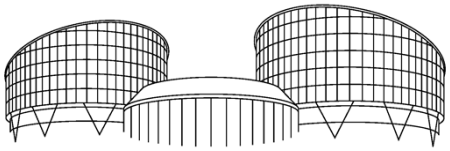

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF SELIMI v. ALBANIA

(Application no. 37896/19)

JUDGMENT

Art 6 § 1 (civil) • Fair hearing • Dismissal of Supreme Court judge based on findings of vetting proceedings that assessed his contact with persons involved in organised crime • Vetting bodies' failure to sufficiently inform the applicant of the essential factual elements underlying the serious allegations against him and to give him access to any additional documents they examined • Applicant's ability to mount a viable defence and to challenge the credibility or basis of the allegations significantly restricted • Unjustified restrictions on the applicant's procedural rights without adequate counterbalancing factors • Very essence of the applicant's procedural rights affected

Prepared by the Registry. Does not bind the Court.

STRASBOURG

25 November 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Selimi v. Albania,

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

Ioannis Ktistakis*, President*,
Peeter Roosma,
Darian Pavli,
Diana Kovatcheva,
Úna Ní Raifeartaigh,
Mateja Đurović,
Vasilka Sancin*, judges*,
and Milan Blaško, *Section Registrar,*

Having regard to:

the application (no. 37896/19) 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") by an Albanian national, Mr Shkëlzen Kujtim Selimi ("the applicant"), on 8 July 2019;

the decision to reject the applicant's request for the recusal of Darian Pavli, the judge elected in respect of Albania, on 19 August 2021 (Rule 28 of the Rules of Court as in force at that time);

the decision to give notice to the Albanian Government ("the Government") of the complaints concerning the applicant's rights to a fair hearing and to respect for private life and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated in private on 4 November 2025,

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

INTRODUCTION

1. The present case concerns the applicant's dismissal from the office of Supreme Court judge in vetting proceedings under Law no. 84/2016 ("the Vetting Act").

THE FACTS

2. The applicant was born in 1974 and lives in Tirana. He was represented by Mr A. Saccucci and Ms G. Borgna, lawyers practising in Rome.

3. The Government were represented by Mr O. Moçka, General State Advocate.

4. The facts of the case may be summarised as follows.

I. BACKGROUND INFORMATION

5. In 2016 Albania embarked on implementing comprehensive reforms to its justice system: the Constitution was amended, and several statutes – concerning, among other things, the transitional re-evaluation of all serving judges (hereinafter "the vetting process") – were enacted. The vetting process was to be carried out by the Independent Qualification Commission ("the IQC") at first instance and – in the event of any appeals – the Special Appeal Chamber ("the SAC") attached to the Constitutional Court (jointly referred to as "the vetting bodies" – see *Xhoxhaj v. Albania*, no. 15227/19, §§ 4-7, 9 February 2021).

II. VETTING PROCEEDINGS IN RESPECT OF THE APPLICANT

6. The applicant, a district court judge between 1999 and 2011, was appointed to the Supreme Court of Albania in 2011.

7. In January 2017 the applicant filled in and submitted the following standard declaration forms: an integrity declaration, a declaration of assets and a professional self-appraisal form. He replied negatively to the question in the integrity declaration form asking if he had had any contact with "persons involved in organised crime" within the meaning of the Vetting Act (see, as regards that declaration form, *Thanza v. Albania*, no. 41047/19, § 64, 4 July 2023).

A. CISD report

8. The Classified Information Security Directorate ("the CISD") – which was attached to the Prime Minister's Office and assisted the vetting bodies with the assessment of each judge's background integrity – prepared Report no. 12112 dated 2 November 2017 and submitted a redacted version of it to the IQC. It was added to the applicant's vetting file as a classified ("State secret") document.

9. The redacted version of the report reads as follows:

> " ... 1. Referring to the vetting subject's declaration form, the Working Group carefully reviewed his file ... It was decided to send a request for a background check to the Prosecutor General's Office ... and to the U.S. Embassy [**redacted**]. They reported as follows:
>
> ... [The applicant] has expressed inaccuracies in the declaration form – namely, in part 5 (c) 'Security Data' – by failing to disclose inappropriate contact with persons involved in organised crime. That non-disclosure renders him liable for concealing a fact and for his inaccurate and untruthful completion of the declaration form ... The collected intelligence and other information may raise reasonable suspicions of his implication or inappropriate contact with persons involved in organised crime.
>
> From information provided by the verifying authorities we have become aware that: 'there is information [**redacted**] that raises reasonable suspicions of his involvement in

illegal activities, which was demonstrated by virtue of a judge's passive corruption while exercising his duty and exerting illegal influence over persons exercising public functions [*disponohen të dhëna ... ku ngrihen dyshime të arsyeshme për përfshirjen në veprimtari të kundërligjshme, shfaqur në formën e korrupsionit pasiv të gjyqtarit gjatë ushtrimit të detyrës dhe ushtrim i ndikimit të paligjshëm ndaj personave që ushtrojnë funksione publike*].'

Furthermore, we are informed that: '[**redacted**] has had inappropriate contact [**redacted**]'

Having assessed the information, we consider that: [**redacted**]

2. The information available in respect of the vetting subject, which indicates his involvement in corrupt activities involving justice official [*informacionet që disponohen në ngarkim të tij, për implikim në veprimtari korruptive të funksionarit të drejtësisë*] over a relatively long period of time and in more than one instance – through the promise of or the direct or indirect solicitation of any kind of undue benefit, in return for performing or refraining from performing an action related to official duties – suggests that [the applicant], pursuant to section 37 (b) and (c) of [the Vetting Act], [is] a person with tendencies towards involvement in criminal activity and an individual who may be easily subjected to pressure by criminal structures.

3. The information available against the vetting subject, which concerns corrupt activities, highlights the circumstances of the establishment of the fact [*informacionet që disponohen në ngarkim të subjektit të rivlerësimit për veprimtari korruptive, evidentojnë rrethanat e konstatimit të faktit*] that there exists inappropriate contact with a person or persons involved in organised crime, as defined in section 3 (15) of this Act, in the form of exchange of money, favours, or gifts; this is completely incompatible with the [applicant's] duties.

There exists information from the verifying authorities that the vetting subject has inappropriate contact, within the meaning of section 38 (4) of the Act, with [**redacted**].

[**redacted**]

[**redacted**]

[The applicant] is unfit to remain in office.

Find attached the declaration form and the official letter from the verifying authorities."

10. Between December 2017 and April 2018, the IQC made several requests to the CISD. The IQC sought the declassification of the above-mentioned report (see paragraph 12 below). It also requested the declassification of the information (i) classified as a "State secret" sent by Letters no. 12310 of 2 November 2017, no. 12559 of 22 December 2017, no. 852 of 23 January 2018, and (ii) classified as "Confidential" sent by Letter no. 1762/3 of 18 October 2017. It is unclear whether the CISD replied to any of those requests.

B. The IQC's investigation

11. From February 2018 onwards, during the investigation stage of the vetting proceedings the IQC asked the applicant a series of written questions

about his interaction with several people (hereinafter, F.D., I.Ç., A.D. and A.S.). In particular, the IQC asked whether between 2010 and 2012 the applicant had used a specific vehicle owned by A.S.; it also asked the applicant to explain his relationship with A.S. The applicant replied that A.S. was his distant relative and that his wife had occasionally used A.S.'s vehicle to commute to her work in Fier (see also paragraphs 13, 17, 19 and 20 below).

12. In May 2018 the CISD authorised a partial declassification of its report of 2 November 2017 so that it could be disclosed to the applicant while remaining redacted. The report mentioned certain information provided by "verifying authorities"; that information was attached to the report, but it was not disclosed to the applicant.

13. Shortly before the end of the investigation, by a letter of 4 July 2018, the International Monitoring Operation ("the IMO" – its mandate is described in paragraph 31 below) submitted a "finding" to the IQC. That letter (which was drafted in English) reads as follows:

> "Based on information provided on condition by reliable and credible foreign government confidential sources, International Observers offer this finding, pursuant to Art. 49.5 and Art. 49.10 of Law no. 84/2016:
>
> There is evidence that strongly suggests that assessee Shkelzen Selimi engaged in inappropriate contacts (Art. 38.4 of Law no. 84/2016), direct and indirect, with a persons [*sic*] on behalf of [A.I], aka [BQ], who was involved in organised crime (as defined in Art. 3.15 of Law no. 84/2016). In the first half of 2015, Selimi attempted to intercede on behalf of [A.I.] in order to influence the outcome of [A.I.'s] pending case before the Albanian courts seeking his extradition to Italy to face criminal charges. As the probable result of this intervention by Selimi, in July 2015 the request to extradite [A.I.] to Italy was denied and he remained free of custody."

14. Other documents – presumably originating from foreign authorities – were submitted to the IQC with or in relation to the IMO's above-noted finding (as confirmed by the IQC – see paragraph 21 below). Those submissions were not disclosed to the applicant.

15. On the basis of the CISD's report and the applicant's replies, the IQC conducted enquiries and received information and documents from Albanian authorities, including the State Intelligence Service, the Prosecutor General's Office, the Serious Crimes Prosecution Office, and the courts.

C. IQC's report on its investigation

16. Following the completion of its investigation, the IQC drafted a report ("the investigation report"); its findings (in particular as regards A.I.) may be summarised as follows:

(a) The IMO had submitted information about the applicant's (involvement in the) exertion of illegal influence over persons exercising public functions. The CISD report stated that there was intelligence raising reasonable suspicions that the applicant had been involved in illegal activities – specifically, passive corruption (that is, bribe-taking) on the part of a/the

judge and the exertion of unlawful influence over persons exercising public functions. The above-specified data was verified, and it transpired that the applicant was "acquainted with" (*ka njohje me shtetasin*) A.I. – a person involved in organised crime. A.I. was subject to criminal proceedings in Italy on charges of international trafficking in cocaine, and it was a generally known fact (within the meaning of section 49 of the Vetting Act) that A.I. was an inappropriate contact.

(b) It could be seen from the insurance policies taken out in respect of a car registered in the name of A.S. (who had a conviction for resisting law-enforcement officers) that the applicant had used that car during the period 2010-11 and during the period 2011-12. A.S. was widely known to work (have worked) as A.I.'s driver. The applicant admitted to having used that car and "to knowing that person" (that is, presumably, A.S.), but he had not "declared this fact in the questionnaire sent to him at the beginning of the vetting process" in December 2017.

(c) It could be seen from the files relating to A.I.'s extradition, the IMO's finding, the CISD report and supporting documents received by the IQC that the applicant may have successfully exerted his influence in that case.

(d) Having conducted its investigation, the IQC had "formed the conviction" that the applicant "[had] ties" with A.I., who "[was] publicly known and proven to be involved in organised crime". Thus, the applicant had known A.I. and had failed to declare him as an inappropriate contact. He had also assisted him by engaging in unlawful actions (manifested in the form of passive corruption on the part of a/the judge while exercising his duty) and exerting unlawful influence over individuals holding public functions.

(e) The applicant had also been a member of the panel that had examined a request for the extension of A.I.'s detention in July 2014.

17. The IQC passed the burden of proof onto the applicant, and he was required to disprove the findings made in the IQC's investigation report. Specifically, the report concluded as follows:

> "Under Article Dh §§ 3 and 4 of the Annex to the Constitution, if the vetting subject has inappropriate contact with individuals involved in organised crime, it shall be presumed that [the vetting subject] should be dismissed from his office; the subject has the obligation to prove otherwise.
>
> If the vetting subject attempts to make inaccurate statements or to conceal contact with individuals involved in organised crime, it shall be presumed that [the vetting subject] should be dismissed from his office; the subject has the obligation to prove otherwise.
>
> As regards the finding sent by the [IMO], the burden of proof falls on you to provide explanations for the [conclusions of this investigation] and whether you are acquainted with [A.I.] [*a njiheni ju me shtetasin*]."

18. On 7, 11 and 24 July 2018 the applicant requested that either the redacted parts of the CISD's report be disclosed or that the classified information be examined in *ex parte* proceedings (if necessary, in his absence

and with a representative chosen by the IQC to act on his behalf). It appears that those requests were (implicitly) refused.

19. The applicant submitted to the IQC his objections to the factual findings and legal conclusions contained in the investigation report. It does not appear that at that stage of the proceedings he made any specific statement as to whether he personally knew A.I. or had had any direct encounters or contact or any kind of relationship with him.

20. The applicant clarified that A.S. was a distant relative of his from Kruja (the applicant's hometown). A.S. resided in Fier with his wife and children and, at the relevant time, had been employed as the driver for the CEO of a State-controlled company based in Fier. Although his family connection to A.S. was distant, their relationship had grown closer after the applicant's wife had been appointed as a judge to the Fier District Court. The sole reason for the relationship becoming closer was that she had occasionally required transportation from their home in Vlore to her workplace in Fier. A.S. had occasionally been asked to provide this transportation when the family car had been out of service or when there had been bad weather along the road. That had been the only factor linking the applicant to A.S., and as a result, they had met a few times in Fier, Vlore, or Tirana. Those occasional encounters had not given him any insight into A.S.'s social circle in Fier or elsewhere, and nor had they given him the opportunity to come to know people that A.S. might have met or any legal issues he may have faced. It was impossible for the applicant to know whether A.S. was acquainted with or associated with A.I. or whether he had any legal problems. The applicant's interactions with A.S. – which had been in any case strictly limited – had essentially come to an end in 2011, when the applicant had moved to Tirana to serve in the Supreme Court. After the move, their interactions with each other had been limited to occasional meetings during family events.

D. IQC's decision

21. The IQC held a public hearing. By a decision of 30 July 2018 (as corrected by a decision of 17 September 2018), the IQC held as follows. Although the CISD carried out in each case a background assessment of the vetting subject, the IQC nevertheless had to conduct its own in-depth investigation and to verify the information presented by the CISD. The IQC had done that in the applicant's case; in particular, it had requested additional information from the public authorities. Certain facts and evidence in the file had constituted a State secret that could not be "made public" (*nuk bëhet publik*) within the meaning of section 39 of the Vetting Act. The IMO's finding had been accompanied by confidential information that could not be "made public" – that had been a condition set by a foreign government; revealing that information could jeopardise its source. That confidential information had been considered together with the other evidence contained

in the case file. Non-disclosure of classified information in such circumstances did not violate the vetting subject's fundamental rights.

22. The IQC dismissed the applicant from his office, pursuant to section 61 (2) and (3) of the Vetting Act, in particular, for failing to declare in his vetting declaration his inappropriate contact with A.I. and for having had inappropriate contact with A.I., stating as follows.

(a) The IMO's finding (see paragraph 13 above) stated that the applicant had been involved in exerting illegal influence over persons exercising public functions. That finding constituted evidence proving a fact, circumstance or legal standard (*standard ligjor*) that had existed or had occurred, within the meaning of the Vetting Act. The finding was credible and sufficiently consistent with the other evidence. It was accompanied by confidential information that could not be "made public". That was a condition set by a foreign government; disclosing that information could endanger its source. It could be seen from the examination of the extradition file in respect of A.I. and the supporting "confidential" material received by the IQC that the applicant had successfully exerted influence in respect of that case. Moreover, the applicant had been part of the panel which, on 2 July 2014, had examined the prosecutor's request for A.I.'s detention to be extended (see paragraph 27 below). Furthermore, a foreign court decision submitted by the IMO stated that A.I. faced criminal proceedings pending in Italy in respect of his alleged participation in a criminal organisation and in drug trafficking.

(b) The IQC was persuaded that the applicant was acquainted with A.I. (non-casual contact). It appeared that the applicant had helped him, through unlawful actions in the form of passive corruption on the part of a judge and unlawful influence over other persons exercising public functions.

(c) The applicant had not declared A.I. as an inappropriate contact. Nor had he declared his acquaintance with A.I.

(d) It could be seen from the insurance policies taken out in respect of A.S.'s car that during the period 2010-11 and again during the period 2011-12 the applicant had used that car. A.S. was generally known as A.I.'s driver. The applicant had not disclosed his use of the car in the questionnaire sent to him at the start of the vetting process in 2017. He had acknowledged such use only after being asked about it by the IQC.

(e) The applicant had not specified whether he knew A.I., or whether they had had any non-casual contact or communication. The IQC examined the applicant's explanations relating to his use of A.S.'s car and concluded that they did not disprove the IMO's finding.

23. The IQC also (i) held against the applicant his "inappropriate contact" with another person, F.D., and his failure to declare that contact; and (ii) had reasonable suspicions that he could be easily put under pressure by people "involved in organised crime" within the meaning of the Vetting Act.

24. The applicant appealed to the SAC. He referred to his "lack of deliberate acquaintance" with A.I. (*mungesën e vullnetshme të njohjes*). He

argued that (i) he had not been asked any question in connection with A.I. during the investigation, and (ii) he had been unable to exercise his defence rights, since the findings relating to A.I. had been based on confidential data (including data concerning the place and method of the alleged attempt of unlawful influence for A.I.'s benefit). It was uncertain whether the credibility of the allegations had been verified: for example, it had not been ascertained whether the source (another person) had any conflict of interest, or had simply wanted to take revenge against the applicant. Moreover, the applicant added, if the corruption allegation had concerned his wife's work at the Fier District Court, she had not been involved in A.I.'s case and therefore could not have acted inappropriately in that regard.

E. SAC's decision

25. By a decision of 7 February 2019 (as corrected by a decision of 19 April 2019), the SAC upheld the applicant's dismissal from office. It held as follows as regards the general procedural aspects of the vetting case.

(a) The applicant had had sufficient information regarding the IQC's investigation. During the investigation the IQC had had questioned him more than ten times and he had provided explanations or raised objections in respect of the issues raised by the IQC. The SAC ruled that by asking the applicant questions about certain individuals (and issues relating to those individuals, which had ultimately been cited as reasons for his dismissal from office), the IQC had disclosed, at a sufficient and reasonable level, the circumstances and the identities of the relevant persons for whom the burden of proof had then been passed to the applicant and on which the disciplinary measure of dismissal from office had been ultimately decided. While protecting State secrets – pursuant to Law no. 8457 of 1999 and Albania's commitments with international partners under section 39 (2) of the Vetting Act – the IQC had informed the applicant (at an early stage of the investigation) of those circumstances that would later burden him with disciplinary responsibility within the meaning of Article Dh of the Annex to the Constitution and section 61 (2) and (3) of the Vetting Act.

(b) The CISD's report, in its declassified part, indicated that requests had been sent to law-enforcement agencies and foreign States. Thus, the applicant had been sufficiently informed of the relevant circumstances and the source of the information on which the IQC's findings had been based. At each stage of the proceedings before the IQC the applicant had had an opportunity to provide explanations and to exercise his defence rights in respect of his involvement in certain events and with individuals identified as inappropriate contacts. The IQC had found the CISD report to be correct and had drawn its own conclusions on the basis of that report, the IQC's investigation and the applicant's explanations.

(c) The IQC's decision to limit the applicant's access to classified "secret" documents had been proportionate and had not violated the essence of his right to be informed of the facts attributed to him and of their sources. Although he had not had access to the classified documents, he had been informed of the essential facts derived from them. He had been invited to provide explanations in respect of these facts, which were later used for his dismissal from office – specifically, his connection with two individuals considered as constituting inappropriate contacts. The applicant had also been informed of the sources from which the IQC had obtained that information – namely, law-enforcement agencies and foreign States. Those sources were considered as "recognised sources" (*burime të njohura*) within the meaning of section 49 (4) of the Vetting Act (see paragraph 35 below). The applicant had been given as much information from the classified documents as was reasonable and necessary to guarantee his defence rights. The IQC had been right not to grant access to the classified documents as to have done so would have compromised national security and revealed the activities of law-enforcement agencies operating through covert methods, and could have endangered the lives and health of other people and the integrity of partner relationships between Albania and other States.

(d) The IQC had had full access to all of the classified documents from which the facts the applicant had been informed of had been derived. It had conducted its own analysis of the data. The SAC had been afforded the same level of access and had carried out a comprehensive review and analysis of each of those classified documents. As a result, the SAC was convinced that all the facts attributed to the applicant were sufficiently proven.

(e) The applicant had been afforded sufficient knowledge of the relevant facts and individuals disclosed by the secret data. The SAC's conclusion in this respect was supported by other data obtained from open and official sources that gave context to the events or classified material while also providing the applicant with sufficient understanding of them.

26. As to the factual circumstances relating to A.I. specifically, the SAC held as follows.

(a) A.I. had been prosecuted in Italy for participation in a criminal organisation engaged in drug trafficking. That was a listed offence under section 3 (1) of Law no. 10192 of 2009; he was thus "a person involved in organised crime" within the meaning of section 3 (15) of the Vetting Act.

(b) Throughout the vetting proceedings, the applicant had failed to clearly state whether he had had any specific or direct relationship or contact with A.I. That insincere stance appeared to have constituted an attempt to conceal his relationship with A.I. by avoiding direct affirmations or denials, thereby maintaining an ambiguous position.

(c) The nature of their relationship had been established by the IMO's "finding" (see paragraph 13 above), which had carried the probative value of an expert report – that is it constituted evidence that would be

difficult for any adjudicating body to challenge, owing to its nature and the credibility of its source. The source's reliability, integrity, impartiality, and professionalism – combined with the highly specific method employed to gather the information in question – had afforded it particular evidentiary weight (*vlerë të veçantë*). According to the IMO's finding, the applicant had maintained stable contact (*lidhje të qëndrueshme*) with A.I. and had used his influence within the justice system (both through his own decisions and by means of swaying other officials) to ensure that efforts to secure A.I.'s extradition to Italy would fail.

(d) While the applicant argued that he could not have known that his distant relative, A.S., had been A.I.'s driver, a criminal case file against A.I. (*një procedim penal në ngarkim të shtetasit A.I.*) indicated that A.S. had been identified as A.I.'s personal driver.

(e) In 2014 the applicant had been the rapporteur on a panel of the Supreme Court that had set aside a court decision in A.I.'s case and had remitted the matter to another lower-instance court (see paragraph 27 below). It followed that the Supreme Court had partly accepted A.I.'s appeal and had delivered a decision in his favour. That decision had ultimately influenced (*ka ndikuar përfundimisht*) the 2015 decision not to authorise A.I.'s extradition. As to the IMO's finding regarding the unlawful influence that the applicant had exerted on public officials in order to prevent A.I.'s extradition, the data reflected in this evidence had been confirmed and supported by the IQC's investigation. The procedural history of the extradition case (see paragraphs 27 and 28 below) and the influence exerted by the applicant in respect of it had confirmed the circumstances described in the IMO's finding. Given those circumstances, its probative value had become even more significant and had rightly influenced the IQC's conviction that A.I. was an inappropriate contact for the applicant and that he had attempted to exert his influence in order to undermine the extradition process. The applicant's submissions relating to his wife's work in Fier had been irrelevant to the case. The applicant's failure in 2017 to declare his relationship with A.I. in his vetting declaration form had violated Article Dh of the Annex to the Constitution and had rendered his declaration insufficient; that had constituted grounds for his dismissal from office.

III. OTHER PROCEEDINGS

27. In March 2014 A.I. was arrested in Albania and detained with a view to his extradition to Italy. On 7 April 2014 the Tirana District Court extended his detention. Following an appeal by A.I., that decision was upheld on 30 April 2014. On 2 July 2014 the Supreme Court panel – composed of Judge A.M. as chairperson (*kryesues*) and rapporteur (*relatori*) and four other judges (including the applicant) – quashed that decision, ruling that the matter of A.I.'s detention should have been examined by the Fier District Court; the

Supreme Court accordingly kept A.I. in custody pending the re-examination of the matter by the Fier District Court. On 10 July 2014 the Fier District Court extended A.I.'s detention. On 15 July 2014 the District Court (in the person of Judge I.H.) dismissed a further request lodged by the prosecutor for A.I.'s detention to be again extended, because A.I. could not be lawfully detained beyond the maximum period provided by the Code of Criminal Procedure. The prosecutor appealed against that decision. It appears that A.I. remained in custody. The above-mentioned decision was then upheld on appeal and on 2 October 2014 by a panel of the Supreme Court composed of Judge E.I. as chairperson, Judge T.N. as rapporteur and three other judges (including the applicant). Judge I.H. ordered A.I.'s release and his placement under house arrest. That decision was confirmed on appeal and on 20 November 2014 by a panel of the Supreme Court composed of Judge A.M. as chairperson, Judge E.I. as rapporteur and three other judges (including the applicant).

28. In the meantime, in May 2014 the Tirana District Court ordered A.I.'s extradition to Italy. In July 2014 that decision was quashed on appeal because the matter should have been decided by the Fier District Court. In March 2015 that court (in the person of Judge M.Sh.) dismissed the extradition request and discontinued A.I.'s house arrest. That decision was confirmed on appeal in July 2015 and on 13 October 2015 by a panel of the Supreme Court composed of Judge E.I. as chairperson, T.N. as rapporteur and three other judges (including the applicant).

29. In 2022 proceedings were brought against the applicant under Article 257/a § 2 of the Criminal Code concerning the declaration or justification of his assets. He was acquitted by the trial court in July 2025.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

30. For a summary of the applicable domestic law and other references, see the above-cited judgments in *Xhoxhaj*, §§ 93-209, and *Thanza*, §§ 53-73. The provisions, which are particularly relevant for the present case, may be summarised as follows.

31. Article B of the Annex to the Constitution of Albania reads as follows:

> "1. The International Monitoring Operation shall support the re-evaluation process by monitoring and overseeing the entire process. This Operation includes partners within the framework of European integration and Euro-Atlantic cooperation and is led by the European Commission.
>
> 2. The International Monitoring Operation exercises its duties in accordance with international agreements. It appoints international observers after notifying the Council of Ministers. Observers are appointed from among judges or prosecutors with no less than 15 years of experience in the justice system of their respective countries ...
>
> 3. The international observer performs the following duties: ...

b) Presents findings and opinions on matters reviewed by the Commission and the Appeal Chamber, and contributes to the background-check process [mandated by] Article Dh [of the Annex to the Constitution]. Regarding [such] findings, an international observer may request that the Commission or the Appeal Chamber consider evidence or may present evidence obtained from State bodies, foreign entities, or private individuals, in accordance with the law; ..."

32. Article Ç of the Annex to the Constitution provides that the IQC and/or the SAC (as the case may be) – through their respective staff – will examine vetting subjects' declarations regarding their past, and cooperate with domestic or foreign institutions in order to verify the truthfulness and accuracy of such declarations. The IQC and the SAC have direct access to the relevant government databases (except those classified as "State secret").

33. Under section 38 of the Vetting Act, the background assessment must note the circumstances supporting a finding, as well as any mitigating circumstances. A background assessment that fails to consider supporting and mitigating circumstances is incomplete. Section 38 lists (i) examples of situations indicating inappropriate contact (such as non-casual communication with a person involved in organised crime); (ii) examples of mitigating circumstances (such as where the vetting subject plausibly argues that he or she was unaware that the person in question was involved in organised crime, or has distanced himself or herself from that person); (iii) examples of situations where it could be concluded that the background declaration was not completed fully and truthfully (such as a situation in which (a) there has been a failure to declare a contact which has been established by relevant and credible intelligence and which has been corroborated or deemed reliable, and (b) the vetting subject has had a contact that was either declared by the vetting subject or otherwise established, or there is other evidence of a benefit, action or consequence from that contact which creates a reasonable suspicion that the obtained information constitutes the only plausible explanation); and (iv) further mitigating circumstances or factors that could be considered to constitute a plausible explanation for a particular contact or failure to declare a contact.

34. Under section 39 of the Vetting Act, the CISD shall submit to the IQC a report that determines whether a vetting subject has completed his/her background declaration fully and truthfully, and whether there is information in that background declaration or elsewhere that indicates that s/he has inappropriate contact with persons involved in organised crime. The report shall provide a description of those contacts, together with elements that support or mitigate the finding of inappropriate contact. Such information shall not be disclosed (*nuk bëhet publik*) if it endangers the safety of a source or if such non-disclosure is a condition imposed by a foreign government.

35. Section 49 of the Vetting Act reads as follows:

"... 3. Facts known to the Commission or facts that are generally known [*e njohura botërisht*] – as well as facts presumed by law – do not require further evidence.

4. The Commission and the Appeal Chamber shall base their decisions only on documents from recognised sources, or on evidence that is reliable or is clearly consistent with other evidence. They are entitled to evaluate – on the basis of their internal conviction – any indicia related to the circumstances of the case.

5. Documents or information obtained from foreign State sources in compliance with this law shall be considered by the Commission or the Appeal Chamber.

...

10. A finding presented in the form of a statement, document, or report by an international observer shall constitute evidence establishing a fact, circumstance or legal standard that exists or has arisen. The finding shall present the circumstances [relevant to] the observation provided [*konstatimin e bërë*]. The Commission or the Appeal Chamber shall consider the finding as being equivalent to an expert opinion. The refusal of any findings shall be done in a reasoned decision of the Commission or the Appeal Chamber.

11. A written opinion by an international observer shall be treated (during the re-evaluation process) as constituting the conclusion reached by the latter in respect of a specific circumstance or drawn from the facts of a specific case. The opinion may influence the decision-making of the Commission or the Appeal Chamber, but it has no evidentiary value ..."

36. Pursuant to section 50 of the Vetting Act, the IQC, the SAC and international observers shall collaborate with State institutions, individuals, or legal entities (domestic or foreign) in order to verify the truthfulness and accuracy of statements made by a vetting subject. They shall have full access to all databases and have the right to request international cooperation within the framework of international treaties and diplomatic channels.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

37. The applicant complained that he had not had a fair hearing in the vetting proceedings, in breach of Article 6 § 1 of the Convention, the relevant part of which reads as follows:

"1. In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing ..."

A. Admissibility

38. It is uncontested, and the Court finds, that the civil limb of Article 6 § 1 of the Convention was applicable to the applicant's vetting case (see *Xhoxhaj v. Albania*, no. 15227/19, § 288, 9 February 2021).

39. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

40. The applicant argued that the vetting bodies had failed to disclose the facts and the evidence underlying their decisions – especially regarding his alleged implication in judicial corruption involving A.I. The redacted CISD report had referenced unspecified episodes and individuals; all key details had been removed from the report. Attached information from verifying authorities had been withheld. The IMO's letter had lacked specific details, and the SAC had referred vaguely to "open and official sources" – without identifying them or clarifying their relevance. The only disclosed evidence – the insurance for A.S.'s car and A.I.'s extradition file – had offered no insight into the allegations.

41. The sole accusation was that the applicant had misused his position to obstruct A.I.'s extradition through direct or indirect influence. No specific facts had been disclosed in the case-file material or decisions. This had deprived him of the ability to mount an effective defence. The authorities had framed the allegations inconsistently: the IMO had stated that he had attempted to influence A.I.'s case; on the other hand, the IQC had submitted that he had successfully done so.

42. The applicant noted that even though the CISD's and IMO's respective findings had been pivotal to the conclusion that there had been "inappropriate contact" and corruption, the underlying classified evidence had not been disclosed to him. The few documents that had been disclosed had not substantiated that there had been any contact between the applicant and A.I.; neither had they suggested that any such contact – if it had existed at all – had been improper or unlawful.

43. No compensating procedural safeguards had been applied. The vetting bodies had not assessed whether national security genuinely required non-disclosure; nor had they considered alternatives such as the redaction of sensitive information, limited-access proceedings, or the appointment of a cleared representative for the applicant. The SAC's reference to section 39 of the Vetting Act had merely implied the existence of reasons for non-disclosure – but without explaining or evaluating them. The CISD's decisions on confidentiality had not been open to review or appeal, and the vetting bodies had lacked the authority to challenge them.

44. The vetting bodies had also accepted uncritically the IMO's argument justifying non-disclosure – despite its vagueness. The IMO had merely stated that the evidence in question had been provided "on condition" (without any explanation regarding that condition or any risk to sources should the information in question be disclosed). The vetting decisions had contained no

indication that those justifications had been scrutinised or that mitigating options had been explored.

45. The applicant asserted that the classified material in question had not been reviewed by the vetting bodies themselves. Article Ç of the Annex to the Constitution denied those bodies access to State secrets, and nothing in the file indicated that they had ever seen unredacted CISD material. Their decisions had not referred to any substantive review of that evidence. The IQC had never stated that it had access, and the SAC's later reference had lacked detail.

46. Even if the vetting bodies had reviewed the classified material, that would not have compensated the applicant for his lack of access to it. A fair defence required knowledge of the accusations made and the evidence supporting them. The applicant had not been afforded the opportunity to acquire any such knowledge, and had therefore been denied the opportunity to rebut the charges or to provide any meaningful response; the procedure to which he had been subjected had therefore fallen short of the minimum standards of fairness and due process.

(b) The Government

47. The Government reiterated the SAC's arguments, emphasising that the applicant had been informed of the factual basis for the burden of proof being placed on him – specifically, the allegation that he had exerted his influence in order to secure A.I.'s release from detention. That allegation had stemmed from information provided by the Italian authorities through the IMO, which had submitted material regarding the applicant's involvement in A.I.'s case and had requested that that material remain confidential for fear that there would otherwise be a risk to others' lives. Despite those restrictions, the applicant, who had served as a judge in A.I.'s case, had had access to the extradition file.

48. In addition to examining the documents received from other authorities, the IQC had conducted its own independent investigation, which had included the making of enquiries with domestic and foreign authorities. The vetting bodies had had full access to all classified documents and had reviewed them, in a balanced manner, together with the disclosed evidence. The Government submitted that the applicant had accessed declassified portions of the classified material and had been allowed to present evidence. Throughout the process, he had been kept informed of the essential facts and the sources of the allegations – even when national security concerns and obligations to foreign partners had limited full disclosure.

49. Although some material had remained classified, the Government maintained that this had been lawful and proportionate. The applicant had been made aware of the nature of the allegations, the individuals involved, and the key circumstances (including his alleged contact with persons linked to organised crime). Both the IQC and SAC had had complete access to

classified data, which they had independently verified. Their decisions had been based not only on classified sources but also on open-source material, judicial records and other data. Where disclosure had been limited, procedural safeguards, reasoned decisions, and the applicant's right to respond had ensured fairness.

50. Central to the case was the applicant's alleged relationship with A.I. (who had been identified as being involved in organised crime). The Government cited several findings: the applicant's role on the judicial panel that had blocked A.I.'s extradition; indications of a connection between him and a car owned by A.S. (for example, payment for the car's insurance); and his failure to disclose those links in his background declaration. Furthermore, international observers and Italian authorities had stated that the applicant had attempted to influence the outcome of the extradition proceedings. That classified finding had been summarised and communicated to him, and he had been invited to respond.

51. The IQC had shifted the burden of proof onto the applicant only after a thorough investigation that had gathered consistent evidence from domestic institutions, foreign partners and insurance databases. The applicant had been notified of those findings and given the opportunity to contest them. The Government further argued that the applicant's credibility had been undermined by the inconsistencies between (on the one hand) his assertion that the extent of his familiarity with A.S. was limited and (on the other hand) his actions – such as entrusting him with family travel and using his car for two years.

52. Ultimately, the SAC had upheld the IQC's approach, concluding that the applicant had been sufficiently informed of the facts and able to challenge them (despite his limited access to classified reports). It had found that the above-mentioned restrictions on disclosure had not breached the adversarial principle, as they had not impaired the very essence of the applicant's defence rights. Both the SAC and the IQC had relied on multiple corroborated sources rather than on a single decisive classified document. The vetting process had incorporated procedural safeguards that had met fairness standards.

2. The Court's assessment

53. The applicant, a career judge serving in the Supreme Court, was a party to proceedings that were akin to a disciplinary process. Those proceedings concerned the specific context of a background assessment and were aimed at determining any connections that the applicant might have with organised crime. They were based on preliminary findings (concerning the relevant points of fact and law) that were initially reached by way of an investigation that resulted in a report. The applicant was required to disprove those findings, failing which he could be dismissed from office – which would also entail a lifetime ban on his re-entering the justice system. The investigation and the factual findings and legal conclusions resulting in the

applicant's dismissal from office were made by the IQC and later confirmed by the SAC – which were "tribunals" within the meaning of Article 6 § 1 of the Convention (see *Xhoxhaj*, cited above, §§ 282 and 288).

54. The applicant complained that he had neither been informed of the essential facts held against him nor granted access to the evidence on which his dismissal from office had been based.

55. The "fair hearing" guarantees are not necessarily the same in criminal proceedings as they are in proceedings falling under the civil limb of Article 6 § 1. The States have greater latitude when dealing with civil cases. However, the Court has previously indicated that, where appropriate, it may "draw inspiration" – when examining the fairness of proceedings concerning the determination of civil rights and obligations (including in disciplinary proceedings) – from certain principles developed under the criminal limb of Article 6 (see *López Ribalda and Others v. Spain* [GC], nos. 1874/13 and 8567/13, § 152, 17 October 2019; *Peleki v. Greece*, no. 69291/12, §§ 55 and 56, 5 March 2020; and *Cavca v. the Republic of Moldova*, no. 21766/22, §§ 45, 46 and 57, 9 January 2025). In this respect, sub-paragraphs (a) and (b) of Article 6 § 3 of the Convention are connected, and the right to be informed of the nature and the cause of the accusation must be considered in the light of the accused's right relating to preparing his or her defence (see, among others, *Leka v. Albania*, no. 60569/09, § 64, 5 March 2024).

56. Disciplinary proceedings (or, as in the present case, vetting proceedings) may have serious consequences for an individual's life and career, especially when resulting in dismissal from office – a grave outcome that carries significant stigma (see *Thanza v. Albania*, no. 41047/19, § 121, 4 July 2023, with further references). The manner in which judicial proceedings are conducted must be appropriate to the subject matter of the dispute. This consideration is even more critical when such proceedings are conducted against judges, who must retain the respect necessary to perform their duties. The principle of the rule of law includes the guarantee of irremovability during a judge's term of office. When a State initiates such proceedings, public confidence in the functioning and independence of the judiciary is at stake. In a democratic State, such confidence is essential to the very existence of the rule of law (ibid.).

57. Even though Article 6 § 3 did not apply in the applicant's case (see *Xhoxhaj*, cited above, § 246), under the civil limb of Article 6 § 1 concerning his "civil rights and obligations", he had to be afforded an adequate opportunity to oppose the findings and to plead his case in an effective manner (see *Thanza*, § 97, and *Xhoxhaj*, §§ 326 and 328, both cited above).

(a) General principles concerning the disclosure of evidence related to national security

58. The concept of a fair hearing in Article 6 § 1 of the Convention includes the right to adversarial proceedings, according to which the parties must have the opportunity to make known any evidence needed for their claims to succeed, but also to have knowledge of (and comment on) all evidence adduced or observations filed, with a view to influencing the court's decision (see *Vegotex International S.A. v. Belgium* [GC], no. 49812/09, § 134, 3 November 2022). Parties to proceedings must have the opportunity to familiarise themselves with the evidence submitted to or obtained by the court, as well as the opportunity to comment on its content and authenticity (see *Vorotņikova v. Latvia*, no. 68188/13, § 22, 4 February 2021; *Colloredo Mannsfeld v. the Czech Republic*, nos. 15275/11 and 76058/12, § 33, 15 December 2016; and *Krčmář and Others v. the Czech Republic*, no. 35376/97, § 42, 3 March 2000).

59. There may be competing interests – such as national security or the need to protect witnesses at risk of reprisals or to keep secret police methods of investigating crime – which must be weighed against the rights of the party to the proceedings. However, only measures restricting those rights that do not affect the very essence of those rights are permissible under Article 6 § 1. For that to be the case, any difficulties caused to the party by a limitation of his or her rights must be sufficiently counterbalanced by the procedures followed by the judicial authorities (see *Regner v. the Czech Republic* [GC], no. 35289/11, §§ 148 and 151, 19 September 2017, and *Thanza*, cited above, § 112).

60. As regards evidence withheld on public-interest grounds, the Court must scrutinise the decision-making procedure to ensure that, as far as possible, it complied with the requirements to provide adversarial proceedings and equality of arms and incorporated adequate safeguards to protect the interests of the person concerned (ibid.; see also *Corneschi v. Romania*, no. 21609/16, §§ 86-89, 11 January 2022).

61. Within this context, it is also relevant to have regard to various types of interference with other Convention rights that may be at stake in the proceedings (see, within the context of procedural safeguards under Article 8 of the Convention, *Pişkin v. Turkey*, no. 33399/18, §§ 214 and 227, 15 December 2020; *Starkevič v. Lithuania*, no. 7512/18, § 92, 29 March 2022; and *Mirzoyan v. the Czech Republic*, nos. 15117/21 and 15689/21, §§ 74-75 and 81-83, 16 May 2024).

(b) Application of the principles to the present case

62. The vetting proceedings in respect of the applicant were solely focused on the second component of the vetting process (the assessment of his contact with persons involved in organised crime) and the applicant's dismissal from office was based on that assessment.

63. The main factual and legal elements of that assessment related to one person, A.I. – and to serious allegations that the applicant had engaged in corrupt (and corrupting) activities for A.I.'s benefit. It is evident that the SAC's findings relating to those activities were pivotal in the applicant's case and decisive in upholding his dismissal from office.

64. The IQC and SAC received documents from at least one foreign State, the IMO, the CISD and other national authorities (see paragraphs 9, 10, 12 and 14 above). Those documents contained the factual elements held against the applicant and/or corroborated them in evidentiary terms. Those supporting documents related to the CISD's report to the IQC and to the IMO's submission to the IQC. At least some documents concerned the above-mentioned allegations regarding A.I.

65. The matter of precisely what information was received by the vetting bodies (and was not disclosed to the applicant) or whether they had access to the unredacted version of the CISD report are issues of contention between the parties. In any event, the vetting bodies decided that, even though national-security and other factors prevented them from disclosing some information to the applicant, the evidence available to them was sufficient to justify his dismissal from office.

66. The Court will therefore apply the general principles summarised above, in so far as they are relevant to the circumstances of the case before it. The Court will first examine the complaints relating to the findings concerning the alleged corruption (see paragraphs 69-87 below). Since it is unclear whether the other elements noted by the SAC in respect of contact with A.I. constituted a separate basis for the applicant's dismissal from office or whether those elements merely served to corroborate the findings relating to A.I.'s extradition case, the Court will also assess them as regards the alleged violation of the applicant's right to a fair hearing and the impact on the overall fairness of the proceedings (see paragraphs 89-93 below).

67. The primary issue in the present case is whether the applicant was afforded an opportunity to gain sufficient knowledge of, at least, the essential factual elements held against him (compare *Peleki*, cited above, § 69).

(i) Alleged corruption and obstruction of justice in 2014 and 2015

68. The Court will examine the nature and scope of the limitations to the applicant's procedural rights, whether those limitations were necessary and whether counterbalancing measures were put in place by the national authorities (see *Corneschi*, cited above, §§ 92-97).

(α) Limitations to/restrictions on the applicant's procedural rights

69. The applicant was given a redacted version of the CISD report (see paragraph 9 above). This redacted version referred to his "illegal activities, as demonstrated in the form of passive corruption [on the part of]

a judge while exercising his duty and illegal influence over [other] persons exercising public functions". The applicant was not given access to the documents accompanying that report (see paragraphs 10 and 12 above).

70. The applicant was also provided with the IMO's submission to the IQC (see paragraph 13 above). The IMO alleged that he had engaged in inappropriate contact (both direct and indirect) with a person or persons on behalf of A.I. More specifically, "in the first half of 2015" the applicant had allegedly attempted to intercede on A.I.'s behalf to influence the outcome of the latter's extradition case; as a probable result of that intervention, the extradition request had been refused. The IMO referred to unspecified "reliable and credible foreign-government confidential sources" and unspecified "strong evidence". That evidence was submitted to the vetting bodies but was not disclosed to the applicant (see paragraphs 14 and 21 above).

71. The IQC's investigation report alleged – referring to the extradition file, the IMO's finding, the CISD report and unspecified documents received by the IQC – that the applicant "could have successfully exerted his influence in that case" and had assisted A.I. by engaging in illegal actions (in the form of bribe-taking) while exercising his duty and by exerting illegal influence over unspecified persons exercising public functions (see paragraph 21 above). Furthermore, it indicated that he had been a member of the panel that had examined a request lodged in July 2014 for A.I.'s detention to be extended.

72. The IQC and then the SAC dismissed the applicant from his office on the basis of both the above-noted findings and undisclosed material used as evidence.

73. The Court notes that the applicant adjudicated in several sets of proceedings concerning the request for the extradition of A.I.; it follows that by 2014 he must have been aware of the allegations concerning that person's involvement in "organised crime" within the meaning of the Vetting Act.

74. It remains the case that the IQC and the SAC did not sufficiently inform the applicant of the essential factual elements held against him. Notably, while the IMO's finding suggested that corrupt activities had allegedly taken place and undue influence had been exerted in "the first half of 2015", it does not appear that that timing was put forward in the subsequent proceedings before the IQC or SAC; rather, the focus was placed on the proceedings concerning A.I.'s detention in 2014 and (as indicated by the SAC) the applicant's official function in those proceedings, as well as on his alleged unlawful activities in respect of them. The vetting bodies held an ambiguous stance as to the actual number and functions of persons who had allegedly been targeted (influenced) by the applicant's activities or otherwise involved in them with him. Nor did they consistently indicate the gist of those activities, beyond referring to the passive nature of corruption.

75. The applicant was neither informed of the most basic factual elements underlying the serious allegations against him nor given access to any of the additional documents received and examined by the vetting bodies (which, as the SAC indicated, presumably corroborated those allegations). The outcome of those proceedings concerned the applicant's right to respect for his private life (see paragraph 61 above and paragraph 105 below). He was significantly restricted in his ability to mount a viable defence and to challenge the credibility or basis of the allegations (including the identity of the persons he had allegedly sought to influence, and the related circumstances).

76. The Court has now to determine whether those restrictions were necessary and whether counterbalancing measures were implemented in the vetting case.

(β) Whether the restrictions on the applicant's procedural rights were justified/necessary

77. The transitional vetting process in the justice system in Albania and the dismissal on that basis of a judge from his or her office could be considered to pursue, *inter alia*, the interests of national security (see *Xhoxhaj*, cited above, § 393). Ensuring the integrity of the judiciary, especially at its highest level, is a compelling State interest. Furthermore, A.I. had been previously investigated and prosecuted for charges relating to organised crime and drug trafficking (see paragraphs 27 and 28 above); it can therefore be accepted that the safety of confidential sources might have been at stake.

78. At the same time, the SAC's reasoning does not suggest that it considered whether such public-interest concerns, including about protecting specific sources (persons), could be addressed – or had already been sufficiently addressed as regards the CISD's report – by redacting identities or other elements that could reveal the identity of the source, or through examination in *ex parte* proceedings involving, for instance, special forms of representation (compare *Corneschi*, cited above, §§ 105-08).

79. Similarly – as regards the SAC's reference to the protection of covert methods of investigation – given the scarcity of its reasoning, the Court is unable to ascertain (i) whether those methods had been used to obtain the information presented in any of those documents which were received by the vetting bodies but which they did not disclose to the applicant, or (ii) whether it was impossible to disclose evidence without necessarily revealing the investigative methods that had been employed. The SAC did not consider whether the partial and/or redacted disclosure of the documents or the provision of summaries of those documents could have provided the applicant with access to relevant factual elements (the gist of the allegations against him) while safeguarding protected material (compare *UAB BRAITIN v. Lithuania*, no. 13863/19, § 65, 13 June 2023).

80. Lastly, a foreign government provided documents to the IMO under the apparent condition that their disclosure should be confined to the IQC and SAC panels examining the applicant's case. The SAC assessed this evidence as highly reliable in view of its provenance, but did not provide any specific reasoning to support that assessment. The IQC and the SAC considered itself bound by that condition *vis-à-vis* the applicant for the purposes of preserving the integrity of partner relations with the other State. It does not appear that the IQC, the SAC or any other Albanian authority sought to negotiate an exemption from that condition (if necessary, with the safeguards mentioned above).

(γ) Whether counterbalancing measures were implemented

81. The Court will now examine the points made by the Government, in so far as they were intended to demonstrate that the limitations on the applicant's procedural rights had been adequately counterbalanced.

82. Firstly, the SAC emphasised that it and the IQC had had access to all classified documents. The Court acknowledges that their full and unfettered access to such documents – in particular, those substantiating submissions by the IMO or the CISD – was necessary in order to justify reliance on those submissions and, more generally, to ensure a thorough and proper examination of the case. However, that access did not, in itself, compensate for the failure to inform the applicant of the essential facts to which the evidence related or which it was intended to establish.

83. Secondly, the Government noted that the IQC had undertaken its own investigation – including making enquiries with various authorities, rather than merely accepting the submissions presented to it by the IMO and the CISD (see also paragraph 15 above). Moreover, the disclosed evidence was considered by the IQC and the SAC as being of an importance that was equal to that of the undisclosed evidence.

84. It is not the role of the Court, under Article 6 § 1, to determine as a matter of principle whether the applicant's dismissal from office was lawful or otherwise justified. The question that must be answered is whether the proceedings were fair (see, as a recent authority, *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, § 303, 26 September 2023). In the present case, the disclosed evidence consisted of the extradition case file and the IMO's finding. The file merely described the procedural history of the extradition case and did not seem to directly corroborate or substantiate the allegations of corruption against the applicant. The IMO's finding was based on undisclosed evidence. The SAC stated that that finding constituted evidence that would be difficult for any adjudicating body to challenge, owing to its source (that is, owing to its nature, credibility, reliability, integrity, impartiality, and level of professionalism – combined with the highly specific method of information collection, regarding which no specifics were

provided). The IMO's finding was given "particular evidentiary weight" (see paragraph 26 above).

85. Given that it lacks any information regarding the essential factual elements and regarding the undisclosed evidence, the Court cannot ascertain what actual degree of scrutiny the SAC applied in verifying the veracity, credibility and well-foundedness of the allegations submitted to the vetting bodies by the IMO and foreign/national authorities (compare *Kurkut and Others v. Türkiye*, nos. 58901/19 and 6 others, §§ 106-07, 25 June 2024, and *Corneschi*, cited above, § 112), or whether that evidence was assessed on an equal footing with the disclosed evidence. The assessment of all the evidence has not been convincingly shown to constitute a sufficient counterbalancing factor for the refusal to inform the applicant of the essential factual elements of the allegations in the present case.

86. The remaining submissions – namely, that the applicant had been invited to answer questions during the investigation and had been informed of their source (IMO, CISD), and that he could have contested the elements noted in the IQC's investigation report – did not constitute adequate counterbalancing measures in that regard either, given the absence of any opportunity for the applicant to mount a meaningful defence against those allegations.

(δ) Conclusion as regards the alleged corruption

87. The Court notes the gravity of the actions imputed to the applicant, a senior judge, in the submissions from several national and foreign agencies. At the same time, given the nature and subject-matter of the proceedings in question (see paragraph 56 above), the vetting bodies' approach to the background assessment raises serious concerns *vis-à-vis* the principle of the adversarial procedure and, more generally, the requirements of a fair trial under the civil limb of Article 6 § 1 of the Convention.

(ii) Other elements of "inappropriate contact" with A.I. and the applicant's failure to declare them

88. The SAC also referred to the applicant's personal interaction with A.I. and the circumstances regarding the use of A.S.'s vehicle.

89. As regards this first element, the Court notes that, for the purposes of the vetting process, having "inappropriate contact" with a person involved in organised crime – or failing to declare such contact – could constitute sufficient grounds for dismissal from office. The IQC stated that the applicant and A.I. had interacted "in a non-casual manner". The SAC asserted that the applicant had been "acquainted with" A.I. and upheld the IMO's position that they had had "stable contact" (see paragraph 26 above).

90. The Court notes that no other factual element was disclosed to the applicant by way of substantiating the assertion that – presumably, prior to his adjudication and allegedly engaging in corrupt activities for A.I.'s benefit

– he had become personally acquainted with A.I. – "a person involved in organised crime". The vetting bodies did not disclose to the applicant any evidence corroborating that assertion – for instance, evidence concerning dates, venues, or context. While the wording of the vetting bodies' decisions suggests that that evidence was received and considered, those decisions contained no summary of that evidence. Despite the SAC's position, it is noted that the text of the IMO's finding did not contain anything in that regard. Therefore, the Court considers that the applicant's procedural rights under this heading were likewise significantly restricted and that no counterbalancing measures were implemented.

91. Moreover, the Court considers that an excessive, if not impossible, burden was imposed on the applicant to disprove a vague assertion that he had been acquainted with A.I. (compare *Thanza*, cited above, § 115). The applicant was in no position to rebut either that assertion or its legal classification under the Vetting Act, or to cite any mitigating circumstances in respect of the alleged personal "acquaintance" (see paragraph 33 above).

92. In addition, the Court notes that the SAC's assertion appeared to be based to some extent on the applicant's stance (during the vetting proceedings) regarding whether or not he had been acquainted with A.I. The SAC considered that stance as evasive and drew an adverse inference from it. In 2017 the applicant filled in the standard background declaration form for the purposes of the vetting process and, in substance, denied having had inappropriate contact with any person involved in organised crime. When shifting the burden of proof onto the applicant in respect of the allegations that he had had a personal acquaintance with A.I. and failure to declare it, the IQC did not inform the applicant of any factual basis for those allegations. Nor did the IQC disclose any evidence that substantiated or supported them. The applicant must have been aware – at the latest following the IQC's decision in his case – that his equivocal stance on the matter could be held against him (see also paragraph 17 above). His submission during his above-mentioned appeal to the SAC could be deemed as, in substance, denying deliberate contact with A.I. (see paragraph 24 above).

93. The Court considers in view of the above considerations that the vetting bodies' approach to this aspect of the case raises serious concerns as to compliance with the requirements of a fair trial in the circumstances of the case.

94. Lastly, as to the use of A.S.'s vehicle, it does not appear that A.S. was considered to be a "person involved in organised crime", or that the applicant's interactions with him, in itself, constituted "inappropriate contact". However, the applicant was informed that (i) he and/or his wife had used A.S.'s vehicle between 2010 and 2012 and were listed on the insurance policies for that period as users of that vehicle (see paragraph 20 above), (ii) A.S. had been A.I.'s personal driver, (iii) the applicant ought to have

known that; and (iv) thus, the applicant had had "inappropriate contact" with A.I.

95. It does not appear that any other factual element was withheld from the applicant for that matter. Thus, it appears that his "contact" with A.I. as "a person involved in organised crime" (and the "inappropriate" nature of that contact within the meaning of the Vetting Act) were inferred, at least in part, from an undisputed fact – that is, the use of A.S.'s vehicle (see paragraph 90 above). The applicant was thus faced in the IQC phase of the proceedings with an adverse inference (see also paragraph 92 above). That inference was based on a presumption of fact (specifically, as regards his presumed knowledge about A.S. acting as A.I.'s personal driver), and that fact was treated as a "generally known fact" requiring no further proof. In the light of this consideration, it was incumbent on the vetting bodies to take particular care to ensure that the applicant's right to a fair hearing under the civil limb of Article 6 § 1 of the Convention was sufficiently protected.

96. By comparison, with regard to a criminal trial Article 6 § 2 imposes requirements in respect of the burden of proof and legal presumptions of fact and law (see *Busuttil v. Malta*, no. 48431/18, §§ 46-48, 3 June 2021). While the Convention does not regard such presumptions with indifference, they are not prohibited in principle, provided that States remain within reasonable limits, giving consideration to the importance of what is at stake and maintaining the rights of the defence. The means employed must be reasonably proportionate to the legitimate aim sought to be achieved (ibid, § 47; see also, *mutatis mutandis*, *Telbis and Viziteu v. Romania*, no. 47911/15, §§ 76 and 78, 26 June 2018).

97. Turning to the present case, it firstly does not appear that the SAC explicitly addressed the IQC's reasoning that A.S. being A.I.'s driver was a "generally known" fact within the meaning of the Vetting Act (see paragraphs 21 and 35 above). Be that as it may, in its decision the SAC stated that that fact was corroborated by data pertaining to "criminal proceedings against A.I." (compare *UAB BRAITIN*, cited above, §§ 24 and 67). However, the Court notes that the applicant was not afforded an opportunity to contest that (additional or alternative) line of reasoning. It was not specified what that file concerned, what it established regarding A.S.'s relationship with A.I., or why the applicant could reasonably have been expected to have had access to such material.

98. Secondly, Article 6 of the Convention requires the domestic courts to adequately state the reasons on which their decisions are based (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 185, 6 November 2018). This obligation presupposes that a party to judicial proceedings can expect a specific and express reply to those submissions that are decisive for the outcome of the proceedings in question (*ibid*.). It is not the Court's role under Article 6 to reassess whether the credibility of the applicant's assertion – that he or his wife used A.S.'s car

only exceptionally – was indeed undermined by the fact that they were listed on the car's insurance policy for two consecutive years. What is relevant, however, is that despite the applicant's arguments, the SAC adduced no convincing reasons for considering that the applicant ought to have been aware that his relative had afforded his driving services to a person (A.I.), who would be classified as a "person involved in organised crime" under the Vetting Act.

99. Thus, it is questionable whether the SAC's approach to the matters concerning the use of A.S.'s vehicle complied with the requirements of a fair hearing, given the circumstances of the case. In any event, the Court is not satisfied that the above-mentioned aspects of the case were dealt with in such a manner as to mitigate or offset the handicaps to the defence.

(iii) Overall conclusion

100. Considering the above-mentioned findings cumulatively, the Court concludes that the applicant was, in part, insufficiently informed of the allegations against him, and in part was not afforded an adequate opportunity to oppose them and to plead his case in an effective manner. The vetting bodies' approach to the assessment of the second component of the vetting process (which resulted in far-reaching findings deemed to be sufficient to justify his dismissal from office) affected the very essence of the applicant's procedural rights and did not comply with the fairness requirement of Article 6 § 1 of the Convention in the present case.

101. Thus, it is not necessary to examine the applicant's remaining arguments (including those relating to the other aspects of his vetting case).

102. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

103. The applicant also complained that there had been a breach of Article 8 of the Convention on account of his dismissal from office, given the findings and conclusions of the vetting bodies and serious procedural violations in his case.

104. The Government argued that the complaint was manifestly ill-founded.

105. Having regard to the facts of the case and the parties' submissions, and in the light of all the material in its possession as well as the overlapping findings under Article 6 § 1 of the Convention, the Court considers that the complaint concerning the alleged interference with the applicant's right to respect of his private life is admissible. However, in view of the nature and scope of this complaint and the Court's findings under Article 6 § 1 in the present case, there is no need to give a separate ruling on it

(see, *mutatis mutandis*, *Ömer Güner v. Turkey*, no. 28338/07, § 44, 4 September 2018).

III. APPLICATION OF ARTICLES 46 AND 41 OF THE CONVENTION

A. Article 46 of the Convention

106. Article 46 of the Convention provides:

> "1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
>
> 2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution."

107. The applicant requested that the Court require the respondent Government to adopt individual measures, and argued that the only appropriate redress would be his reinstatement as a Supreme Court judge. As there were structural deficiencies in the vetting process, a reopening of the vetting case would not offer adequate redress. The domestic system did not provide appropriate guarantees against abuse and misuse of disciplinary measures to the detriment of judicial independence. There was no reason to assume that his case would be reheard in compliance with Convention. The present case also disclosed a systemic problem that called for measures of a general character.

108. The Government disagreed.

109. The Court has examined, for the second time, a complaint under Article 6 § 1 of the Convention as regards the background assessment conducted in the course of the vetting process in Albania (see also *Thanza*, cited above, §§ 123 and 170) and has found a violation of that Article on account of certain shortcomings arising in respect of the specific facts of the present case. Having regard to the general principles regarding the respondent State's obligations under Article 46 (ibid., § 169) and in view of its jurisdiction and the nature and scope of the violation found, the Court refuses the applicant's request that the Court require the Government to reinstate him, and does not consider it appropriate to exceptionally indicate any general measures.

B. Article 41 of the Convention

110. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

1. Damage

111. The applicant claimed EUR 150,000 in respect of non-pecuniary damage.

112. The Government contested the claim.

113. The Court has found a violation of the applicant's right to a fair hearing under Article 6 § 1 of the Convention. It considers that this finding constitutes in itself sufficient just satisfaction as regards non-pecuniary damage in the present case (see *Thanza*, cited above, § 174).

2. Costs and expenses

114. The applicant claimed EUR 12,896 for his lawyers' fees incurred before the Court and EUR 2,600 for the translation from Albanian into English in respect of supporting documents submitted to the Court in 2019.

115. The Government contested the claims.

116. An applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. Having regard to the documents in its possession and to its case-law (see *Thanza*, cited above, § 177), the Court awards EUR 6,500 in respect of costs and expenses under all heads, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT , UNANIMOUSLY,

1. *Declares* the complaints concerning the applicant's rights to a fair hearing and to respect for private life admissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds* that there is no need to examine the complaint under Article 8 of the Convention;

4. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant;

5. *Holds*
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 6,500 (six thousand five hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a

rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points;

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

Done in English, and notified in writing on 25 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško Registrar	Ioannis Ktistakis President