



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

THIRD SECTION

CASE OF KAPLLANAJ v. ALBANIA

(Application no. 34859/24)

JUDGMENT

Art 2 (procedural) • Ineffective investigation into the circumstances of the suicide of the applicant's son by jumping from an indoor service terrace of Tirana International Airport • In case circumstances, suicide treated as a suspicious death giving rise to the State's procedural obligation

Art 2 (substantive) • Life • Not established that authorities knew or ought to have known of a real and imminent risk to the applicant's son's life in the light of his intention to harm himself • No positive obligation to take preventive operational measures • Manifestly ill-founded

Prepared by the Registry. Does not bind the Court.

STRASBOURG

20 October 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Kapllanaj v. Albania,

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

Ioannis Ktistakis, *President*,

Peeter Roosma,

Lətif Hüseynov,

Darian Pavli,

Diana Kovatcheva,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 34859/24) 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”) by an Albanian national, Mr Shaban Kapllanaj (“the applicant”), on 18 November 2024;

the decision to give notice to the Albanian Government (“the Government”) of the complaints concerning the substantive and procedural aspects of the right to life and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated in private on 22 September 2026,

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

INTRODUCTION

1. The case concerns, under Article 2 of the Convention, the suicide of the applicant’s son by jumping from an indoor service terrace of Tirana International Airport.

THE FACTS

2. The applicant was born in 1964 and lives in Tirana. He was represented by Mr I. Beqiri, a lawyer practising in Tirana.

3. The Government were represented by their Agent, Mr O. Moçka, General State Advocate.

4. The facts of the case may be summarised as follows.

I. BACKGROUND TO THE CASE

5. The applicant is the father of the victim, J.K., who was a young adult at the material time.

6. On 1 September 2016 a police patrol reported that a young man had appeared at the edge of a service terrace, above the premises of airline check-

in counters, located inside the terminal building of “Mother Teresa” Tirana International Airport. He had allegedly used an internal staircase to gain access to the service terrace. A number of airport security officers and police officers spotted him and tried to persuade him to calm down. The exchanges lasted only a few minutes, after which the individual reportedly shouted “I am Spiderman” and subsequently jumped from a height of approximately 8 metres, hitting the ground with his head. He received first aid on the spot and was transported to hospital, where he died from the injuries sustained.

7. The individual was identified as the applicant’s son, J.K., who on the day of the incident had taken a flight from Germany to Albania. Following his arrival, he had allegedly made his way from the arrivals terminal of Tirana International Airport to the check-in area, from which he had accessed the service terrace.

II. THE CRIMINAL INVESTIGATION

8. On 2 November 2016, on the basis of the material issued by the judicial police of the Border and Migration Police Commissariat at Mother Teresa Airport, the Tirana district prosecutor’s office opened criminal proceedings no. 8543 in respect of the offence of incitement to suicide (*shkaktim i vetëvrasjes*) under Article 99 of the Criminal Code.

9. The police carried out a number of examinations and collected photographic evidence of the incident, including the service terrace and the area from which J.K. had gained access to it, the victim’s body, the blood mark at the death scene and security camera recordings.

10. A pair of glasses, a boarding pass, a wallet containing around EUR 2,000 and 100,000 Albanian lek (roughly EUR 1,000), J.K.’s passport and ID, and his mobile telephone, were found – all located on and around the service terrace from which J.K. had jumped. The police had also found J.K.’s luggage in the area close to the check-in counters of the terminal, in which they had found, *inter alia*, around EUR 1,450.

11. The medical report established that the cause of death following impact was a haemorrhagic cerebral contusion sustained within the context of polytrauma. It also established that J.K. had, *inter alia*, sustained a skull fracture, a rib fracture, a neck fracture, internal bleeding, and bleeding from the ear and nose (report no. 375, 14 September 2016).

12. The police report on the video recordings of the incident confirmed the facts of the incident, but did not establish the actions that J.K. had carried out before the fall – including, in particular, in respect of the area and staircase by which he had apparently gained access to the service terrace. The report also stated that the recordings could not establish whether the actions or omissions of the airport police and security had been in line with their functional tasks (report no. 799, 1 February 2017).

13. The Border and Migration Police Commissariat at Mother Teresa Airport confirmed to the prosecution that the area from which J.K. had allegedly gained access to the service terrace served as office space for airline companies and that no particular security measures were implemented in respect of that area; entry into that part of the terminal was unrestricted (letter no. 1679, 20 October 2016).

14. The biological report of the blood found on the ground confirmed it to be human blood. The blood type could not be determined due to lack of reagents and degradation of the equipment's quality (*amortizimi i aparaturave*) (biological report no. 1517, 17 February 2017).

15. In addition, the police interviewed two police officers (S.S. and I.M.) and four airport security officers (Sh. H., E.Q., Gj. K. and V.K.), all of whom had confirmed the passage of events as described above. All of them had confirmed that J.K. had appeared to be distressed and that there had been repeated efforts to establish communication with him (with the police and security officers attempting to calm J.K. down with questions and assurances such as "Who are you?" "What are you doing there?" "How did you get up there?" "Calm down!" "We are here for you!"), but to no avail. It was shortly thereafter that he had shouted "I am Spiderman" and jumped from the terrace to the ground, where he had struck his head. Moreover, I.M. declared that J.K. had looked pale, had never looked down but only straight ahead, and that he had not [instinctively] used his hands for protection at the moment of impact with the ground. Sh.H. had further declared that he had initially thought that J.K. was a member of the airport staff.

16. J.K.'s sister was also interviewed. She stated that she considered the authorities responsible for the death of her brother, as they had not prevented him from jumping from the service terrace. She added that he had had no mental or health issues, nor any conflicts with anyone, and had simply been a reserved person (*tip i mbyllur*). She had not been aware that J.K. had travelled to Germany, and nor had their parents, noting that the family did not have any relatives there. She also stated that her brother had often talked on the telephone with some unknown person, and that those calls might shed light on the reasons for his suicide.

17. On 12 June 2017, the Tirana Prosecutor's Office, on the basis of the above and relying on Article 328 § 1 (b) of the Code of Criminal Procedure as applicable at the material time, discontinued criminal proceedings, finding that the constituent elements of the criminal offence of incitement to suicide under Article 99 of the Criminal Code had not been established, given the circumstances of the case (*fakti nuk parashikohet nga ligji si vepër penale*).

III. JUDICIAL PROCEEDINGS

18. On 21 July 2017 the applicant challenged the decision of the prosecution office before the Tirana District Court. He argued, *inter alia*, that

the State police and airport security had failed to take the necessary preventive measures to pre-empt the incident, and that the prosecuting authorities had not conducted the requisite investigation to establish the circumstances of the death; in particular, the police and security staff had failed to establish the safety rules applicable at the relevant area of the airport and how J.K. had managed to gain access (allegedly through a staircase located in that area) to the service terrace. In relation to this, the applicant argued that the authorities had failed to examine other airport camera footage that could have shed light on those circumstances.

19. On 15 December 2017 the Tirana District Court dismissed the applicant's challenge as unfounded on the facts and the law. It reiterated the prosecution's findings and held that it had taken all necessary investigative steps to establish the circumstances of the victim's death. It concluded that the victim's death had occurred as a result of his own actions and that no one was criminally responsible for it (decision no. 1195).

20. On 29 December 2017 the applicant lodged an appeal against that decision, essentially reiterating his complaints and adding that the authorities had failed to clarify whether his son had communicated with any other people on and before the day of the incident – in particular with any other passengers on his flight from Germany to Tirana. Such questioning could have determined the victim's state of mind before the incident and shed light on the reasons that had led him to engage in the actions that had led to his taking his own life.

21. On 1 February 2018 the Tirana Court of Appeal dismissed the applicant's appeal, upholding the decision of the district court and reiterating the latter's reasoning (decision no. 183).

22. On 23 May 2018 the applicant lodged a cassation appeal with the Supreme Court. He reiterated his grievances and added that he had not been notified of the proceedings at the Court of Appeal and therefore had not been able to participate in those proceedings.

23. On 3 July 2023, the Criminal Bench of the Supreme Court found that the applicant's appeal did not meet the admissibility criteria for a cassation appeal and therefore ruled it inadmissible (decision no. 00-2023-1151).

24. On 20 December 2023 the applicant lodged a constitutional complaint with the Constitutional Court. He complained of the authorities' failure to discharge their positive obligations to protect his son's life, in that the police and airport security had taken no preventive or mitigating measures from the moment when his son had accessed the service terrace until his fatal fall (such as negotiating with the victim or covering the potential fall area with protection to absorb impact). He further submitted that the authorities had failed to conduct an effective investigation, as essential investigative steps had not been undertaken – including the identification and examination of responsible officials, the reconstruction of events and questioning of additional witnesses, the clarification of discrepancies in official reports, and

the gathering of technical and other evidence (in particular, relating to the people he had last talked to and his flight to Germany). Those deficiencies had, in his view, been disregarded by the domestic courts. Lastly, the applicant argued that the facts had been misclassified by the prosecution as “incitement to suicide”, whereas they should have been investigated as “abuse of office” on the part of the police, resulting in J.K.’s death.

25. On 20 June 2024 the Constitutional Court dismissed the complaint (judgment no. 49).

26. As to admissibility and the applicant’s *locus standi*, the court considered that the applicant, as the father of the victim, could claim to be an indirect victim and therefore granted him standing *ratione personae* to bring the complaint.

27. On the merits, as regards the substantive aspect, the Constitutional Court firstly noted that airport security was governed by a concession agreement between the Council of Ministers of the Republic of Albania and the concessionaire company, Tirana Airport Partners sh.p.k., under which primary responsibility for security was assigned to the concessionaire (including the establishment and operation of a security management system). The court deemed that while security functions could be subcontracted, the State’s obligations remained engaged, notwithstanding the delegation of operational duties to private entities. Furthermore, the court noted that the applicant’s son had accessed a service terrace within the terminal and had been promptly detected by State police officers and airport security staff. The officers had attempted to engage with him, urging him to calm down and seeking to assist him. The interaction had lasted only a few minutes before he had jumped. There had been no indication prior to the incident that he posed a real and immediate risk to himself. In the light of the foregoing, the court ruled that the authorities could not reasonably have foreseen J.K.’s intentions or the existence of a real and immediate risk to his life prior to the critical moment. Once the risk had become apparent, they had taken those operational measures that had been within their power to avert harm, such as trying to communicate with J.K. and sending him to hospital after the fall. There was no evidence of any negligence or failure to comply with the obligations arising under Article 21 of the Constitution or Article 2 of the Convention.

28. As regards the procedural aspect, the court observed that the prosecuting authorities had pursued a clear line of inquiry aimed at establishing the circumstances and causes in respect of J.K.’s suicide. The investigation had not identified the responsibility of the police and security personnel, who had not caused or allowed the fatal outcome through their actions or omissions, whether intentional or negligent. The court further stated that the applicant’s complaints had been duly examined by the domestic courts, which had assessed the investigative steps undertaken and delivered reasoned decisions.

29. Three judges issued a dissenting opinion in which they state that the applicant's procedural complaint should have been upheld. The dissenting judges deemed that the investigation conducted by the prosecuting authorities had been neither comprehensive nor sufficiently diligent. Although certain investigative measures had been undertaken, the authorities had failed to pursue obvious lines of inquiry that could have shed light on the reasons leading to the victim's suicide and his psychological state. In particular, there had been no investigation into whom J.K. had interacted with prior to the incident, while relevant information might have been obtained from individuals with whom he had travelled or communicated. Moreover, the authorities had not examined the victim's telephone, and nor had they requested call records – despite explicit indications from a family member (the victim's sister) that he had often been communicating with another person. The failure to question his parents in greater depth or to explore alternative criminal hypotheses (since it remained unclear why the victim had been in Germany in the first place and who he had met there) was considered to have further undermined the effectiveness of the investigation.

IV. COMPENSATION PROCEEDINGS

30. On 19 July 2019 the applicant lodged a civil claim under Article 608 of the Civil Code with the Tirana District Court against the privately contracted security company (ICTS Albania Integrated Services sh.p.k.) and Tirana International Airport, seeking compensation for pecuniary and non-pecuniary damage as well as other expenses arising from the death of his son, J.K., owing to the respondent parties' alleged failure to take the requisite safety measures. These proceedings are still pending before the Tirana District Court.

RELEVANT LEGAL FRAMEWORK

I. CRIMINAL CODE

31. The relevant provisions are as follows.

Article 99

Incitement to suicide (*Shkaktimi i vetëvrasjes*)

“Causing a person to commit suicide or attempt suicide, as a result of systematic ill-treatment or other systematic behaviour which seriously affects that person's dignity and which is committed by someone on whom [the victim] is dependent (*personi që e ka në varësi*) or with whom [the victim] has a family or cohabiting relationship, is punishable by imprisonment of between three and seven years.”

II. CODE OF CRIMINAL PROCEDURE

32. The relevant provisions are as follows.

Article 328

Dismissal of a charge or case

“1. At the conclusion of a preliminary investigation conducted in the course of proceedings in respect of a criminal offence, the prosecutor shall dismiss a charge or case when:

- a) it is clear that the fact (*fakti*) in question does not actually exist;
- b) the fact does not constitute a criminal offence under law;
- ...”

III. CIVIL CODE

33. The relevant provisions are as follows.

Liability for causing damage

Article 608

“A person who unlawfully causes damage to another person or to their property is liable for compensation for the damage caused. The person who caused the damage is not liable when he or she proves that he or she was not at fault. Damage is considered unlawful when it results from the violation or infringement of interests and rights of another that are protected by the legal order or by custom.”

Article 609

“The damage must be a direct and immediate consequence of an action or inaction on the part of the person in question. Failure to prevent an event – on the part of a person who has a legal obligation to prevent it – renders him liable for the damage caused.”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

34. The applicant complained that the domestic authorities had failed to fulfil their positive obligation to protect his son’s life and their procedural obligation to investigate his death, as provided in Article 2 of the Convention, which in its relevant part reads as follows:

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life ...”

A. Admissibility

1. Substantive aspect

(a) The parties' submissions

35. The Government submitted that the applicant lacked victim status because J.K.'s death did not result from any wrongful act or omission on the part of the public authorities. In addition, they submitted that the application was premature because compensation proceedings were still pending. They referred to domestic case-law showing that this civil-law remedy was capable of providing compensation and therefore constituted an effective remedy. They also argued that the applicant had abused his right of individual application in that he had not informed the Court of those proceedings.

36. Moreover, the Government submitted that the authorities had had no prior information or indication to suggest that the applicant's son posed a danger to himself, which would have alerted them to such a risk or rendered it foreseeable. The area through which J.K. had gained access to the service terrace had not been designated as a restricted or high-security area (which would have mandated the continuous presence of security personnel); rather, it was an ordinary administrative part of the terminal dedicated to airline offices, and was open to the general public. The Government further emphasised that in any event the response of security staff and police – once they had been alerted to J.K.'s presence on the internal service terrace – had been immediate and proactive. A security perimeter had been established and the authorities had made continuous efforts to maintain communication with J.K., who had never been left unattended; the officers had spoken to him in an attempt to calm him down, advising him not to make any sudden movements and assuring him that they were on hand to resolve the situation. After J.K. had jumped, first aid had been immediately administered by airport medical staff; he had then been quickly taken by the airport ambulance to hospital for treatment, where the applicant's son had subsequently passed away.

37. The applicant maintained that the domestic authorities had failed to fulfil their positive obligation to protect his son's life and made no further submissions.

(b) The Court's assessment

(i) Abuse of right of individual application

38. The Court reiterates that the submission of incomplete and thus misleading information may amount to an abuse of the right of application, especially if the information concerns the very core of the case and no sufficient explanation has been provided for the failure to disclose that information. The applicant's intention to mislead the Court must always be

established with sufficient certainty (see, among other authorities, *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014).

39. The Court notes that the applicant has failed to notify it of the civil-law action for compensation lodged by him. However, there is no apparent intention to mislead the Court, especially since such proceedings have been pending for a very long period of time. Accordingly, the Court rejects the Government's objection in this respect.

(ii) *Victim status*

40. The Court has recognised that close family members – including a parent, spouse, child, sibling, nephew, or uncle of a person whose death is alleged to have engaged the responsibility of the respondent State – can themselves claim to be indirect victims of an alleged violation of Article 2 of the Convention (see *Kotilainen and Others v. Finland*, no. 62439/12, §§ 51-52, 17 September 2020; *Yurtsever and Others v. Turkey*, no. 22965/10, § 49, 8 July 2014; *Renolde v. France*, no. 5608/05, § 69, ECHR 2008 (extracts)). In the present case, the Court notes that the applicant is the father of J.K., the victim. He must therefore be considered an indirect victim of the alleged issues underlying Article 2 of the Convention. In addition, domestic judgments were not favourable to him; nor did the national authorities acknowledge – either expressly or in substance – any breach of the Convention, and nor was any redress afforded. Accordingly, the Court dismisses the Government's objection in this respect.

(iii) *Exhaustion of domestic remedies*

41. The Court reiterates that under Article 35 § 1 of the Convention, it may only deal with an application after domestic remedies have been exhausted. The purpose of Article 35 is to afford the Contracting States the opportunity of preventing or putting right the violations alleged against them before those allegations are submitted to the Court (see *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-70, 25 March 2014). The obligation to exhaust domestic remedies therefore requires an applicant to make normal use of remedies that are available and sufficient in respect of his or her Convention grievances. To be effective, a remedy must be capable of remedying directly the impugned state of affairs and must offer reasonable prospects of success (*ibid.*, §§ 71 and 74; *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, §§ 139-142, 27 November 2023).

42. The Court notes that the applicant made use of the remedy provided by criminal law to address his grievances (see paragraphs 18-28 above). He pursued this line of proceedings all the way through to the Constitutional Court – an effective domestic remedy in respect of complaints alleging breaches of Convention rights, to be exhausted before lodging an application

with the Court (*Fullani v. Albania* (dec.), no. 4586/18, § 79, 20 September 2022). It is not disputed that an adequately carried out criminal investigation could lead to a decision determining the circumstances of the incident and, potentially, individual responsibility for the applicant's son's death. In addition, the applicant initiated civil-law proceedings against Tirana International Airport and the privately contracted security company operating at Tirana International Airport, seeking compensation for pecuniary and non-pecuniary damage arising from the death of his son, J.K., owing to its alleged failure to take the requisite safety measures to protect his son's life. These proceedings are still pending at first instance after over seven years (see paragraph 30 above).

43. In the present case, the Court considers that civil proceedings are in principle capable of affording redress to the applicant with respect to his claims concerning alleged actions or omissions on the part of the private security operator. While the period of time of seven years during which civil proceedings have been pending is considerable, the Court notes that the applicant has not made efforts to expedite proceedings under Article 399/1 *et seq.* of the Civil Procedure Code (see *Bara and Kola v. Albania*, nos. 43391/18 and 17766/19, §§ 106-09, 12 October 2021). Be that as it may, even assuming that the applicant has exhausted the available domestic remedies, the applicant's complaint regarding the failure to protect his son's life is in any event manifestly ill-founded for the following reasons.

(iv) *The positive obligation to protect life*

44. The Court reiterates that Article 2 may imply, in certain well-defined circumstances, a positive obligation on the authorities to take preventive operational measures to protect an individual from another individual or, in particular circumstances, from himself (see *Fernandes de Oliveira v. Portugal* [GC], no. 78103/14, § 108, 31 January 2019, with further references). In the particular circumstances of the danger of self-harm, the Court has held that for a positive obligation to arise, it must be established that the authorities knew or ought to have known at the relevant time that the person posed a real and immediate risk of suicide. Where the Court has found that the authorities knew or ought to have known of that risk, it has proceeded to analyse whether the authorities did all that could reasonably have been expected of them to prevent that risk from materialising (see, among others, *Keenan v. the United Kingdom*, no. 27229/95, § 93, ECHR 2001-III; *Hiller v. Austria*, no. 1967/14, § 49, 22 November 2016; and *Fernandes de Oliveira*, cited above, § 110).

45. In order to establish whether the authorities knew or ought to have known that the life of a particular individual was subject to a real and immediate risk (triggering the duty to take appropriate preventive measures), the Court has previously had regard to a number of factors. These factors commonly include (i) whether the person had a history of mental health

problems; (ii) the gravity of the mental condition in question; (iii) previous attempts to commit suicide or self-harm; (iv) suicidal thoughts or threats; and (v) signs of physical or mental distress (see *Fernandes de Oliveira*, cited above, § 115, with further references; *Boychenko v. Russia*, no. 8663/08, § 80, 12 October 2021; and *Varyan v. Armenia*, no. 48998/14, § 93, 4 June 2024).

46. The duty to take preventive operational measures to protect life within the context of self-harm has so far mainly been examined by the Court in connection with persons detained in custody or in prison (see, for example, *Keenan*, cited above; *Trubnikov v. Russia*, no. 49790/99, 5 July 2005; *Renolde*, cited above; and *S.F. v. Switzerland*, no. 23405/16, 30 June 2020); persons carrying out military service (see, for example, *Perevedentsevy v. Russia*, no. 39583/05, 24 April 2014; *Malik Babayev v. Azerbaijan*, no. 30500/11, 1 June 2017; and *Boychenko*, cited above); or persons under voluntary or involuntary psychiatric care (see, for example, the above-cited cases of *Hiller* and *Fernandes de Oliveira*).

47. However, the Court has not ruled out that a positive obligation to take preventive operational measures to protect an individual from self-harm may also arise in other situations (see *Mikayil Mammadov v. Azerbaijan*, no. 4762/05, §§ 113 and 115, 17 December 2009, concerning a person who committed suicide while she was being evicted; see also, more generally, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 130, ECHR 2014, where the Court held that the positive obligations under Article 2 must be construed as applying within the context of any activity, whether public or not, in which the right to life may be at stake). The context in which a death takes place, and the degree of control that the authorities exercised over the events, is nonetheless relevant for the Court's assessment (see *Mikayil Mammadov*, cited above, §§ 106 and 119, and *Hasani v. Sweden*, no. 35950/20, § 64, 6 March 2025).

48. In the present case, it is undisputed that J.K.'s death was caused by suicide and not by any lethal force used by any other person. From the material in its possession, the Court observes that there were no records of any wrongdoing by J.K., previous suicidal attempts or thoughts, or any other evidence of mental health problems (compare and contrast the above-cited cases of *Hasani*, §§ 71-73, and *Hiller*, §§ 52-53, and the case-law cited therein). Accordingly, from a prevention perspective, J.K. was in a similar position to that of any person merely residing within the territory of a State. Prior to the suicidal act in question, he had travelled from Germany to Albania, and had made his way from the arrivals terminal of Tirana International Airport to the check-in area. It is from these premises that he allegedly climbed through an internal staircase onto the service terrace (see paragraphs 6-7 above). The reasons for his travel to Germany remain unknown.

49. Turning its attention to the moment when airport security was alerted to J.K.'s presence on the internal service terrace, the Court observes that the latter had been unaware of J.K.'s identity – one security officer had considered him to be airport staff and he was only identified after the fall. In addition, upon arriving at the scene, the authorities appear to have been oblivious as to why and how J.K. had accessed this area of the airport (see paragraph 15 above). None of the security officers interviewed stated that they had felt at any point that J.K. could have had suicidal thoughts while he had been on the service terrace. While J.K. had looked vulnerable and distressed, at no point does it appear that he threatened to take his own life, nor that there was some sort of an emotional reaction directly induced by actions or inaction on the part of third parties (compare and contrast *Mikayil Mammadov*, cited above, § 115).

50. Moreover, the Court reiterates the relevance of the context and degree of control that the authorities exercised over the events. In contrast to most of the Court's case-law involving self-harm (see the case-law referred to in paragraph 46 above), J.K. was not in custody or prison, undergoing military service or under inpatient psychiatric care at the time of his suicide. Therefore, the element of control by the authorities of the State was very limited – the events were unprovoked and unexpected, and unfolded within a matter of minutes prior to the jump (compare and contrast the above-cited cases of *Hasani*, § 70, and *Mikayil Mammadov*, §§ 113-16). In connection with this last point, the Court emphasises that timing is of the essence in that the risk must be immediate and that the State's positive obligation to prevent only arises if authorities have become aware of the risk a sufficient time in advance (see *Mikayil Mammadov*, cited above, § 115).

51. Having regard to the foregoing – and while the Court notes with concern how J.K. was able to access an internal service rooftop at an international airport (which appears to serve mainly service and maintenance purposes) standing 8 metres above ground level, with no protective barriers and therefore potentially dangerous to life and limb – it considers that it has not been established that the authorities knew, or ought to have known, of a real and immediate risk to the applicant's son's life in the light of his intention to harm himself.

52. In fact, even assuming that State agents had obtained knowledge of the risk of suicide once they had spotted the applicant's son on the service terrace prior to the jump, the Court considers that they did all they possibly could (given the very limited time available and the challenging circumstances with which they were faced), making continued efforts to engage and establish communication with the victim, offering help and urging him to calm down (see paragraph 15 above). The applicant has not substantiated his arguments as to what more the authorities could have done, and the Court must be mindful of its role in assessing situations such as the present one with the benefit of hindsight – especially in view of the

difficulties in policing modern societies and the unpredictability of human conduct (see the above-cited cases of *Fernandes de Oliveira*, § 111, and *Hasani*, § 61).

53. In the light of the above, the Court concludes that this part of the applicant's complaint must be rejected as manifestly ill-founded, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

2. Procedural aspect

54. The Government did not submit specific comments with regard to the admissibility of the complaint under the procedural aspect of Article 2. They made general submissions, in the same vein as those under the substantive aspect, namely that the application was premature because compensation proceedings were still pending.

55. The applicant did not make any submissions in this respect.

56. The Court considers that the civil-law remedy for compensation of which the applicant has made use is of no relevance for the complaint under the procedural aspect of Article 2, that is as regards the investigation into J.K.'s death. In respect of his complaint under the procedural aspect of Article 2, the Court notes that the applicant has exhausted the available domestic remedies up to the Constitutional Court which addressed the merits of that complaint as last instance (see paragraph 28 above). The Government's objection in this respect must therefore be dismissed.

57. The Court notes that this part of the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

58. The applicant did not submit any further comments and reiterated his complaint that the domestic authorities had failed to comply with their obligation to investigate his son's death.

59. The Government submitted that the investigation carried out by the Albanian authorities had been prompt, independent and comprehensive. Evidence had been collected (including by means of conducting biological and forensic examinations) with regard to the scene of the incident and the victim's body and belongings. A number of witnesses had been questioned, including persons who had been at the scene and family members of the victim. Lastly, a detailed account of the J.K.'s movements leading up to the fatal event had been established.

2. *The Court's assessment*

(a) General principles

60. The obligation to protect the right to life, as well as to duly account for its loss, requires by implication that there should be some form of effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries in suspicious circumstances, even where the presumed perpetrator of the fatal attack is not a State agent (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, § 171, 14 April 2015). The same standard applies to cases where a person dies as a result of his or her own actions in suspicious circumstances (see *Mikayil Mammadov*, cited above, § 102, and *Vasilca v. the Republic of Moldova*, no. 69527/10, § 28, 11 February 2014).

61. In order to be “effective” as this expression is to be understood in the context of Article 2 of the Convention, an investigation must firstly be adequate. This means that it must be capable of leading to the establishment of the facts, a determination of whether the force used was or was not justified in the circumstances and of identifying and – if appropriate – punishing those responsible (*Armani Da Silva v. the United Kingdom* [GC], no. 5878/08, § 233, 30 March 2016). It should also be thorough, which means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis of their decisions (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, § 325, ECHR 2014). A requirement of promptness and reasonable expedition is implicit in this context (see *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, § 167, ECHR 2011).

62. The obligation to conduct an effective investigation is an obligation not as to results to be achieved but as to means to be employed: the authorities must take all reasonable measures available to them to secure evidence concerning the incident at issue, including, among other things, eyewitness testimony, forensic evidence and, where appropriate, an autopsy which provides a complete and accurate record of any injuries and an objective analysis of the clinical findings, including the cause of death. However, the effectiveness of an investigation cannot be gauged simply on the basis of the number of reports made, witnesses questioned or other investigative measures taken. The investigation’s conclusions must be based on a thorough, objective and impartial analysis of all relevant elements. Failing to follow an obvious line of inquiry undermines to a decisive extent the capacity of the investigation to establish the circumstances of the case and, where appropriate, the identity of those responsible, and is liable to fall foul of the required measure of effectiveness (see *Muradyan v. Armenia*, no. 11275/07, § 135, 24 November 2016, with further references, and *Nana Muradyan v. Armenia*, no. 69517/11, § 126, 5 April 2022).

63. Lastly, the question of whether an investigation has been sufficiently effective must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work. The nature and degree of scrutiny which satisfies the minimum threshold for effectiveness of an investigation depends on the circumstances of the particular case (see, among other authorities, the above-cited cases of *Muradyan*, § 136, with further references, and *Nana Muradyan*, § 127).

(b) Application of the principles to the present case

64. In the present case, the applicant's son committed suicide in circumstances outside of the authorities' supervision and/or control, or any form of incitement or inducement by State agents (see paragraph 6 above). The Court notes, however, that the domestic authorities opened a criminal investigation on the basis of the material issued by the Border and Migration Police Commissariat at Mother Teresa International Airport. The suicide occurred within the premises of a major public transportation hub, and was preceded by a number of suspicious circumstances. In view of the above, the Court considers that the loss of J.K.'s life, seen within the entirety of its circumstances, should be treated as a suspicious death within the meaning of the Court's case-law under Article 2 of the Convention. Within the context of such suspicion, a procedural obligation arises for the State under Article 2 of the Convention to carry out an effective and adequate investigation into the circumstances of the incident causing death (see the above-cited cases of *Mustafa Tunç and Fecire Tunç*, § 171, and *Vasilca*, § 28).

65. The Court notes that the authorities opened an investigation into the criminal offence of incitement to suicide without delay and of their own motion (see paragraph 8 above). It is also true that a number of relevant and timely investigative measures were undertaken (see paragraphs 9-14 above). The investigation was closed on account of the conclusion that no crime had been committed. That being said, the Court reiterates that such investigations should be thorough, which means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions in closing their investigation or as the basis of their decisions. In particular, obvious lines of inquiry that aim at establishing the circumstances of a case and uncovering, where appropriate, the identity of those potentially responsible, are important requirements that measure effectiveness.

66. The Court observes that, despite all the investigative measures that were undertaken and mentioned by the Government, the investigation failed to elucidate several important circumstances surrounding J.K.'s death. Firstly, the investigation failed to shed light on the reasons or circumstances potentially leading to J.K.'s suicide, as well as his psychological state. The Court considers that there was no effective investigation into certain important aspects of the case, such as J.K.'s behaviour and who he had been

in contact with prior to the incident. The authorities could have obtained important information from questioning air crew and/or passengers on the same flight as J.K., who could have reported any suspicious behaviour or who J.K. might have communicated with.

67. Moreover, there is no indication that the authorities examined the victim's telephone, or requested call records from the relevant mobile telephone operator – despite the explicit indications from a family member, J.K.'s sister (see paragraph 16 above), that he had often been on the telephone with someone in the period prior to the incident (see *Vasilca*, cited above, § 32). This could have revealed important information as to his state of mind or helped in the exploration of alternative criminal hypotheses, since it also remained unclear why J.K. had travelled to Germany in the first place and who he had met there – particularly since his family had been unaware that he had visited that country (see paragraph 16 above). The Court considers that such hypotheses do not appear to be far-fetched, particularly in view of the considerable amount of cash that was found in J.K.'s possession (see paragraph 10 above), an element that was not further examined by the prosecution.

68. Lastly, the Court emphasises that Article 2 requires more than merely informing the next-of-kin of the progress of an investigation: it includes their active involvement in it (see *Vasilca*, cited above, § 34). From the material in its possession, it appears that J.K.'s father (the applicant) was not involved in the investigation, and nor was he questioned. The Court considers that that failure further undermined the effectiveness of the investigation.

69. In the light of the foregoing considerations, the Court concludes that the authorities' examination of the circumstances surrounding the applicant's son's suicide lacked thoroughness, which undermined the effectiveness of the investigation.

70. There has accordingly been a violation of the procedural aspect of Article 2 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

71. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

72. The applicant did not submit a claim for just satisfaction. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT

1. *Declares*, unanimously, the complaint under Article 2 of the Convention concerning the obligation to conduct an effective investigation into the applicant's son's death admissible and the remainder of the application inadmissible;
2. *Holds*, by five votes to two, that there has been a violation of Article 2 of the Convention under its procedural aspect.

Done in English, and notified in writing on 20 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Ioannis Ktistakis
President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the common separate opinion of Judges Roosma and Mingorance Cairat is annexed to this judgment.

JOINT DISSENTING OPINION OF JUDGES ROOSMA AND MINGORANCE CAIRAT

1. We respectfully disagree with the majority that there has been a violation of the procedural aspect of Article 2 in the present case. It was not without hesitation that we voted that the complaint in respect of the obligation to conduct an effective investigation into the applicant’s son’s death was admissible. We did so because the death was unnatural and the domestic authorities did open an investigation. However, whether the death was “suspicious” within the meaning of the Court’s case-law and what kind of and how extensive an investigation was required is a different matter.

2. First of all, it is difficult to understand on what basis the majority found that J.K.’s death should be treated as suspicious. J.K. sustained lethal injuries as a result of his own actions, which were witnessed by a number of persons and captured by security cameras. According to the majority, he died by suicide outside of the authorities’ supervision and/or control, or any form of incitement or inducement by State agents (see paragraph 64 of the judgment). Having said that, the majority go on to note that the suicide occurred in a major public transport hub and was preceded by a number of suspicious circumstances; they conclude that J.K.’s death had to be treated as suspicious, giving rise to a procedural obligation under Article 2 (*ibid.*). It is unclear what significance is to be attached to the place where the suicide occurred and, in any event, the majority do not specify what the suspicious circumstances were. We are unable to identify any. It may merely be noted that, to date, the Court has found that there was a procedural obligation to investigate the circumstances of a person’s death that appears to be a suicide in cases where the person had been under the authority of the State, notably in a prison (see *Trubnikov v. Russia*, no. 49790/99, 5 July 2005), in military service (see *Mosendz v. Ukraine*, no. 52013/08, 17 January 2013), or where it had been open to question whether the death was indeed a suicide (see *Vasilca v. the Republic of Moldova*, no. 69527/10, 11 February 2014). In the present case, the State’s positive obligation to investigate a suicide seems to have been broadened on a rather unclear basis and without further substantiation.

3. As regards the thoroughness of the investigation, it could be argued that virtually any investigation could benefit from additional investigative measures. There are always circumstances which could be further elucidated. The crucial question, in our opinion, is whether the investigative efforts are realistically capable of enabling the immediate cause of death, as well as the contributing circumstances, to be determined, with a view to establishing potential legal responsibility.

4. In Albanian law, the relevant criminal law provision – incitement to suicide – provides for rather limited possibilities to hold someone legally

responsible for another person's suicide. In particular, incitement to suicide is a criminal offence where the suicide results from systematic ill-treatment or other systematic behaviour by the perpetrator which seriously affects the victim's dignity and which is committed by someone on whom the victim is dependent or with whom the victim has a family or cohabiting relationship (see paragraph 31 of the judgment for the precise wording). There seems to be no reference in the case file to J.K.'s systematic ill-treatment by a family member or by a person with whom he may have had a cohabiting relationship. Even looking beyond the confines of the domestic law provision under which the investigation was carried out, nothing legally relevant for the purposes of establishing someone's responsibility for J.K.'s suicide can be discerned. We admit that some unanswered questions concerning the circumstances surrounding J.K.'s suicide have been raised – such as J.K.'s psychological state and behaviour before the suicide, the identities of persons with whom he had been in contact prior to the incident (air crew, passengers), his phone call records, why he had travelled to Germany and why he had a considerable amount of cash on him (see paragraphs 66-67 of the judgment). But the legally relevant question is not whether the investigation made every reasonable effort to explore J.K.'s acquaintances and conversations, his activity and prior behaviour in order to try to understand the reasons for his suicide. Human conduct is unpredictable and inevitably not every suicide has clearly identifiable causes. What is important is that these causes are often not legally relevant for the purposes of attribution of responsibility. Instead, the assessment of the thoroughness of the investigation should focus on the existence of anything that was likely to have led to the establishment of legal responsibility for J.K.'s death. In our view the chances of that in the present case were negligible. We see no obvious line of inquiry in this respect that the authorities failed to pursue.

5. As concerns the involvement of J.K.'s next of kin in the investigation, we note the following. J.K.'s sister was interviewed during the investigation; according to her, J.K. had had no mental or health issues or conflicts with anyone. She considered that the authorities were responsible for J.K.'s death, as they had not prevented him from taking his own life (see paragraph 16 of the judgment). The applicant – J.K.'s father – actively took part in the domestic proceedings, challenging the prosecution's decision to discontinue the proceedings before several levels of jurisdiction. He made various arguments in those proceedings as regards the reason for his son's death: on the one hand, he considered that the authorities had failed to protect his son's life; on the other, pointing to the failure to clarify with whom his son had communicated before the incident, he appeared to lay the blame on the investigation. He also took issue with alleged discrepancies in official reports, and the manner of gathering technical and other evidence. We also note that the applicant argued that the facts had been misclassified by the prosecution as "incitement to suicide", whereas they should have been investigated as

“abuse of office” on the part of the police, resulting in J.K.’s death (see paragraphs 18-24 of the judgment).

6. We consider that the applicant’s and J.K.’s sister’s submissions during the domestic proceedings thus clearly demonstrate that there was no obvious line of inquiry to be pursued. While the domestic authorities were not bound by the legal classification of the offence suggested by the applicant, it seems that both the applicant and J.K.’s sister reproached the authorities for having failed to prevent J.K.’s suicide. They did not refer to any conflicts or mental or health issues J.K. may have had; on the contrary, J.K.’s sister explicitly stated that he had had none.

7. In the light of the above and having regard to the investigative measures taken by the domestic authorities (see paragraphs 8-17 of the judgment), we consider that the domestic authorities’ investigation into the death of J.K. was sufficiently thorough.

8. For the above reasons, we consider that there has been no violation of the procedural aspect of Article 2.