



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

SECOND SECTION

CASE OF RASHKOVSKI AND STANCHEV v. NORTH MACEDONIA

*(Applications nos. 52490/21 and 5 others –
see appended list)*

JUDGMENT

STRASBOURG

13 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Rashkovski and Stanchev v. North Macedonia,

The European Court of Human Rights (Second Section), sitting as a Committee composed of:

Oddný Mjöll Arnardóttir, *President*,

Jovan Ilievski,

Stéphane Pisani, *judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the applications against the Republic of North Macedonia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the applicants listed in the appended table (“the applicants”), on the various dates indicated therein;

the decision to give notice of the complaints (i) under Article 5 § 3 of the Convention concerning the lack of sufficient reasons for the applicants’ detention, (ii) under Article 5 § 4 of the Convention concerning the non-communication of the prosecutor’s submissions in reply to the first applicant’s appeals against the extension of his pre-trial detention and house arrest and the lack of an oral hearing before the Court of Appeal, and (iii) under Article 1 of Protocol No. 1 to the Convention concerning the temporary seizure of the first applicant’s property to the Government of North Macedonia (“the Government”) represented by their Agent, Ms D. Djonova, and to declare inadmissible the remainder of the applications;

the parties’ observations;

Having deliberated in private on 22 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the deprivation of liberty ordered against Mr Rashkovski (“the first applicant”) and Mr Stanchev (“the second applicant”), in the context of criminal proceedings against them, and the freezing orders against the first applicant’s and his children’s bank accounts.

I. THE APPLICANTS’ PRE-TRIAL HOUSE ARREST AND DETENTION ON REMAND

2. Criminal investigation proceedings were instituted against the first applicant, then Secretary General of the Government of the Republic of North Macedonia, and the second applicant, a company manager, notably on suspicion of abuse in the context of public procurement proceedings. On 16 April 2021 a pre-trial judge heard the applicants and ordered their placement under house arrest, prohibiting any communication with the other suspects in the case.

3. Following an appeal by the prosecution, on 21 April 2021 the trial court's criminal panel ordered the applicants' detention on remand until 4 June 2021, when they were again placed under house arrest.

4. The orders for the applicants' pre-trial detention and house arrest, including the extension orders of 20 May, 4 June, 2 July, 30 July and 1 September 2021 were based on the risk of their absconding and interfering with the investigation. The orders relied on the nature and type of the offence of which the applicants were suspected, the gravity of the charges and severity of the potential penalty, and the applicants' material and family situation in the respondent State.

5. As for the material and family situation, in respect of the first applicant, the courts noted that, owing to his former office, he had acquaintances throughout the country and abroad who might assist him in absconding. They also found that he had attempted to influence a witness and alter material evidence. The Higher Public Prosecutor's written submissions of 19 May, 2 July and 29 July 2021 on his appeals against the detention orders were not served on him, a fact not disputed by the Government.

6. With regard to the second applicant, the courts noted that he had no family or property and that he might influence witnesses or conceal evidence.

7. The orders adopted after 1 October 2021 were based solely on the risk of the applicants' absconding.

8. The first applicant was released on bail on 2 February 2022. Between 8 October 2021 and 2 February 2022, no public hearing was held before the Court of Appeal to review his detention and a hearing took place before the Supreme Court on 12 October 2021.

9. The second applicant was released on 29 August 2022 subject to restrictive measures including the confiscation of his passport and a ban on being issued a new one. Between 8 October 2021 and 29 August 2022, two hearings were held before the Court of Appeal and one before the Supreme Court.

II. INDICTMENT

10. On 8 October 2021 the prosecutor filed an indictment against seven persons, including the first applicant, on charges of abuse in the context of public procurement proceedings and money laundering, and the second applicant, on charges of abuse in the context of the same procurement proceedings. They were accused of having collectively caused financial damage to the State budget amounting to approximately 305,000 euros (EUR), while the first applicant was accused of having unlawfully obtained approximately EUR 87,500.

11. On 28 December 2021 the indictment was upheld by the trial court.

III. TEMPORARY SEIZURE OF THE FIRST APPLICANT'S ASSETS

12. In the same criminal proceedings, on 11 April 2022 the trial court ordered the temporary seizure of the first applicant's and his children's bank accounts, into which he had frequently deposited funds and over which he had control, until the conclusion of the trial. The funds held in those accounts totalled approximately EUR 82,000. The measure was intended as a security to cover potential compensation for damage caused to the State budget. The second-instance court upheld the measure on 5 September 2022. Following the adoption of the measure, the State attorney claimed damages in the amount of approximately EUR 305,000, which corresponds to the amount of the alleged damage caused to the State budget indicated in the indictment (see paragraph 10 above).

IV. CRIMINAL PROCEEDINGS AGAINST THE APPLICANTS

13. On 6 July 2023 the trial court convicted the applicants, sentencing the first applicant to eight years' imprisonment and the second applicant to four years' imprisonment. It ordered the first applicant, jointly with two co-accused, to reimburse the State budget approximately EUR 105,000 and, individually, to pay approximately EUR 75,000. The court also confiscated approximately EUR 11,000 from the first applicant.

14. On 11 July 2024 the second-instance court upheld appeals lodged by the applicants and remitted the case to the trial court.

15. The proceedings are currently pending before the trial court.

V. COMPLAINTS BEFORE THE COURT

16. The applicants complained under Articles 5 §§ 3 and 4 of the Convention that the courts had given insufficient reasons for extending their pre-trial detention and house arrest, that they had not served the first applicant with the prosecutor's submissions in reply to his appeals against the extension of his pre-trial detention and house arrest on several occasions, and that the Skopje Court of Appeal had not held any oral hearings on their appeals. The first applicant also complained under Article 1 of Protocol No. 1 to the Convention about the temporary seizure of his assets.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

17. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. THE GOVERNMENT’S OBJECTION REGARDING ABUSE OF PETITION

18. The Government submitted that the first applicant had failed to inform the Court that the State Attorney had lodged a claim for damages in the criminal proceedings against him. They argued that he had been under an obligation to disclose that fact, which they considered crucial to the examination of his complaint under Article 1 of Protocol No. 1 to the Convention, and maintained that he had thereby abused his right of individual application within the meaning of Article 35 § 3 (a) of the Convention.

19. The Court reiterates that an application may be rejected as abusive under Article 35 § 3 of the Convention if, among other reasons, it was knowingly based on untrue facts and false declarations and that the submission of incomplete and thus misleading information may also amount to an abuse of the right of application, especially if the information concerns the very core of the case and no sufficient explanation has been provided for the failure to disclose that information (see *Zličić v. Serbia*, nos. 73313/17 and 20143/19, § 55, 26 January 2021).

20. In the present case, the Court notes that the State Attorney lodged the claim for damages with the domestic court on 4 November 2022, that is after the first applicant had lodged his application with the Court. The Court subsequently requested the Government, on 10 April 2023, to clarify whether such a claim had been made, and the Government provided the relevant information. The Court accepts that the first applicant should have informed it of this development, given its potential relevance to his complaint under Article 1 of Protocol No. 1. However, the mere failure to disclose a subsequent development does not, in itself, establish an abuse of the right of application. In the circumstances of the present case, the Court has not been persuaded that the first applicant deliberately withheld the information with a view to misleading the Court. Accordingly, the Government’s objection on the ground of abuse of the right of application must be dismissed.

III. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

21. This complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds, it must therefore be declared admissible.

22. The relevant general principles regarding the requirement that there must be “relevant and sufficient” reasons to justify continued detention have been summarised in *Buzadji v. the Republic of Moldova* ([GC], no. 23755/07, §§ 84-91, 5 July 2016, with further references), *Miladinov and Others v. the former Yugoslav Republic of Macedonia* (nos. 46398/09 and 2 others, §§ 45-49, 24 April 2014) and *Vasilkoski and Others v. the former Yugoslav Republic of Macedonia* (no. 28169/08, §§ 55-57, 28 October 2010). The

Court applies the same criteria when assessing the justification for pre-trial detention in prison and house arrest amounting to a deprivation of liberty (see *Buzadji*, cited above, §§ 112-14).

23. As regards the first applicant, the Court accepts that his initial detention from 16 April to 8 October 2021 was warranted by a reasonable suspicion of interference with the investigation and that, while the investigation was ongoing, the court's relying on this risk was not unjustified (see paragraph 5 above).

24. As regards the second applicant's detention from 16 April to 8 October 2021, the domestic court relied on the grounds that he had no family or property and that he might influence witnesses or conceal evidence (see paragraphs 4 and 6 above). The Court reiterates that the reasons justifying detention must be duly substantiated and the authorities' reasoning in that regard cannot be abstract, general or stereotypical (see *Merabishvili v. Georgia* [GC], no. 72508/13, § 222, 28 November 2017). In the present case, however, the grounds relied on for the second applicant's detention were merely listed in a stereotypical manner, without any individualised reasoning demonstrating the existence of a specific risk of absconding or of tampering with the investigation.

25. The Court must next establish whether the risk of the applicants' absconding justified their deprivation of liberty after 8 October 2021.

26. The Court reaches a similar conclusion concerning the domestic courts' assessment of the risk of absconding. While the domestic courts referred, in respect of the first applicant, to the fact that he had acquaintances throughout the country and abroad owing to his former office, and, in respect of the second applicant, to his lack of family and property, they did not explain how those circumstances translated into a concrete and present risk of absconding. The reasoning therefore remained essentially abstract and stereotypical, without identifying specific factors directly relating to either applicant that could reasonably substantiate such a risk.

27. These foregoing considerations lead the Court to conclude that the reasons given for the first applicant's deprivation of liberty between 8 October 2021 and 2 February 2022, and for the second applicant's deprivation of liberty between 16 April 2021 and 29 August 2022, were not sufficient. There has accordingly been a violation of Article 5 § 3 of the Convention in respect of both applicants.

IV. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION

28. In the light of the prominent place that the right to liberty has in a democratic society, the Court dismisses the Government's objection to the effect that the applicants have not suffered a "significant disadvantage" under Article 35 § 3 (b) of the Convention (see also *Zelčs v. Latvia*, no. 65367/16, § 44, 20 February 2020, with further references).

A. Complaint regarding the lack of an oral hearing

29. As for the applicants' complaint that the Skopje Court of Appeal had not held any oral hearings on their appeals, the Court reiterates that Article 5 § 4 of the Convention does not require that a detained person be heard every time he or she lodges an appeal against a decision extending his or her detention but that it should be possible to exercise the right to be heard at reasonable intervals (see *Çatal v. Turkey*, no. 26808/08, § 33, 17 April 2012).

30. Between 8 October 2021 and 2 February 2022 in the proceedings reviewing the first applicant's house arrest he was heard once before the Supreme Court (see paragraph 8 above). As for the second applicant, between 8 October 2021 and 29 August 2022 in the proceedings reviewing his detention, he was heard twice by the Court of Appeal and once by the Supreme Court (see paragraph 9 above). The Court finds on the basis of the aforementioned facts, that the applicants could not be considered to have been denied an opportunity to be heard at reasonable intervals in the proceedings concerning their detention. It follows that this part of the applications must be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Non-communication of the prosecutor's submissions

31. As regards the complaint that the submissions of the Higher Public Prosecutor were not served on the first applicant in the detention review proceedings following his appeals, the Court considers that it is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds and must be declared admissible.

32. The Court reiterates that the proceedings before a court examining an appeal against detention must be adversarial and must always ensure "equality of arms" between the parties, the prosecutor and the detained person (see *Miladinov and Others*, cited above, § 64 with further references). The fact that the first applicant was not served with a copy of the Higher Public Prosecutor's submissions in reply to his appeals against three extension orders for his detention on remand and house arrest (see paragraph 5 above) constituted an infringement of his right to adversarial proceedings, in violation of Article 5 § 4 of the Convention (compare also *ibid.*, § 67).

V. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

33. The Court reiterates that the seizure of property in the context of legal proceedings relates to the control of the use of property, which falls within

the ambit of the second paragraph of Article 1 of Protocol No. 1 to the Convention (see *Džinić v. Croatia*, no. 38359/13, § 60, 17 May 2016). The seizure of property did not purport to deprive the first applicant of his possessions but placed a temporary restriction on its use by prohibiting its alienation or encumbrance, and that seizure was applied as a provisional measure aimed at securing enforcement of a possible confiscation order imposed at the outcome of the criminal proceedings in relation to the obtained proceeds of crime. The Court must accordingly establish whether the seizure of the property was lawful and “in accordance with the general interest”, and whether there existed a reasonable relationship of proportionality between the means employed and the aim sought to be realised (see also *ibid.*, §§ 61-62).

34. The Court notes that the seizure of the first applicant’s and his children’s bank accounts over which he had control in the criminal proceedings was ordered under sections 118 and 120 of the Code of Criminal Procedure as a security to cover potential compensation for damage caused to the State budget, following the upholding of the indictment, and the Court is therefore satisfied that the measure was lawful.

35. The Court also notes the seizure of property was aimed at anticipating an eventual confiscation of property and securing the civil claims of the injured party and should thus be considered in the “general interest” of the community (see *Borzonov v. Russia*, no. 18274/04, § 58, 22 January 2009).

36. Regarding the proportionality of the measure, the Court observes that the first applicant, together with his co-accused, was indicted for causing damage to the State budget in the amount of approximately EUR 305,000 (see paragraph 10 above). The State attorney subsequently claimed damages in the amount of approximately EUR 305,000, which corresponds to the amount of the alleged damage caused to the State budget indicated in the indictment. The amount specified in the freezing order against the first applicant’s and his children’s bank accounts totalled approximately EUR 82,000 (see paragraph 12 above), which was less than what he was accused of having unlawfully obtained (see paragraph 10 above). In these circumstances, the Court considers that the scope of the seizure was not excessive in relation to the value of the alleged damage and the purpose of securing potential enforcement of the judgment.

37. It follows that this part of the applications must be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

38. The first applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage and EUR 300 for the costs and expenses incurred before the Court.

39. The second applicant did not submit a claim for just satisfaction within the time-limit prescribed.

40. The Government contested the first applicant's claims as excessive and unsubstantiated.

41. The Court, making its assessment on an equitable basis, awards the first applicant EUR 750 in respect of non-pecuniary damage, plus any tax that may be chargeable. Furthermore, having regard to the documents in its possession, the Court considers it reasonable to award EUR 250 to the first applicant, plus any tax that may be chargeable to him, for the costs incurred in the proceedings before it.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* admissible both applicants' complaints under Article 5 § 3 of the Convention and the first applicant's complaint under Article 5 § 4 of the Convention regarding the failure to serve him with a copy of the Higher Public Prosecutor's submissions in reply to his appeals against three orders to extend his detention on remand and house arrest, and the remainder of the applications inadmissible;
3. *Holds* that there has been a violation of Article 5 § 3 of the Convention in respect of both applicants;
4. *Holds* that there has been a violation of Article 5 § 4 of the Convention in respect of the first applicant on account of the failure to serve him with a copy of the Higher Public Prosecutor's submissions in reply to the first applicant's appeals against three orders to extend his detention on remand and house arrest;
5. *Holds*
 - (a) that the respondent State is to pay, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 750 (seven hundred and fifty euros) to the first applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 250 (two hundred and fifty euros) to the first applicant, plus any tax that may be chargeable to him, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a

rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the first applicant's claim for just satisfaction.

Done in English, and notified in writing on 13 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim
Deputy Registrar

Oddný Mjöll Arnardóttir
President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth Place of residence Nationality	Represented by
1.	52490/21	Rashkovski v. North Macedonia	19/10/2021	Dragi RASHKOVSKI 1984 Skopje Macedonian/citizen of the Republic of North Macedonia ("the first applicant")	Vladimir DONEVSKI
2.	14211/22	Rashkovski v. North Macedonia	07/03/2022		
3.	49756/22	Rashkovski v. North Macedonia	10/10/2022		
4.	52527/21	Stanchev v. North Macedonia	20/10/2021	Daniel STANCHEV 1985 Skopje Macedonian/citizen of the Republic of North Macedonia ("the second applicant")	Vlatko KITANOVSKI
5.	19444/22	Stanchev v. North Macedonia	09/04/2022		
6.	43670/22	Stanchev v. North Macedonia	02/09/2022		