



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

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SECOND SECTION

Application no. 1759/23
Validin RAMADANI
against North Macedonia
lodged on 13 December 2022
communicated on 3 July 2026

SUBJECT MATTER OF THE CASE

The case concerns criminal proceedings in which the applicant was convicted of unlawful possession of two grams of cocaine with intent to supply it to others, and the confiscation of a vehicle used in the commission of the offence, which was driven by the applicant but owned by a third party.

The applicant was convicted at three levels of jurisdiction and sentenced to one year's imprisonment.

Before the domestic courts, the applicant acknowledged having purchased the substance in question, albeit in a smaller quantity, submitting that he was a drug addict and that the drug had been intended for his personal use, without any intention of distribution. In support of his submission, he produced medical documentation attesting to his addiction and requested that the forensic expert who had carried out the analysis of the substance be heard, among other things, in relation to its quantity. He also contested the finding that his intention to sell had been established, submitting that there was no evidence or supporting reasoning in this respect. Furthermore, the applicant contested the confiscation measure, submitting also that the car that had been confiscated did not belong to him.

The domestic courts found that, although the applicant was a drug addict, the drugs in his possession were intended for distribution purposes. They dismissed the applicant's request to hear the forensic expert who had carried out the analysis of the substance, on the grounds that her testimony could not

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alter the established factual findings. There appears to be no reference in their decisions to the medical evidence submitted by the applicant.

The applicant complains under Article 6 of the Convention that the criminal proceedings against him were unfair, in that the domestic courts failed to admit or consider his exculpatory evidence, did not hear the forensic expert, gave insufficient reasons for their finding that the drugs were intended for sale. The applicant also complains about the confiscation of the vehicle which did not belong to him.

QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention? In particular, were the domestic courts' findings arbitrary or manifestly unreasonable (see *Karajanov v. the former Yugoslav Republic of Macedonia*, no. 2229/15, §§ 49-53, 6 April 2017), and did the domestic courts discharge their duty to properly examine and provide relevant and sufficient reasons for dismissing the applicant's defence arguments (see, for general principles, *Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 84, 11 July 2017; see also, *mutatis mutandis*, *Ajdarić v. Croatia*, no. 20883/09, § 51, 13 December 2011)? Furthermore, did the domestic courts properly examine and assess the evidence submitted by the applicant (see *Borisova v. Bulgaria*, no. 56891/00, § 39, 21 December 2006)?

2. Did the applicant have a "possession" within the meaning of Article 1 of Protocol No. 1 to the Convention and the victim status in respect of the complaint concerning the confiscated vehicle? If so, did the confiscation of the vehicle driven by the applicant constitute an interference with the peaceful enjoyment of his possessions? Was the confiscation imposed in accordance with the conditions provided for by law and in the public interest and was it necessary and proportionate, within the meaning of Article 1 of Protocol No. 1 to the Convention (see, *mutatis mutandis*, *Andonoski v. the former Yugoslav Republic of Macedonia*, no. 16225/08, §§ 31-41, 17 September 2015; *Sulejmani v. the former Yugoslav Republic of Macedonia*, no. 74681/11, §§ 32-34, 28 April 2016; and *Vasilevski v. the former Yugoslav Republic of Macedonia*, no. 22653/08, §§ 47-49, 28 April 2016)?