



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

FIRST SECTION

DECISION

Application no. 73778/13
Ljube BOSHKOSKI
against North Macedonia

The European Court of Human Rights (First Section), sitting on 20 October 2020 as a Committee composed of:

Aleš Pejchal, *President*,

Pauliine Koskelo,

Tim Eicke, *judges*,

and Renata Degener, *Section Registrar*,

Having regard to:

the application (no. 73778/13) 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 Mr Ljube Boshkoski, a Macedonian/citizen of the Republic of North Macedonia and Croatian national (“the applicant”), on 11 November 2013;

the decision to give notice of the application to the Government of North Macedonia (“the Government”) and to declare inadmissible the remainder of the application;

the parties’ observations;

noting that the Croatian Government did not make use of their right to intervene in the proceedings (Article 36 § 1 of the Convention);

Having deliberated, decides as follows:

THE FACTS

1. The applicant was born in 1960 and lives in Skopje. He is a chairman of a political party.

2. The applicant was represented by Mr D. Godjo and Mr A. Godjo, lawyers practising in Ohrid. The Government were represented by their Agent, Mr K. Bogdanov, succeeded by their present Agent, Ms D. Djonova.

The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 6 June 2011 the applicant was arrested on suspicion of abuse of office and breach of the rules on funding an electoral campaign. On 25 July 2011 he was indicted.

5. On 29 November 2011 he was convicted on first-instance as charged and sentenced to seven years' imprisonment. The court relied, *inter alia*, on the testimony of a protected witness. The public was excluded from two hearings.

6. On 23 April 2012 the Skopje Court of Appeal (*Апелационен суд Скопје*) dismissed the applicant's appeal and upheld the judgment.

7. On 30 January 2013 the Supreme Court (*Врховен суд*) upheld the lower courts' judgments. This judgment was served on the applicant on 8 May 2013 and on his representative, Mr D. Godjo, on 20 May 2013, as indicated in the application form.

COMPLAINTS

8. The applicant complained under Article 6 § 1 of the Convention about unfairness of the criminal proceedings against him, on account of the courts' reliance on the testimony of a protected witness, the alleged non-communication of some submissions of the prosecution and the exclusion of the public from several hearings.

THE LAW

9. The applicant complained under Article 6 of the Convention of the overall unfairness of the criminal proceedings against him. He complained that his rights under Article 6 §§ 1 and 3 (d) had been breached as a result of the domestic courts' reliance on the testimony of a protected witness. Under the same Article he complained that his right to a public hearing had been violated on account of the exclusion of the public from some hearings and about the domestic courts' failure to serve him with submissions of the prosecution. Article 6 of the Convention, insofar as relevant, reads as follows:

“1. In the determination of ... any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

...

3. Everyone charged with a criminal offence has the following minimum rights:

...

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him..."

10. The Government opposed this claim, without raising any specific objection to the admissibility of the application.

11. Although the Government did not raise any objection based on the six-month time limit, the Court is not precluded from examining this issue of its own motion, as a public policy rule (see, among others, *Lopes de Sousa Fernandes v. Portugal* [GC], no. 56080/13, § 128, 19 December 2017, and *Sabri Güneş v. Turkey* [GC], no. 27396/06, § 29, 29 June 2012).

12. The Court notes that the applicant was served with the final judgment delivered by the Supreme Court on 8 May 2013, and his representative, who also lodged the application with the Court on the applicant's behalf, was served with it on 20 May 2013. This is not disputed between the parties.

13. The Court reiterates that the six-month period starts to run from the date when the applicant and/or his or her representative had effective and sufficient knowledge of the final domestic decision (see *Baghli v. France*, no. 34374/97, § 31, ECHR 1999-VIII, and *Koç and Tosun v. Turkey* (dec.), no. 23852/04, 13 November 2008). Accordingly, the six-month period in the present case started to run on 8 May 2013.

14. The applicant lodged the present application with the Court on 11 November 2013, that is, more than six months later.

15. Accordingly, this application has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 November 2020.

Renata Degener
Deputy Registrar

Aleš Pejchal
President