



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

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THIRD SECTION

Application no. 8755/26
Agim BUALLI
against Albania
lodged on 13 February 2026
communicated on 21 July 2026

SUBJECT MATTER OF THE CASE

The case concerns the detention of a mentally ill person, subject to involuntary confinement, in an ordinary prison.

In the criminal proceedings against the applicant, on 8 February 2001 the Fier District Court found the applicant not criminally liable because of his mental condition, and ordered his involuntary medical treatment in the Tirana Psychiatric Hospital. Following that judgment, the applicant was placed in the Tirana Prison Hospital until July 2009, when he was transferred to the Zaharia Prison, and in 2021 to the Shënkoll Prison in Lezha, where he is currently held.

In domestic administrative proceedings the applicant was granted damages in connection with his placement and lack of adequate medical treatment in prison, and the courts ordered his placement in a (regular) psychiatric hospital. The latter has not been complied with.

The applicant complains that his detention in ordinary prison facilities since June 2001 has not been compatible with Article 3 of the Convention.

He further complains under Article 5 § 1 of the Convention that his detention in ordinary prison facilities throughout this period has been unlawful.

Lastly, he complains under Article 13 of the Convention that he has no effective remedy as regards his placement in ordinary prison facilities.

QUESTIONS TO THE PARTIES

1. Can the applicant still claim to be a victim of violations claimed under Article 3 of the Convention, given that he was awarded compensation by the domestic courts?

2. Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention in relation to his complaint under Article 3 of the Convention (see, *mutatis mutandis*, *Ābele v. Latvia*, nos. 60429/12 and 72760/12, §§ 47-52, 5 October 2017)? Notably, what avenues under domestic law were available and effective in the context of the applicant's complaints under Articles 3 and 5 of the Convention, having particular regard to his state of health?

3. Having regard to the circumstances of the case, and in particular the alleged absence of adequate medical care for the applicant's psychiatric condition, do the conditions under which he has been detained at regular prison facilities (including the Shënkoll Prison) since 2001 constitute inhuman and degrading treatment within the meaning of Article 3 of the Convention (see *Rooman v. Belgium* [GC], no. 18052/11, §§ 143-48, 31 January 2019; *Strazimiri v. Albania*, no. 34602/16, §§ 103-12, 21 January 2020; *Sy v. Italy*, no. 11791/20, §§ 76-81, 24 January 2022)?

4. Did the applicant's detention since June 2001 fall within one of the grounds authorising deprivation of liberty listed in sub-paragraphs (a) to (f) of Article 5 § 1 and was it lawful and justified for the purposes of that provision, and therefore in conformity with Article 5 § 1 (see *Rooman v. Belgium* [GC], no. 18052/11, §§ 205-14, 31 January 2019; *Pankiewicz v. Poland*, no. 34151/04, §§ 44-45, 12 February 2008; *Strazimiri v. Albania*, no. 34602/16, §§ 116-24, 21 January 2020; *Sy v. Italy*, no. 11791/20, §§ 93-149, 24 January 2022; and *M.A. v. Latvia*, no. 55234/21, §§ 78-93, 6 November 2025)?

5. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 3, as required by Article 13 of the Convention?

The Government are invited to submit up-to-date information concerning the Shënkoll Prison Facility, including as to the material conditions of the applicant's detention therein, the medical treatment provided to the applicant (medical plan and documentation), and any other relevant information on his detention and medical care.