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

THIRD SECTION

DECISION

Application no. 16399/20
Alma LIÇAJ
against Albania

The European Court of Human Rights (Third Section), sitting on 16 June 2026 as a Committee composed of:

Diana Kovatcheva*, President*,
Darian Pavli,
Vasilka Sancin*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 16399/20) 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 8 April 2020 by an Albanian national, Ms Alma Liçaj ("the applicant"), who was born in 1976, lives in Vlora and was represented by Mr A. Saccucci and Ms G. Borgna, lawyers practising in Rome;

the decision to give notice of the complaint concerning the applicant's right to respect for private life 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, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's dismissal from office by the Independent Qualification Commission ("the IQC") and the Special Appeal Chamber ("the SAC") under the Vetting Act (see *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021).

2. The applicant became a judge in 2000 and most recently acted as President of the Vlora Court of Appeal. She married M.L. in 2003.

3. On 15 November 2018 the IQC dismissed the applicant from office. It referred, notably, to a car bought by M.L. in 2009, which appeared to have been reported as stolen and previously co-owned by him with another person; and to private loans (apparently, in cash at least for one in 2013) for two flats in Tirana, which were declared in the vetting declaration as common marital property.

4. On 23 September 2019 the SAC upheld the applicant's dismissal under section 61(3) and (5) of the Vetting Act. It held as follows as regards the first flat in Tirana.

(a) In 2008 M.L. and A.M. had signed a loan agreement for 60,000 euros (EUR), lent by the latter to M.L. for the purpose of purchasing a flat. Through a 2009 construction contract with the A.C. company and the B. company, M.L. had commissioned a flat in Tirana for EUR 97,664, including a EUR 12,000 parking space; the contract provided for 24-month delivery and a delay penalty. In her asset declaration for 2009, the applicant had reported EUR 72,000 as paid towards that flat. It appears that in December 2016 the B. company had reduced the purchase price by EUR 9,964, and a flat-delivery record had been issued. In the vetting declaration, the EUR 60,000 loan, a EUR 25,664 reduction of the price and a EUR 12,000 loan from the husband's brother A.L. in 2009 were listed as sources.

(b) The applicant's 2009 asset declaration had indicated as sources of funding for the same flat salaries and savings and had omitted the EUR 12,000 parking space, which had first been disclosed in the 2016 declaration. The vetting declaration relied instead on the loans. When, in 2010, the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest ("the HIDAACI") had identified a shortfall of about EUR 16,000 for 2009, the applicant had referred to the EUR 12,000 loan, for which A.L. had signed a notarised declaration the next day. However, that loan had first been declared only in the 2013 declaration (as unrepaid). A.L., who had become a reporting subject himself in 2013, under the Assets Disclosure Act 2003, had never declared it. He claimed to have had the means to lend from two sources: income linked to the L. company, in which he had supposedly been involved as a partner and/or an administrator; and income allegedly derived from a "construction area" he claimed to have obtained under a 2005 development contract and then monetised. However, during 2005-2009, he had had neither role in the company, and no dividends had been declared or distributed; he had not received the claimed construction area; and his salary records only dated from after that period. Thus, the applicant made a false statement about the loan from A.L.

(c) The applicant claimed that A.M. had had lawful means to advance the EUR 60,000 through business activity and bank liquidity. The SAC found, however, that his documented profits up to 2008 had been limited, that the banking data obtained by the IQC did not support such a sum, and that the declared repayment pattern had not been convincingly documented. It

identified inconsistencies in the repayment calculations and rejected the alleged refinancing of the remaining debt by a EUR 30,000 loan from K.S. in 2013. K.S.'s financial ability was not established following a review of his tax record, 2012-2013 salary data, turnover and profits, and his parents' rental income, for which no proof of transfers to K.S. or tax corroboration existed.

(d) The applicant alleged that the outstanding EUR 25,664 had been taken off the EUR 97,664 price "by agreement of the parties", owing to delay penalties and M.L.'s expenses for construction work. However, in 2014 she had stated before the HIDAACI that she had "already received the keys for the flat" and that that amount would be paid upon the property registration. She had declared neither the outstanding debt, nor its supposed yearly reduction. Work documents from 2010-2015 repeated identical works and values, and contradicted the HIDAACI record and the contract, which did not permit third-party construction work. The alleged work had been carried out free of charge by the L. company through a subcontractor. No evidence showed a specific agreement by both companies to reduce the price by EUR 25,664; the alleged reduction was therefore unproven, and its declaration false.

5. As regards the second flat in Tirana, the SAC noted that the applicant had declared a EUR 70,000 loan provided by L.S. in July 2016 as the source used by M.L. to buy that flat for EUR 60,000 the same month. L.S. stated that he had had the means to loan that sum from the profits of a company, in which he had held a 50% share. The SAC examined the company's financial reports, its and L.S.'s tax records, and some other documents. It found that the company's operations had been suspended in 2014, and that although it had generated profits in earlier years, it had not distributed any taxable dividends. The SAC also noted that the applicant referred to a full immediate cash payment in July 2016, although the contract recorded earlier instalments; that the utilities in the flat had been in M.L.'s name since 2014; and that the price had been far below both what the sellers had themselves paid in 2009 and the official reference value. The applicant did not prove a lawful source for the EUR 60,000 payment.

6. Furthermore, the SAC stated that in 2009, M.L. had bought a car for 600,000 Albanian leks (ALL, about EUR 4,580 at the time) and sold it for EUR 20,000 in 2010, concluding two different sale contracts with the same buyer before different notaries. The SAC rejected the explanation that the low purchase price had been on account of the suspicion that the car had been stolen and found that the sale contract had been a mere formality, intended to justify the EUR 20,000 used that year to buy another car and to show a positive balance covering part of the loan from A.M. No profit tax had been paid on the 2010 sale, and M.L. had not been shown to have paid for any repairs or improvements that would have explained the fourfold increase in value. The SAC therefore found "fictitious actions", a false declaration, and a failure to establish the car's real value. Similar findings concerned another

car bought for ALL 500,000 in 2002 and sold for EUR 15,000 in 2013, in respect of which no mandatory income declaration had been filed. M.L. claimed that the proceeds had been used in 2014 to buy another car, later exchanged and gifted to A.L. The car's customs value (ALL 3,750,000) had differed from the value stated in the gift contract (ALL 1,000,000). Lastly, a Volkswagen bought in 2010 for ALL 100,000 had been sold in 2014 for EUR 3,000. The applicant had thereby undermined public trust in the justice system through such dubious transactions within her household.

7. Lastly, the SAC found some other irregularities, including as regards M.L.'s pre-marital assets.

8. The applicant argued that her dismissal from office had been unlawful and alleged, in general terms, that it had been disproportionate under Article 8 of the Convention.

THE COURT'S ASSESSMENT

A. Scope of the case

9. The applicant's new claims made in 2024 – including those about the retroactive application of the rules relating to the lenders' funds and a lack of foreseeability – do not constitute a mere elaboration of the original complaint, which focused on other issues and primarily on the seriousness of the irregularities relied upon to justify her dismissal. These claims fall outside the scope of the case as it stands (see *Kulák v. Slovakia*, no. 57748/21, § 52, 3 April 2025).

B. Article 8 of the Convention

1. The parties' submissions

10. The Government restated the SAC's findings and argued that the complaint was unfounded.

11. The applicant argued that she had disclosed the loans and the repayments in all declarations. Under the Assets Disclosure Act 2003, she had only been required to declare the loans and provide the agreements, which she had done. As there had been no obligation to verify lenders' financial standing at the time, the vetting bodies' imposition of that requirement had placed an unreasonable burden on her. In any event, the applicant had submitted evidence demonstrating, to a reasonable and sufficient extent, the lenders' financial capacity. The vetting bodies had disregarded the substantial turnover generated by their businesses and had failed to conduct a comprehensive assessment of their immovable assets and savings. Some data, such as relating to A.M., who had died in 2013, had been impossible for her to obtain and irrelevant to her financial integrity (see paragraph 4(c) above).

12. The applicant argued that she had not declared the loan from A.L. in the 2009 declaration on account of unclear guidelines for family loans (see paragraph 4(b) above). After the HIDAACI had pointed out that omission, the applicant had declared the loan in all subsequent declarations. The fact that her husband and his brother had only formalised the loan in 2010 had not rendered it fictitious. Family loans did not require written agreements, and they had formalised it to ensure full compliance with the law. The vetting bodies had arbitrarily used her efforts for transparency against her and found a negative balance for 2009.

13. Work reports confirmed that M.L. had financed construction work of the 2009 flat (see paragraph 4(d) above). The price had been reduced in order to reimburse him and as contractual compensation for delays. The precise extent of that reduction had only become certain upon the final delivery in 2016. Thus, it had been unjustified to require the applicant to declare yearly reductions in the outstanding liability based on the evolving state of the construction work. She had submitted progress reports for 2010-2015, documenting the work performed, and the statement issued by the company, documenting the reduction.

14. The alleged inconsistency between the purchase contract for the second flat in 2016 and the declaration for that year was unfounded: the price had been paid partly in advance and partly upon signing the contract, with all payments completed that year (see paragraph 5 above). The declaration had therefore correctly stated that the payment had been fully settled in 2016, and the declaration form had not required her to indicate instalments. The vetting bodies had not explained how the difference between the purchase price and what the sellers had originally paid affected her fitness for judicial office. The property had been bought on the open market, where prices varied for many reasons, including the sellers' urgency to sell, as in this case.

15. The SAC's other findings and conclusions (see paragraphs 6-7 above) did not justify the applicant's dismissal from office.

2. The Court's assessment

16. The applicant's dismissal from office interfered with her right to respect for her private life and would violate Article 8 of the Convention unless it is justified as being in accordance with the law and necessary in a democratic society to achieve a legitimate aim (see *Thanza v. Albania*, no. 41047/19, §§ 135 and 137, 4 July 2023).

17. The Court will first address the applicant's submissions concerning the SAC's findings about the substantial loans, the alleged price reduction for the 2009 flat and car dealings.

18. The applicant's arguments challenging the lawfulness of her dismissal from office in the part based on these findings and contesting the legitimate aims are analogous to those rejected by the Court in a similar context (see

Thanza, cited above, §§ 141-47, with further references). The Court finds no reason to hold otherwise.

19. It remains to be determined whether the interference was proportionate. First, the applicant alleged procedural shortcomings connected to the above-mentioned findings, referring to Article 6 of the Convention. These complaints were declared inadmissible at the time of communication of this application. In 2024, the applicant restated the same claims under Article 8. The Court previously identified no serious shortcomings in the decision-making process by which these findings had been reached at national level and sees no reason to adopt a different conclusion on the admissibility of those allegations under Article 8 (compare *Thanza*, cited above, § 158). Second, the applicant challenged as arbitrary the SAC's findings and interpretation of domestic law. These allegations disclose no appearance of arbitrariness or manifest unreasonableness on its part (see *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, § 304 *in fine*, 26 September 2023). The Court will therefore review the original allegation of disproportionality on the basis of the facts as they were established and assessed at the domestic level.

20. Certain failures by public officials to comply with obligations related to asset declarations can be generally considered serious (see *Thanza*, cited above, § 153). These may include an inability to justify major purchases through legitimate and sufficient savings or resources held at the time of acquisition, or an inability to justify an excessive lifestyle or extravagant spending that is clearly beyond the declared lawful means of the relevant official and his or her family. It may be legitimate to take account of the income and declarations of the official's spouse (ibid.).

21. As concerns loans, the Court considers that a requirement to substantiate the plausibility of a substantial loan and the sufficiency of the lender's income used for that loan is, in principle, consistent with the effective operation of vetting mechanisms by countering the use of fictitious loans to "launder" public officials' or their households' unexplained wealth. Such transactions may also raise questions of conflict of interest or other improper benefits obtained by a judge. However, the implementation of this requirement must not impose an excessive or disproportionate burden and must strike a fair balance between the public interest and the applicant's rights. The individual must have an effective and realistic opportunity to substantiate the sufficiency of the financial resources relied upon, and the evidentiary demands must be reasonable having regard to, *inter alia*, the passage of time and the social and economic context in which they occurred (compare *Thanza*, cited above, §§ 155-56, and *Gogitidze and Others v. Georgia*, no. 36862/05, §§ 99-115, 12 May 2015).

22. During the vetting proceedings, the applicant referred to loans from A.M. and A.L. as the sources of financing for the first flat bought in Tirana in 2009. She also referred to a loan from L.S. as the sole source of financing

for another flat in 2016, that is, at a time when the vetting legislation requiring justification of the lenders' resources had already been in effect. A.L. and L.S. pointed to specific sources for the amounts loaned to the applicant (see paragraphs 4(b) and 5 above). It does not appear that she substantiated before the vetting bodies that it was impossible for her to obtain any decisive information or documents concerning these lenders' specific sources. A.L. and L.S. appear to have fully cooperated with the applicant by making available evidence of the loans' origin. Their personal and relevant corporate documentation appears to have been accessible to her. As to the late A.M., the applicant has not specified what crucial evidence was unavailable as a result of his death in 2013, especially given that the IQC had obtained and verified his banking data (see paragraph 4(c) above). It has not been shown therefore that, in the specific circumstances of the present case, the applicant was placed under an impossible burden of proving the creditors' capacity to lend (see *Thanza*, cited above, § 156). The sufficiency of the lenders' disposable income was not confirmed for a substantial part of the funds loaned to the applicant.

23. In reaching this conclusion, the SAC also referred to other factors that had undermined the plausibility of the loans. Notably, no loan from A.L. had been reported in the applicant's contemporaneous asset declarations, either as a source for the first flat or as a financial obligation (see *Xhoxhaj*, cited above, § 202), nor in A.L.'s own filings under the Assets Disclosure Act (see paragraph 4(b) above). The applicant's claims about repaying the loan from A.M., including through a cash loan from K.S., were inconsistent or unsupported by the evidence (see paragraphs 4(c) and 6 above).

24. Given the serious issues with multiple substantial loans alleged to have financed marital property (see paragraph 3 above), the SAC's decision to dismiss the applicant on that basis was not disproportionate (see also *Nikëhasani v. Albania*, no. 58997/18, § 123, 13 December 2022).

25. Furthermore, the SAC duly examined the applicant's arguments relating to the alleged EUR 25,664 reduction and the documents submitted by her. Taken together, the factors established by the SAC for the period until late 2016 demonstrate, at a minimum, her failure to properly document a major part of that amount (see paragraph 4(a) and (d) above).

26. Lastly, the car transactions were such as to raise serious questions about financial propriety in private dealings within the applicant's household (see paragraphs 3 and 6 above).

27. Where the domestic courts have carefully examined the facts, applied the relevant human-rights standards consistently with the Convention and its case-law, and adequately balanced the individual interests against the public interest in a case, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Danileț v. Romania* [GC], no. 16915/21, § 168, 15 December 2025). Noting the findings in paragraphs 9 and 19 above, the above-mentioned irregularities and the applicant's position as a judge and

president of an appellate court – in which she was expected to meet high standards of integrity and probity in the conduct of her personal financial affairs and those of her household (see *Xhoxhaj*, cited above, § 407 *in fine*) – the Court sees no reason for departing from the SAC's conclusions concerning the above-mentioned assets and, more generally, the outcome of the vetting case (see, by contrast, *Sevdari v. Albania*, no. 40662/19, §§ 93 and 96, 13 December 2022). Accordingly, the Court does not find that her dismissal from office was disproportionate.

28. It is therefore unnecessary to conduct a detailed examination of the applicant's arguments regarding the SAC's remaining findings and conclusions (compare *Thanza*, cited above, § 160).

29. Accordingly, the complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 July 2026.

Olga Chernishova Deputy Registrar	Diana Kovatcheva President