



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

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SECOND SECTION

Application no. 16111/24
FINE DOO SKOPJE and Others
against North Macedonia
lodged on 6 June 2024
communicated on 15 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the allegedly unlawful, politically motivated and disproportionate demolition of a building constructed by the first applicant (a company owned by the second and third applicants), following a finding by the domestic authorities that the building had been built in violation of the construction permit (for further details see *FINE DOO and Others v. North Macedonia* (dec.), no. 37948/13, §§ 4-18, 17 May 2022). The details concerning the applicants are set out in the appendix.

On 29 June 2017 the Special Public Prosecutor (for the background concerning the establishment of the Special Prosecutor's Office see *Taleski and Others v. North Macedonia* (dec.), nos. 77796/17 and five others, §§ 4-8, 24 January 2023) indicted, for abuse of office, seven persons, including the former Prime Minister, the former Minister of Transport and Communications and the former mayor of the municipality where the building had been located. The former Prime Minister and Minister were charged with having incited the former mayor to unlawfully demolish the building, in revenge for the third applicant's political party having left the then-governing coalition.

On 17 May 2022 the Court declared inadmissible an application lodged by the applicants, raising complaints about the demolition of their building following proceedings before the administrative courts in which they had unsuccessfully challenged the demolition order. The Court considered the

application as premature in view of the pending criminal proceedings which could have a direct bearing on the determination of the lawfulness of the demolition (see *FINE DOO and Others*, cited above, §§ 25 and 34-37).

On 20 May 2022 the trial court convicted four persons, including the former Prime Minister, Minister and mayor. On 28 December 2023 the Appeal Court overturned that judgment and dismissed the indictment, as the prosecution had become time-barred pursuant to amendments to the Criminal Code which had entered into force on 15 September 2023.

The applicants complain under Article 1 of Protocol No. 1 to the Convention that the demolition of their building was unlawful, politically motivated and disproportionate.

QUESTIONS TO THE PARTIES

1. Did the demolition of the building amount to an interference with the applicants' peaceful enjoyment of their possessions contrary to Article 1 of Protocol No. 1 to the Convention? Was it lawful, did it serve a legitimate general interest, and was it proportionate within the meaning of Article 1 of Protocol No. 1 (see, for the general principles, *G.I.E.M. S.r.l. and Others v. Italy* [GC], nos. 1828/06 and 2 others, §§ 289, 292 and 293, 28 June 2018, and *Lekić v. Slovenia* [GC], no. 36480/07, §§ 92, 94, 95, 105 and 110, 11 December 2018; see also, *mutatis mutandis*, *Baykin and Others v. Russia*, no. 45720/17, §§ 61-73, 11 February 2020, and *Ivanova and Cherkezov v. Bulgaria*, no. 46577/15, §§ 68-75, 21 April 2016)?

2. Has there been a breach of Article 18 taken in conjunction with Article 1 of Protocol No. 1 to the Convention? Was the demolition of the building imposed for a purpose other than those envisaged by that provision, contrary to Article 18 of the Convention (see, *mutatis mutandis*, *Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan*, nos. 74288/14 and 64568/16, §§ 102-10, 14 October 2021, and the references cited therein)?

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APPENDIX

No.	Applicant's Name	Year of birth/ registration	Nationality/ country of registration	Place of residence
1.	FINE DOO SKOPJE	2003	North Macedonia	Skopje
2.	Nedzibe CANOSKA	1961	Macedonian/citizen of the Republic of North Macedonia	Struga
3.	Fijat CANOSKI	1960	Macedonian/citizen of the Republic of North Macedonia	Struga