



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

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SECOND SECTION

Application no. 5362/23
Trifun KOSTOVSKI and Kosta KOSTOVSKI
against North Macedonia
lodged on 21 January 2023
communicated on 7 July 2026

SUBJECT MATTER OF THE CASE

The application concerns the freezing of the applicants' assets (apartments, plots of land, stocks and vehicles) by three separate orders ("the freezing orders") issued on 18 November 2020, 30 December 2020 and 15 January 2021 by the Skopje Criminal Court of First Instance at the preliminary investigation stage of criminal proceedings against the applicants. The proceedings concerned suspicions of abuse of office and money laundering. On 8 February 2021 the first-instance public prosecutor opened an investigation for money laundering against four suspects, including the two applicants. On 20 April 2022 the applicants filed an application for lifting the freezing orders. On 7 June, 22 July and 22 November 2022 they submitted three requests that the proceedings concerning that application be expedited. It appears that their requests remained unanswered and that the investigation is still ongoing. The applicants submit that under domestic law, in cases such as theirs, the domestic authorities are required to either terminate the investigation or lodge an indictment within 21 months from the date the investigation had started at latest.

The applicants complain under Article 6 of the Convention that the failure of the domestic courts to decide on their application for lifting the freezing orders violated their right to access to a court. They further complain under Article 1 of Protocol No. 1 to the Convention that the continued validity of

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the freezing orders amounts to an unlawful and disproportionate interference with their proprietary rights.

QUESTIONS TO THE PARTIES

1. Did Article 6 § 1 of the Convention in its civil limb apply to the impugned proceedings (see, for the general principles, *Fabbri and Others v. San Marino* [GC], nos. 6319/21 and 2 others, § 76, 24 September 2024; and compare, *mutatis mutandis*, *Veeber v. Estonia (no. 1)*, no. 37571/97, § 69, 7 November 2002)? If so, did the applicants have access to a court as required by Article 6 § 1 of the Convention (see, for instance, *Sailing Club of Chalkidiki “I Kelyfos” v. Greece*, nos. 6978/18 and 8547/18, § 60, 21 November 2019)?

2. Has there been a violation of Article 1 of Protocol No. 1 to the Convention on account of the freezing orders imposed on the applicants’ property? In particular, was the continued application of those orders lawful, was it proportionate to the aim pursued, and were there relevant procedural safeguards in place to ensure that their prolonged application was not arbitrary or disproportionate (see *Anti-Corruption Foundation (FBK) and Others v. Russia*, nos. 13505/20 and 138 others, §§ 87, 88 and §§ 103-07, 16 December 2025; *Shorazova v. Malta*, no. 51853/19, §§ 103-24, 3 March 2022; *Karahasanoğlu v. Turkey*, nos. 21392/08 and 2 others, § 153, 16 March 2021; *Apostolovi v. Bulgaria*, no. 32644/09, §§ 90-105, 7 November 2019; and *Forminster Enterprises Limited v. the Czech Republic*, no. 38238/04, §§ 70-77, 9 October 2008)?