



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

Published on 12 October 2026

## SECOND SECTION

Application no. 25236/23  
Sasho JOVCHEVSKI and Robert ZINZOVSKI  
against North Macedonia  
lodged on 8 June 2023  
communicated on 25 September 2026

### SUBJECT MATTER OF THE CASE

The case concerns the domestic courts' order for the applicants to pay damages to a State-owned company ("the company"), issued in the context of criminal proceedings against the applicants.

The applicants were convicted for abuse of office for having signed, in their capacity of directors of the company, a document (*референца*) attesting to the quality of a coal transportation track (*транспортна лента*) sold to the company by the supplier T. The domestic courts found that the track malfunctioned, causing significant pecuniary damage to the company. An expert report admitted in evidence established that the damage caused amounted to approximately 430,000 euros (EUR) and stemmed, *inter alia*, from the purchase of and the inability to use the malfunctioning parts of the track. In the criminal proceedings, the courts ordered the applicants to compensate that amount jointly to the company, despite their arguments, *inter alia*, that the company had already received a much higher amount from the supplier T. on account of the malfunctioning of the transportation track and that it had not initiated arbitration proceedings with T., despite being having opportunity to do so.

The applicants complain about a violation of Article 1 of Protocol No. 1 to the Convention, arguing that the domestic courts did not sufficiently establish the relevant elements concerning the damages suffered by the company.

### QUESTION TO THE PARTIES

Has there been an interference with the applicants' peaceful enjoyment of their possessions within the meaning of Article 1 of Protocol No. 1 to the Convention? If so, was that interference justified? In particular, did that interference impose an excessive individual burden on the applicants (see, *mutatis mutandis*, *Prenča v. Serbia*, no. 48725/12, §§ 86 and 98, 7 October 2025; *Narbutas v. Lithuania*, no. 14139/21, §§ 322 and 327-32, 19 December 2023; *Džinić v. Croatia*, no. 38359/13, §§ 67-81, 17 May 2016; and *Ismayilov v. Russia*, no. 30352/03, §§ 31 and 38, 6 November 2008)?

In the alternative, did the domestic authorities comply with their positive obligation to take necessary measures to protect the applicants' property rights (see, for example, *Bilyavska v. Ukraine*, no. 84568/17, § 39, 27 March 2025, and *Seksimp Group SRL v. the Republic of Moldova*, no. 30085/13, §§ 53-59, 15 May 2025)?