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# "The former Yugoslav Republic of Macedonia"

**Ratified the European Convention on Human Rights in 1997**

**National Judge: Jovan Ilievski**

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Margarita Tsatsa-Nikolovska (1998-2008), Mirjana Lazarova Trajkovska (2008-2017)

The Court dealt with 337 applications concerning "The former Yugoslav Republic of Macedonia" in 2016, of which 321 were declared inadmissible or struck out. It delivered 12 judgments (concerning 16 applications), 8 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	362	339	180
Communicated to the Government	38	64	28
Applications decided:	340	337	120
- Declared inadmissible or struck out (Single Judge)	299	279	102
- Declared inadmissible or struck out (Committee)	25	37	12
- Declared inadmissible or struck out (Chamber)	4	5	0
- Decided by judgment	12	16	6
Interim measures:	2	1	3
- Granted	0	0	0
- Refused (including out of scope)	2	1	3

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	354
Applications pending before a judicial formation:	323
Single Judge	61
Committee (3 Judges)	3
Chamber (7 Judges)	259
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## "The former Yugoslav Republic of Macedonia" and ...

### Its contribution to the Court's budget

For 2017 the Court's budget amounts to just over 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of "The former Yugoslav Republic of Macedonia" to the Council of Europe's (EUR 328 million) budget is **EUR 487,851**.

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **4** are Macedonian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and “The former Yugoslav Republic of Macedonia”**

16 July 2014

Concerned the applicants’ inability to recover “old” foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

The Court held:

With regard to Mr Šahdanović: unanimously, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and a violation of Article 13 (right to an effective remedy) by Serbia;

With regard to Ms Ališić and Mr Sadžak: unanimously, that there had been a violation of Article 1 of Protocol No. 1 and a violation of Article 13 by Slovenia;

With regard to the other respondent States: by a majority, that there had been no violation of Article 1 of Protocol No.1 and no violation of Article 13, and, unanimously, that there had been no violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1.

#### **El-Masri v. “The former Yugoslav Republic of Macedonia”**

13 December 2012

The case concerned the complaints of a German national of Lebanese origin that he had been a victim of a secret “rendition” operation during which he was arrested, held in isolation, questioned and ill-treated in a Skopje hotel for 23 days, then transferred to CIA agents who brought him to a secret detention facility in Afghanistan, where he was further ill-treated for over four months.

The Court found Mr El-Masri’s account to be established beyond reasonable doubt and held that “the former Yugoslav Republic of Macedonia” had been responsible for his torture and ill-treatment both in the

country itself and after his transfer to the US authorities in the context of an extra-judicial “rendition”.

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) on account of the inhuman and degrading treatment to which Mr El-Masri was subjected while being held in a hotel in Skopje, on account of his treatment at Skopje Airport, which amounted to torture, and on account of his transfer into the custody of the United States authorities, thus exposing him to the risk of further treatment contrary to Article 3

Violation of Article 3 on account of the failure of “the former Yugoslav Republic of Macedonia” to carry out an effective investigation into Mr El-Masri’s allegations of ill-treatment

Violations of Article 5 (right to liberty and security) on account of his detention in the hotel in Skopje for 23 days and of his subsequent captivity in Afghanistan, as well as on account of the failure to carry out an effective investigation into his allegations of arbitrary detention

Violation of Article 8 (right to respect for private and family life)

Violation of Article 13 (right to an effective remedy)

### Chamber

#### **Right to life cases (Article 2)**

#### **Kitanovska Stanojkovic and Others v. “The former Yugoslav Republic of Macedonia”**

13.10.2016

The case concerned the delayed enforcement of the sentence imposed on one of the assailants found guilty of seriously assaulting a couple during a robbery of their home.

[Violation of Article 2](#)

**Cases dealing with torture and inhuman or degrading treatment (Article 3)**

**[Sulejmanov v. “The former Yugoslav Republic of Macedonia”](#)**

24 April 2008

**[Dzeladinov and Others v. “The former Yugoslav Republic of Macedonia”](#)**

10 April 2008

**[Jasar v. “The former Yugoslav Republic of Macedonia”](#)**

15 February 2007

These three cases concerned the lack of an effective investigation into the applicants’ allegations of police brutality. All applicants were of Roma origin.

No violation of Article 3

Violation of Article 3 (lack of an effective investigation)

**Cases concerning the right to liberty and security (Article 5)**

**[Vasilkovski v. “The former Yugoslav Republic of Macedonia”](#)**

28 October 2010

High-profile corruption case: the 38 applicants – toll collectors, controllers and senior staff in a public roads enterprise – complained about their collective detention on suspicion of misappropriation of toll charges.

Violation Article 5 § 3

**[Stojanovski v. “The former Yugoslav Republic of Macedonia”](#)**

22 October 2009

Concerned unjustified continued detention of the applicant in a psychiatric institution.

Violation of Article 5 § 1

**Cases concerning Article 6**

Right to a fair trial

**[Ivanovski v. “The former Yugoslav Republic of Macedonia”](#)**

21 January 2016

The case concerned lustration proceedings against the then president of the Constitutional Court of “The former Yugoslav Republic of Macedonia”, as a result of which he was dismissed from office.

No violation of Article 6 as regards the alleged lack of access to court

Violation of Article 6 on account of the overall unfairness of the lustration proceedings

Violation of Article 8 (right to respect for private and family life)

**[Mitrinovski v. “The former Yugoslav Republic of Macedonia”](#)**

30 April 2015

The case concerned the dismissal from office of a judge of the Skopje Court of Appeal on the grounds of professional misconduct.

Violation of Article 6 § 1

**[Gorgievski v. “The former Yugoslav Republic of Macedonia”](#)**

16 July 2009

Concerned complaint by a sanitary border inspector that he was entrapped into committing an offence by an agent provocateur whose statement secured his conviction at trial.

No violation of Article 6 §§ 1 and 3 (d)

**[Solakov v. “The former Yugoslav Republic of Macedonia”](#)**

31 October 2001 - First Chamber judgment in respect of “The former Yugoslav Republic of Macedonia

Applicant, convicted of drug trafficking, complained that he had been unable to cross-examine the witnesses whose testimony served as the sole basis for his conviction, or to have witnesses on his behalf examined.

No violation of Article 6 §§ 1 and 3 (d) (right to a fair trial)

Right to a fair trial within a reasonable time

**[Bočvarska v. “The former Yugoslav Republic of Macedonia”](#)**

17 September 2009

Concerned non-enforcement of a final court decision in which the first applicant was conferred with the right to inherit a judgment debt against another company.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1 (protection of property)

**[Stoimenov v. “The former Yugoslav Republic of Macedonia”](#)**

5 April 2007

Applicant complained that the national courts had convicted him on the basis of

expert reports produced by the same ministry which had brought criminal charges against him, in breach of the principle of equality of arms.

[Violation of Article 6 § 1](#)

Presumption of innocence

**[Poletan and Azirovik v. “The former Yugoslav Republic of Macedonia”](#)**

12 May 2016

The case concerned the complaint of two persons convicted of drug trafficking that the criminal proceedings against them had been unfair. They notably alleged: that the trial court’s decision had lacked reasoning; that one of the applicants had been unable to consult the case file and that she had had no opportunity to examine two witnesses; and that the expert examination of the substance in question had been biased.

[No violation of Article 6 §§ 1 \(right to a fair trial\) and 2 \(right to life\)](#)

**Freedom of expression case  
(Article 10)**

**[Selmani and Others v. “the former Yugoslav Republic of Macedonia”](#)**

09.02.2017

The case concerned the forcible removal of journalists from the national Parliament gallery where they were reporting on a parliamentary debate about approval of the State budget for 2013.

[Violation of Article 6 \(right to a fair hearing\) on account of the Constitutional Court’s failure to hold an oral hearing](#)

[Violation of Article 10 on account of the applicants’ removal from the Parliament gallery by security](#)

**Cases concerning freedom association  
(Article 11)**

**[Association of Citizens Radko and Paunkovski v. “The former Yugoslav Republic of Macedonia”](#)**

15 January 2009

Concerned dissolution of the applicant association for being unconstitutional and

for inciting national or religious hatred and intolerance.

[Violation of Article 11](#)

**Noteworthy cases, decisions delivered**

**[Deari and others v. “The former Yugoslav Republic of Macedonia”](#)**

Declared inadmissible on 6 March 2012

Alleged excessive use of force by police against applicants’ sons, Macedonians of ethnic Albanian origin.

[In particular, Article 2 \(right to life\)](#)

**[Vraniskoski v. “The former Yugoslav Republic of Macedonia”](#)**

Declared inadmissible on 22 June 2010

**[Vraniskoski v. “The former Yugoslav Republic of Macedonia \(no. 2\)”](#)**

Declared inadmissible on 26 May 2009

Concerned complaints by a former bishop of the Macedonian Orthodox Church:

– that he was removed from the Eparchy building which served as his place of permanent residence and work (first case).

[In particular, Article 8 \(right to respect for private and family life\)](#)

- about his conviction for inciting ethnic, racial and religious hatred and intolerance and sentencing to 18 months’ imprisonment (second case).

[In particular, Articles 6 \(right to fair trial\), 9 \(freedom of religion\) and 10 \(freedom of expression\)](#)

**[Trpevski and Others v. “the former Yugoslav Republic of Macedonia”](#)**

Declared inadmissible on 4 May 2010

The applicants, former directors of a private bank, complained under Article 1 of Protocol No. 1 (protection of property) about domestic court decisions which annulled agreements under which they had obtained shares in the bank.

Press country profile – “The former Yugoslav Republic of Macedonia”

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