



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

Published on 21 September 2026

SECOND SECTION

Application no. 52683/22
Katica JANEVA
against North Macedonia
lodged on 26 October 2022
communicated on 1 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged unfairness of criminal proceedings against the applicant, who is the former Special Public Prosecutor (for the background to the establishment of the Special Public Prosecutor's Office, see *Taleski v. North Macedonia* (dec.), no. 77796/17 and five other applications, §§ 4-10, 24 January 2023).

The applicant was charged with having accepted money and pieces of furniture in order to undertake certain actions in a set of criminal proceedings against a certain J.K. The trial court convicted the applicant on the basis of, *inter alia*, video and/or audio recordings made and submitted to the prosecution by J.K., a copy of which was allegedly never served on the applicant. The trial court held that it was in the public interest to admit them in evidence, that they were corroborated with other oral and documentary evidence and that the applicant could have challenged the recordings by engaging a technical counsel. The higher courts confirmed that finding.

The applicant complains under Article 6 of the Convention that she was convicted on the basis of, *inter alia*, recordings unlawfully made by J.K. and that a copy of the recordings was never given to her.

QUESTIONS TO THE PARTIES

Did the applicant have a fair hearing in the determination of the criminal charge against her in accordance with Articles 6 §§ 1 and 3 (b) of the Convention (see, *mutatis mutandis*, *Beraru v. Romania*, no. 40107/04, §§ 63 and 69-81, 18 March 2014)?

In particular, did she have a fair hearing, in view of the circumstances in which the recordings, allegedly unlawfully produced by J.K., were obtained? Did the applicant have an opportunity to challenge them (see, for the general principles, *Yüksel Yalçınkaya v. Türkiye* [GC], no 15669/20, §§ 302-4, 26 September 2023)? Were the principles of the adversarial nature of proceedings and equality of arms observed, and did the applicant have adequate time and facilities to prepare her defence, with regard to her allegation that copies of those recordings were not provided to her (see, for the general principles, *Sigurður Einarsson and Others v. Iceland*, no. 39757/15, §§ 85 and 86, 4 June 2019; see also, *mutatis mutandis*, *Moiseyev v. Russia*, no. 62936/00, § 217, 9 October 2008)?