



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

THIRD SECTION

CASE OF METALLA v. ALBANIA

(Application no. 19646/20)

JUDGMENT

STRASBOURG

5 May 2026

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

In the case of Metalla v. Albania,

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

Úna Ní Raifeartaigh, *President*,

Darian Pavli,

Mateja Đurović, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 19646/20) 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 7 May 2020 by an Albanian national, Mr Ervin Metalla (“the applicant”), who was born in 1976, lives in Tirana and was represented by Ms T. Eatwell and, from 2021, by Mr S. Powles, lawyers practising in London;

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;

the decision to reject the applicant’s request for a hearing (Rule 59 § 3 of the Rules of Court);

Having deliberated in private on 31 March 2026,

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

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 (“the VA”) (see *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021).

2. The applicant served as a judge at the Durrës District Court from 2001, as its President from 2005, and as a judge at the Tirana Court of Appeal from 2013. He also acted as Chair of the Union of Judges from 2011.

3. The institutions assisting the IQC identified no concerns relating to links to organised crime or his professional skills and general ethical compliance (see *Xhoxhaj*, cited above, §§ 138-43). The IQC refused to pursue the investigation in respect of these criteria, contrary to the applicant’s request.

4. On 23 July 2018 the IQC dismissed the applicant under section 61(3) of the VA, owing to irregularities relating to his brother E.M.’s assets and the applicant’s declaration of assets. It noted that ethical standards required judges to act with integrity in extrajudicial activities and in a manner befitting their duties. The applicant’s conduct had been unethical, as he had engaged in fictitious transactions.

5. The applicant appealed and repeated his request for an assessment in respect of the remaining criteria, which would, he said, have demonstrated his contribution to the justice system through his teaching, manuals for legal professionals, and chairmanship of the Union of Judges.

6. On 30 October 2019 the SAC upheld, by a three-to-two majority, the IQC's findings and applied an additional ground under section 61(5) of the VA, which provided for dismissal where, following a global assessment of all the vetting criteria or an "overall assessment of the procedures", the vetting subject was found to have undermined public trust in the justice system. The SAC held as follows.

(a) The applicant had lived in a rented flat in Tirana while commuting to Durrës. He had signed a preliminary sale contract and a commercial-loan contract in 2007 and had bought that flat, with ownership to pass once it had been legalised and registered in the seller's name, which had occurred in 2013.

(b) From 2008 onwards, under Council of Ministers' Decision (CMD) no. 600/2007, judges had been authorised to receive a soft loan – State-covered interest above 4% – if they or their close relatives did not own a dwelling in their judicial district. The loan had been limited to housing in that district.

(c) In 2011, annexes to the 2007 contracts had replaced the applicant with E.M. as buyer and loan debtor. The applicant had admitted agreeing to this in order to become eligible for the soft loan. The SAC held that this had created the appearance that he no longer owned the property, though he had continued living in the flat. The sale-contract annex had been neither notarised nor declared in his 2011 asset declaration.

(d) The applicant had signed a declaration of compliance with the CMD, a contract to purchase a flat in Durrës and a soft-loan agreement for 5,000,000 Albanian leks (ALL), with E.M. acting as guarantor. Under the mortgage contract, E.M. had offered a flat (bought in 2008) as collateral. Through a series of transactions, the soft loan had been transferred to his father N.M.'s account as "debt repayment". Although the funds had remained available to the applicant, he had not declared them as disposable liquidity in his 2011 asset declaration.

(e) In 2012, the applicant, N.M. and others had signed debt-exchange agreements so that the ALL 5,000,000 would be used for a new flat in Tirana. The applicant had declared his intention to buy it, and N.M. had declared that the funds belonged to the applicant. The applicant had then withdrawn from the Durrës contract, allegedly due to construction delays. The SAC considered that the sole purpose of the Durrës contract had been to meet the soft-loan conditions. He had signed a preliminary contract for that new Tirana flat but had not declared it in his 2012 asset declaration. In 2013 the applicant, E.M. and a real-estate company had agreed that the new flat would pass to

E.M., while the 2007 flat would remain with the applicant, each paying “his respective loan”.

7. The SAC considered, in particular, that the applicant had taken steps (i) to hide or misrepresent his use of the 2007 Tirana flat while benefiting from the soft loan; and (ii) to allow inaccuracies as to his liquidity to appear in his 2011 declaration.

8. The SAC found that the applicant, showing disregard for the law, had obtained the soft loan in breach of the legal criteria, and appeared to have used it for the 2007 Tirana flat where he continued living, and not for the housing in Durrës. Extrajudicial conduct was guided by the Bangalore Principles of Judicial Conduct, and under the 2006 Albanian Code of Judicial Ethics judges had to ensure that their extrajudicial activities did not undermine the authority of the judiciary. The fictitious transactions for personal gain had been unethical and had undermined public trust in the justice system.

9. Lastly, the applicant had failed to prove that E.M. had had sufficient legal sources of income.

(a) Section 3(14) of the VA defined “other related persons” as those having a “relationship of interest” with vetting subjects arising from a patrimonial interest or a business relationship. Under section 32(4), vetting subjects, their related persons or “other related persons” declared as donors, lenders, or borrowers were required to prove the lawful origin of their assets.

(b) The IQC had shifted the burden of proof to the applicant because E.M. (i) had replaced him as debtor and buyer of the 2007 Tirana flat; (ii) had paid him ALL 1,000,000 in 2011, part of what the applicant had already repaid the bank between 2008-11; and because of a 2014 vehicle sale. In its decision of 23 July 2018, the IQC had cited (i) and (ii), noted that the applicant had continued living in the flat in 2011-13 and thus had a lender-borrower relationship, and referred to E.M.’s collateral.

(c) The SAC held that E.M. had maintained a continuous legal relationship for the applicant’s unilateral benefit, assuming less favourable financial conditions in 2007-13. E.M. had become the guarantor of the soft loan; under the Civil Code suretyship rules, the surety ensured the fulfilment of the debtor’s obligation and was liable to the same extent. A relationship of interest therefore existed. The applicant had also received a small loan from E.M. in 2004 and ALL 1,000,000 in 2011 and had continued using the Tirana flat after transferring his rights. Thus, read together, sections 3(14) and 32(4) meant that E.M. qualified as “another related person”.

(d) The applicant had therefore had to prove that E.M. had received lawful income during his stay in Italy from the late 1990s to 2008 (used for the 2008 flat later offered as collateral, and for the 2004 loan), and in Albania for the sum of ALL 1,000,000. The evidence showed, in particular, that E.M.’s foreign income had been very modest.

10. Two SAC judges dissented, disagreeing with the majority's ethics-related findings, interpretation of domestic law in relation to E.M. and the applicant's dealings with him, including the finding that the transactions had been "fictitious".

THE COURT'S ASSESSMENT

I. ADMISSIBILITY

11. In view of the Court's case-law (see *Masse v. France* (dec.), no. 47506/20, §§ 20-32, 25 March 2025), this complaint should not be rejected as out of time. It is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

II. MERITS

A. The parties' submissions

1. *The applicant*

12. The applicant argued that his dismissal from office had been disproportionate and had violated Article 8 of the Convention. He insisted that his transactions had been lawful. When he had obtained the soft loan, he had only had a contract to purchase a flat with a commercial loan and had not owned any housing. He had used the soft loan for a flat in Durrës but had dissolved that contract due to construction delays and his increasing commitments in Tirana as Chair of the Union of Judges since 2011. He had used the soft loan for a flat in Tirana, which was only a 30-minute drive from Durrës. By 2013 he had been transferred to Tirana. The purpose of the soft loan had always been to finance a flat within the jurisdiction of his mandate; the flat concerned had changed between 2011 and 2013 as his judicial post had changed.

13. The Code of Ethics required caution in extrajudicial activities, which had to be assessed in terms of implications for impartiality or interference with judicial duties. Law no. 9877/2008 qualified as serious disciplinary violations such actions as engaging in political activity, managing companies, making public statements about ongoing cases, or compromising impartiality or judicial dignity. The SAC had not explained how the applicant's actions had undermined the authority of the judiciary. An ethical breach did not constitute grounds for dismissal but could prompt the vetting bodies to refer the matter for ordinary disciplinary proceedings.

14. The requirement to prove the lawful sources covered assets belonging to the vetting subject's immediate family and loans or donations from third parties. A third party could be considered "related" to the vetting subject only

when there was evidence of a unilateral proprietary benefit, including hiding the vetting subject's assets, holding assets on his or her behalf, or receiving the proceeds from property tied to him or her. Extending the obligation beyond those situations would require the vetting subject, for instance, to prove the legality of a bank's capital because he or she had taken out a loan. Several final IQC decisions in 2018-19 had not treated a mortgage relationship as sufficient to classify a third party as "another related person". In July 2019, the SAC had indicated the need for a restrictive interpretation of section 32(4) of the VA and followed that approach in comparable cases after the applicant's case.

15. E.M.'s mortgage and his repayment of ALL 1,000,000 had constituted neither a gift nor a loan. There had been no business relationship, no conflict of interest, and no indication that E.M.'s assets had belonged to the applicant or had been enjoyed by him or hidden on his behalf. Requiring the applicant to justify E.M.'s foreign income from the late 1990s onwards, and dismissing him for lacking contemporaneous documents, had been unlawful and disproportionate. Nothing suggested that E.M.'s income had been unlawful; the Italian authorities had credibly documented his income for 2001-06 and had explained the impossibility of providing earlier records. Much of that income had been earned before the applicant had become a reporting subject, and he had derived no benefit from it.

2. *The Government*

16. The Government restated the SAC's findings and indicated that its ethics-related conclusions had been a decisive and independent basis for the applicant's dismissal. Moreover, he had taken steps to hide or inaccurately reflect his use of the Tirana flat. His multiple dealings with E.M. had gone beyond ordinary family relations and had established a stable economic connection, which had been sufficient under the consistent jurisprudence to trigger the obligation to justify his brother's assets. The SAC had accepted new evidence, had narrowed the burden of proof to cover the funds used by E.M. to purchase his flat in 2008 and for the ALL 1,000,000, and had thoroughly assessed the facts.

B. The Court's assessment

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

18. First, unless the courts' interpretation of domestic law is arbitrary or manifestly unreasonable, the Court's role is confined to ascertaining whether the effects of that interpretation are compatible with the Convention

(see *Danileț v. Romania* [GC], no. 16915/21, § 123, 15 December 2025). As regards his failure to justify E.M.’s assets and in particular the flat used as collateral in a real-estate transaction (see paragraph 9 above), the applicant argued that E.M.’s mortgage should not have triggered the obligation under section 32(4) of the VA (see paragraphs 5 and 14 above). The Government did not cite any case-law to the contrary.

19. The Court notes that the definition of “other related person” under section 3(14) of the VA is couched in fairly broad terms that are capable of applying to a large circle of persons with whom the vetting subjects may have had dealings resulting in some personal benefit, even when those dealings are not necessarily of a clearly patrimonial nature. That stands in contrast to the definition contained in section 32(4), which relates to donors, lenders and borrowers. Furthermore, the definition at stake calls for careful application as it may place a heavy burden on the vetting subject to prove the legality and sufficiency of another person’s income with respect to circumstances that go back many years in the past. The vetting subject may have to do so in the absence of any contemporaneous legal obligation to that effect, arguably raising questions of foreseeability. However, the Court does not need to reach a firm conclusion as to whether the interference was “in accordance with the law” because, in any event, it was not convincingly shown to be proportionate to the legitimate aims (see, in that regard, *Sevdari v. Albania*, no. 40662/19, §§ 73-79, 13 December 2022) for the reasons stated below.

20. Dismissal from office – notably of judges enjoying life tenure – is a grave, if not the most serious, disciplinary sanction, which requires the consideration of solid evidence relating to the individual’s ethics, integrity and professional competence (*ibid.*, § 86). The judiciary must enjoy public confidence, and – where ethical standards and the rules governing disciplinary offences converge in relation to extrajudicial conduct that may compromise that public confidence – there should be a threshold criterion to distinguish misconduct that may warrant disciplinary sanctions from other forms of misbehaviour (see *Danileț*, cited above, §§ 134 and 138). Section 61(5) of the VA should normally be interpreted together with other, more specific disciplinary rules that were in force at the relevant time and which punished breaches of an ethical or professional nature; any conclusion that a judge undermined public trust must be supported by adequate reasons (see *Xhoxhaj*, §§ 387 and 410, and *Sevdari*, § 94, both cited above).

21. As regards extrajudicial activities, the legislation applicable at the time focused on specific prohibitions. It also contained a broad ethical duty not to undermine the authority of the judiciary, which echoed the Code of Ethics (see paragraphs 8 and 13 above). However, given the facts of the present case, it is not clear that any ethical transgressions imputed to the applicant in the conduct of his private affairs reached a threshold of severity that would have justified the most serious disciplinary sanction under the terms of the national law then in effect.

22. The evaluation of assets determined whether a magistrate had accurately declared all assets and whether those assets had originated from lawful and declared income, while also identifying any unjustified wealth, concealed or falsely declared assets, or conflicts of interest (see *Xhoxhaj*, cited above, § 137). No civil court has found that the applicant's transactions were fictitious, nor was any legal action brought in relation to them – including in relation to the benefit enjoyed by the applicant from the interest rate differential under the terms of the soft loan.

23. The Court notes that some of the applicant's transactions relating to the flats may raise legitimate questions of propriety for a senior judge, including as to whether they complied with the soft loan regulations. It was open to the SAC, however, to refer such concerns to the disciplinary bodies to consider appropriate sanctions short of outright dismissal (see *Sevdari*, cited above, § 95).

24. The alleged irregularity of the applicant's conduct as regards the soft loan and the ethical implications attributed to it cannot be characterised as sufficiently serious and capable, by themselves, of justifying the far-reaching conclusions of the SAC, which, after the vetting case, also entailed the permanent disqualification from the judiciary. Nor, on the facts of the case, did the conduct in question disclose any conflict of interest or was related to combating corruption, which was one of the main rationales behind the vetting process (see *Xhoxhaj*, § 299, and *Sevdari*, §§ 78-79, both cited above).

25. That being the case, the SAC's conclusion was not based on a global assessment of the applicant's professional and ethical record over his considerable judicial career (compare *Sevdari*, § 88; *Xhoxhaj*, §§ 37-40 and 410; and *Thanza*, §§ 29-33 and 47, all cited above). The SAC failed to pursue the proportionality assessment and to establish whether the conduct in question reflected, for instance, a pattern of serious misconduct. In the absence of a more comprehensive inquiry and a properly formulated threshold analysis, the determination that the applicant had undermined public trust rested on an incomplete factual basis and an insufficient legal justification. It therefore did not convincingly demonstrate that the continuation of his tenure was untenable. Moreover, the SAC did not provide the applicant with advance notice that it would re-characterise the elements examined by the IQC as falling under the heading of undermining public trust in the justice system (see paragraphs 4-6 above).

26. Second, as regards the applicant's failure to justify E.M.'s funds, the SAC's approach was not shown to be proportionate in the circumstances of the case either.

27. The VA explicitly prescribed the obligation to justify the funds used by a lender or donor as a loan or a gift. Furthermore, it is conceivable that in some other contexts reasonable doubts may arise that serious infractions – such as the concealment of an asset, the obtaining of an undue benefit, or a conflict of interest – may have been committed with the assistance of third

parties. No such circumstances are discernible, however, from the SAC's decision in the present case (see paragraph 9(c)-(d) above).

28. E.M.'s collateral and his repayment of ALL 1,000,000 neither enriched the applicant nor increased his assets, and they did not confer any proprietary advantage analogous to a donation or a loan. There is nothing to indicate that the collateral went beyond an ordinary favour from a sibling to facilitate the loan. The IQC decision which triggered the applicant's obligation to justify E.M.'s financial situation was also based on other facts (see paragraph 9(b) above), but it does not appear that there was any legal requirement at the relevant time, or any concrete indication of the above-mentioned assets having an illicit or otherwise suspicious origin, that would have required the applicant to act with greater diligence.

29. Thus, even assuming that the obligation to justify the brother's funds for the latter's flat was consistent with national law (see paragraphs 18-19 above), the heavy burden imposed on the applicant during the vetting process required a compelling justification (compare *Sevdari*, cited above, § 88). Furthermore, the changing rationales used by the vetting bodies to classify E.M. as "another related person" – and the corresponding broadening of the scope of that obligation – added to the disproportionate burden imposed on the applicant, who was ultimately required to justify a substantial part of E.M.'s income over an extended period (see paragraph 9(d) above).

30. While failures to declare major assets or sources of income or deliberate attempts to conceal them can generally be considered serious, not every minor non-compliance with asset declaration regimes, or insignificant discrepancy between spending and lawful resources, should trigger dismissal from office (see *Sevdari*, cited above, § 85). Similarly, it was not demonstrated that imposing on the applicant an extensive obligation to trace and substantiate E.M.'s income – some of it foreign income from a distant period – was proportionate in the circumstances of the case. The SAC did not adduce sufficient reasons for the applicant's dismissal on that basis.

31. The SAC's other conclusions (see paragraph 7 above) were deemed insufficient to justify, in themselves, the dismissal and thus require no separate review.

32. The Court is not satisfied that the vetting bodies carefully examined all relevant facts, applied the relevant human rights standards consistently with the Convention and its case-law, and adequately balanced the interests at stake (see *Danileț*, cited above, § 168). The interference did not strike the requisite fair balance between the applicant's rights and the public interests, including the interest in restoring public trust in the justice system (see *Sevdari*, cited above, § 96).

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

APPLICATION OF ARTICLES 46 AND 41 OF THE CONVENTION

I. REQUEST FOR INDICATION OF AN INDIVIDUAL MEASURE

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

II. DAMAGE

35. The applicant claimed (i) compensation in respect of pecuniary damage corresponding to his judicial salary after his dismissal; (ii) if not reinstated, the salary he would have earned until retirement and the related pension; (iii) adjustment for inflation, plus interest and taxes; (iv) compensation for lost future judicial income; and (v) compensation in respect of non-pecuniary damage, to be determined by the Court.

36. The Government contested the claims, noting that the applicant had been entitled to practise as a lawyer from no later than January 2020 onwards and appeared to have done so.

37. The Court awards the applicant 6,000 euros (EUR) for non-pecuniary damage, plus any tax that may be chargeable. Noting the findings in paragraph 34 above, the available documents and its case-law (compare *Sevdari*, cited above, § 149; see also *Golovin v. Ukraine*, no. 47052/18, § 53, 13 July 2023), the Court awards the applicant EUR 20,400 for pecuniary damage, plus any tax that may be chargeable to him on that amount.

III. COSTS AND EXPENSES

38. The applicant claimed EUR 6,075 and 5,066 British pounds sterling in respect of his legal fees before the Court.

39. The Government contested the claims, arguing that the invoices provided by the applicant showed neither the method of payment nor any proof of payment.

40. Referring to its case-law (see *Sevdari*, cited above, § 152), the Court awards the applicant EUR 6,000, plus any tax that may be chargeable to him.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the applicant's right to respect for private life admissible;
2. *Holds* that there has been a violation of Article 8 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 20,400 (twenty thousand four hundred euros), plus any tax that may be chargeable to the applicant on that amount, in respect of pecuniary damage;
 - (ii) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (iii) EUR 6,000 (six thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 5 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Úna Ní Raifeartaigh
President