



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

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THIRD SECTION

Application no. 14216/24
Arben AHMETAJ and Erjola HOXHA
against Albania
lodged on 8 May 2024
communicated on 6 October 2025

SUBJECT MATTER OF THE CASE

The first applicant was at the relevant time a Member of Parliament (MP), and the second applicant is his partner. The application concerns searches of the second applicant's person and mobile telephone and the applicants' common residence, carried out on 9 March 2023, on the basis of a decision of the Special Court for Corruption and Organised Crime issued on 8 March 2023.

The final decision was adopted by the Constitutional Court on 12 December 2023, and served on the applicants on 12 January 2024.

The applicants complain that the search of their residence was unlawful because the first applicant was an MP at the relevant time, and his home could not be searched without prior parliamentary authorisation (under Article 73 (2) of the Constitution); and that they had no access to a procedure for challenging the searches at issue, contrary to the requirements of Articles 8 and 13 of the Convention.

QUESTIONS TO THE PARTIES

1. Was there a violation of the first applicant's right to respect for his home guaranteed by Article 8 of the Convention? In particular, was the search of the residence carried out in accordance with Article 73 (2) of the Constitution on MP immunities? Did the first applicant exhaust any effective domestic remedies in this respect?

2. Did the domestic legislation and practice provide the applicants with adequate procedural means to challenge the lawfulness of the search order, the modalities of the searches of their residence and the second applicant's person and mobile telephone, or the seizure of items in their residence, as required under Articles 8 and 13 of the Convention (see *Brazzi v. Italy*, no. 57278/11, §§ 41-48, 27 September 2018; *Giuliano Germano v. Italy*, no. 10794/12, § 95, 22 June 2023; *Mukhtarli v. Azerbaijan*, no. 39503/17, §§ 216 and 217, 5 September 2024; and *Posevini v. Bulgaria*, no. 63638/14, § 84, 19 January 2017)? In particular, was the judicial decision of 8 March 2023 amenable to any appeal?

The Government are invited to provide the relevant case-law and examples of review by higher courts of similar appeals.