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KASOWITZ LLP AND MISHCON DE REYA LLP, ON BEHALF OF ERION VELIAJ, MAYOR OF TIRANA, PUBLISH REPORT REGARDING SPAK'S UNJUST DETENTION OF A DEMOCRATICALLY ELECTED MAYOR

Kasowitz LLP and Mishcon de Reya LLP, on behalf of Erion Veliaj, Mayor of Tirana, Publish Report Regarding SPAK's Unjust Detention of a Democratically Elected Mayor

JUNE 24, 2025

Kasowitz LLP and London-based Mishcon de Reya LLP representing Erion Veliaj, the Mayor of Tirana, announce the public release of a Report Regarding SPAK's Unjust Detention of a Democratically Elected Mayor in Tirana, the Capital of Albania: Erion Veliaj (the "Kasowitz-Mishcon de Reya Report"). The report addresses the unjust and continued detention of Mayor Erion Veliaj without charge since February 10, 2025, in a potential violation of the European Convention of Human Rights ("ECHR") and principles of constitutional and statutory due process in the United States.

The Kasowitz-Mishcon de Reya Report details how Mayor Veliaj was detained by the Special Anti-Corruption and Organized Crime Structure ("SPAK") on February 10, 2025 – just three months before the national parliamentary elections. SPAK detained Mayor Veliaj without charge under conditions that have prevented him from carrying out his mandate as mayor and from fulfilling his campaign duties in the May 11 national elections. His ongoing detention without charge was approved by the SPAK court without any meaningful consideration of whether his detention is necessary, proportionate or reasonable, and without any proper consideration of alternatives to detention.

The ECHR emphasizes that detention must not be arbitrary and must be a necessary, proportionate, and reasonable measure. Should Mayor Veliaj be released on bail – as he should – he is eager to resume his duties as mayor while SPAK's investigation continues.

The Kasowitz-Mishcon de Reya Report further describes how some of SPAK's practices – most notably, the propensity for SPAK to request, and the courts in Albania to grant, lengthy pretrial detention – have proven highly questionable. For example, 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, alleging that his rights were violated when he was detained by SPAK for nearly eight months before trial. The Strasbourg Court found that SPAK had violated Article 5 § 3 of the Convention of Human Rights and awarded costs to Gëllçi.

Albania has the highest proportion of pretrial detainees in its prison population across member states of the Council of Europe. As of April 2025, it stands at 61.6% of the total prison population. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT") has expressed serious concerns about the over-reliance on pretrial detention in Albania, which is the primary cause of overcrowding in the prison estate. In its most recent report, the CPT held that: *"As regards more particularly pre-trial detention, steps should be taken to ensure a more restrictive approach to the use of remand in custody by setting strict limits on its use and encouraging a greater use of alternative non-custodial measures."* It follows that Mayor Veliaj's case is a clear example of a systemic problem identified by independent observers, namely the over-reliance on and disproportionate use of pre-trial detention, which interlocutors have attributed to the delays in implementing adequate judicial reforms.

Of further concern is the fact that, despite several requests to visit Mayor Veliaj in custody, his international counsel have been denied access to him on transparently misconceived grounds, inhibiting his ability to pursue international remedies including a potential application to the Strasbourg Court.

Mayor Veliaj has formally appealed the detention decisions of the SPAK court. The Supreme Court of Albania is scheduled to hear and consider Mayor Veliaj's appeal.

A copy of the 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, associate Grace Houghton and trainee solicitor Elizabeth Fitton.

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PRACTICE AREAS

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**Final Report of Kasowitz LLP and Mishcon de Reya
Regarding SPAK's Unjust Detention Of
A Democratically Elected Mayor In The Capital Of Albania:
Erion Veliaj**

June 24, 2025

I. Introduction

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

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

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

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

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

II. Factual Background

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

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

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

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

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

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

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

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

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

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

⁵ See Appellate Opinion.

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

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

III. Concerns and Criticisms of SPAK

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

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

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

⁶ *Id.*

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

⁸ *Id.* at 76.

⁹ *Id.*

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

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

¹² *Id.*, §§ 6-11.

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

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

IV. U.S. Legal Principles

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

¹³ Gëllçi, § 19.

¹⁴ *Id.*, § 23.

¹⁵ *Id.*, §§ 24-25.

¹⁶ *Id.*, §§ 28-32.

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

¹⁸ *Id.*

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

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

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

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

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

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

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

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

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

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

²³ *Stack*, 342 U.S. at 4.

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

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

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

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

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

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

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

V. European Legal Principles

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

ECHR Article 3

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

²⁸ 18 U.S.C. § 3142(g).

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

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

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

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

ECHR Article 5

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

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

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

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

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

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

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

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

³⁶ *Zarakolu v Turkey* 2020 §§ 59-61.

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

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

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

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

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

³⁸ Buzadji § 88.

³⁹ Sulaoja v. Estonia 2005 § 64.

⁴⁰ Clooth v. Belgium 1991 §§ 43-44.

⁴¹ Id. § 40.

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

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

⁴⁴ Buzadji §§ 89-91.

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

EHCR Article 6

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

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

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

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

EHCR Article 34

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

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

⁴⁵ *Buscemi v. Italy*, 1999 §§ 67-68.

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

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

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

EHCR Article 3 of Additional Protocol

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

* * *

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

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

HIGH COURT OF ALBANIA DECIDES MAYOR OF TIRANA WILL REMAIN IN DETENTION

USA - English ▼

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Kasowitz LLP →

Jul 09, 2025, 14:29 ET

TIRANA, Albania, July 9, 2025 /PRNewswire/ – Yesterday, the Albanian High Court determined that Erion Veliaj, the Mayor of Tirana, will remain in detention at IVEP Durres, Albania. The closed-door hearing took place on July 8th, 2025, at 12:00, following a review of the papers. Mayor Veliaj steadfastly rejects the accusations of wrongdoing. He is represented by international counsel Kasowitz LLP and Mishcon de Reya.

After nearly five months in detention and an approximately two-year-long investigation by the Special Prosecutor's Office of the Special Prosecution Office of the Special Anti-Corruption and Organized Crime Structure ("SPAK"), Mayor Veliaj is still denied access to his international counsel. Mr Veliaj's ongoing detention brings further distress to his friends and family.

Mr Veliaj's detention without charge has previously been approved by the courts without any meaningful consideration of whether his detention is necessary, proportionate or reasonable, and without any proper consideration of alternatives to detention.

Daniel Fetterman, a former U.S. federal prosecutor and partner of Kasowitz, one of the international law firms that recently issued a joint investigative report concerning Mayor Veliaj's unlawful detention, said:



"The continued detention of Mayor Veliaj - without charges and with other obvious, proportionate and reasonable alternatives to detention available - is contrary to established principles of due process and antithetical to the rule of law."

Mayor of Tirana, Erion Veliaj said: "Today's decision by Albania's High Court is extremely disappointing.

Today, I should be one step closer to returning home to my family. Instead, I remain imprisoned and in isolation at IVEP Durres, unable to access my international legal counsel or the information I need to properly defend myself against the allegations.

I will continue to pursue all legal avenues so I can get back to serving Tirana."

Ben Brandon, Partner, Mishcon de Reya added:

"The European Convention of Human Rights ("ECHR") prohibits arbitrary detention, and provides that detention must be a necessary, proportionate, and reasonable measure. We await the full decision of the High Court but are considering all available legal remedies. We remain extremely concerned that Mayor Veliaj's ongoing detention violates the ECHR."

A full report on SPAK's unjust detention of Mayor Veliaj can be found [here](#). Kasowitz and Mishcon de Reya will continue to pursue vigorously all available international legal remedies on Mayor Veliaj's behalf.

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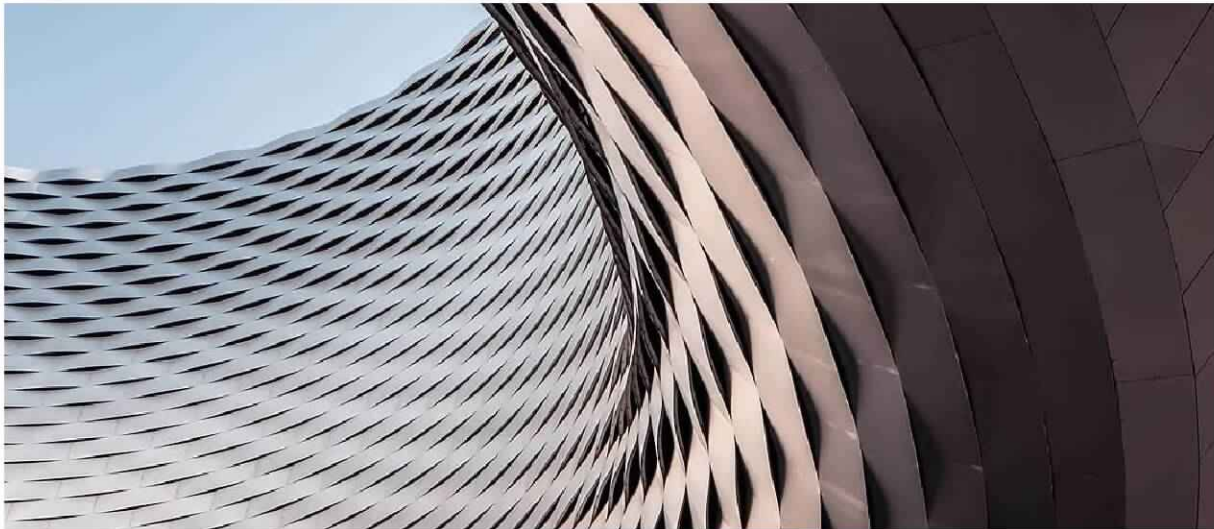


Mishcon de Reya LLP

Report on the unjust detention of democratically elected mayor of Tirana, Albania published

Posted on 24 June 2025

Reading time 3 minutes



Today, New York-based Kasowitz LLP and London-based Mishcon de Reya LLP representing Erion Veliaj, the Mayor of Tirana, announce the public release of a report regarding SPAK's unjust detention of a democratically elected mayor in Tirana, the capital of Albania: Erion Veliaj (the "Kasowitz-Mishcon de Reya Report"). The report addresses the unjust and continued detention of Mayor Erion Veliaj without charge since 10 February 2025, in a potential violation of the European Convention of Human Rights ("ECHR") and principles of constitutional and statutory due process of the United States.

The Kasowitz-Mishcon de Reya Report details how Mayor Veliaj was detained by the Special Anti-Corruption and Organized Crime Structure ("SPAK") on 10 February 2025 – just three months before the national parliamentary elections. SPAK detained Mayor Veliaj without charge under conditions that have prevented him from carrying out his mandate as mayor and from fulfilling his campaign duties in the 11 May 2025 national elections. His ongoing detention without charge was approved by the SPAK court without any meaningful consideration of whether his detention is necessary, proportionate or reasonable, and without any proper consideration of alternatives to detention.

The ECHR emphasises that detention must not be arbitrary and must be a necessary, proportionate, and reasonable measure. Should Mayor Veliaj be released on bail – as he should – he is eager to resume his duties as mayor while SPAK's investigation continues.

The Kasowitz-Mishcon de Reya Report further describes how some of SPAK's practices – most notably, the propensity for SPAK to request, and the courts in Albania to grant, lengthy pretrial detention – have proven highly questionable. For example, 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, alleging that his rights were violated when he was detained by SPAK for nearly eight months before trial. The Strasbourg Court found that SPAK had violated Article 5 § 3 of the Convention of Human Rights and awarded costs to Gëllçi.

Albania has the highest proportion of pretrial detainees in its prison population across member states of the Council of Europe. As of April 2025, it stands at 61.6% of the total prison population. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) has expressed serious concerns about the over-reliance on pretrial detention in Albania, which is the primary cause of overcrowding in the prison estate. In its most recent report, the CPT held that: “As regards more particularly pre-trial detention, steps should be taken to ensure a more restrictive approach to the use of remand in custody by setting strict limits on its use and encouraging a greater use of alternative non-custodial measures.” It follows that Mayor Veliaj's case is a clear example of a systemic problem identified by independent observers, namely the overreliance on and disproportionate use of pre-trial detention, which interlocutors have attributed to the delays in implementing adequate judicial reforms.

Of further concern is the fact that, despite several requests to visit Mayor Veliaj in custody, his international counsel have been denied access to him on transparently misconceived grounds, inhibiting his ability to pursue international remedies including a potential application to the Strasbourg Court.

Mayor Veliaj has formally appealed the detention decisions of the SPAK court. The Supreme Court of Albania is scheduled to hear and consider Mayor Veliaj's appeal.

A copy of the report is available [here](#). Any inquiries should be directed to jyoo@kasowitz.com. The Kasowitz team includes partners Daniel J. Fetterman, Brian S. Choi, and Joshua E. Roberts, and associate William W. Taub 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](#), associate [Grace Houghton](#) and trainee solicitor [Elizabeth Fitton](#).

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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

USA - English ▼

KASOWITZ

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Kasowitz LLP →

Oct 28, 2025, 07:00 ET

NEW YORK, Oct. 28, 2025 /PRNewswire/ – 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](#). Any inquiries should be directed to Shannon O'Reilly

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.

* * * * *

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,¹ the European City of Sport by ACES Europe in 2023,² and the Mediterranean Capital of Culture and Dialogue by the Union for the Mediterranean and the Anna Lindh Foundation in 2025.³ 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

¹ *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>.

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

³ *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.⁴

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.⁵ 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

⁴ 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/>.

⁵ *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-i-1135877>.

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.⁶ SPAK only formally announced its charges against Mayor Veliaj on 23 July 2025⁷ – 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.⁸ 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.⁹ 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

⁶ *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/>.

⁷ *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/>.

⁸ *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>.

⁹ *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.¹⁰ 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

¹⁰ *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/>.

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.¹¹ 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

¹¹ *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 detention¹² 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.

¹² *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.¹³ The Council invoked Article 62(c) of Law No. 139/2015,¹⁴ 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

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

¹⁴ *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.¹⁵ 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.¹⁶ Mayor Veliaj argued that, pursuant to Article 115 of the Constitution, filing the appeal automatically suspended both his removal and any

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

¹⁶ *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.¹⁷ Nevertheless, on 1 October 2025, the President of the Republic announced new elections for 9 November to replace him.¹⁸ 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.¹⁹ 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 2025.²⁰

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.

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

¹⁸ *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/>.

¹⁹ *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/>.

²⁰ *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,²¹ the U.S. Department of State,²² and Amnesty International²³ 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

²¹ *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.

²² *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.

²³ *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 (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.***¹

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

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

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

II. Factual Background

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

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

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

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

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

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

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

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

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

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

⁵ See Appellate Opinion.

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

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

III. Concerns and Criticisms of SPAK

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

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

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

⁶ *Id.*

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

⁸ *Id.* at 76.

⁹ *Id.*

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

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

¹² *Id.*, §§ 6-11.

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

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

IV. U.S. Legal Principles

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

¹³ Gëllçi, § 19.

¹⁴ *Id.*, § 23.

¹⁵ *Id.*, §§ 24-25.

¹⁶ *Id.*, §§ 28-32.

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

¹⁸ *Id.*

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

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

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

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

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

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

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

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

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

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

²³ *Stack*, 342 U.S. at 4.

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

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

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

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

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

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

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

V. European Legal Principles

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

ECHR Article 3

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

²⁸ 18 U.S.C. § 3142(g).

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

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

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

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

ECHR Article 5

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

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

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

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

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

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

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

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

³⁶ *Zarakolu v Turkey* 2020 §§ 59-61.

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

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

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

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

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

³⁸ Buzadji § 88.

³⁹ Sulaoja v. Estonia 2005 § 64.

⁴⁰ Clooth v. Belgium 1991 §§ 43-44.

⁴¹ Id. § 40.

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

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

⁴⁴ Buzadji §§ 89-91.

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

EHCR Article 6

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

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

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

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

EHCR Article 34

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

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

⁴⁵ *Buscemi v. Italy*, 1999 §§ 67-68.

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

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

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

EHCR Article 3 of Additional Protocol

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

* * *

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

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

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AFTER NINE MONTHS IN PRISON DEMOCRATICALLY ELECTED MAYOR OF TIRANA, ALBANIA, ERION VELIAJ SPEAKS FOR NINE MINUTES AT THE ALBANIAN CONSTITUTIONAL COURT AND WINS BACK HIS OFFICE -- KASOWITZ AND MISHCON DE REYA LAW FIRMS HAIL IT AS A VICTORY FOR THE RULE OF LAW

After Nine Months in Prison Democratically Elected Mayor of Tirana, Albania, Erion Veliaj Speaks for Nine Minutes at the Albanian Constitutional Court and Wins Back His Office -- Kasowitz and Mishcon de Reya Law Firms Hail It as a Victory for the Rule of Law

NOVEMBER 06, 2025

On Monday, November 3, 2025, the Constitutional Court of Albania overturned the Tirana Municipal Council's dismissal of Erion Veliaj and formally reinstated him as Mayor, halting the city's planned special elections and marking a pivotal moment for democratic governance in Albania.

The decision is a major breakthrough in a nine-month legal and political battle arising from Veliaj's detention and subsequent removal from office. The Court ruled that the Municipal Council had acted unconstitutionally when it cited Veliaj's involuntary detention as the reason for his removal. The Court's ruling re-affirms the basic constitutional principle that an elected official's mandate cannot be terminated without due process.

Appearing publicly for the first time since his arrest, Veliaj delivered an emotional nine-minute address before the Court. "I waited nine months to speak for nine minutes," he began, before underscoring the pretextual nature of the state's attempt to remove him from office:

"You can imprison a person, but not their truth. And the truth is that my absence has not been a choice, but a consequence of an isolation imposed by the state, through a disproportionate decision... which deprived me not only of my freedom, but also of my city, before any guilt was proven... Do we perhaps want to legitimize the idea that any elected official can be removed from duty through a temporary arrest, without a guilty verdict, taking from the people the mandate that they themselves gave with a free vote?"

Veliaj also condemned the process that stripped him of his mandate, remarking that "two injustices do not produce justice." He urged the Court to "protect together the democracy that is being tested."

Observers see the Constitutional Court's decision as a defining milestone in Albania's efforts to strengthen its commitment to the rule of law and in Mayor Veliaj's fight to continue serving the citizens of Tirana and transforming it into a world class city and a hospitable European destination.

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.

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

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Kasowitz and Mishcon de Reya Comment on Tirana Mayor Erion Veliaj's Year in Detention: For 365 Days and Counting, Mayor Veliaj Suffers Denials of Due Process Rights and Apparent Political Persecution

USA - English ▼

KASOWITZ

NEWS PROVIDED BY

Kasowitz LLP →

Feb 10, 2026, 08:56 ET

TIRANA, Albania, Feb. 10, 2026 /PRNewswire/ — Today marks the one-year anniversary of Mayor Erion Veliaj's unjust and unlawful detention by the Special Structure Against Corruption and Organized Crime ("SPAK") in Albania. Over the past 365 days, Mayor Veliaj's case has become the prime example of Albania's overuse and abuse of pre-trial detention. Mayor Veliaj has been detained despite a clear absence of evidence that he is a flight risk, would obstruct justice, or would or could re-commit the alleged crimes of which he had been accused.

In the past year, Mayor Veliaj's case has emerged as a glaring example of how nascent democracies like Albania's can trample on an individual's basic due process rights through a flawed political persecution.



- From February to July last year, Mayor Veliaj was detained without even being charged with the actual crimes for which he was held in custody.
- In September, his detention was cited by the Municipal Council of Tirana as the basis on which it sought to remove him from his position as Mayor – a maneuver apparently aimed at disenfranchising the voters of Tirana who had elected him to three terms.
- Just last month, Mayor Veliaj – who has chosen to defend himself against SPAK's charges – was completely denied access to over 60,000 pages of evidence from which he can prepare and mount a defense at trial.

Recently, SPAK prosecutors have argued that Mayor Veliaj's continued detention in jail is justified because he relied on U.S. counsel to advocate for him when it became obvious that he could not feasibly do so himself. This is not due process; it is punishment for advocacy and a blatant violation of his right to defend himself.

"From day one, this case has been a political persecution marred with outrageous abuses of due process. Today marks a full year of this continuing injustice," said Daniel J. Fetterman, a partner in the law firm of Kasowitz and one of Mayor Veliaj's international counsel. "Mayor Veliaj's case has all of the earmarks of a political show trial and his treatment falls well below any acceptable U.S. and European standards of fairness, due process, and justice."

But there are signs that Mayor Veliaj's treatment isn't going unnoticed. In November of last year, the Constitutional Court rejected the Municipal Council's attempt to remove Mayor Veliaj from office, affirming his mandate and ensuring that he remains the Mayor until 2027. Albanian media outlets have identified the punitive nature of SPAK's approach to Mayor Veliaj, calling it a "repressive mentality" akin to a "new Chinese revolution" that relies on sponsored propaganda to justify civil rights abuses. Foreign outlets, like the EU Reporter, have echoed similar sentiments, observing the "slow unravelling of Albania's justice system" in a case that "shows clear signs of political motivation" falling "well short of European standards." And in December, the Albanian Ombudsman – the People's Advocate – issued a report finding that the security measures governing Mayor Veliaj's medical treatment in detention were unreasonable and violated his privacy.

Notably, the international community has publicly recognized the flaws in Mayor Veliaj's ongoing pre-trial detention. 76 Mayors and Representatives of 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. They adopted a finding in the 2025 Venice Commission Report of the Council of Europe that "the use of pretrial detention against sitting mayors constitutes a serious risk to democratic governance" because it "effectively disenfranchises citizens by sidelining their chosen representatives without due process."

Mayor Veliaj's detention must end. Continuing to detain Mayor Veliaj and denying him fundamental due process rights like the ability to review the evidence against him betrays Albania's democratic promise, casts serious doubt on the progress of its reforms, and may jeopardize its EU accession goals.

Global leaders, democratic organizations, and the media should continue to keep the spotlight on this injustice and demand Erion Veliaj's immediate release from pre-trial detention.

Contact:



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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

USA - English ▼

KASOWITZ

NEWS PROVIDED BY

Kasowitz LLP →

Mar 11, 2026, 07:00 ET

NEW YORK, March 11, 2026 /PRNewswire/ -- 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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**Report of Kasowitz LLP
Regarding the Continued Unjust Detention and Prosecution of Erion Veliaj,
Mayor of Tirana, Albania**

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

March 10, 2026

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

³ *The first hearing on the merits for Veliaj is postponed, the GJKKO gives the investigative acts to the mayor*, BalkanWeb, Mar. 9, 2026, available at <https://www.balkanweb.com/en/shtyhet-seanca-e-pare-ne-themel-per-veliajn-avokatja-kerkoi-njohjen-me-dokumentet-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.⁴ At a hearing on February 1, 2026, Mayor Veliaj's state-appointed counsel reportedly explained to the presiding court that it was "impossible for her to inform [Mayor] Veliaj about the file with a one-hour meeting in his cell in Durres and that she cannot remember 60 thousand pages of files, so [Veliaj] should be given the opportunity to read the file on a computer without internet or physically."⁵

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁸ *Id.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹³ *Id.*

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

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

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

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

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

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

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

¹⁵ *Id.*

¹⁶ *Id.*

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

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

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

IV. Conclusion

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

¹⁸ *Id.*

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

Kasowitz Reports that Court-Ordered Disclosure in Albania Raises Serious Questions about Basis for SPAK's Case Against Tirana Mayor Erion Veliaj

KASOWITZ

NEWS PROVIDED BY

Kasowitz LLP →

Apr 14, 2026, 07:00 ET

Materials produced following a court order suggest investigation was initiated based on unverifiable anonymous allegations attributed to non-existent individuals

TIRANA, Albania, April 14, 2026 /PRNewswire/ -- Following a court order requiring Albania's Special Prosecution Office Against Corruption and Organized Crime (SPAK) to finally provide Mayor Erion Veliaj access to the evidence against him, recently disclosed materials contain troubling evidence which raises profound questions about the foundation of the entire prosecution.

According to the disclosed materials, SPAK's investigation appears to have been initiated based on anonymous allegations attributed to two individuals identified as "Nesti Agoni" and "Nasta Pellumbi," neither of whom appear on Albania's National Registry of Citizens.

Plarent Ndreca, Mayor Veliaj's defense lawyer in Albania, issued the following statement about the newly disclosed materials:

"These purported whistleblowers are made up names of fictitious individuals, and the allegations attributed to them are unsupported and inherently unreliable. This disturbing disclosure further suggests that SPAK launched its major prosecution of a sitting mayor based on a deeply suspect and pretextual premise, underscoring serious concerns about due process, prosecutorial integrity, and the rule of law." ☞

The case has drawn increasing international attention, with observers raising broader concerns about due process and the rule of law in Albania

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Kasowitz and Mishcon de Reya Release Tirana Mayor Erion Veliaj's Letter to the International Community Urging International Monitoring of May 8 Court Hearing in Albania

KASOWITZ

NEWS PROVIDED BY

Kasowitz LLP →

May 01, 2026, 08:00 ET

TIRANA, Albania, May 1, 2026 /PRNewswire/ — The U.S. law firm Kasowitz LLP and U.K. law firm Mishcon de Reya LLP delivered a formal letter from their client, Erion Veliaj, the currently incarcerated Mayor of Tirana, to representatives of international embassies in Albania and other international organizations, urging them to actively monitor a pivotal May 8, 2026 hearing before the Administrative Court in Tirana and calling for the proceeding to be live-streamed, consistent with transparency practices of Albania's Constitutional Court.

The hearing will address whether Ols Dado, the lead prosecutor in Mayor Veliaj's criminal case, was lawfully appointed under Albanian law. In his letter, Mayor Veliaj outlines a legal challenge asserting that Mr. Dado failed to meet mandatory qualification requirements — specifically, completion of Magistracy School or securing a lawful exemption — rendering his appointment invalid and his prosecutorial actions void from the outset.

Mayor Veliaj warns that the case may be dismissed on procedural "standing" grounds without addressing the merits, potentially in a closed setting shielded from public and international scrutiny. He argues that such an outcome would raise serious concerns about due process and the rule of law.



"My legal challenge is not just about me or Mr. Dado. It is an effort to ensure that our republic follows the law governing the appointment of prosecutors, and to rectify any errors in the vetting process that result in the appointment of unqualified candidates," Mayor Veliaj wrote.

The letter further details the consequences of appointing an unqualified prosecutor like Mr. Dado, including indefinite pretrial detention, restricted access to counsel and evidence, and overexpansive investigative measures affecting Mayor Veliaj's family and personal life. Mayor Veliaj calls on international representatives to attend the hearing, monitor proceedings, and amplify the issues globally.

Daniel Fetterman, a partner at Kasowitz added: "This is a fundamental rule-of-law issue. If a prosecutor lacks the legal qualifications to hold office, every action taken under that authority is inherently suspect. Transparency in this proceeding is essential not only for Mayor Veliaj's rights, but for public confidence in Albania's judicial institutions."

The full letter in English can be accessed here: <https://www.kasowitz.com/media/ye0jhuzq/open-letter-to-the-international-community-04302026.pdf>.

Contact:



SOURCE Kasowitz LLP

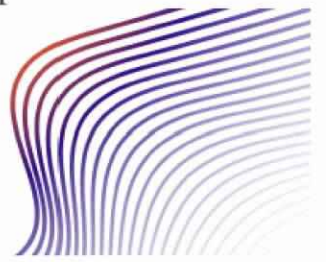
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REPUBLIKA E SHQIPËRISË
BASHKIA TIRANË

Tiranë, 30.04.2026

To the International Community:

I write to call your attention to a significant legal challenge that is underway in Albania, and to request your support in actively monitoring the proceedings before the Administrative Court in Tirana overseeing this matter. At a hearing scheduled for Friday, May 8, 2026, the court is expected to address the question of whether Ols Dado, the lead prosecutor in my criminal case, was duly appointed under Albanian law to serve as a prosecutor. Given the profound impact of this case on rule-of-law and democracy issues in Albania, I urge you to attend the proceedings and – consistent with the practices of Albania’s Constitutional Court – call on the Administrative Court to live-stream the May 8 hearing.

In February of this year, I initiated a legal action challenging the validity of Mr. Dado’s appointment in 2008 to the Office of the Prosecutor. Under the law in Albania, a candidate for prosecutor is required to satisfy a set of basic, threshold requirements, including the completion of Magistracy School, unless he is exempted from doing so.¹ My legal challenge contends that Mr. Dado was unlawfully appointed as prosecutor because he neither completed Magistracy School nor was exempted from doing so. Having failed to meet these conditions, Mr. Dado was never qualified to be a prosecutor, and his appointment to such a position in 2008 was legally invalid. Consequently, Mr. Dado never had the authority to investigate, charge, and prosecute my criminal case, and his actions as prosecutor should be declared null and void *ab initio*.

Mr. Dado has responded to my challenge dismissively, telling the Administrative Court that I lack the appropriate “standing” to bring my claim because his appointment – however defective – did not violate or otherwise infringe upon my personal rights and interests. He does not dispute that under the law, he lacks the qualifications to be a prosecutor. But he is counting on the court to take a “no harm, no foul” approach by dismissing and brushing my claim under the rug – behind doors, in the secrecy of a sealed courtroom, without offering a fulsome rationale for its decision, and away from the scrutiny of the Albanian public and international community.

¹ Those requirements are enumerated in Article 17 of Law No. 8737. A candidate may be exempted from the Magistracy School requirement if he can demonstrate that he previously (i) held the office of judge or prosecutor; (ii) worked for at least three years as a lecturer at the School of Magistracy or as a Faculty of Law; (iii) served as a legal adviser, leader, or specialist in the legal-professional structures of the Assembly, the President of the Republic, the Council of Ministers, the Supreme Court, the Ministry of Justice, or the Office of the Ombudsman; or (iv) served as a judicial police officer. See Article 18 of Law No. 8737. Mr. Dado has done none of these things.

The role of a prosecutor is vast and powerful. A prosecutor has more control over the life, liberty, and reputation of the average citizen than virtually any other person in Albania. If a prosecutor wants to investigate someone, he has the power to determine the scope and extent of the issues to investigate and the private or public manner in which such an investigation is conducted. He has broad discretion over which crimes to charge someone with, and whether to detain that person pending a trial on the charges. Prosecutors who are ill-suited for the position are particularly susceptible to acting on base motives, abusing power, and bringing about a miscarriage of justice. Thus, the process of appointing qualified and responsible prosecutors is essential to a healthy and functioning democracy.

It is difficult to fathom how my rights and interests have not been harmed by Mr. Dado's unlawful appointment. It imbued him with vast power, which he then exercised in an unrestrained, arbitrary, and punitive manner. Based on reports submitted through fake names, Mr. Dado initiated a sprawling investigation that intruded on virtually every aspect of my life. My family members and I endured grueling interrogations, often about disparate and innocuous events pre-dating my public service by decades. Our personal belongings were seized through indiscriminate raids on our homes and offices.

Last year, at Mr. Dado's request, a court imposed a personal security measure of "arrest in prison" without a defined term even though I was never charged with any crimes. He then insisted that I remain detained through trial even though I had qualified for bail – and even though every single one of my 17 co-defendants were released on bail. For the past 14 months, I have been in prison awaiting trial while Mr. Dado has cut off access to evidence, prohibited my lawyers from meeting with me, and interfered with my ability to prepare an adequate defense. Since the day he began his investigation in 2023, Mr. Dado has dictated the terms of my freedom, my privacy, my personal relationships, and the duties I owe to my constituents. My case is a textbook example of how the misuse of power by an unqualified prosecutor can quickly result in the trampling of one's rights.

At its core, this case examines the source from which a prosecutor derives his vast authority to investigate, charge, and prosecute crime in Albania. Our system in Albania demands that prosecutors meet threshold qualifications because it recognizes that unqualified prosecutors can inflict serious harm on defendants and the overall rule of law. It is precisely for this reason why Albania's constitutional changes have included a procedure to vet prospective prosecutors and magistrates. This vetting process is intended to separate the qualified from the unqualified, and those who can be entrusted to exercise prosecutorial discretion responsibly from those who are likely to use it in misguided and arbitrary ways.

My legal challenge is not just about me or Mr. Dado. It is an effort to ensure that our republic follows the law governing the appointment of prosecutors, and to rectify any errors in the vetting process that result in the appointment of unqualified candidates. This case is no different than the challenges that defendants in other functioning democracies outside of Albania have brought to invalidate appointments of unqualified prosecutors and dismiss cases tainted by their involvement. Similarly here, Mr. Dado's failure to complete Magistracy School or otherwise

obtain an exemption reveals clear errors in a vetting process that ultimately resulted in a defective appointment.

The citizens of Albania have the right to know whether their prosecutors are qualified and will exercise their powers with sound discretion. My legal challenge seeks to bring accountability to those entrusted with power; to enhance transparency over secrecy; and to rectify the unlawful appointment of an unqualified prosecutor. Any attempt by Mr. Dado to dispose of this issue on purely technical grounds of “standing” should be forcefully rejected. For the sake of Albania’s democracy, I exhort you to send representatives from your organization to attend the May 8 hearing before the Administrative Court, to monitor the proceedings, and to amplify this critical issue globally.

Sincerely,

Erion Veliaj
Mayor of Tirana

cc: Albanian Helsinki Committee
Erinda Skendaj, Executive Director
[REDACTED]

Council of Europe Office in Albania
Giulia Re, Head of Office
[REDACTED]

OSCE Presence in Albania
Ambassador Michel Tarran
[REDACTED]

Delegation of the European Union to Albania
Ambassador Silvio Gonzato
[REDACTED]

Embassy of Austria in Albania
Ambassador Monika Zach
[REDACTED]

Embassy of France in Albania
Ambassador Catherine Suard
[REDACTED]

Embassy of the Federal Republic of Germany in Albania
Ambassador Karl Bergner
[REDACTED]

Embassy of the Republic of Italy in Albania
Ambassador Marco Alberti

[REDACTED]

Embassy of the Kingdom of Spain in Albania
Ambassador Gabriel Cremades Ventura

[REDACTED]

Embassy of Sweden in Albania
Ambassador Niklas Ström

[REDACTED]

British Embassy in Albania
Ambassador Nicholas Abbott

[REDACTED]

United States Embassy in Albania
Charge d'affaires Nancy VanHorn

[REDACTED]

Albania's Constitutional Court Issues Second Landmark Ruling in Favor of Tirana Mayor Erion Veliaj; International Counsel at Kasowitz and Mishcon de Reya Call for Prompt Implementation of Constitutional Decision

KASOWITZ

NEWS PROVIDED BY

Kasowitz LLP →

Jul 06, 2026, 09:36 ET

TIRANA, Albania, July 6, 2026 /PRNewswire/ – The Constitutional Court of Albania issued a second landmark ruling in favor of Tirana Mayor Erion Veliaj, holding that the Albanian Supreme Court failed to satisfy fundamental constitutional requirements governing the judicial review of Mayor Veliaj's continued pretrial detention. The Constitutional Court annulled the Supreme Court's decision and remanded the matter for renewed review. The ruling follows the Constitutional Court's earlier landmark decision protecting Mayor Veliaj's voter-conferred constitutional mandate as the democratically elected Mayor of Tirana.

In its latest decision, the Constitutional Court held that the Supreme Court failed to conduct the meaningful review required by Albania's Constitution, including to determine whether Mayor Veliaj's continued detention remained necessary and proportionate; to evaluate less restrictive alternatives; to address the constitutional consequences of preventing the democratically elected Mayor of Tirana from exercising the mandate entrusted to him by the citizens of Tirana; and to consider significant constitutional claims arising from Mayor Veliaj's treatment during judicial proceedings.



Although the majority remanded the matter for renewed constitutional review, one of the Constitutional Court judges issued a separate concurring opinion that went significantly further. The concurring judge concluded that the evidence relied upon by the lower courts failed to establish the constitutionally required reasonable suspicion to justify Mayor Veliaj's detention. According to the concurring opinion, prosecutors relied on facts that merely reflected the ordinary exercise of Mayor Veliaj's official responsibilities and would not persuade "even an objective observer" that he had committed the charged offenses. The concurring judge therefore concluded that Mayor Veliaj's continued detention lacked the constitutional foundation required under both Albanian law and the European Convention on Human Rights.

Other members of the Constitutional Court likewise expressed serious concerns regarding Mayor Veliaj's treatment. Separate opinions criticized the use of a glass enclosure during court proceedings as inconsistent with human dignity, concluded that restrictions imposed during detention interfered with Mayor Veliaj's ability to communicate effectively with counsel, emphasized that the Supreme Court failed to protect adequately the constitutional presumption of innocence and the right to an effective defense, and criticized the lower courts for failing to weigh properly the constitutional implications of depriving the democratically elected Mayor of Tirana of the ability to exercise the office entrusted to him by the electorate.

Taken together, the Constitutional Court's majority opinion and the accompanying concurring opinions identify a remarkable series of independent constitutional deficiencies, including the failure to establish sufficient reasonable suspicion by adequate evidence; the failure to meaningfully evaluate whether continued detention remained necessary and proportionate; the failure to adequately safeguard the constitutional presumption of innocence and the right to an effective defense; the failure to protect courtroom procedures that protected Mayor Veliaj's dignity and his confidential communications with counsel; and the failure to fully consider the constitutional consequences of preventing a democratically elected mayor from exercising the office entrusted to him by the electorate.

The decision establishes constitutional principles extending well beyond this case by reaffirming that restrictions on personal liberty must be subject to meaningful constitutional scrutiny; that courts must independently determine whether detention remains necessary and proportionate; that less restrictive alternatives must be genuinely considered; and that constitutional protections remain fully applicable even in proceedings involving elected public officials and matters of significant public importance.

Daniel J. Fetterman, lead international counsel for Mayor Veliaj and a partner at Kasowitz LLP, issued the following statement:

"The Constitutional Court deserves recognition for its careful, independent, and principled application of Albania's Constitution. Today's decision represents the Constitutional Court's second ruling recognizing significant constitutional deficiencies in the State's treatment of Mayor Veliaj.



The Constitutional Court has performed precisely the function entrusted to it by Albania's Constitution: ensuring that even in matters involving public officials and allegations of criminal misconduct, constitutional guarantees remain fully enforceable. Constitutional rights exist precisely to ensure that difficult cases are decided according to law rather than expediency.

This decision reinforces a principle shared by constitutional democracies throughout Europe and the United States: personal liberty cannot be restricted without rigorous judicial scrutiny and faithful adherence to constitutional safeguards. The Constitutional Court has now required exactly that searching review, and one member of the Court concluded that the evidence never satisfied the constitutional standard necessary to justify Mayor Veliaj's detention in the first place. Once the Albanian Supreme Court faithfully undertakes the review required by today's decision, carefully weighs each of the deficiencies identified by the Constitutional Court, and applies the governing standards, we fully expect it will conclude that Mayor Veliaj's continued detention cannot constitutionally be sustained and will order his immediate release.

When those constitutional deficiencies are considered together with the publicly identified use of two purportedly fictitious complainants whose existence has never been established and the participation of a prosecutor who admitted that he lacked the legal qualifications required to hold his office, the Albanian judiciary should ultimately be required to determine whether the cumulative effect of these defects has so compromised the integrity of these proceedings that the prosecution can continue consistently with the guarantees of due process, the Albanian Constitution, and the European Convention on Human Rights.

The rule of law ultimately is measured not by the constitutional rights written on paper, but by the willingness of independent courts to enforce those rights when doing so is most difficult. Independent courts faithfully applying constitutional principles without fear or favor are indispensable to democratic governance, public confidence in the administration of justice, and the protection of every citizen's fundamental liberties. We remain hopeful that Albania's judicial institutions will uphold those enduring constitutional principles."

Contact: Shannon O'Reilly, Kasowitz LLP



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Kasowitz Reacts to Albanian Supreme Court Keeping Tirana Mayor Erion Veliaj Detained After Constitutional Court Vacated Prior Supreme Court Ruling

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Kasowitz LLP →

Sep 21, 2026, 10:39 ET

Mayor Has Spent More Than 19 Months in Pretrial Detention; International Counsel Says Decision Tests Whether Constitutional Review Has Practical Force

TIRANA, Albania and NEW YORK, Sept. 21, 2026 /PRNewswire/ -- Albania's Supreme Court ruled September 15 that Tirana Mayor Erion Veliaj will remain in detention, leaving in force a March 13, 2025 decision of the Special Appeals Court. The ruling follows a decision by Albania's Constitutional Court vacating the Supreme Court's prior ruling on Mayor Veliaj's detention and remanding the matter for renewed review.

The Constitutional Court found that the prior Supreme Court decision did not provide the constitutionally required review of significant issues concerning Mayor Veliaj's continued detention, including its proportionality and the constitutional consequences of preventing Tirana's democratically elected mayor from exercising the mandate entrusted to him by the city's voters. The Constitutional Court returned the case to the Supreme Court for further consideration.

Mayor Veliaj has been detained since February 10, 2025 — more than 19 months — and remains Tirana's elected mayor. In a separate ruling last year, the Constitutional Court invalidated an attempt to remove him from office based on his involuntary absence while detained.



Daniel J. Fetterman, a partner at Kasowitz LLP and lead international counsel to Mayor Veliaj, said:

"Yesterday's decision by Albania's Supreme Court is Kafkaesque and presents a stark question: does Albania's constitutional review have any meaning if constitutional deficiencies identified by the Constitutional Court – the highest court in the land – aren't corrected by its lower courts?"

"Albania's Constitutional Court vacated the Supreme Court's prior decision and sent this case back because the constitutionally required meaningful review of the proportionality of Mayor Veliaj's detention, less restrictive measures, and the consequences of preventing the elected Mayor of Tirana from carrying out his mandate given to him by the citizens of Tirana had not occurred."

"Mayor Veliaj has now spent more than 19 months in pretrial detention without any trial or conviction. Constitutional rights cannot exist only on paper, and constitutional review cannot become an exercise without practical consequence. The rule of law depends not simply on constitutional courts issuing decisions, but on those decisions being given meaningful effect."

"Additionally, separate opinions by members of the Constitutional Court have raised significant questions about the evidentiary basis for Mayor Veliaj's charges, detention and treatment during the proceedings."

"Albania's institutions still have the opportunity to demonstrate that constitutional safeguards are enforceable, not aspirational. We will continue to pursue every lawful avenue available to Mayor Veliaj and insist on a process consistent with those principles."

The Supreme Court's September 15 public notice states that the Court left in force the March 13, 2025 decision of the Special Appeals Court. The notice does not yet contain the Court's complete written reasoning and states that the reasoned decision will be communicated to the parties in accordance with the Court's procedures.

Plarent Ndreca, Mayor Veliaj's Albanian counsel, said:

"The question now is straightforward: what value do constitutional safeguards have if constitutional judgments do not have practical effect?"

"We will carefully review the Supreme Court's full reasoning when it is issued and pursue every remedy available under Albania's Constitution, domestic law and applicable international instruments. Mayor Veliaj remains presumed innocent, yet after more than 19 months he remains detained and unable to exercise the mandate entrusted to him by the citizens of Tirana. Constitutional judgments, fundamental rights and democratic mandates must have meaning in practice, not merely in principle."



About Kasowitz LLP

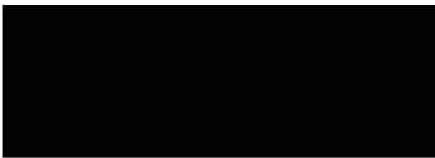
Kasowitz LLP is a litigation firm with extensive experience in complex domestic and international disputes and highly sensitive white collar defense and investigations. Its White Collar Defense and Investigations lawyers have handled matters arising in jurisdictions around the world, and the firm and its lawyers have been recognized by publications including Chambers USA and The Legal 500.

Daniel J. Fetterman, Chair of Kasowitz's White Collar Defense and Investigations Group and a former federal prosecutor in the Southern District of New York, represents corporations, public officials, executives and individuals in significant white-collar, cross-border and high-profile matters. He serves as lead international counsel to Mayor Veliaj.

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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Shannon O'Reilly
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