

## **Constitutional Court of Albania Upholds Freedom of Expression in the Case of Journalist Elton Qyno**

On April 22, 2025, the Constitutional Court of Albania issued a landmark decision in favor of journalist Elton Qyno, unanimously annulling previous judicial rulings that had authorized the seizure of his electronic data and materials. The Court ruled that these actions constituted a disproportionate interference in Qyno's constitutionally protected freedom of expression, specifically the right to protect journalistic sources. This decision sets a crucial precedent for press freedom and the protection of journalistic confidentiality in Albania.

### Initial Incident and Seizure of Equipment (December 2023)

On December 13, 2023, Special Anti-Corruption Prosecutors (SPAK) summoned *Ora News* journalist Elton Qyno for questioning in Tirana. He was interrogated for nearly seven hours and [pressed to reveal his journalistic sources](#) regarding information he had published about a major criminal investigation. SPAK officials alleged that Qyno's reports had *illegally disclosed secret data* from an ongoing investigation (Case no. 75/2022). Qyno refused to disclose his source, invoking the right to protect journalistic confidentiality.

In response, SPAK obtained three urgent orders from the Special Court of First Instance for Corruption and Organized Crime to [search Qyno's person, home, and newsroom office, and to seize his electronic devices and files](#). Investigators immediately carried out these raids, confiscating Qyno's work and personal computers, two mobile phones, USB drives, and other materials – even briefly taking his car keys – all in an effort to uncover his source. The sweeping search and equipment seizure effectively blocked Qyno from accessing his tools and notes. Qyno later signed a declaration agreeing not to publish further information from that investigation.

### Legal Challenges and Media Freedom Reactions (2023–2024)

Qyno immediately contested these actions through legal channels. On December 15, 2023, he filed an appeal against the seizure orders with the Special Court of Appeals for Corruption and Organized Crime. His lawyer, Dorian Matlija, argued that the first-instance court's search warrants were overly broad and issued hastily, *violating established legal standards* for protecting journalistic materials and sources. Initially, there was a [partial remedy](#): in late December 2023, the Special Court revisited the seizures and ordered the return of certain items (such as a USB drive and music CDs deemed unrelated to the investigation). However, the core journalistic devices – Qyno's phones, computers, and data drives – remained confiscated. On January 6, 2024, the Special Court of Appeals ultimately upheld the search and seizure decisions, dismissing Qyno's appeal of the December 13 orders. This meant the prior ruling stood, leaving the bulk of Qyno's equipment in the hands of authorities.

In January 2024, the SafeJournalists Network – together with partner groups in the Media Freedom Rapid Response (MFRR) coalition and *Reporters Without Borders (RSF)* – sent an [open letter to the head of SPAK](#) expressing concern over the treatment of Elton Qyno. The coalition denounced the seizure of Qyno's equipment and pressure on him to reveal sources as “a matter of significant alarm” and warned that such measures set a worrying precedent for journalists' rights and media freedom in Albania and the wider region. The [open letter](#) urged authorities to reassess their approach – specifically, to return Qyno's confiscated equipment and cease efforts to uncover his source – as a

sign of respect for media freedom and source protection. This, the letter argued, would align with European Court of Human Rights standards and international norms on press freedom. *Protecting journalistic sources*, they emphasized, is crucial for press freedom and democracy, and the relationship of trust between journalists and their sources must not be eroded.

The [United Nations Human Rights Committee](#) stepped in as well. On January 17, 2024, the UN Committee registered a complaint on Qyno's behalf and, as an interim measure under the International Covenant on Civil and Political Rights, called on Albanian authorities to refrain from any further inspection or use of the seized data from Qyno's devices. The Committee warned that proceeding to analyze or disseminate the confiscated material could cause irreparable harm to Qyno's rights, effectively instructing the state to hold off on probing Qyno's files until the legal challenges were resolved.

Despite these protests, the Albanian judiciary continued to side with the prosecution in the early stages. On February 20, 2024, the [Albanian Supreme Court](#) delivered a setback to Qyno's case: it rejected Qyno's appeal and affirmed the lower court's decision upholding the equipment seizure. In doing so, the Supreme Court effectively ruled that SPAK's confiscation of the journalist's phones and computers was lawful, even as Qyno maintained that this search violated the confidentiality of his sources. The SafeJournalists Network [reacted](#) on February 27, 2024, by publicly voicing "concern over the decision made by the Albanian Supreme Court" in Qyno's case. The [network's statement](#) reiterated that raiding a journalist's home and office and seizing professional equipment undermines source confidentiality and *sets a dangerous precedent* for press freedom. While acknowledging the importance of lawful procedure, SafeJournalists emphasized that any legal action must be aligned with internationally recognized principles of safeguarding journalistic sources, which are essential to the public's right to information and a healthy democracy.

Following the Supreme Court's ruling, Qyno's legal team swiftly prepared to take the fight to Albania's highest judicial forum. Lawyer Dorian Matlija announced plans to appeal to the Constitutional Court, arguing that the Supreme Court's February decision itself breached the Court's own prior standards on how prosecutors should treat journalists' sources.

### The Constitutional Court's Decision

In its April 22, 2025 media release, the Constitutional Court announced the unanimous decision to:

- Annul the judicial decisions authorizing the seizure of Qyno's computer data (Decision no. 501 of 13.12.2023 by the Special Court of First Instance and subsequent rulings).
- Order the destruction of all data collected from the journalist through those seizures.

The Court found that:

- The only admissible claim was related to the seizure of computer data, as Qyno had exhausted all legal remedies on that point.
- The freedom of expression, under Article 22 of the Albanian Constitution and Article 10 of the European Convention on Human Rights, had been violated.

- The right of a journalist to protect sources is not a privilege, but an essential element of the freedom of expression and the public's right to information.
- The intervention was not proportionate: regular courts failed to justify why identifying the journalist's source was necessary and why no alternative means were considered to obtain the same investigative purpose.
- No sufficient reasoning was provided for the urgency of the data seizure.

The Constitutional Court emphasized that forcing a journalist to reveal sources must be based on a clear legal provision and an overriding public interest, conditions not met in this case.

#### Broader Implications for Freedom of Expression and Source Protection

The Constitutional Court's decision represents a pivotal moment for media freedom in Albania, reaffirming that both press freedom and the confidentiality of journalistic sources are constitutionally protected—even in the context of sensitive criminal investigations. It sends a clear message to state institutions and judicial bodies that investigative actions targeting journalists must be legally grounded, proportionate, and compliant with strict constitutional and international standards. The ruling underscores that journalists cannot be compelled to disclose their sources unless an overriding public interest is clearly demonstrated and no alternative means are available. Reacting to the decision, journalist Elton Qyno called it a positive and encouraging development for the media, emphasizing the unanimous 8-0 ruling in favor of press freedom. *"This is a decision that brings optimism to the media, even though I had to carry the burden of this battle for two years,"* Qyno told the media.