



Judgments of 21 February 2023

The European Court of Human Rights has today given notification in writing of three Chamber judgments¹:

one judgment is summarised below;

separate press releases have been issued for the two other judgments in the cases of: *G.K. v. Cyprus* (application no. 16205/21) and *Catană v. the Republic of Moldova* (no. 43237/13);

The judgment summarised below is available only in English.

Hysa v. Albania (application no. 52048/16)

The applicant, Afërdita Hysa, is an Albanian national who was born in 1968 and lives in Tirana.

Ms Hysa was director of tax inspections in a tax office in Tirana at the time of the events. She was suspected of abuse of office for having approved a rebate to a number of companies amounting to 515,455,275 Albanian leks (approximately 3.7 million euros at the time) in respect of value-added tax. The District Court of Tirana ordered her pre-trial detention on 5 November 2013. The case concerns that order.

Relying on Article 5 § 1 (c) (right to liberty and security) of the European Convention on Human Rights, the applicant complains that the domestic decisions ordering her detention did not contain relevant and sufficient reasoning or refer to her personal circumstances. Under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) she also complains that her appeals in connection to her detention were not properly examined. The Court considered that the complaints should be examined under Article 5 § 3.

Violation of Article 5 § 3 on account of the domestic courts' failure to provide relevant and sufficient reasons for the applicant's first period of detention

Just satisfaction:

non-pecuniary damage: 4,500 euros (EUR)

costs and expenses: EUR 3,500

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We would encourage journalists to send their enquiries via email.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's 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. Under Article 28 of the Convention, judgments delivered by a Committee are final.

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

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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.