EUROPEAN COURT OF HUMAN RIGHTS

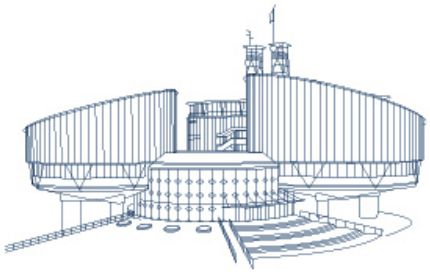
# PRESS RELEASE

## CONTINUED PRE-TRIAL DETENTION OF MAYORAL CANDIDATE BREACHED THE CONVENTION

## Beleri v. Albania

ECHR 282 (2026) 10.11.2026

Press release issued by the Registrar of the Court



The case of Beleri v. Albania (application no. 28070/23) concerned the grounds for the nine-month pre-trial detention of a mayoral candidate, Dhionisios Beleri, accused of election fraud. The national courts relied on the risk that Mr Beleri might reoffend, abscond or tamper with evidence because of previous criminal proceedings against him and his position of influence within his community.

In today's Chamber judgmenti in the case the European Court of Human Rights held, unanimously, that there had been no violation of Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights as regards Mr Beleri's initial placement in pre-trial detention; but a violation of Article 5 § 3 of the European Convention with regard to his pre-trial detention after he had been indicted.

The Court accepted that the initial pre-trial detention had been justified given the early stage of the investigation and the sensitive nature of the charges against Mr Beleri. However, after he had been indicted on 19 July 2023, it found that the national courts had relied too heavily on the severity of his suspected offence and had failed to sufficiently consider less restrictive measures or changing circumstances over time.

The Court pointed out that the jurisprudence in Albania has evolved following the adjudication of Mr Beleri's case by the national courts, which are now required to conduct fresh assessments of pre-trial detention at every stage of the proceedings, with the burden being on the prosecution.

Lastly, under Article 41 (just-satisfaction), the Court held that Albania was to pay Mr Beleri 450 euros (EUR) in respect of non-pecuniary damage, and EUR 5,000 in respect of costs and expenses.

## PRINCIPAL FACTS AND COMPLAINTS

The applicant, Dhionisios Alfred Beleri, is an Albanian and Greek national who was born in 1972 and is originally from Himara, a town located in the south-west coast of Albania. He identifies as a member of the Greek-speaking minority.

In 2006 Mr Beleri was convicted and sentenced to three years' imprisonment for incitement to national hatred and denigration of the Republic and its symbols, but remained a fugitive long enough for the enforcement of his sentence to become time barred. In 2019 he faced

more criminal proceedings, this time for alleged terrorism offences. They were discontinued because they had also become time barred.

On 25 May 2023 Mr Beleri was elected as the Mayor of Himara. Before this, during the elections, evidence had come to light that he had bought votes through an intermediary, and on 12 May 2023, he had been arrested and placed in pre-trial detention.

He was indicted on 19 July 2023 on charges of election fraud. He was found guilty as charged on 5 March 2024 and sentenced to two years' imprisonment. His challenges against this judgment were all subsequently unsuccessful, with the Supreme Court ultimately upholding the lower courts' judgments in March 2026.

Mr Beleri also unsuccessfully appealed the national courts' decisions to place him in pre-trial detention. The courts considered that his pre-trial detention was necessary, ruling that the seriousness of the offence undermined public trust in elections and that he had been declared a fugitive during the 2006 proceedings, which indicated a risk of absconding and reoffending. They also considered that there was a risk of him influencing witnesses, given his position of influence within his community.

On three different occasions in 2023, Mr Beleri submitted a request for his detention to be replaced with a more lenient measure. His arguments consisted of, among others, the passage of time since his prior conviction, his behaviour during the proceedings, his ties with Himara, and the authorities' failure to show how he might have tampered with the evidence. Each of his three requests were denied at first instance and dismissed upon appeal.

Relying on Article 5 § 3 (right to liberty and security), Mr Beleri complained that the national courts had not provided sufficient and adequate reasons related to his specific situation to justify his continued pre-trial detention, nor had they considered alternative measures.

## OUTCOME

## REASONING OF THE COURT

Firstly, the Court found that the national courts had provided relevant and sufficient grounds for ordering Mr Beleri's initial placement in pre-trial detention, given the sensitive nature of the charges against him and the detention being at a very early stage in the investigation. It also accepted that the initial fear of Mr Beleri tampering with evidence had been justified. There had therefore been no violation of Article 5 § 3 on that account.

However, from at least 19 July 2023 onwards, when Mr Beleri had been indicted, the Court found that his pre-trial detention had ceased to be based on sufficient grounds, in violation of Article 5 § 3.

In particular, the Court found that the national courts: had relied too heavily on the severity of the alleged offence to justify extending Mr Beleri's detention; had failed to sufficiently consider less restrictive measures in view of changing circumstances; had placed the burden on the applicant to provide new facts or arguments; and, had not provided a reasoning that evolved to reflect the passing of time and the progress of the investigation.

Moreover, that situation had been aggravated because the national courts had considered that the initial decisions ordering Mr Beleri's pre-trial detention had final effect. That meant that Mr Beleri could not therefore rely on the same arguments before the national courts and have a fresh examination of his situation. Indeed, at no point in the proceedings had the Albanian authorities genuinely considered whether the length of Mr Beleri's detention had exceeded a reasonable time or whether there had been any room to apply a more lenient measure to ensure his appearance at trial.

## PROCEDURE
## AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 2 August 2023.

Judgment was given by a Chamber of seven judges, composed as follows:

Peeter **Roosma** (Estonia), *President,*
Lətif **Hüseynov** (Azerbaijan),
Darian **Pavli** (Albania),
Úna **Ní Raifeartaigh** (Ireland),
Mateja **Đurović** (Serbia),
Canòlic **Mingorance Cairat** (Andorra),
Vasilka **Sancin** (Slovenia),

and also Milan Blaško, *Section Registrar.*

*The judgment is available only in English.*

The Court's judgments finding a violation are binding on the State concerned. The Committee of Ministers of the Council of Europe, the executive body of the Council of Europe, supported by the Department for the Execution of Judgments of the European Court of Human Rights, is responsible for supervising their implementation.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

[1]Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.
Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.