. 81/2020 and Article 2, paragraph 7 of the General Prison Regulations.



As regards the security and privacy of a prisoner when escorted outside the IEVP, the rules are laid down in Order No. 651, dated 21.01.2019 of the Director General of Prisons *"For the approval of the procedure for the transport and escort of prisoners"*.

In Point I of this Order, the general principles and requirements are laid down, which, among other things, state that:

- The level of security measures during the execution and procedures of escort and transport must be kept to the minimum possible, in accordance with the security classification;
- When prisoners are transferred from one prison to another or move from the prison to other locations, such as the court or hospital, they are exposed to the public as little as possible and the necessary measures are taken to preserve their anonymity.

In paragraph 2.5 of the Order, it is provided that:

*In a standard escort team, one officer is required; the escort must be held in custody, and the number of staff must not be fewer than three.*

*The number and level of escort personnel must be determined by conducting a risk assessment, which takes into account:*

- *The number of prisoners to be escorted.*
- *The level of supervision of the prisoners.*
- *The nature of the escort.*
- *The location of the escort's destination.*
- *The scenario at the escort's destination.*
- *The estimated duration of the escort.*
- *Assessment of the likelihood that the prisoner will attempt to escape.*
- *The evaluation of the U prison sentence for the co-defendant, or not.*
- *The assessment of the prisoner's fitness to cooperate, or not.*

The rules for security measures for prisoners during their stay for treatment in hospital centres are set out in paragraph 4.2 of the Order:

- a. *The transfer for medical treatment of convicted or remand prisoners is carried out on the recommendation of the medical officer of the IEVP, or other doctors at the hospital centres.*
- b. *The security of prisoners in the wards of hospital centres is carried out by the prison service, in cooperation with the police.*  
*The prison service is not responsible for security.*
- c. *In the event that there is more than one detainee/pre-trial detainee in a cell, the measures to maintain their security are carried out by at least three police officers.*
- d. *The police officer who performs duties inside the living quarters without personal firearms, and the officers serving in the corridor or at the entrance gate, must be equipped with a holster and a belt weapon.*
- e. *When carrying out duties in the resuscitation areas, which are open spaces and where other patients are also admitted, the police officers on resuscitation duty,*

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c) the confidentiality of medical information, except where maintaining such confidentiality would result in a real and immediate danger to the patient or to others,

- Report of the European Committee for the Prevention of Torture, Inhuman, Degrading or Humiliating Treatment or Punishment (CPT), published on 12 January 2024<sup>2</sup> and the CPT's General Report on standards of health care in prisons, published in 1993<sup>(2)</sup> \*.

The European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment, in May 2023, inspected several institutions of deprivation of liberty in Albania, including IEVP "Jordan Misja" in Tirana, IEVP Fier, IEVP Peqin and IEVP Tepelenë.

At the conclusion of the inspections, the CPT published its report of findings and recommendations, in which, with regard to medical examinations, it found a lack of confidentiality during prisoners' medical visits. More specifically, on page 27, point 77 notes that:

*77. The medical records obtained from the delegation during the visit showed that medical confidentiality was far from being respected in the prisons visited, despite the recommendations of the Committee on the matter. It emerged that the prisoners' one-to-one consultations (including those at the reception and assessment unit) - usually carried out in the presence of security staff or within the prison's perimeter.*

*For this reason, The CPT has taken into consideration the information provided by the Albanian authorities following the visit, namely that the Directorate General of Prisons will issue an order to all prisons to draw the staff's attention to the need to maintain confidentiality during medical consultations. However, the Committee must emphasise that it cannot th*

*these are not •' Re• Rraninë systematic IN of officers IN prison during examinations Medical. Their presence is harmful to establishing a proper doctor-patient relationship and is usually unnecessary from a safety standpoint. Furthermore, the presence of prison staff may discourage inmates from providing explanations for any injuries they have sustained. CPT also calls on all relevant authorities to intervene in the prison system to ensure that the above-mentioned principle is fully respected during medical examinations of prisoners."*

The Directorate General of Prisons must substantively address the CPT's findings and recommendations and take proactive measures to ensure that the existing regulatory framework is in compliance with these standards.

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<sup>2</sup>\* <https://rm.coe.int/1680ae233b>  
<https://rm.coe.int/16806ce943>



*Personal privacy must be respected, even in relation to medical or surgical treatment (diagnostic tests, specialist consultations, medications), which should be carried out in an appropriate setting and in the presence only of those who are absolutely necessary to be there. (except in cases where the patient has given consent or has made a request not to be accompanied by anyone).*

### **III. Findings**

From the review of the case file and the information gathered, the Ombudsman notes that:

- Law No. 81/2020 *"On the Rights and Treatment of Prisoners and Detainees"* and Government Decree No. 209, dated 06.04.2022 *"For the approval of the General Prison Regulations"*, do not set out any rules regarding a prisoner's privacy when they have injection visits outside the I EVP, but only when they have medical visits within the I EVP premises.

- Order No. 651, dated 21.01.2019 of the Director General of Prisons *"Transport and Escort of Prisoners"*, with regard to the security procedure, according to which, *the carrying out of actions by medical personnel must **always be done** in the presence of the prison officer and/or of the prisoner, **infringes the right to respect for private life and the principle of medical confidentiality.***

### **IV. Assessment of the Institution of the Ombudsman:**

The body of the above-mentioned legislation and standards establishes two fundamental principles in the doctor-patient relationship, namely the preservation of confidentiality and respect for privacy. These two principles apply both to patients who are at liberty and to those living under restrictive conditions due to security measures.

Confidentiality is essential for the trust between healthcare professionals and patients. Without it, patients may be reluctant to disclose personal information, and this can affect their care and treatment.

Confidentiality in healthcare is the protection of a patient's personal information, including health, family, lifestyle and care needs. This is done to protect the patient's privacy during their care and even after death.

The Guide on the European Rules for Prisons, prepared by the Council of Europe, on pages 60-61, it devotes attention to the respect of the principle of confidentiality by prison staff, where in the chapter *'Ethical Duties and Professional Standards'* the obligations within the prison regime are set out:

*"The provision of healthcare in prisons is required to apply the same ethical principles and professional duties that govern their work in the wider community. Standards*

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Medical examinations must be carried out with full respect for the individual's privacy. The presence of security staff during examinations or consultations should only be permitted when two conditions are met:

- It is explicitly requested by the doctor for reasons of his safety.
- The multidisciplinary IEVP staff (security, social, health and legal) have assessed that, due to the risk posed by the inmate, he must be supervised by police officers during the medical examination or consultation, which will be carried out outside the IEVP.

The presence of the police in these cases should be an exception to the rule and be permitted only in exceptional safety situations, provided the patient has been informed in advance.

If security personnel are present during prisoners' medical examinations (particularly intimate ones), without a request from the doctor for a documented security reason, this would constitute a breach of international standards for the dignified treatment of the person and could be considered a violation of Article 8 of the Convention (the right to respect for private and family life), and in repeated or humiliating cases, a violation of Article 3 (prohibition of inhuman or degrading treatment).

In these circumstances, we request that the Directorate General of Prisons prioritise this matter and initiate the procedural steps to amend Order Er.651, dated 1 March 2019 of the Director General of Prisons "*On the implementation of the procedure for the transport and escort of prisoners*", with regard to the security procedure when prisoners undergo medical examinations/consultations outside the IEVP.

For the above, based on Article 63, paragraph 3 of the Constitution of the Republic of Albania, it is stated that: *The Ombudsman has the right to make recommendations and propose measures when he observes violations of human rights and freedoms*" and in support of Article 21(b) of Law No. 8454 of 4 February 1999. "*On the Ombudsman*" as amended, which provides that: *"The Ombudsman shall make recommendations for measures to restore the right that has been violated to the administrative authority which, in his opinion, has caused the violation of rights and freedoms."*

#### RECOMMEND:

- Amendment to Director General of Prisons Order No. 651, dated 21 January 2019 "*For the implementation of the procedure for the transport and escort of prisoners*", with the aim of taking security measures by the Directorate General of Prisons, in cases where prisoners undergo medical examinations or consultations outside the IEVP, the risk assessment is to be carried out in accordance with the form completed by the IEVPs, in compliance with national and international standards, for the respect of human dignity, the right to private life, as well as the principle of medical confidentiality.

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*We emphasise that the comprehensive treatment of Mr Erion Veliaj, the fifth bird, fully complies with all regulatory legal acts, without any bias or discrimination and with dignity in full legal and humanitarian terms.*

*Light no. 8172020 "With regard to the rights and treatment of persons sentenced to imprisonment and of detainees," it has sanctioned certain obligations relating to escorting them outside the institution and to the exposure of prisoners, namely Article 57, paragraphs 1 and 3 of...*

Referring to the "Transportation and Escort of Prisoners" procedure, Chapter I, point 1.2 stipulates that, *"The multidisciplinary staff of the DE.KP (security, social, health, legal) is responsible for assessing the risk level of all convicted and remand prisoners, and whether there is a need for escort outside the residential regimes.* This form specifies two risk levels, "high" and "standard". Based on the Risk and Needs Indicators Form No. Extra Prot., dated 17 March 2025, for Mr Erion Veliaj, completed by I EVP Durrës, it appears that he has been assessed as *Standard* risk.

As a follow-up to this administrative investigation, a working group chaired by the Commissioner of the Special Section, went to the site at the 'Fila Alba' Clinic to obtain more detailed information from the clinic's nursing staff, and to inspect the doctor's examination room, where the examinations ordered by him were carried out.

According to the doctor who carried out the examination of E. Veliaj, the patient expressed concern about the presence of police officers inside the room where the examination was to take place. The doctor asked the police officers to wait outside the room until the examination was complete, but they did not comply with the doctor's request, saying that they were duty-bound to enforce the security regulations approved for such cases. In these circumstances, it was agreed that the police officers would remain inside the room, with their backs turned to the bed where Mr Veliaj's injection examination was to be carried out.

From the layout of the room in which the examination was carried out, it emerged that this room was an open, unpartitioned space where it was impossible to prevent the security personnel present in the room from observing and monitoring.

## II. Legal basis and international standards

The right to privacy in healthcare is one of the most fundamental human rights, recognised for every individual, including those in pre-trial detention or who have been sentenced. This right stems from the principle of safeguarding human dignity and is guaranteed by a series of national and international instruments. Specifically:

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*Visits to and from the institution are arranged as far as possible within the shortest possible time and, where necessary, in the company of prison officers. In accordance with the rules set out in the General Rules for Prisons.*

*3. During the trial, the defendant's conduct in exposing them to the public is shown to disclose as little as possible about the life entrusted to the public, taking the necessary protective measures to ensure the protection of identity and privacy without infringing dignity or exacerbating his fragile condition.*



*2. These restrictions may impair the substance of the rights and freedoms guaranteed and in no case may they exceed the limitations provided for in the European Convention on Human Rights. Human being.*

Article 25

*"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*

Article 28/5

*"Every person whose liberty has been deprived of under Article 27 shall have the right to humane treatment and to respect for his dignity."*

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*"Everyone shall be presumed innocent until proven guilty by a final court judgment."*

- European Convention on Human Rights

*Article 3 of the Convention provides that no one shall be subjected to torture or to inhuman or degrading tra jti neve onjtorment or humiliatig. treatment or punishment.*

*Article 6 of the Convention recognises the right to a fair trial and the presumption of innocence for any person charged with a criminal offence until his guilt is lawfully proven.*

*Article 8 of the Convention recognises the right to respect for private and family life. The public authority may only interfere with the exercise of this right, except to the extent provided by law and when it is necessary in a democratic society, in the interests of public security, the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

- The practice of the ECHR

A prisoner does not lose his rights under the Convention solely by reason of his status as a prisoner. Any interference with the rights under the Convention must be justified within the scope and for the purposes of the limitations set out by the Convention.

The overarching principle underpinning the ECHR's practice regarding prisoners' rights is the necessity of treating all persons deprived of their liberty with dignity and of preventing any inhuman, humiliating or degrading treatment or punishment.

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<https://ks.echr.coe.int/documents/d/echr-ks/guiderisoners' rights eng>



The prison system, in the exercise of its activities, must be guided by the principle of leniency. to reintegrate into society those individuals whose liberty has been deprived or restricted<sup>3</sup>.

If the prisoner requires medical treatment that is not provided by the institution's health care services or is requested from them, measures shall be taken to transfer them to health care services outside the institution. During transport, the prisoner is accompanied by a doctor or a medical assistant and a security officer.

Movements of the prisoner outside the institution shall be made as far as possible within the shortest possible time and in every case under the escort of Prison Service personnel, in accordance with the rules laid down in the General Prison Regulations. During the transfer, due care is taken to expose the prisoner to the public as little as possible, taking appropriate protective measures to ensure the protection of his identity and conditions, without infringing his dignity or worsening his physical condition.

The number of security officers accompanying an ill prisoner to healthcare services outside the institution is determined according to the situation, risk level and environment, but in no case fewer than three security officers for one prisoner.

prisoner <sup>169</sup>

Visits outside the penal execution institution and hospital supervision are carried out in accordance with the Security procedure during escorts, maintaining full confidentiality of movements and avoiding any form of communication or contact <sup>(1) 7</sup>

The sick prisoner admitted to hospital is monitored by security staff. in handcuffs".

In cases where the prisoner is assessed as being at a high risk of escape when escorted outside the ward in which they are admitted, restrictive devices may be used to prevent any possible escape.

With regard to a prisoner's security and privacy during a medical examination within the I EVP environment, Article 21(4) of the General Prison Regulations provides that: *"The movement of the prisoner from the living area to the infirmary and back, except in urgent cases, shall be carried out one at a time, in accordance with the doctor's request. Except for consultations and medical examinations, the prisoner remains handcuffed and the security officer stays outside the room until the procedure is completed.*

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Article 12, point 1 of Law No. 81/2020 and Article 1 of the General Prison Regulations. <sup>4</sup>  
Article 41(5) of Law No. 81/2020 and Article 109(1) of the General Prison Regulations.

Article 57, paragraphs 1 and 3 of Law No. 81/2020.

Article 109(2) of the General Prison Regulations.

Article 109/4 of the General Prison Regulations. <sup>5</sup>

Article 109/5 of the General Prison Regulations. <sup>6</sup> Article 109/6 of the General Prison Regulations.

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*They only remember the characters who served at the entrance to the pavilion; they bear arms for the sake of appearances.*

- f. Police officers take measures to secure the windows of the DHO2H3 in order to prevent prisoners from attempting to escape.*
- g. The carrying out of actions by persons or doctors shall be carried out only in the presence of officers ( f the police.*
- b. The removal of the convicted/unconvicted from the cell to the toilet or to other areas of the prison.4. Other measures to be taken under maximum security, with the involvement of additional police officers, where prior checks on the cleanliness of the toilets or rooms in which medical examinations are to be carried out are carried out, windows are secured by having a police officer stationed outside them, etc.*

- European Rules for Prisons (adopted by the Committee of Ministers of the Council of Europe on 11 January 2006)

#### Duties of the doctor

*42.3 During the anaesthetisation of a 6B bone, the doctor or a qualified nurse who i reports a NIJGNI, must pay special attention to:*

- a) compliance with the rules of professional confidentiality;*

#### Security

*51.1 The security measures applied to a prisoner must be the minimum necessary to ensure their safe custody.*

- United Nations Standard Minimum Rules for the Treatment of Prisoners, the Nelson Mandela Rules <sup>2</sup>(United Nations General Assembly resolution 70/175, annex, adopted on 17 December 2015)

#### Health care services

##### *Rule 32*

*1. The relationship between the patient and the nurse or other healthcare professional and the provision of healthcare services and information*

*prisoners must be registered by the "standard ethical and professional standards and those that*

- *They are applied to patients in intensive care, in the operating theatre and in the emergency department.*

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<sup>\*1</sup> <https://rm.hoe.int/eumpean-prison-rules-978-92-871-5982-3/16806ab9ae>

<sup>o1</sup> <https://www.unodc.org/documents/justice-and-prison-reform/Nelson-Mandela-Rules-E-ebook.pdf>



Meanwhile, in the CPT's General Report on prison health-care standards, published in 1993, some of the main issues addressed by CPT delegations when inspecting the health-care service within prisons are outlined. One of the five issues addressed in the Report is that of confidentiality, which at point C/ii) is recommended:

*50. Medical confidentiality must be respected in prison in the same way as in the community. The keeping of patient records **must be** the doctor's **responsibility**.*

*51. All medical examinations of prisoners (whether on their arrival at the prison or at a later stage) must not be carried out, except when a doctor deems it necessary, and they must not be observed by prison officers. Furthermore, they must not be video-recorded. Inmates must be examined individually, not in groups.*

Recommendation No. R (98) 71 of **the Committee of Ministers of the Council of Europe** to the Member States concerning the ethical **and organisational** aspects of healthcare in prisons, adopted on 8 April 1998.

The Committee of Ministers of the Council of Europe recommends that the governments of the member states take into consideration, when reviewing their legislation and practice in the field of the provision of health care in prisons, the principles and recommendations set out in the appendix to Recommendation No. R (98) 71, where in point 1/C/13 it is provided that:

*Medical confidentiality must be guaranteed and respected with the utmost rigour. as with all citizens.*

Patient rights<sup>2\*</sup> (approved by the **Minister** of Health's Order no. **657, dated 15 December 2010**).

In point 6 of the Albanian Charter of Patient Rights, the *right to privacy* is defined. *and Confidentiality*, according to which:

*Every patient has the right to confidentiality. t and personal data, including information relating to his condition and any further treatment and the potential for diagnostic or therapeutic procedures, as well as the protection of his privacy, etc. the performance of diagnostic analyses, specialist investigations and medical/surgical treatments in general.*

*All information relating to a patient's health condition and to the medical or surgical treatments to which he or she is a subject must be regarded as private and, as such, is protected by appropriate safeguards.*

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[fsdksb.guy.al/wp-content/uploads/2019/10/Karta-Shqiptare-e-te-Drejtave-te-Pacienteve.pdf](https://fsdksb.guy.al/wp-content/uploads/2019/10/Karta-Shqiptare-e-te-Drejtave-te-Pacienteve.pdf)



*National human rights bodies recognise the implementation of these fundamental ethical principles in the prison context. Prison healthcare staff must act independently as clinical professionals in prison settings and must make decisions based solely on sound medical judgment. The decision of the healthcare staff in prisons cannot be annulled or ignored by non-clinicians, including prison officers. The healthcare staff may*

*They are most affected by the "double loyalty" between their professional duties and their obligations to the prison authorities. As a matter of good practice and to ensure clinical independence, healthcare staff in prisons should be employed by the health authorities, not by the prison service. The principle of confidentiality is a cornerstone of medical ethics and is particularly important in prison settings. Inmates should feel free to disclose any medical issue to prison healthcare staff in full confidence and to hold private individual consultations as needed. This will be particularly important in cases where prisoners may wish to disclose allegations of torture or ill-treatment or, in the case of women, any concerns about gender-based violence. Medical confidentiality obligations are reflected in international medical standards.*

*Healthcare staff must always guarantee medical confidentiality and may only breach this rule in exceptional circumstances if there is an immediate risk of harm to the patient or others and must inform them!disclose on the basis of "need to know" with the patient's consent. All medical examinations of prisoners must be carried out in private, unless otherwise required by the attending physician, and away from the presence and view of prison staff.*

The right to confidentiality and respect for private life extends not only to the relationship between prisoners and an IEVP officer, but also to medical treatment in hospitals outside prisons.

The limitation of the right to respect for private life must meet the criteria laid down in Article 8(2) of the European Convention on Human Rights, according to which *a public authority may not interfere with the exercise of this right, except to the extent provided by law and when it is necessary in a democratic society, in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others.*

The procedure set out in Order No. 651 of 21 January 2019 of the Director General of Prisons "Transport and escort of prisoners", under which *the head of operations by the medical personnel of the Belgian Gendarmerie/6moad in the presence of a police officer does not fulfil the criteria of Article 8 of the Convention for restricting the right to respect for private life and also infringes the principle of confidentiality of medical records.*

The obligation laid down in Order No. 651, dated 21 January 2019 of the Director General of Prisons, requiring prison officers to be present whenever a doctor carries out any procedure on a prisoner, in every case of treatment outside the IEVP, does not maintain a fair or proportional balance between security and privacy.

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Regarding the position you will adopt and the measures you will take to implement this recommendation, please inform us within the statutory 30-day period provided for in Article 22 of Law No. 8454 of 4 February 1999. *"For the People's Advocate."*

*We trust that you will understand and cooperate,*

COMMISSIONER

**Besnik DEDA**



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KASOWITZ LLP PUBLISHES AN UPDATED REPORT EXAMINING THE FUNDAMENTAL DUE PROCESS DEFECTS UNDERLYING THE CONTINUED DETENTION AND PROSECUTION OF ERION VELIAJ, THE MAYOR OF TIRANA, ALBANIA

## **Kasowitz LLP Publishes an Updated Report Examining the Fundamental Due Process Defects Underlying the Continued Detention and Prosecution of Erion Veliaj, the Mayor of Tirana, Albania**

MARCH 11, 2026

Kasowitz LLP today released a report examining the fundamental due process defects underlying the continued detention and prosecution of Erion Veliaj, the Mayor of Tirana, Albania. Today's report supplements and updates prior reports issued on June 24, 2025 and October 28, 2025.

The Updated Veliaj Report addresses two key updates in Mayor Veliaj's case. First, it spotlights the attempts by the prosecutor – Albania's Special Structure Against Corruption and Organized Crime (SPAK) – to impair Mayor Veliaj's right to a fair trial. SPAK has repeatedly blocked Mayor Veliaj from accessing and reviewing nearly 60,000 pages of evidence to prepare for his trial. Moreover, SPAK has restricted the manner and means through which Mayor Veliaj's state-appointed lawyer can speak to him about the evidence and prepare his defense. Just yesterday, the Trial Court comprised of a three-judge panel rejected SPAK's conduct, directing SPAK to send its evidence file to Mayor Veliaj for his review and postponing the trial by two weeks. While this decision represents a step in the right direction, it remains to be seen whether Mayor Veliaj can realistically review and process a significant volume of evidence within a short period of time.

Second, SPAK continues to make spurious arguments to justify Mayor Veliaj's continued pretrial detention. Most recently, SPAK cited Mayor Veliaj's lobbying activities as a basis to prolong his detention. Lobbying, however, is not among the defined criteria to justify the detention of a defendant. There is only one reason why SPAK has used it to do so: to punish and retaliate against Mayor Veliaj for expressing his democratic right to petition, which has effectively exposed SPAK's numerous due process violations in his case.

"SPAK's reliance on lawful advocacy and lobbying to justify Mayor Veliaj's continued unlawful detention in Albania is deeply troubling," said Daniel Fetterman, a partner at Kasowitz LLP and international counsel to Mayor Veliaj. "Petitioning governments and speaking publicly about one's

case is a fundamental democratic right and not a basis for imprisonment or punishment. After more than one year of pre-trial detention and other serious due process violations in Mayor Veliaj's case, it is appropriate for the American government – which helped to establish and advise SPAK – to look into what has been going on and why this is occurring. By letters to the U.S. State Department and Department of Justice, that is exactly what we are asking them to do."

A copy of the report is available in its entirety [here](#).

The Kasowitz team representing Mayor Veliaj includes partners Daniel J. Fetterman and Brian S. Choi in New York, and senior counsel Clarine Nardi Riddle and special counsel David Miller in Washington, D.C.

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## PRACTICE AREAS

Litigation

▀ White Collar Defense and Investigations

**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 report<sup>1</sup> (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 report<sup>2</sup> (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

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<sup>1</sup> 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>.

<sup>2</sup> 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.

\* \* \* \* \*

**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.<sup>3</sup> 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

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<sup>3</sup> *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-haxhiaj-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.<sup>4</sup> 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."<sup>5</sup>

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).

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<sup>4</sup> 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.

<sup>5</sup> *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.”<sup>6</sup> 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.

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<sup>6</sup> *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-kryebashkiakut/>.

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.”<sup>7</sup>

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.<sup>8</sup> 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.”<sup>9</sup> SPAK's case against Mayor Veliaj, however, has repeatedly

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<sup>7</sup> *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>.

<sup>8</sup> *Id.*

<sup>9</sup> *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](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.<sup>10</sup>

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.

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<sup>10</sup> *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.<sup>11</sup> 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.

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<sup>11</sup> 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.”<sup>12</sup> 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.”<sup>13</sup>

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

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<sup>12</sup> *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-rjetit-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](https://www.balkanweb.com/en/76-kryebashkiaket-e-rjetit-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).

<sup>13</sup> *Id.*

public trust in the judiciary.”<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup>

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.<sup>17</sup>

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<sup>14</sup> *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/>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> 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.<sup>18</sup>

#### **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.

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<sup>18</sup> *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.

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March 11, 2026

Mr. Christopher Landberg  
Deputy Assistant Secretary  
Senior Bureau Official  
Bureau of International Narcotics and Law Enforcement Affairs  
United States Department of State  
2201 C Street, NW, HST 7826  
Washington, DC 20520-0099

**Re: Unlawful SPAK Detention and Persecution of Erion Veliaj, Mayor of Tirana, Albania**

Dear Deputy Secretary Landberg:

As international counsel for Erion Veliaj, we write on behalf of the three-time democratically elected Mayor of Tirana, Albania. Mayor Veliaj has been unlawfully, unjustly, and unconstitutionally imprisoned by Albania's Special Anti-Corruption and Organized Crime Structure (SPAK) while awaiting trial since February 10, 2025. As you know, the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and the U.S. Justice Department's (DOJ) Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) specifically, played a significant role in restructuring, developing, training, and building SPAK by providing resources, expertise, and credibility. Given INL's foundational contributions to SPAK, we respectfully submit that this matter warrants your attention. We would welcome the opportunity to meet and provide you with additional context concerning SPAK's case against Mayor Veliaj at your earliest convenience.

The systematic violations of Mayor Veliaj's due process and fundamental rights – ongoing for over a year with no clear end in sight – are not simply a grave injustice to an individual. Mayor Veliaj's case is merely the highest profile perversion of an institution whose integrity INL and OPDAT intended to guarantee. Given his prominent profile, his case is a bellwether for Albania's commitment to the rule of law and democracy. Moreover, Albania's overuse of pretrial detention for unlawful and politically motivated purposes has put democracy, the rule of law, and the future of freedom in Albania at grave risk.

## **I. INL and OPDAT and the Promise of SPAK**

INL and OPDAT are directly connected to SPAK and its abuses against Mayor Veliaj reflect poorly on OPDAT and the United States. OPDAT was “instrumental in setting up” SPAK.<sup>1</sup> Together with the U.S. State Department INL, OPDAT helped establish SPAK as part of the sweeping judicial reforms required for Albania’s E.U. accession negotiations.<sup>2</sup> U.S. monetary assistance implemented by OPDAT was deployed to ensure “SPAK combats high-level corruption and organized crime and helps change Albania’s long-standing culture of impunity.”<sup>3</sup> Over \$21.8 million in U.S. assistance was directed to Albania in FY 2020 alone to advance judicial independence and democratic governance.<sup>4</sup>

Critically, OPDAT assistance is not just monetary. In fact, OPDAT has been integral in training and assisting SPAK prosecutors, including by its own description, directly embedding Justice Department attorneys as resident legal advisors “to provide intensive case-based mentoring” as well as to advise “justice sector entities and senior-level officials on, *inter alia*, judicial and prosecutorial independence, and critical legal reforms.”<sup>5</sup>

OPDAT also provides resident legal advisors to the International Monitoring Operation (IMO), the international body established under the Albanian constitution to oversee Albania’s judicial vetting process.<sup>6</sup> The IMO is headed by the European Commission with participation by both the U.S. and E.U. member states. The U.S. and E.U. each backed the 2016 judicial vetting law that underpinned SPAK’s very creation.

This assistance has continued from SPAK’s inception in 2019 to the present. SPAK would not function without having OPDAT’s financial support as well as its teaching seminars, training workshops, and capacity building efforts. These investments are premised on a commitment to the rule of law and advancing a robust, independent Albanian judiciary capable of moving Albania’s young democracy forward to E.U. membership. Despite good intentions, SPAK’s flagrant abuses of power enabled by OPDAT now undermine U.S. efforts and investments to defend the rule of law and to fight corruption in direct contravention of U.S. interests.

## **II. A Systemic Pattern of Due Process Violations Eroding the Rule of Law**

SPAK’s arrest, detention, and prosecution of Mayor Veliaj reveal a cascade of failures that, taken together, fall well below any reasonable standard of due process, fairness, or justice. Highlights of these failures include:

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<sup>1</sup> U.S. Dept. of Justice Criminal Division OPDAT Europe Region (last accessed Feb. 28, 2026), <https://www.justice.gov/criminal/criminal-opdat/worldwide-activities/central-and-eastern-europe-region> [hereinafter “OPDAT Europe Web Site”].

<sup>2</sup> U.S. Dept. of State, Albania FY 2020 Country Assistance Fact Sheet (June 2021), [https://2021-2025.state.gov/wp-content/uploads/2021/08/Albania\\_FY-2020-Country-Assistance-Fact-Sheet.pdf](https://2021-2025.state.gov/wp-content/uploads/2021/08/Albania_FY-2020-Country-Assistance-Fact-Sheet.pdf) [hereinafter “State Dept. Fact Sheet”].

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See OPDAT Europe Web Site.

<sup>6</sup> See Dept. of State Fact Sheet.

***Imprisonment without charge for five months after arrest on an anonymous tip.*** SPAK initiated its investigation into Mayor Veliaj in July 2023 based on a single anonymous complaint from a fictitious individual whose name does not appear in the Albanian civil registry. Despite a *two-and-a-half-year investigation* in which Mayor Veliaj and his family fully cooperated, SPAK did not arrest him for 572 days, waiting until February 10, 2025 – just weeks before Albania’s national elections – precluding the mayor of Albania’s largest city from fulfilling his campaign duties.

Mayor Veliaj was very publicly arrested and detained but was not charged. Formal charges were not brought until July 23, 2025, more than five months later.<sup>7</sup>

***The only one out of 18 defendants refused bail.*** Mayor Veliaj is the only one out of 18 defendants in the specific corruption inquiry and case brought by SPAK who was denied bail and detained for more than a year. The other 17 co-defendants promptly were released on minimal conditions following their arrests despite facing similar corruption charges.

Under Albanian law, as with U.S. law, pretrial detention is justified only upon a showing of a risk of flight, risk of obstruction, or risk of re-offense. Mayor Veliaj has been denied bail *over 18 times* now despite the reality that none of these risks exist in his case.

***Denying meaningful access to counsel while subjecting Mayor Veliaj to degrading conditions.*** At his initial hearing, Mayor Veliaj’s attorneys were given less than one-half a day to review a 26,400-page investigative file. Mayor Veliaj also was physically confined in a glass “dock” cage during his court appearances, a measure reserved under Albanian practice for the most dangerous and violent criminal defendants. SPAK escalated things further by precluding Mayor Veliaj from meeting with his international counsel despite repeated objections. SPAK also wiretapped his private communications with family and counsel and leaked selected excerpts of those recordings to the media without his consent. Albania’s own Ombudsman separately found that the prison authorities violated Mayor Veliaj’s right to medical privacy, when numerous law enforcement officers were present during an invasive medical procedure before prison doctors.<sup>8</sup>

***Unconstitutional removal attempt repudiated by Albanian Constitutional Court.*** In September 2025, the Tirana Municipal Council attempted to exploit Mayor Veliaj’s involuntary detention as a pretextual “absence” to remove him from office and hold snap elections – without providing

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<sup>7</sup> Notably, the European Court of Human Rights (ECHR) issued its judgment in *Gëllçi v. Albania*, no. 15468/23 (Feb. 25, 2025) nearly simultaneously as SPAK escalated Mayor Veliaj’s pretrial detention. In *Gëllçi*, the ECHR found that SPAK’s practices of unjustified, prolonged pretrial detention violated Article 5 §3 of the European Convention on Human Rights to which Albania is a signatory. SPAK’s conduct throughout Mayor Veliaj’s case has been in direct contravention of that ruling.

<sup>8</sup> Albanian People’s Advocate (Ombudsman), Report Regarding Complaint of Erion Veliaj (Dec. 24, 2025), <https://static1.squarespace.com/static/68c863824f135755ebe7fec6/t/697a5b9ea2276f114aa939fb/1769626526083/Albanian+Ombudsman+Report+on+Erion.en-GB.pdf>. The Ombudsman found that the blanket presence of prison officers during medical procedures violated Mayor Veliaj’s right to privacy and medical confidentiality, was not individualized to his assessed “standard risk” profile, and failed the tests of necessity and proportionality under domestic law, the Albanian Constitution, and international human rights standards. The prison administration was directed to amend Order No. 651 and report back within 30 days.

legally required notice or hearing.<sup>9</sup> The Albanian Constitutional Court issued its full judgment on January 12, 2026, finding the attempted dismissal unconstitutional and striking the Presidential Decree calling for new elections.

The court held the dismissal unconstitutional because Mayor Veliaj was not properly notified or afforded a meaningful opportunity to be heard, and because a three-month “absence” can constitute grounds for removal only when the absence is voluntary – which pretrial detention is not. In other words, illegally keeping an elected official detained pending trial cannot be used as pretext for removal against the will of the voters under the Albanian Constitution. While SPAK complied with the ruling, they nonetheless continued to keep Mayor Veliaj detained under such restrictive conditions that render him unable to practically execute his duties as mayor, disenfranchising over 1.2 million Albanians along the way and effectively circumventing the Constitutional Court’s ruling.

***Imprisoned for legally retaining American advocates.*** SPAK continues to deny Mayor Veliaj bail to this day for increasingly dangerous reasons - drifting further from the rule of law or any semblance of due process. On February 4, 2026, SPAK’s investigative bureau did not even feign to make a legal argument for prolonging Mayor Veliaj’s pretrial detention and instead relying on his international counsel’s lawful lobbying efforts in the U.S. pursuant to the mandated compliance registration and filings that his U.S. counsel made under the Foreign Agents Registration Act (“FARA”) as a basis for denying bail.<sup>10</sup>

As you are aware, FARA is a U.S. transparency statute whose compliance does not reflect criminal conduct or satisfy any recognized Albanian criterion for pretrial detention. SPAK did not even pretend to make any argument that this entirely legal and fundamentally democratic conduct somehow fits within the three established legal criteria under Albanian law for denying bail. Notably, SPAK did not acknowledge that the Albanian government, the leading Albanian Socialist and Democratic Parties, and numerous other official government entities and Albanian individuals have retained FARA-registered counsel for a wide variety of matters.

This latest bail denial shows SPAK has become entirely untethered from legal or constitutional restraint. Mayor Veliaj is effectively being imprisoned – and punished – for lawfully advocating for himself and exposing SPAK’s violations of due process, fundamental fairness, and free speech.

### **III. Pretrial Detention and Political Weaponization Threaten Albanian Democracy and U.S. Strategic Interests**

Mayor Veliaj’s ongoing illegal imprisonment is the most visible symptom of a broader institutional failure. Albania’s pretrial detention rate is among the highest in Europe, condemned by the European Commission, the U.S. State Department, the European Commission’s 2025

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<sup>9</sup> Note this directly conflicts with Albanian precedent, specifically the treatment of the Tropoja Municipal Council and Mayor Rexh Byberi, whose similar involuntary house arrest was not deemed grounds for removal.

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Enlargement Report, and Amnesty International alike.<sup>11</sup> The United Nations Subcommittee on Prevention of Torture has specifically criticized Albania’s systemic overuse of pretrial detention.<sup>12</sup>

The Council of Europe’s Venice Commission adopted a landmark report in October 2025 finding that pre-trial detention of democratically elected mayors “must be approached with special care” and that prolonged such detention can call into question multiple rights under the European Convention on Human Rights.<sup>13</sup> Every concern the Venice Commission identified is present here. The Venice Commission concluded that where such detention does not meet the standards of Article 5 of the ECHR, it “will also have negative effects on local democracy and will affect the rights of citizens to participate in the conduct of public affairs.”<sup>14</sup>

Furthermore, the report specifically condemns replacement of elected mayors by government or council appointment as “clearly the most flawed” approach, one that “effectively overrides the will expressed by the electorate.”<sup>15</sup> Moreover, as is the case here, the commission found that detention serving “ulterior purposes” – including to “stifle pluralism and limit freedom of political debate” – violates Articles 5 and 18 of the European Convention on Human Rights.<sup>16</sup>

Mayor Veliaj’s continued imprisonment deprives millions of Albanians of the mayor they elected—three times—and directly threatens Albania’s democratic trajectory. Albania’s E.U. accession aspiration, a stated U.S. strategic priority for the Western Balkans, requires exactly the credible, independent judiciary that SPAK was built to provide.<sup>17</sup> Unfortunately, a SPAK that detains elected officials without justification for years awaiting trial, tries to unconstitutionally remove the mayor of Albania’s largest city, and cites compliance with FARA filings to advocate on one’s behalf before a court as evidence of wrongdoing does not serve that goal. It fuels precisely the authoritarian drift that the United States has invested such tremendous resources and political capital to counter.<sup>18</sup>

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<sup>12</sup> UN Human Rights Office of the High Commission, *Albania: High Number of Pre-Trial Detainees* (Apr. 23, 2024).

<sup>13</sup>Venice Commission, *Report on the Impact of the Pre-Trial Detention of Mayors on the Exercise of Local Democratic Governance*, CDL-AD(2025)045, ¶ 60 (Oct. 24, 2025) [hereinafter “Venice Commission Report”].

<sup>14</sup>Venice Commission Report ¶ 96.

<sup>15</sup>Venice Commission Report ¶¶ 89–90 (also citing European Parliament Resolution 2025/2546(RSP) (Feb. 13, 2025)).

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<sup>17</sup> See, e.g., Michael Rubin, *Albania Does Not Deserve EU Membership Under Edi Rama*, Washington Examiner (Feb. 24, 2026), <https://www.washingtonexaminer.com/opinion/beltway-confidential/4467165/albania-european-union-eu-membership-edi-rama/>.

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\* \* \*

OPDAT has invested the United States' credibility in building and advising SPAK to strengthen Albanian democracy. The documented weaponization of that institution to persecute a democratically elected official in such blatant violation of due process and the rule of law demands your review and a response. We are available to be a helpful resource and discuss any aspect of this matter at your earliest convenience.

Sincerely,



Clarine Nardi Riddle

cc:

Senator James Risch, Chair, Senate Foreign Relations Committee

Senator Jeanne Shaheen, Ranking Member, Senate Foreign Relations Committee

Senator Bill Hagerty, Chair, Subcommittee on State Department and USAID Management, International Operations, and Bilateral International Development

Senator Chris Van Hollen, Ranking Member, Subcommittee on State Department and USAID Management, International Operations, and Bilateral International Development

Senator Steve Daines, Chair, Subcommittee on Europe and Regional Security Cooperation

Senator Chris Murphy, Ranking Member, Subcommittee on Europe and Regional Security Cooperation

Senator Susan Collins, Chair, Senate Appropriations Committee

Senator Patty Murray, Ranking Member, Senate Appropriations Committee

Senator Lindsey Graham, Chair, State, Foreign Operations and Related Programs Subcommittee of the Senate Appropriations Committee

Senator Brian Schatz, Ranking Member, State, Foreign Operations and Related Programs Subcommittee of the Senate Appropriations Committee

Cong. Brian Mast, Chair, House Foreign Affairs Committee

Cong. Gregory Meeks, Ranking Member, House Foreign Affairs Committee

Cong. Cory Mills, Chair, Subcommittee on Oversight and Intelligence

Cong. Jared Moskowitz, Ranking Member, Subcommittee on Oversight and Intelligence

Cong. Keith Self, Chair, Subcommittee on Europe

Cong. Bill Keating, Ranking Member, Subcommittee on Europe

Cong. Tom Cole, Chair, House Appropriations Committee

Cong. Rosa DeLauro, Ranking Member, House Appropriations Committee

Cong. Mario Diaz-Balart, Chair, National Security, Department of State, and Related Programs Subcommittee of the House Appropriations Committee

Cong. Lois Frankel, Ranking Member, National Security, Department of State, and Related Programs Subcommittee of the House Appropriations Committee

*This material is distributed by Kasowitz LLP on behalf of Erion and Arber Veliaj. Additional information is available at the Department of Justice, Washington, DC.*

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March 11, 2026

Mr. Erik Peterson  
Director, Office of Overseas Prosecutorial Development, Assistance and Training  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

**Re: Unlawful SPAK Detention and Persecution of Erion Veliaj, Mayor of Tirana, Albania**

Dear Director Peterson:

As international counsel for Erion Veliaj, we write on behalf of the three-time democratically elected Mayor of Tirana, Albania. Mayor Veliaj has been unlawfully, unjustly, and unconstitutionally imprisoned by Albania's Special Anti-Corruption and Organized Crime Structure (SPAK) while awaiting trial since February 10, 2025. As you know, the U.S. Department of Justice (DOJ), and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) specifically, played a significant role in developing, training, and building SPAK by providing resources, expertise, and credibility. The International Criminal Investigative Training Assistance Program (ICITAP) at DOJ also played a role with OPDAT. Given OPDAT's foundational contributions to SPAK, we respectfully submit that this matter warrants your attention. We would welcome the opportunity to meet and provide you with additional context concerning SPAK's case against Mayor Veliaj at your earliest convenience.

The systematic violations of Mayor Veliaj's due process and fundamental rights – ongoing for over a year with no clear end in sight – are not simply a grave injustice to an individual. Mayor Veliaj's case is merely the highest profile perversion of an institution whose integrity OPDAT intended to guarantee. Given his prominent profile, his case is a bellwether for Albania's commitment to the rule of law and democracy. Moreover, Albania's overuse of pretrial detention for unlawful and politically motivated purposes has put democracy, the rule of law, and the future of freedom in Albania at grave risk.

## **I. OPDAT and the Promise of SPAK**

OPDAT is directly connected to SPAK and its abuses against Mayor Veliaj reflect poorly on OPDAT and the United States. OPDAT was “instrumental in setting up” SPAK.<sup>1</sup> Together with the U.S. State Department, OPDAT helped establish SPAK as part of the sweeping judicial reforms required for Albania’s E.U. accession negotiations.<sup>2</sup> U.S. monetary assistance implemented by OPDAT was deployed to ensure “SPAK combats high-level corruption and organized crime and helps change Albania’s long-standing culture of impunity.”<sup>3</sup> Over \$21.8 million in U.S. assistance was directed to Albania in FY 2020 alone to advance judicial independence and democratic governance.<sup>4</sup>

Critically, OPDAT assistance is not just monetary. In fact, OPDAT has been integral in training and assisting SPAK prosecutors, including by its own description, directly embedding Justice Department attorneys as resident legal advisors “to provide intensive case-based mentoring” as well as to advise “justice sector entities and senior-level officials on, *inter alia*, judicial and prosecutorial independence, and critical legal reforms.”<sup>5</sup>

OPDAT also provides resident legal advisors to the International Monitoring Operation (IMO), the international body established under the Albanian constitution to oversee Albania’s judicial vetting process.<sup>6</sup> The IMO is headed by the European Commission with participation by both the U.S. and E.U. member states. The U.S. and E.U. each backed the 2016 judicial vetting law that underpinned SPAK’s very creation.

This assistance has continued from SPAK’s inception in 2019 to the present. SPAK would not function without having OPDAT’s financial support as well as its teaching seminars, training workshops, and capacity building efforts. These investments are premised on a commitment to the rule of law and advancing a robust, independent Albanian judiciary capable of moving Albania’s young democracy forward to E.U. membership. Despite good intentions, SPAK’s flagrant abuses of power enabled by OPDAT now undermine U.S. efforts and investments to defend the rule of law and to fight corruption in direct contravention of U.S. interests.

## **II. A Systemic Pattern of Due Process Violations Eroding the Rule of Law**

SPAK’s arrest, detention, and prosecution of Mayor Veliaj reveal a cascade of failures that, taken together, fall well below any reasonable standard of due process, fairness, or justice. Highlights of these failures include:

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<sup>1</sup> U.S. Dept. of Justice Criminal Division OPDAT Europe Region (last accessed Feb. 28, 2026), <https://www.justice.gov/criminal/criminal-opdat/worldwide-activities/central-and-eastern-europe-region> [hereinafter “OPDAT Europe Web Site”].

<sup>2</sup> U.S. Dept. of State, Albania FY 2020 Country Assistance Fact Sheet (June 2021), [https://2021-2025.state.gov/wp-content/uploads/2021/08/Albania\\_FY-2020-Country-Assistance-Fact-Sheet.pdf](https://2021-2025.state.gov/wp-content/uploads/2021/08/Albania_FY-2020-Country-Assistance-Fact-Sheet.pdf) [hereinafter “State Dept. Fact Sheet”].

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See OPDAT Europe Web Site.

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***Imprisonment without charge for five months after arrest on an anonymous tip.*** SPAK initiated its investigation into Mayor Veliaj in July 2023 based on a single anonymous complaint from a fictitious individual whose name does not appear in the Albanian civil registry. Despite a *two-and-a-half-year investigation* in which Mayor Veliaj and his family fully cooperated, SPAK did not arrest him for 572 days, waiting until February 10, 2025 – just weeks before Albania’s national elections – precluding the mayor of Albania’s largest city from fulfilling his campaign duties.

Mayor Veliaj was very publicly arrested and detained but was not charged. Formal charges were not brought until July 23, 2025, more than five months later.<sup>7</sup>

***The only one out of 18 defendants refused bail.*** Mayor Veliaj is the only one out of 18 defendants in the specific corruption inquiry and case brought by SPAK who was denied bail and detained for more than a year. The other 17 co-defendants promptly were released on minimal conditions following their arrests despite facing similar corruption charges.

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Sincerely,



Clarine Nardi Riddle

cc:

Director Gregory Ducot, International Criminal Investigative Training Assistance Program (ICITAP)

Senator Chuck Grassley, Chair, Senate Judiciary Committee

Senator Dick Durbin, Ranking Member, Senate Judiciary Committee

Senator Josh Hawley, Chair, Subcommittee on Crime and Counterterrorism of the Senate Judiciary Committee

Senator Dick Durbin, Ranking Member, Subcommittee on Crime and Counterterrorism of the Senate Judiciary Committee

Cong. Jim Jordan, Chair, House Judiciary Committee

Cong. Jamie Raskin, Ranking Member, House Judiciary Committee

Cong. Andy Biggs, Chair, Subcommittee on Crime and Federal Government Surveillance of the House Judiciary Committee

Cong. Lucy McBath, Ranking Member, Subcommittee on Crime and Federal Government Surveillance of the House Judiciary Committee

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# Europe Region

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## Background

In Europe, OPDAT supports justice sector institutions to effectively investigate, prosecute, and adjudicate complex criminal cases, particularly those involving transnational organized crime, corruption, trafficking in persons, and terrorism. OPDAT's programs are funded by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and the Bureau of Counterterrorism (CT). All the programs build strong foreign partners who can work with the U.S. to enhance cooperation in transnational cases and to fight crime before it reaches our shores. OPDAT provides technical assistance through bilateral programs in Albania, Georgia, North Macedonia, Romania, and Ukraine. RLAs also deliver technical assistance through regional projects based in Albania, Croatia, Bulgaria, Latvia, and Cyprus. Moreover, OPDAT maintains targeted engagements with Polish counterparts through an Intermittent Legal Advisor (ILA) stationed in the United States.

## Issues

**Ukraine:** OPDAT RLAs have been posted at the U.S. Embassy in Kyiv since 2005, with only a one-year hiatus following the 2022 Russian invasion. Engagements have focused on combatting corruption and transnational crime; efforts to enact new justice sector legislation (including a modern criminal procedure code, financial reporting requirements for public officials, and asset confiscation laws); the establishment of dedicated anti-corruption institutions; and the development of the Training Center at the Ukraine Prosecutor General's Office (PGO). Most notably, OPDAT was instrumental in standing up Ukraine's National Anti-Corruption Bureau (NABU) and the Specialized Anti-Corruption Prosecutor's Office (SAPO), which OPDAT continues to closely advise, with a degree of trust and access wholly unique among international partners.

A central focus of OPDAT's program is to ensure that post-conflict, Ukraine's justice sector is accessible and favorable to U.S. law enforcement, business interests, and related equities. In addition, the program seeks to ensure accountability for the significant funds and resources that have been provided by the U.S. and international partners to support Ukraine during the

conflict and its anticipated aftermath. For example, OPDAT partnered with the U.S. Government Accountability Office (GAO) Center for Audit Excellence to work with the Accounting Chamber of Ukraine to improve the Chamber's ability to audit and account for funding streams.

**Transnational Organized Crime:** Transnational criminal organizations (TCOs) engage in trafficking drugs, people, and weapons, as well as in extortion and corruption. OPDAT strengthens special prosecution units by providing technical assistance for investigators and prosecutors on developing proactive investigations aimed at identifying and seizing illegal assets in complex prosecutions. In 2024, for example, OPDAT helped Albanian and Macedonian counterparts orchestrate groundbreaking takedowns and asset seizures against high-level TCO figures and syndicates. In 2025, OPDAT assisted Albanian prosecutors in takedowns in Albania and Italy of three TCOs with connections to South American TCOs involved in drug trafficking. Overall, OPDAT's most effective efforts are reflected in the significant successes achieved by the Special Structure Against Corruption and Organized Crime (SPAK) to combat Albanian organized crime and its role in drug trafficking and related offenses working with cartels and TCOs in the Western Hemisphere and Europe.

**Terrorism and Foreign Terrorist Fighters:** Foreign Terrorist Organizations (FTOs) and the return of Foreign Terrorist Fighters (FTFs) pose significant security threats across the Balkans. To address this, OPDAT provides technical assistance across the region, and in particular to Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia. OPDAT's support targets investigators and prosecutors handling terrorism or FTF cases and leverages legal analysis and legislative drafting to strengthen terrorism laws and sentencing reform. OPDAT, working closely with DOJ's National Security Division, has assisted prosecutors in the region to obtain more than 305 terrorism-related guilty dispositions since 2015.

**Battlefield Evidence:** OPDAT facilitates sharing information and evidence seized from the battlefield, or other locations, with European partners and allies to support criminal cases against terrorists and FTFs in civilian courts. Foreign law enforcement counterparts seeking access to this information often are stymied by the lack of efficient processes for disseminating battlefield evidence and evaluating its contents for declassification and use in civilian criminal proceedings. To meet these challenges, OPDAT has worked with the U.S. European Command in Germany and other partners to develop a whole-of-government approach to enabling the use of military intelligence in civilian judicial proceedings against terrorists and FTFs. Consequently, the use of battlefield evidence has become more routine in Balkan prosecutions and sentencings.

**Corruption:** Effectively combating corruption is a major criterion for the EU accession process and necessary to create favorable conditions for U.S. law enforcement equities and U.S. business interests in the region. OPDAT provides anti-corruption investigative and prosecutorial technical assistance throughout Europe and provides legislative drafting assistance to

strengthen relevant legal frameworks and ensure compliance with requirements and conventions.

For example, in Albania, OPDAT was instrumental in setting up the constitutionally protected, independent, and vetted Special Structure against Corruption and Organized Crime (SPAK). SPAK is responsible for investigating and prosecuting transnational organized crime, terrorism, and high-level corruption offenses. Since its inception, SPAK has amassed remarkable successes, with OPDAT's guidance and assistance, including the conviction of the former prosecutor general for concealment of funds as a public official. One RLA is 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.

Throughout the Balkans, Baltics, Ukraine, Bulgaria, Romania, and the Mediterranean, OPDAT provides technical assistance to senior-level prosecutors on high-profile corruption cases. In 2025, OPDAT's Western Balkans Regional Platform (WBRP) played a crucial role in removing Croatia from the Financial Action Task Force's (FATF) grey list of countries under increased monitoring for money laundering and terrorist financing. Croatia relied solely on OPDAT for technical expertise during the removal process and aligned its financial system with FATF standards thereby furthering U.S. national security interests. In Malta, in 2024, OPDAT-mentored prosecutors froze more than €600 million and charged the former Prime Minister of Malta, former Deputy Prime Minister, the Deputy Leader of the Labor Party, and 47 others with corruption and money laundering tied to a government contract to manage public hospitals. Lastly, and in particular through its WBRP, Baltics, and Mediterranean regional programs, OPDAT provides extensive technical assistance on money laundering, sanctions evasion, and other sophisticated financial crimes tied to corruption.

**Digital Evidence and Online Investigations:** OPDAT, in partnership with DOJ's Computer Crime and Intellectual Property Section, and the regional International Computer Hacking and Intellectual Property Advisors in Bucharest, the Hague, and Zagreb, provides technical assistance to prosecutors and investigators to obtain, analyze, and persuasively present digital evidence in criminal proceedings – which has become critical to organized crime and corruption matters. OPDAT also works with prosecutors and investigators to employ new investigative techniques using open-source intelligence, including the use of social media in criminal cases.

**Human Trafficking:** Trafficking in persons in Europe is closely linked to organized crime. OPDAT provides technical assistance to investigate, prosecute, and adjudicate human trafficking cases. OPDAT has provided workshops to police, prosecutors, and judges from across the Balkans on identifying, interviewing, and supporting trafficking victims, and the adjudication of such cases. OPDAT also supports the creation, management, and mentoring of law enforcement task forces for combatting human trafficking.

## Recent Accomplishments

# 2026

[Former Employee Of The Croatian Mission To The U.N. Charged With Embezzling \\$750,000 Through Fraudulent Invoicing Scheme \(04/01/26\)](#)

*Updated April 17, 2026*



**U.S. Department of Justice**

**Criminal Division**

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

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Criminal Division Citizen Phone Line

202-353-4641



# ALBANIA

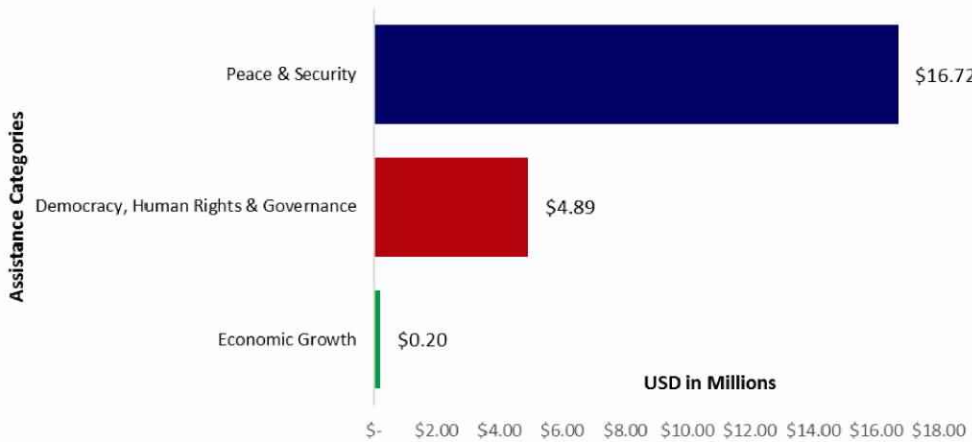
U.S. government (USG) assistance has boosted efforts to strengthen Albanian institutions and civil society, with a view to advancing the country's integration with Europe and countering the malign influence of Russia, China and other strategic competitors. Assistance provided by the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) has supported new institutions and broad judicial reform to root out corruption and combat a culture of impunity. In addition, the U.S. Embassy's Office of Defense Coordination's (ODC) assistance to the Albanian Armed Forces has spurred efforts to shore up our NATO Ally's cyber defenses and expand the Albanian Armed Forces' capability to operate with U.S. forces. The U.S. Embassy's Public Diplomacy Section (PDS) has used assistance funds to build skills in Albania's civil society and further develop investigative journalism to increase government transparency. USG assistance has also supported Albania's fight against COVID-19 and helped suppress the spread of disinformation. The U.S. Embassy in Tirana will continue to target foreign assistance to support programming that advances U.S. national security interests in Albania and the Western Balkans, contributing to a strong and free Europe.

**over \$1.0 billion**  
USG assistance since 1991

**\$21.8 million**  
State/USAID assistance for FY 2020\*

**\$2.9 million**  
COVID-19 assistance\*\*

## FY 2020 ACE-Coordinated State/USAID Assistance to Albania by Category\* (\$21.8m)



Source: ACE

\*Does not include centrally managed funds or \$2.05 million in FY 2020 COVID supplemental funds.

\*\*COVID assistance includes reprogrammed, supplemental, and other USG funds.

**NOTE:** The assistance highlights below are examples of results achieved by funding in each category in the chart.

## CIVIL SOCIETY & DEMOCRACY ASSISTANCE HIGHLIGHT

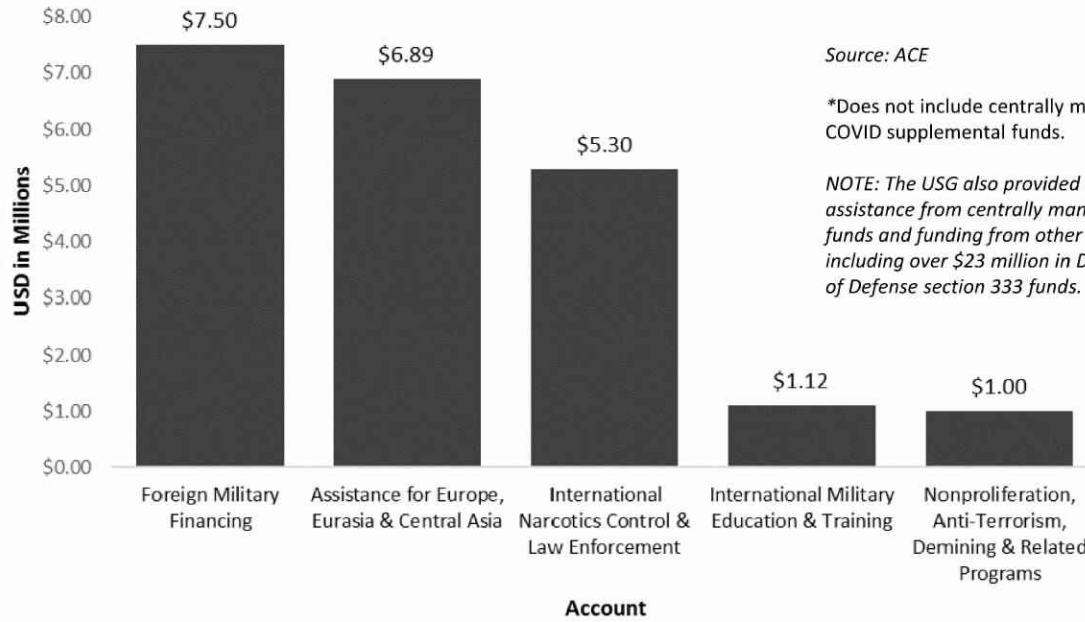
PDS Tirana uses foreign assistance funds to train journalists to develop strong, investigative stories to expose corruption and hold the government of Albania accountable. For example, the Investigative Network Albania is an editorial board and publishing platform developed with U.S. assistance, where journalists can unveil stories they believe could counter corruption or increase government accountability. U.S. assistance is strengthening the capacity of local civil society organizations (CSOs) and helping them develop a code of conduct to become a legitimate voice in the policy process. For example, the Civic Education project engaged 2,000 high school students engaged in Islamic and Orthodox religious schools to cooperate on civil issues, building capacity in Albania to represent community interest and press for government accountability. USAID is implementing a five-year, \$8.9 million cooperative agreement with Consortium for Elections and Political Process Strengthening (CEPPS) to establish the U.S.-Albania Transparency Academy (USATA). As USAID's flagship anti-corruption activity in Albania, USATA will help the country fight corruption and bolster citizen engagement toward enhancing transparency and accountability. USATA will be active in four areas: (1) accountability and oversight in public financial management; (2) transparency and ethics in the private sector; (3) youth engagement in promoting a culture of transparency; and (4) justice for all.

## PEACE & SECURITY ASSISTANCE HIGHLIGHT

U.S. security assistance has helped Albania build its capacity and make significant progress in its Euro-Atlantic defense-related integration efforts. The Bureau of Political-Military Affairs (PM) supports NATO interoperability and military modernization in Albania through the provision of Foreign Military Financing (FMF) assistance. In 2018, Albania became one of the first six countries to receive FMF under the European Recapitalization Incentive Program (ERIP) through the provision of \$30 million in FY 2017 FMF-OCO for the purchase of UH-60 helicopters. In exchange for the ERIP investment, Albania committed \$12 million in national funds to its UH-60 procurement and agreed to divest legacy Russian rotary wing platforms. Additionally, \$18.2 million in FMF from FY 2018-2020, provided through the Countering Russian Influence Fund, were committed to improve the Albanian Ministry of Defense's cyber defense capabilities. The PM Bureau also oversees U.S. International Military Education Training (IMET) funding which helped integrate Albanian Armed Forces (AAF) leadership with U.S. and other Western institutions, primarily through U.S. professional military education courses for senior, mid-level, and junior officers. Although Albania does not have the overall resources of many other NATO members, it has continued to enhance its role in NATO with one of the highest percentages of uniformed personnel deployed in support of NATO operations. Albania's military capacity has increased in part because of the AAF's excellent relationship with the New Jersey National Guard. As a result of engagement by U.S. European Command (EUCOM) and the New Jersey National Guard, the AAF's Explosive Ordnance Disposal (EOD) Company recently completed the third iteration of EOD level-2 training and began construction to refurbish existing EOD ranges. Albania also re-committed to send EOD personnel to support United Nations Peacekeeping Operations, in part due to expanded capabilities and equipment provided through U.S. funding. U.S. support to the AAF has helped prepare the military to respond to natural and man-made disasters.



## FY 2020 ACE-Coordinated State/USAID Assistance to Albania by Account\* (\$21.8m)



## ANTI-CORRUPTION, RULE OF LAW &amp; GOOD GOVERNANCE ASSISTANCE HIGHLIGHT

The INL Bureau supports Albania's implementation of 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. USAID also supports judicial reform through USATA, an independent institution that will facilitate the adoption of cutting-edge tools and techniques that promote citizen, media, and private sector voices – as well as ensure open government and judicial integrity. USATA will seek inclusive ways to empower citizens and improve government responsiveness and accountability to help reduce corruption and increase transparency and confidence in Albania's institutions – in particular, the judiciary. With INL assistance implemented by the U.S. Justice Department's (DOJ) Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) and International Criminal Investigative Training Assistance Program (ICITAP), SPAK combats high-level corruption and organized crime and helps change Albania's long-standing culture of impunity. SPAK consists of a Special Prosecutor's Office, National Bureau of Investigation, and a specialized court. The United States and EU backed a vetting law in 2016 that helped restore the integrity of the Albanian judicial system. U.S. funding supports vetting through the presence of an INL-funded OPDAT legal advisor that sits on the international monitoring body that oversees the process. OPDAT support helps implement stringent vetting that roots out corrupt actors in the judicial system. Of the 286 judges and prosecutors vetted thus far, 125 have been dismissed for unexplained wealth, ties to organized crime, or incompetence. A further 50 have preemptively resigned rather than undergo the vetting process. These efforts advance judicial reform and promote rule of law. Through the Justice for All project, USAID has helped Albania's High Court to manage and reduce its backlog of cases. With USAID assistance, the Court developed procedures to prevent future case backlogs and was able to prioritize and sort through 72 percent of the 35,000 cases currently filed with the Court, resulting in increased access to justice through a more timely and transparent judicial process for citizens. INL is continuing to support this backlog reduction effort.



## BUSINESS, INVESTMENT &amp; ENERGY ASSISTANCE HIGHLIGHT

The Department of Commerce's Commercial Development Law Program (CLDP) is helping the government of Albania to protect itself from malign economic influence in foreign direct investment (FDI), procurements in the telecom sector, or technology procurements by the government and SOEs. Assistance may include development of regulations to screen foreign direct investment that may pose threats to Albania's national interest. CLDP will introduce U.S. best practices to ensure fair, non-arbitrary, effective and corruption free investment and to develop a level playing field for U.S. companies. During 2020, Albania demonstrated its commitment to align with the U.S. approach and signed both the Clean Network pledge, which is aimed at excluding untrusted vendors from its telecommunication networks, and a memorandum of understanding with the USG on economic cooperation. Investment screening is a key element in Albania's economic growth as foreign direct investment increases.

In order to promote economic cooperation and energy stability, USAID has provided technical assistance to Albania and Kosovo to facilitate the establishment of a joint power exchange company, the Albania Power Exchange (ALPEX). In 2020, the Albanian Prime Minister inaugurated a 400-kW power line connecting the two countries' grids. The 400kV line significantly increases capacity for both countries and marks an important step forward in efficiency and profitability for their respective energy markets. USG assistance is part of the broader effort to bring together the Albania and Kosovo electricity markets, which will improve the flow of electricity and deliver economic benefits to both countries. The creation of ALPEX represents a key milestone for integration with regional electricity markets.



## COVID-19 ASSISTANCE HIGHLIGHT

Since the COVID-19 global pandemic began, the USG has provided approximately \$2.9 million in COVID-19 mitigation assistance to Albania, including \$2.05 million in USAID supplemental assistance, over \$216,000 in State existing resources, \$15,000 in USAID existing resources, and over \$575,000 in Department of Defense assistance. As part of this assistance, USAID helped respond to the COVID pandemic and provided 32,160 test kits and a new PCR testing machine to increase the number of tests per day; provided critical hygienic supplies for primary health care facilities and training for healthcare workers in 13 municipalities; donated incubators, defibrillators and radiant warmers for pediatric hospitals to support children treated for COVID-19; funded 12 vehicles to enable the Government of Albania to expand its contact tracing and testing activities nationwide; provided infection prevention and control for COVID-19 for neonatologists and nurses from 12 regional maternity wards; developed communications campaigns to prevent the spread of COVID-19, including tailored messages for families, children, teachers, and vulnerable groups; and developed disability-friendly materials for parents and social workers to explain COVID-19 risks. Additionally, INL provided equipment and sanitary supplies to the entire court and prison systems.



Lawyers of the People



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People's Advocate  
Special Section

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No. É ' ""/ /frot.  
Doc. No. 202503295/12

Tirana /\_\_ 2025

Subject: *Information on the status of the complaint procedure submitted*

To: Mr Erion Veliaj  
IEVP Durrës

*Dear Mr Veliaj,*

During the periodic inspection carried out on 31.07.2025 at IEVP Durrës, the inspection team of the Ombudsman's institution made contact with you and received several complaints that you had submitted, one of which concerns a breach of privacy during the medical examination you underwent at the private clinic "Vila Alba", where you allege that security personnel were stationed inside the doctor's consulting room while you were receiving consultations and medical examinations.

By our previous letter, No. K2/M21-9 Prot., dated 06.10.2025, we informed you of the administrative investigation we have launched to verify this complaint.

Currently, the administrative investigation has concluded and, having established that Order No. 651 of 21.01.2019 from the Director General of Prisons, "*Transportation and Escort of Prisoners*", with regard to the security procedure, according to which, *the carrying out of procedures by medical personnel must always be in the presence of a prison officer*, which infringes the right to respect for private life and the principle of medical confidentiality, we have recommended to the Directorate General of Prisons that this Order be amended, with our letter No. K2/M21-11 Prot., dated 17 December 2025, a copy of which is attached.

*With consideration and our commitment to your rights!*

COMMISSIONER





AVOKATI I E'DUL LIT



PUBLIC PROSECUTOR OF THE  
REPUBLIC OF ALBANIA, PUBLIC  
PROSECUTOR

Section of Veçantë

/dresa: Bulevardi: "Jeanne d'Arc" No.?  
Tirana, Albania

Tel/Fax: +355 4 2380 300/315  
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0 00 °O 1

No. *R2/M2* If Prot.  
Doc. No. 202503295/11

Tirana / J/2025

Liinda: *Please acknowledge receipt of the letter from the Directorate General of Prisons No. 651 of 21 January 2019, regarding the approval of the transport procedure and the transfer of prisoners.*

Directorate-General of Prisons  
Tirana

For information: Ministry of Justice  
Tirana

*Dear Mr Director General,*

The Institution of the Ombudsman, in exercising its constitutional and legal mandate to protect and promote the protection of fundamental human rights and freedoms, has closely monitored the conditions and manner in which health services are provided to persons deprived of liberty in institutions for the execution of penal sentences. In this context, we emphasise that we appreciate the efforts made by the responsible health and security structures within the prison system to provide healthcare services to inmates.

However, during monitoring visits and the handling of complaints raised by some prisoners, it has been observed that respect for human dignity and privacy during the provision of healthcare services, still presents deficiencies that require immediate intervention in order to establish institutional mechanisms and administrative practices that guarantee the protection of the dignity and privacy of persons deprived of liberty when receiving health care services, as well as to ensure compliance with the the performance of the prison administration with international human rights standards.



- How many members of the Prison Police staff were present inside the medical room during the time Mr Erion Veliaj was conducting consultations and medical examinations?

In response to our requests, the Directorate General of Prisons has sent information by the following documents: No. 12875/1 Prot., dated 21 August 2025; No. 12997/1 Prot., dated 22 September 2025; and No. 16054/1 Prot., dated 24 October 2025. Based on this information, it appears that:

*Based on the request of the IEVP of Durrës, the Directorate General of Prisons has taken measures to transfer Mr Erion Veliaj to the private hospital "Vila Alba", in the city of Durrës, on 17 July 2025, in accordance with the recommendations of the Health Sector for the performance of an imaging examination (colonoscopy).*

*The escort was carried out under Escort Order SH-17081/1, dated 16 July 2025, accompanied by a Measures Plan for the safe delivery of the service.*

*For this service, eight police officers in a basic role, two vehicle drivers and one service officer have been scheduled. This preliminary planning was carried out on the grounds of ensuring security during the journey, providing suitable parking facilities, establishing a perimeter security detail around the hospital objective, and securing the areas where visits, consultations and examinations would take place on the relevant floors of the building, etc.*

*Additionally, the escort team was accompanied by the medical assistant of the IEVP Durrës, who accompanies the inmate during examinations and manages the medical file and accompanying documentation.*

*As far as the employee's conduct is concerned security within the room during When carrying out medical examinations, we clarify that this is a unified practice in the regulatory acts, which during When accompanied outside the institution, the prisoner is guarded and protected at all times. In the present case, at 'er es s examinations dhe konsultave, p present me të paraburgosurin ka qEndured I punonjës pe oil.*

*Based on the cooperation agreement between the Directorate General of Prisons and the State Police, in any case prisoners will be escorted outside the institution for procedural actions; notifications will be made to the relevant local police structures, which takes measures independently to support the above services, especially when the inmate is assessed as high risk, a procedure that was not applied in the case of escorting Mr Erion Velinj, since he did not pose a risk.*

*Regarding Mr Erion Veliaj, the Directorate General of Prisons did not have any operational information, so security and escort measures were applied without additional forces by the prison authorities or the State Police.*



The Ombudsman considers that respecting the right to healthcare in conditions that guarantee the individual's dignity and privacy is an essential component of treatment.

human treatment, in accordance with the requirements of the Constitution of the Republic of Albania, the European Convention on Human Rights, as well as the standards set out by the European Committee for the Prevention of Torture (CPT) and the United Nations Minimum Rules for the Treatment of Prisoners (Mandela Rules)."

Below, we draw your attention to some of the findings and conclusions of the Office of the Ombudsman regarding the administrative handling and investigation carried out to examine Mr's complaint. Erion Veliaj, in relation to *"violation of dignity and breach of privacy"*, since during the medical examination carried out at the private clinic 'Lila Alba' in Durrës, it is alleged that *prison police officers were present in the doctor's room, during the procedure of performing the examination "Clysmacolonoscopy"*.

### I. Case Description

During the periodic inspection carried out on 31 July 2025 at IEVP Durrës, the inspection team of the Office of the Ombudsman made contact with 2. Eñon Veliaj, who, among other things, has lodged a complaint concerning violations of human dignity and invasion of privacy during the medical examination carried out at the private clinic "Vila Alba", where he alleges that guards were present in the room and during the preliminary examination procedure *using a nd colonoscope*.

For the examination of Mr Erion Veliaj's complaint, our institution referred to the Directorate General of Prisons by letters No. K2/M21-2 Prot., dated 14 August 2025; No. 474, dated 13 August 2025 and No. K2/M21-8 Prot., dated 6 October 2025, in which we have requested information on the following:

Has Mr Erion Veliaj been accompanied to any private clinic to undergo medical examinations?

- Is Order No. 651 of 21 January 2019 of the Director-General of Prisons, "Transportation and Escort of Inmates," still in force?
- Has the Risk and Needs Indicator Form been completed by the staff of IEVP Durres during the escort of Mr. Z. Has Erion Veliaj, for private medical care, complied with the procedures laid down in Director General of Prisons' Order No. 651 of 21 January 2019 on "Transport and Escort of Prisoners"? If so, please send us a copy of this form, completed for the case in the ward.
- How many members of the Prison Police staff accompanied Mr Erion Veliaj to the private clinic (of these, how many were medical staff and how many were security officers)?



- The Constitution of the Republic of Albania;
  - European Convention on Human Rights;
  - Practice of the European Court of Human Rights (ECtHR);
  - Law No. 81/2020 *"On the rights and treatment of prisoners and persons in pre-trial detention"*;
  - Decision No. 209, dated 06.04.2022 *"For the approval of the General Prison Regulations"*;
  - Directorate General of Prisons' Order No. 651, dated 21.01.2019 *"On approval of the procedure for the transport and escort of prisoners"*;
  - Patient rights'.
  - European Rules for Prisons (2006)<sup>4</sup>;
  - The rmbi Guide to the European Prison Rules, drawn up by the Council of Europe in 2023<sup>5</sup>;
  - United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) ;
  - Report of the European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment (CPT), published on 12 January 2024<sup>7</sup>, concerning visits carried out to several institutions of deprivation of liberty in Albania.
- "European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment (CPT) Standards on Health Care in Prisons, published in 1993."
- Recommendation No. R (98) 71 of the Committee of Ministers of the Council of Europe to Member States on the ethical and organisational aspects of healthcare in prisons, published on 8 April 1998<sup>9</sup>.
- Constitution of the

#### Republic of Albania, Article

##### 15(2)

*"Public authorities, in carrying out their duties under the law, must respect the rights of the individual and contribute to the realisation of the fundamental rights and freedoms of the human being, as well as to the contribution to their realisation."*

#### Article 17

*1. The exercise of the rights and freedoms recognised in this Constitution may be regulated by law only in the public interest or for the protection of the rights of others. Such restrictions must be proportionate to the situation which has given rise to them.*

<sup>4</sup> [https://www.qsut.gov.al/per-pacientet-dhe family members/patient-expectations/rights-and-duties-of-patient/](https://www.qsut.gov.al/per-pacientet-dhe-family-members/patient-expectations/rights-and-duties-of-patient/)

<sup>5</sup> <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

<sup>6</sup> <https://edOc.coe.int/en/eurDpean-prison-refDrm/11S95-guidance-document-on-the-european-prison-rules.html>

<sup>7</sup> [https://www.unodc.org/documents/justice-and-prison-reform/Nelson Mandela Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

<sup>8</sup> <https://rm.coe.int/1680ae233b>

<sup>9</sup> <https://rm.coe.int/16806ce943>

<https://rirLcoe.int/09000016804fb13c>



Imprisonment, as a measure that deprives a person of their liberty, brings inherent restrictions on their private and family life. Nevertheless, the protection of personal data is an essential part of a prisoner's rights.

The Court has emphasised that: "*...the protection of personal data is of fundamental importance for the enjoyment of the right to respect for private and family life, as guaranteed by Article 8 of the Convention.*" *Respecting the confidentiality of health data is a vital principle in the legal systems of all Contracting Parties to the Convention. It is essential not only that a patient's sense of privacy is respected, but also that their trust in the medical profession and in healthcare services in general is preserved.*

*Without such maintenance, those who need it:r medical examinations may be discouraged because of the disclosure of information of such a personal and intimate nature that it may be necessary for obtaining proper treatment and, indeed, for seeking such assistance, thereby jeopardising their health...*

The Court has required that domestic law provide appropriate safeguards to prevent any communication or disclosure of personal health data which would be contrary to the guarantees of Article 8 of the Convention (*Mockutė v. Lithuania*, 2018, § 93).

- Law No. 81/2020 "*On the rights and treatment of persons sentenced to imprisonment and detainees*", Government Decree No. 209, dated 06.04.2022 "*For the adoption of the General Rules of Prisons*" and Order No. 651, dated 21 January 2019 of the Director General of Prisons "*For the adoption of the procedure for the transport of prisoners to and from institutions*".

Domestic legislation concerning prisoners aims to guarantee conditions for the dignified treatment of pre-trial detainees and persons sentenced to imprisonment, to respect their fundamental rights and freedoms, and to prevent any behaviour or treatment that is cruel, inhuman, degrading or humiliating.

In any event, public authorities cannot avoid the obligation to implement Article 3 of the European Convention on Human Rights, which prohibits the infliction of torture, punishments or inhuman or degrading treatment. This right is non-derogable under Article 15(2) of the Convention.

Life in penal institutions should be as close as possible to life in the community, and restrictions should be applied only as an exception. Under domestic legislation, the rights of prisoners may be limited to the minimum necessary and only in order to fulfil the purpose of release in cases and in accordance with the criteria laid down in this law. josurit.

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<sup>11</sup>*Z v. Finland* case (25 February 1997, *Reports* 1997-1)

<sup>12</sup>Article 8, paragraph 2 of Law No. 81/2020 and Article 2, paragraph 7 of the General Prison Regulations.



As regards the security and privacy of a prisoner when escorted outside the IEVP, the rules are laid down in Order No. 651, dated 21.01.2019 of the Director General of Prisons *"For the approval of the procedure for the transport and escort of prisoners"*.

In Point I of this Order, the general principles and requirements are laid down, which, among other things, state that:

- The level of security measures during the execution and procedures of escort and transport must be kept to the minimum possible, in accordance with the security classification;
- When prisoners are transferred from one prison to another or move from the prison to other locations, such as the court or hospital, they are exposed to the public as little as possible and the necessary measures are taken to preserve their anonymity.

In paragraph 2.5 of the Order, it is provided that:

*In a standard escort team, one officer is required; the escort must be held in custody, and the number of staff must not be fewer than three.*

*The number and level of escort personnel must be determined by conducting a risk assessment, which takes into account:*

- *The number of prisoners to be escorted.*
- *The level of supervision of the prisoners.*
- *The nature of the escort.*
- *The location of the escort's destination.*
- *The scenario at the escort's destination.*
- *The estimated duration of the escort.*
- *Assessment of the likelihood that the prisoner will attempt to escape.*
- *The evaluation of the U prison sentence for the co-defendant, or not.*
- *The assessment of the prisoner's fitness to cooperate, or not.*

The rules for security measures for prisoners during their stay for treatment in hospital centres are set out in paragraph 4.2 of the Order:

- a. *The transfer for medical treatment of convicted or remand prisoners is carried out on the recommendation of the medical officer of the IEVP, or other doctors at the hospital centres.*
- b. *The security of prisoners in the wards of hospital centres is carried out by the prison service, in cooperation with the police.*  
*The prison service is not responsible for security.*
- c. *In the event that there is more than one detainee/pre-trial detainee in a cell, the measures to maintain their security are carried out by at least three police officers.*
- d. *The police officer who performs duties inside the living quarters without personal firearms, and the officers serving in the corridor or at the entrance gate, must be equipped with a holster and a belt weapon.*
- e. *When carrying out duties in the resuscitation areas, which are open spaces and where other patients are also admitted, the police officers on resuscitation duty,*



c) the confidentiality of medical information, except where maintaining such confidentiality would result in a real and immediate danger to the patient or to others,

- Report of the European Committee for the Prevention of Torture, Inhuman, Degrading or Humiliating Treatment or Punishment (CPT), published on 12 January 2024<sup>2</sup> and the CPT's General Report on standards of health care in prisons, published in 1993<sup>(2)</sup> \*.

The European Committee for the Prevention of Torture and Inhuman, Degrading or Humiliating Treatment or Punishment, in May 2023, inspected several institutions of deprivation of liberty in Albania, including I EVP "Jordan Misja" in Tirana, I EVP Fier, I EVP Peqin and I EVP Tepelenë.

At the conclusion of the inspections, the CPT published its report of findings and recommendations, in which, with regard to medical examinations, it found a lack of confidentiality during prisoners' medical visits. More specifically, on page 27, point 77 notes that:

*77. The medical records obtained from the delegation during the visit showed that medical confidentiality was far from being respected in the prisons visited, despite the recommendations of the Committee on the matter. It emerged that the prisoners' one-to-one consultations (including those at the reception and assessment unit) - usually carried out in the presence of security staff or within the prison's perimeter.*

*For this reason, The CPT has taken into consideration the information provided by the Albanian authorities following the visit, namely that the Directorate General of Prisons will issue an order to all prisons to draw the staff's attention to the need to maintain confidentiality during medical consultations. However, the Committee must emphasise that it cannot do these are not*

- *Re Rraninë systematic IN of officers IN prison during examinations Medical. Their presence is harmful to establishing a proper doctor-patient relationship and is usually unnecessary from a safety standpoint. Furthermore, the presence of prison staff may discourage inmates from providing explanations for any injuries they have sustained. CPT also calls on all relevant authorities to intervene in the prison system to ensure that the above-mentioned principle is fully respected during medical examinations of prisoners."*

The Directorate General of Prisons must substantively address the CPT's findings and recommendations and take proactive measures to ensure that the existing regulatory framework is in compliance with these standards.

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\* <https://rm.coe.int/1680ae233b>  
<https://rm.coe.int/16806ce943>



*Personal privacy must be respected, even in relation to medical or surgical treatment (diagnostic tests, specialist consultations, medications), which should be carried out in an appropriate setting and in the presence only of those who are absolutely necessary to be there. (except in cases where the patient has given consent or has made a request not to be accompanied by anyone).*

### **III. Findings**

From the review of the case file and the information gathered, the Ombudsman notes that:

- Law No. 81/2020 "On the Rights and Treatment of Prisoners and Detainees" and Government Decree No. 209, dated 06.04.2022 "For the approval of the General Prison Regulations", do not set out any rules regarding a prisoner's privacy when they have injection visits outside the IEVP, but only when they have medical visits within the IEVP premises.
- Order No. 651, dated 21.01.2019 of the Director General of Prisons "Transport and Escort of Prisoners", with regard to the security procedure, according to which, *the carrying out of actions by medical personnel must **always be done** in the presence of the prison officer and/or of the prisoner, **infringes the right to respect for private life** and **the principle of medical confidentiality**.*

### **IV. Assessment of the Institution of the Ombudsman:**

The body of the above-mentioned legislation and standards establishes two fundamental principles in the doctor-patient relationship, namely the preservation of confidentiality and respect for privacy. These two principles apply both to patients who are at liberty and to those living under restrictive conditions due to security measures.

Confidentiality is essential for the trust between healthcare professionals and patients. Without it, patients may be reluctant to disclose personal information, and this can affect their care and treatment.

Confidentiality in healthcare is the protection of a patient's personal information, including health, family, lifestyle and care needs. This is done to protect the patient's privacy during their care and even after death.

The Guide on the European Rules for Prisons, prepared by the Council of Europe, on pages 60-61, it devotes attention to the respect of the principle of confidentiality by prison staff, where in the chapter 'Ethical Duties and Professional Standards' the obligations within the prison regime are set out:

*"The provision of healthcare in prisons is required to apply the same ethical principles and professional duties that govern their work in the wider community. Standards*



Medical examinations must be carried out with full respect for the individual's privacy. The presence of security staff during examinations or consultations should only be permitted when two conditions are met:

- It is explicitly requested by the doctor for reasons of his safety.
- The multidisciplinary IEVP staff (security, social, health and legal) have assessed that, due to the risk posed by the inmate, he must be supervised by police officers during the medical examination or consultation, which will be carried out outside the IEVP.

The presence of the police in these cases should be an exception to the rule and be permitted only in exceptional safety situations, provided the patient has been informed in advance.

If security personnel are present during prisoners' medical examinations (particularly intimate ones), without a request from the doctor for a documented security reason, this would constitute a breach of international standards for the dignified treatment of the person and could be considered a violation of Article 8 of the Convention (the right to respect for private and family life), and in repeated or humiliating cases, a violation of Article 3 (prohibition of inhuman or degrading treatment).

In these circumstances, we request that the Directorate General of Prisons prioritise this matter and initiate the procedural steps to amend Order Er.651, dated 1 March 2019 of the Director General of Prisons "*On the implementation of the procedure for the transport and escort of prisoners*", with regard to the security procedure when prisoners undergo medical examinations/consultations outside the IEVP.

For the above, based on Article 63, paragraph 3 of the Constitution of the Republic of Albania, it is stated that: *The Ombudsman has the right to make recommendations and propose measures when he observes violations of human rights and freedoms*" and in support of Article 21(b) of Law No. 8454 of 4 February 1999. "*On the Ombudsman*" as amended, which provides that: "*The Ombudsman shall make recommendations for measures to restore the right that has been violated to the administrative authority which, in his opinion, has caused the violation of rights and freedoms.*"

#### I R E C O M M E N D:

- Amendment to Director General of Prisons Order No. 651, dated 21 January 2019 "*For the implementation of the procedure for the transport and escort of prisoners*", with the aim of taking security measures by the Directorate General of Prisons, in cases where prisoners undergo medical examinations or consultations outside the IEVP, the risk assessment is to be carried out in accordance with the form completed by the IEVPs, in compliance with national and international standards, for the respect of human dignity, the right to private life, as well as the principle of medical confidentiality.

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*We emphasise that the comprehensive treatment of Mr Erion Veliaj, the fifth bird, fully complies with all regulatory legal acts, without any bias or discrimination and with dignity in full legal and humanitarian terms.*

*Light no. 8172020 "With regard to the rights and treatment of persons sentenced to imprisonment and of detainees," it has sanctioned certain obligations relating to escorting them outside the institution and to the exposure of prisoners, namely Article 57, paragraphs 1 and 3 of...*

Referring to the "Transportation and Escort of Prisoners" procedure, Chapter I, point 1.2 stipulates that, *"The multidisciplinary staff of the DE.KP (security, social, health, legal) is responsible for assessing the risk level of all convicted and remand prisoners, and whether there is a need for escort outside the residential regimes.* This form specifies two risk levels, "high" and "standard". Based on the Risk and Needs Indicators Form No. Extra Prot., dated 17 March 2025, for Mr Erion Veliaj, completed by I EVP Durrës, it appears that he has been assessed as *Standard* risk.

As a follow-up to this administrative investigation, a working group chaired by the Commissioner of the Special Section, went to the site at the 'Fila Alba' Clinic to obtain more detailed information from the clinic's nursing staff, and to inspect the doctor's examination room, where the examinations ordered by him were carried out.

According to the doctor who carried out the examination of E. Veliaj, the patient expressed concern about the presence of police officers inside the room where the examination was to take place. The doctor asked the police officers to wait outside the room until the examination was complete, but they did not comply with the doctor's request, saying that they were duty-bound to enforce the security regulations approved for such cases. In these circumstances, it was agreed that the police officers would remain inside the room, with their backs turned to the bed where Mr Veliaj's injection examination was to be carried out.

From the layout of the room in which the examination was carried out, it emerged that this room was an open, unpartitioned space where it was impossible to prevent the security personnel present in the room from observing and monitoring.

## II. Legal basis and international standards

The right to privacy in healthcare is one of the most fundamental human rights, recognised for every individual, including those in pre-trial detention or who have been sentenced. This right stems from the principle of safeguarding human dignity and is guaranteed by a series of national and international instruments. Specifically:

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*Visits to and from the institution are arranged as far as possible within the shortest possible time and, where necessary, in the company of prison officers. In accordance with the rules set out in the General Rules for Prisons.*

*3. During the trial, the defendant's conduct in exposing them to the public is shown to disclose as little as possible about the life entrusted to the public, taking the necessary protective measures to ensure the protection of identity and privacy without infringing dignity or exacerbating his fragile condition.*



2. *These restrictions may impair the substance of the rights and freedoms guaranteed and in no case may they exceed the limitations provided for in the European Convention on Human Rights. Human being.*

Article 25

*"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*

Article 28/5

*"Every person whose liberty has been deprived of under Article 27 shall have the right to humane treatment and to respect for his dignity."*

Neiü30

*"Everyone shall be presumed innocent until proven guilty by a final court judgment."*

- European Convention on Human Rights

*Article 3 of the Convention provides that no one shall be subjected to torture or to inhuman or degrading tra jtimeve çnjtoriment or humiliating. treatment or punishment.*

*Article 6 of the Convention recognises the right to a fair trial and the presumption of innocence for any person charged with a criminal offence until his guilt is lawfully proven.*

*Article 8 of the Convention recognises the right to respect for private and family life. The public authority may only interfere with the exercise of this right, except to the extent provided by law and when it is necessary in a democratic society, in the interests of public security, the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

- The practice of the ECHR

A prisoner does not lose his rights under the Convention solely by reason of his status as a prisoner. Any interference with the rights under the Convention must be justified within the scope and for the purposes of the limitations set out by the Convention.

The overarching principle underpinning the ECHR's practice regarding prisoners' rights is the necessity of treating all persons deprived of their liberty with dignity and of preventing any inhuman, humiliating or degrading treatment or punishment.

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<https://ks.echr.coe.int/documents/d/echr-ks/guiderisoners' rights eng>



The prison system, in the exercise of its activities, must be guided by the principle of leniency. to reintegrate into society those individuals whose liberty has been deprived or restricted<sup>3</sup>.

If the prisoner requires medical treatment that is not provided by the institution's health care services or is requested from them, measures shall be taken to transfer them to health care services outside the institution. During transport, the prisoner is accompanied by a doctor or a medical assistant and a security officer.

Movements of the prisoner outside the institution shall be made as far as possible within the shortest possible time and in every case under the escort of Prison Service personnel, in accordance with the rules laid down in the General Prison Regulations. During the transfer, due care is taken to expose the prisoner to the public as little as possible, taking appropriate protective measures to ensure the protection of his identity and conditions, without infringing his dignity or worsening his physical condition.

The number of security officers accompanying an ill prisoner to healthcare services outside the institution is determined according to the situation, risk level and environment, but in no case fewer than three security officers for one prisoner.

prisoner <sup>169</sup>

Visits outside the penal execution institution and hospital supervision are carried out in accordance with the Security procedure during escorts, maintaining full confidentiality of movements and avoiding any form of communication or contact.<sup>(1) 7</sup>

The sick prisoner admitted to hospital is monitored by security staff. in handcuffs".

In cases where the prisoner is assessed as being at a high risk of escape when escorted outside the ward in which they are admitted, restrictive devices may be used to prevent any possible escape.

With regard to a prisoner's security and privacy during a medical examination within the IEVP environment, Article 21(4) of the General Prison Regulations provides that: *"The movement of the prisoner from the living area to the infirmary and back, except in urgent cases, shall be carried out one at a time, in accordance with the doctor's request. Except for consultations and medical examinations, the prisoner remains handcuffed and the security officer stays outside the room until the procedure is completed.*

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Article 12, point 1 of Law No. 81/2020 and Article 1 of the General Prison Regulations. <sup>14</sup>  
Article 41(5) of Law No. 81/2020 and Article 109(1) of the General Prison Regulations.

Article 57, paragraphs 1 and 3 of Law No. 81/2020.

Article 109(2) of the General Prison Regulations.

Article 109/4 of the General Prison Regulations. <sup>1</sup>

Article 109/5 of the General Prison Regulations. <sup>1</sup> Article

109/6 of the General Prison Regulations.



*They only remember the characters who served at the entrance to the pavilion; they bear arms for the sake of appearances.*

- f. Police officers take measures to secure the windows of the DHO2H3 in order to prevent prisoners from attempting to escape.*
- g. The carrying out of actions by persons or doctors shall be carried out only in the presence of officers ( f the police.*
- b. The removal of the convicted/unconvicted from the cell to the toilet or to other areas of the prison.4. Other measures to be taken under maximum security, with the involvement of additional police officers, where prior checks on the cleanliness of the toilets or rooms in which medical examinations are to be carried out are carried out, windows are secured by having a police officer stationed outside them, etc.*

- European Rules for Prisons (adopted by the Committee of Ministers of the Council of Europe on 11 January 2006)

#### Duties of the doctor

*42.3 During the anaesthetisation of a 6B bone, the doctor or a qualified nurse who i reports a NIJGNI, must pay special attention to:*

- a) compliance with the rules of professional confidentiality;*

#### Security

*51.1 The security measures applied to a prisoner must be the minimum necessary to ensure their safe custody.*

- United Nations Standard Minimum Rules for the Treatment of Prisoners, the Nelson Mandela Rules <sup>2</sup>(United Nations General Assembly resolution 70/175, annex, adopted on 17 December 2015)

#### Health care services

##### *Rule 32*

*1. The relationship between the patient and the nurse or other healthcare professional and the provision of healthcare services and information*

*prisoners must be registered by the "standard ethical and professional standards and those that*

- *They are applied to patients in intensive care, in the operating theatre and in the emergency department.*

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\*<sup>1</sup> <https://rm.hoe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

<sup>o</sup> <https://www.unodc.org/documents/justice-and-prison-reform/Nelson-Mandela-Rules-E-ebook.pdf>



Meanwhile, in the CPT's General Report on prison health-care standards, published in 1993, some of the main issues addressed by CPT delegations when inspecting the health-care service within prisons are outlined. One of the five issues addressed in the Report is that of confidentiality, which at point C/ii) is recommended:

*50. Medical confidentiality must be respected in prison in the same way as in the community. The keeping of patient records **must be** the doctor's **responsibility**.*

*51. All medical examinations of prisoners (whether on their arrival at the prison or at a later stage) must not be carried out, except when a doctor deems it necessary, and they must not be observed by prison officers. Furthermore, they must not be video-recorded. Inmates must be examined individually, not in groups.*

Recommendation No. R (98) 71 of **the Committee of Ministers of the Council of Europe** to the Member States concerning the ethical **and organisational** aspects of healthcare in prisons, adopted on 8 April 1998.

The Committee of Ministers of the Council of Europe recommends that the governments of the member states take into consideration, when reviewing their legislation and practice in the field of the provision of health care in prisons, the principles and recommendations set out in the appendix to Recommendation No. R (98) 71, where in point 1/C/13 it is provided that:

*Medical confidentiality must be guaranteed and respected with the utmost rigour, as with all citizens.*

Patient rights<sup>2\*</sup> (approved by the **Minister** of Health's Order no. **657, dated 15 December 2010**).

In point 6 of the Albanian Charter of Patient Rights, the *right to privacy* is defined, and *Confidentiality*, according to which:

*Every patient has the right to confidentiality. t and personal data, including information relating to his condition and any further treatment and the potential for diagnostic or therapeutic procedures, as well as the protection of his privacy, etc. the performance of diagnostic analyses, specialist investigations and medical/surgical treatments in general.*

*All information relating to a patient's health condition and to the medical or surgical treatments to which he or she is a subject must be regarded as private and, as such, is protected by appropriate safeguards.*

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[fsdksb.guy.al/wp-content/uploads/2019/10/Karta-Shqiptare-e-te-Drejtave-te-Pacienteve.pdf](https://fsdksb.guy.al/wp-content/uploads/2019/10/Karta-Shqiptare-e-te-Drejtave-te-Pacienteve.pdf)



*National human rights bodies recognise the implementation of these fundamental ethical principles in the prison context. Prison healthcare staff must act independently as clinical professionals in prison settings and must make decisions based solely on sound medical judgment. The decision of the healthcare staff in prisons cannot be annulled or ignored by non-clinicians, including prison officers. The healthcare staff may*

*They are most affected by the "double loyalty" between their professional duties and their obligations to the prison authorities. As a matter of good practice and to ensure clinical independence, healthcare staff in prisons should be employed by the health authorities, not by the prison service. The principle of confidentiality is a cornerstone of medical ethics and is particularly important in prison settings. Inmates should feel free to disclose any medical issue to prison healthcare staff in full confidence and to hold private individual consultations as needed. This will be particularly important in cases where prisoners may wish to disclose allegations of torture or ill-treatment or, in the case of women, any concerns about gender-based violence. Medical confidentiality obligations are reflected in international medical standards.*

*Healthcare staff must always guarantee medical confidentiality and may only breach this rule in exceptional circumstances if there is an immediate risk of harm to the patient or others and must inform them/disclose on the basis of "need to know" with the patient's consent. All medical examinations of prisoners must be carried out in private, unless otherwise required by the attending physician, and away from the presence and view of prison staff.*

The right to confidentiality and respect for private life extends not only to the relationship between prisoners and an IEVP officer, but also to medical treatment in hospitals outside prisons.

The limitation of the right to respect for private life must meet the criteria laid down in Article 8(2) of the European Convention on Human Rights, according to which *a public authority may not interfere with the exercise of this right, except to the extent provided by law and when it is necessary in a democratic society, in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others.*

The procedure set out in Order No. 651 of 21 January 2019 of the Director General of Prisons "Transport and escort of prisoners", under which *the head of operations by the medical personnel of the Belgian Gendarmerie/6moad in the presence of a police officer does not fulfil the criteria of Article 8 of the Convention for restricting the right to respect for private life and also infringes the principle of confidentiality of medical records.*

The obligation laid down in Order No. 651, dated 21 January 2019 of the Director General of Prisons, requiring prison officers to be present whenever a doctor carries out any procedure on a prisoner, in every case of treatment outside the IEVP, does not maintain a fair or proportional balance between security and privacy.

Regarding the position you will adopt and the measures you will take to implement this recommendation, please inform us within the statutory 30-day period provided for in Article 22 of Law No. 8454 of 4 February 1999. *"For the People's Advocate."*

*We trust that you will understand and cooperate.*

COMMISSIONER

Besnik DEDA



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## Albania does not deserve EU membership under Edi Rama

By **Michael Rubin**

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Albania's Prime Minister Edi Rama joins a press conference with EU Commissioner for Enlargement Marta Kos after a summit of Western Balkans leaders in Tirana, Albania, Friday, Nov. 21, 2025. (AP Photo/Vlasov Sulaj)

Many progressives and internationalists on both sides of the Atlantic Ocean support [European Union](#) expansion. Increasing membership does not always bring peace. The [Kremlin](#) justified Russia's 2008 invasion of Georgia, as well as Moscow's 2014 and 2022 invasions of [Ukraine](#), in its own paranoia about Western efforts to expand EU membership eastward.

The logic behind membership is that the EU is an exclusive club whose entry requirements bring peace and create security. The problem is European officials often prioritize wishful thinking over reality. Hence, Germany for ages thought dependence on the Nord Stream 2 pipeline and its Russian gas was a good idea, and Brussels thought that Turkish President Recep Tayyip Erdogan was an enlightened democrat who had left support for radical Islamism behind him. Three decades ago, European officials wrested the Iran file from Washington, arguing that Europe's enlightened "critical dialogue" could do more to constrain Iran's nuclear ambitions and human rights abuses than American-style cowboy diplomacy. Iranian leaders treated Europeans as useful idiots who assumed the sincerity of calls for a dialogue of civilizations and knew they could drive forward with their covert nuclear and missile programs.

None of these wrongs makes a right, but Europe refuses to recognize those who feign liberalism in pursuit of power. While progressives often criticize conservative leadership in Hungary for illiberal and anti-democratic tendencies at odds with the EU, they remain blind to growing abuses among aspirant left-leaning members.

The latest case is Edi Rama, the four-term Socialist Party prime minister of Albania.

Once a pro-American country on a trajectory to take its place in the world as the Singapore of Europe, Rama has instead chosen an autocratic path modeled after Erdogan's Turkey. He has used a United States- and EU-funded anti-corruption force to imprison political opponents, overturn elections, and confiscate properties, all while he and his cronies monopolize both real estate dealings with everyone from Alex Soros to Jared Kushner and Albania's new legalized marijuana industry.

Freedom House labels Albania "partly free," a ranking on par with Hungary. Transparency International, however, which ranks perception of corruption, now ranks Albania lower than Cuba after a plunge in rankings last year — hardly a quality the EU should seek in a member.

Antonio Costa, president of the European Council, is blind to Albania's backslide into dictatorship and kleptocracy. He has said that Albania "belongs" in the EU. In May 2025, Costa said Albania and Montenegro are "showing the way as enlargement frontrunners." Such sycophancy does not help Albanians or the EU, but makes the hurdles tougher as Rama concludes he can double down on dictatorship.

The EU's latest delegation to Albania came a year after Rama arrested Erion Veliaj, the mayor of the country's capital, Tirana. Veliaj has been held in "pretrial detention" ever since. Veliaj is not alone, as 58% of imprisoned Albanians are technically in pretrial detention, five times the rate of the broader EU. The Council of Europe recently reported that "the use of pretrial detention against sitting mayors [in Albania] constitutes a serious risk to democratic governance."

Veliaj is not the only high-profile politician Rama has targeted. He has exaggerated

allegations against opposition leader Sali Berisha, former Deputy Prime Minister Arben Ahmetaj, and former Defense Minister Fatmir Mediu.

#### **RESIST THE LYNCH MOB AGAINST JEREMY CARL**

For too long, European leaders have indulged Rama. So too has the U.S. State Department, where career bureaucrats in the Europe bureau have pursued their own self-dealing policies to the detriment of broader American interests. The resulting disaster was on full display at last week's Board of Peace meeting, where Rama went off script to deliver a diatribe about the trial of former Kosovo President Hashim Thaci in The Hague — a rich tangent given Rama's own attitude toward independent justice.

A quarter century ago, the EU and U.S. ignored Turkey's descent into dictatorship, whitewashing Erdogan's increasing corruption and assault on democracy. Today, Europe has a terror sponsor on its border. The question now is whether Brussels will repeat its mistake, embracing a leader who shows disdain for everything for which the EU says it stands.

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**Human Rights** **Turkey**