



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF ELEZI v. ALBANIA

(Application no. 17141/21)

JUDGMENT

STRASBOURG

23 June 2026

This judgment is final but it may be subject to editorial revision.

In the case of Elezi v. Albania,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Úna Ní Raifeartaigh, *President*,

Darian Pavli,

Mateja Đurović, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 17141/21) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 29 March 2021 by an Albanian national, Mr Ferdinand Elezi (“the applicant”), who was born in 1968 and lives in Durrës, Albania, and was represented by Mr T. Alexandridis, a lawyer practising in Kalamata, Greece;

the decision to give notice of the complaint concerning the applicant’s dismissal to the Albanian Government (“the Government”), represented by Mr O. Moçka, General State Advocate, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 19 May 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant’s transitional vetting proceedings, held by the Independent Qualification Commission (“the IQC”) and the Special Appeal Chamber (“the SAC”; see, for a description of the vetting process, *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021).

2. The applicant worked as a prosecutor since 1999, most recently as head of the prosecutor’s office at the Durrës Court of Appeal. His wife worked as a notary since 2000. They married in 2004.

3. The family’s assets declared in the vetting proceedings included a 124 sq. m flat in Tirana, purchased in 2000 (with a declared value of 40,000 United States dollars, paid for with a loan of 4,000,000 Albanian leks (ALL), which was available to senior state officials, and an amount in savings); a 45 sq. m office in Durrës, purchased in 2005 for 60,000 euros (EUR); and two 185 sq. m flats in Durrës, one purchased in 2005 for EUR 30,000 and the other purchased in 2007 for ALL 4,000,000. The period taken into account for the vetting assessment was from 2003 to 2016.

4. On 9 April 2019 the IQC found that the applicant had met the vetting requirements as regarded his professional competence and integrity background check, but that he had failed to meet those requirements as regarded the assessment of his assets and that he, therefore, had to be dismissed from office. In particular, the applicant had failed to justify the

family's expenses and declared savings from lawful sources in the amount of ALL 3,044,938 over seven years. Apart from that shortfall, the IQC's financial analysis showed surpluses over seven years, for a total of ALL 3,565,581, including ALL 1,247,705 for 2004; ALL 493,279 for 2006; ALL 153,545 for 2009; and ALL 734,308 for 2012.

5. The applicant appealed, arguing that the IQC's financial analysis was erroneous, as his and his wife's salaries and his wife's profits from her activity as a self-employed notary had not been fully taken into account, while their living and travel expenses had been wrongly calculated in values considerably exceeding their actual expenses. He also argued that the surpluses should have been carried over to offset the shortfalls found in the years immediately following.

6. On 30 September 2020 the SAC, by three votes to two, upheld the IQC's decision and dismissed the applicant from office on the basis of the evaluation of his assets, pursuant to section 61(3) of the Vetting Act.

7. The SAC partly accepted the applicant's claims. Its own financial analysis showed shortfalls of a total of ALL 1,084,253 over four years, notably ALL 120,346 in 2005; ALL 709,429 in 2007; ALL 118,867 in 2008; and ALL 135,611 in 2010. The remaining three years in issue showed surpluses amounting to a total of ALL 772,777, notably ALL 54,709 for 2013, ALL 61,157 for 2014, and ALL 656,911 for 2016.

8. The calculation of estimated living costs was based on data in surveys prepared by the Institute of Statistics. For the applicant's family, that calculation included:

- ALL 328,671 for 2005;
- ALL 766,896 for 2007;
- ALL 546,480 for 2008;
- ALL 546,480 for 2010; and
- ALL 564,096 for 2013.

In its calculation, the SAC offered no explanation in respect of a spike in estimated living costs for 2007.

9. As regards the travel costs of the applicant's trips abroad, the SAC based its calculation on data from the police concerning border crossings for the period from 2008 to 2016. For the period from 2004 to 2007, the SAC relied on the IQC's calculation, which had been made in the absence of such data.

10. The SAC found that the shortfalls represented a lack of lawful sources to account for the applicant's assets and expenses in the relevant years, which justified his dismissal. As regards the surpluses, the SAC held that they were potential, not real, savings and, given the applicant's failure to record them as savings in the annual declarations and in the absence of documentary evidence, they could not be taken into account for offsetting the shortfalls in the following years.

11. The SAC found no issues with regard to the declaration of the family's immovable assets or their acquisition through lawful sources.

12. In a dissenting opinion, two judges stated that the identified shortcomings were insufficient to warrant the applicant's removal from office, which was disproportionate in the circumstances. The low amounts of the shortfalls for 2005, 2008 and 2010 were irrelevant in the light of a realistic assessment of the ability of a vetted individual to prove the lawfulness of sources. The shortfalls were related mainly to his wife's variable income as a self-employed notary and the household living costs, but not to the acquisition of any assets. The shortfall for 2007 had been significantly influenced by an unusual and unreasonable increase of the statutory standard for estimated living expenses, the lack of verifiable data for the assessment of travel expenses and the complexity of recording the income from his wife's notarial activities. The applicant had to be considered to have met the vetting requirements in the assessment of his assets and, given the positive results of his assessment for the criteria of integrity and professional skills, had to be confirmed in office.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

13. The applicant was dismissed from his position as career prosecutor, thereby losing his function within the justice system and his remuneration with immediate effect. This undoubtedly had serious consequences for his "inner circle", that is, his well-being and that of his family members, and affected his private life to a very significant degree. Article 8 is therefore applicable (see *Nikëhasani v. Albania*, no. 58997/18, § 86, 13 December 2022, with further references).

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

15. The Court finds that there has been an interference with the applicant's right to respect for his private life, which was in accordance with the law and in the interests of national security, public safety and the protection of the rights and freedoms of others (see *Xhoxhaj v. Albania*, no. 15227/19, §§ 377-78, 384-88 and 391-93, 9 February 2021).

16. It remains to be examined whether the interference was "necessary in a democratic society", notably if it answered a "pressing social need" and, in particular, if it was proportionate to the legitimate aims pursued and if the reasons adduced by the national authorities to justify it were "relevant and sufficient". The relevant general principles have been summarised in *Xhoxhaj* (cited above, §§ 402-03) and *Sevdari v. Albania* (no. 40662/19, §§ 83-86, 13 December 2022).

17. The Court has already held that the reform of the Albanian justice system entailing the extraordinary vetting of all serving judges and prosecutors responded to a “pressing social need” (see *Xhoxhaj*, cited above, § 404).

18. The applicant’s dismissal was based solely on the evaluation of his assets. The assessment in respect of the other two vetting criteria, namely integrity and professional competence, was positive (see paragraph 4 above).

19. No issues with the lawful origin or declaration of the major immovable assets belonging to the applicant’s family were found by the SAC.

20. The only issue for the entire assessment period concerned four years, for which the SAC’s financial analysis showed an overall deficit of ALL 1,084,253. The values for three of those years, ranging from ALL 118,867 to ALL 135,611, were not significant and represented only between 1.5% and 3.2% of the total combined family income for each relevant year (see paragraphs 7 and 8 above).

21. There was a larger deficit for 2007, specifically ALL 709,429, which amounted to 12.4% of the total combined family income. However, it appears that its calculation had to be taken with caution. The calculation showed a 133% increase in the estimated living costs of the applicant’s household for 2007 compared to 2006. The amount of estimated living costs for 2007 was higher even in relation to the years 2008, 2010 and 2013 spanning over the six-year period which followed (see paragraph 8 above). In the absence of any explanation by the SAC in its decision, such a considerable spike cannot be considered convincing. Lastly, the calculation of the estimated travel costs for 2007 was made in the absence of verifiable data about actual travel undertaken by the applicant and his family, which (data) was available for the subsequent years.

22. The Court also observes that the vetting bodies’ financial analysis, taken cumulatively, showed a significant surplus, notably ALL 1,894,529 for the period from 2004 to 2009, that is, including the years preceding those with the deficit and exceeding the overall deficit found, and more than ALL 4 million for the entire assessment period (see paragraphs 4 and 7 above).

23. In view of the foregoing, the Court considers, on the basis of an overall assessment of the particular circumstances of the case, that the applicant’s dismissal, justified mainly by calculations in respect of a single year – and which had to be taken with caution – was disproportionate to the legitimate aims pursued by the vetting process (compare *Sevdari*, cited above, § 96).

24. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLES 41 AND 46 OF THE CONVENTION

25. The applicant claimed 13,600 euros (EUR) in respect of pecuniary damage for expenses related to securing new employment as a practising lawyer after his dismissal, but not related to any salary arrears or any other compensation which he indicated he would claim before the domestic authorities under domestic law in the event of his reinstatement as a prosecutor; EUR 10,000 in respect of non-pecuniary damage; and EUR 9,242 in respect of costs and expenses incurred before the Court. The latter amount consisted of EUR 7,950 for legal representation, 15% tax on that amount and EUR 100 for clerical expenses.

26. The Government contested the claims.

27. The Court observes that the applicant did not substantiate the pecuniary damage alleged; it therefore rejects this claim. However, it awards the applicant EUR 6,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

28. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 5,000 covering costs for the proceedings before the Court, plus any tax that may be chargeable to the applicant.

29. The applicant also submitted that the respondent State should be ordered to reopen the domestic proceedings and that, in the event that he was reinstated, to grant him salary arrears and any relevant entitlements.

30. The Government disagreed.

31. The Court has found a breach of Article 8 because the applicant's dismissal was not shown to be proportionate to the legitimate aims pursued. In a similar context, the Court has indicated that the reopening of vetting proceedings would be appropriate (see *Sevdari*, cited above, §§ 144-45, and Resolution CM/ResDH(2024)212). The IQC has concluded its mandate, and the SAC will conclude it during 2026. Article 179/b § 8 of the Constitution of Albania regulates the handling of pending or unresolved proceedings after the termination of those mandates. Should the applicant so request, it would be appropriate to reopen the proceedings and to re-examine the case in line with the requirements of Article 8 as set out in this judgment.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the applicant's dismissal admissible;
2. *Holds* that there has been a violation of Article 8 of the Convention;

3. *Holds*

- (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 5,000 (five thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 23 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Úna Ní Raifeartaigh
President