



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

SECOND SECTION

CASE OF NASKOV AND OTHERS v. NORTH MACEDONIA

(Applications nos. 31620/15, 34859/15 and 14659/16)

JUDGMENT *(Just satisfaction)*

Art 41 • Just satisfaction • Award for pecuniary damage sustained from a violation of Art 1 P1 resulting from a *proprio motu* quashing of final restitution order conferring on the applicants' title to a plot of land

Prepared by the Registry. Does not bind the Court.

STRASBOURG

21 October 2025

FINAL

21/01/2026

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Naskov and Others v. North Macedonia,

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

Arnfinn Bårdsen, *President*,

Saadet Yüksel,

Jovan Ilievski,

Péter Paczolay,

Oddný Mjöll Arnardóttir,

Stéphane Pisani,

Juha Lavapuro, *judges*,

and Hasan Bakırcı, *Section Registrar*,

Having deliberated in private on 30 September 2025,

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

PROCEDURE

1. The case concerns the applicants' complaint under Article 1 of Protocol No. 1 to the Convention about a *proprio motu* quashing of a final restitution order conferring on the applicants title to a plot of land, owing to the legal and factual impossibility of enforcing the order because third parties had in the meantime carried out construction work on the land.

2. In a judgment delivered on 12 December 2023 (see *Naskov and Others v. North Macedonia*, nos. 31620/15 and 2 others – “the principal judgment”), the Court held that the quashing of the final restitution order in the context of proceedings for its administrative enforcement had frustrated the applicants' reliance on a binding decision and deprived them of an opportunity to gain possession of the property that they had legitimately expected to receive. The Court concluded that the interference with the applicants' property interests had been in breach of the principle of lawfulness and could not be considered foreseeable in accordance with the Convention principles, and that, consequently, there had been a violation of Article 1 of Protocol No. 1 to the Convention (*ibid.*, §§ 78 and 79 and point 3 of the operative provisions).

3. Under Article 41 of the Convention, the applicants sought compensation for both pecuniary and non-pecuniary damage. In respect of pecuniary damage, they claimed 1,273,313 euros (EUR), which, according to them, corresponded to the market value of the land in relation to which the restitution order had been quashed.

4. The Government submitted that the question of pecuniary damage was not ready for decision. They further argued that as the restitution of the land was not possible, the applicants should be awarded monetary compensation in accordance with the Regulations on the Manner and Procedure of Establishing the Value of Property subject to Restitution (*Уредба за начинот и постапката за утврдување на вредноста на имотот кој е*

предмет на денационализација, Official Gazette nos. 43/2000 and 19/2001 – “the Regulations”).

5. Since the question of the application of Article 41 of the Convention was not ready for decision as regards pecuniary damage, the Court reserved it and invited the Government and the applicants to submit, within three months from the date on which the judgment became final, their written observations on that issue and, in particular, to notify the Court of any agreement that they might reach (see the principal judgment, § 83, and point 5 of the operative provisions). The Court awarded EUR 3,000 euros to each of the applicants, plus any tax that might be chargeable, in respect of non-pecuniary damage, awarded them jointly the sum of EUR 285, plus any tax that might be chargeable to them, in respect of costs and expenses, and dismissed the remainder of their claims in respect of non-pecuniary damage and costs and expenses (*ibid.*, §§ 84 and 87 and points 4 and 6 of the operative provisions).

6. The applicants and the Government failed to reach an agreement as regards pecuniary damage during the time-limit set. The parties accordingly filed submissions concerning the question of pecuniary damage, which were transmitted to the other party for comment.

THE LAW

ARTICLE 41 OF THE CONVENTION

7. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

1. The parties’ submissions

8. Following the delivery of the principal judgment, the applicants argued that the fact that they had registered their title to the land in the land register was immaterial, given that they could not use, lease or sell the land. They modified their claim in respect of pecuniary damage and requested that the Court award them 1,894,720 euros (EUR) for the 6,112 square metres (sq. m) of land that could not be returned to them. They submitted an assessment drawn up by an expert from a certified private company, according to which the market value of the land in question on 13 March 2024 was assessed at EUR 310 per square metre. The report indicated that the source of information was a website, apparently owned by a real-estate and consulting agency, and that the assessment of the market value had been carried out on the basis of a

comparison of five active offers on the real-estate market for the sale of similar land in the same and other areas.

9. In their comments in reply to the Government's submissions (see paragraph 10 below), the applicants submitted that the Government had failed to initiate proceedings for removing an entry from the land register under section 238 of the Land Register Act within three years following the most recent entry, which had been made in 2014. The applicants had had no opportunity to seek the reopening either of the restitution proceedings, or of the proceedings in the administrative courts. Nor had the Government sought to have the latter proceedings reopened. The applicants further argued that the surface area of the land for which they had requested compensation (6,112 sq. m) concerned solely the land on which private companies had carried out construction work. After the restitution order, they had paid MKD 49,497 Macedonian denars (MKD) to the State in reimbursement of the compensation received by their predecessors at the time of the confiscation of the land, and the State had not reimbursed any part of that sum after the restitution order had been quashed. Sections 37 and 38 of the Restitution Act had not been applicable, as they concerned a situation where the land could not be returned in restitution proceedings, unlike their case, where the land had in fact been returned by means of the restitution order.

10. The Government submitted that the applicants' title to the land in question remained recorded in the land register on the basis of the restitution order, despite the multiple attempts by the State authorities to remove that entry. In addition, they contended that the applicants had not substantiated their argument that they could not sell or lease the land, nor had they requested the reopening of the administrative-dispute proceedings on the basis of the Court's judgment. The Government contested both claims submitted by the applicants (see paragraphs 3 and 8 above) as excessive and not limited to the complaint examined by the Court, which concerned the quashing of the order only in respect of the land which had not been returned to the applicants because of the private business premises that had been built on it (see the principal judgment, § 70). They contended that the applicants should not be awarded compensation in an amount corresponding to the market value of the land, but rather in an amount determined on the basis of the Regulations (see paragraph 4 above), given that under sections 37 and 38 of the Restitution Act (see the principal judgment, §§ 40-41), the state of the property at the time of its confiscation was relevant for determining the amount of compensation in restitution proceedings. The land confiscated from the applicants' predecessors had been agricultural and the appropriate rate of compensation under the Regulations was MKD 500 (equivalent to EUR 8.13) per square metre. The compensation paid to the applicants' predecessors also needed to be deducted. The expert report submitted by the applicants was irrelevant and unreliable, *inter alia* because it had not been

signed by the experts and had not been based on an on-site inspection but solely on market offers.

2. *The Court's assessment*

(a) General principles

11. The Court firstly reiterates that, as a rule, the requirement that domestic remedies should be exhausted, including the option of reopening the proceedings, does not apply to just satisfaction claims submitted to the Court under Article 41 (see *S.L. and J.L. v. Croatia* (just satisfaction), no. 13712/11, § 15, 6 October 2016, with further references).

12. The Court further reiterates that a judgment in which it finds a breach of the Convention imposes on the respondent State a legal obligation to put an end to the breach and make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach. The Contracting States that are parties to a case are in principle free to choose the means whereby they will comply with a judgment in which the Court has found a breach. This discretion as to the manner of execution of a judgment reflects the freedom of choice attaching to the primary obligation of the Contracting States under the Convention to secure the rights and freedoms guaranteed (Article 1). If the nature of the breach allows of *restitutio in integrum*, it is for the respondent State to effect it, the Court having neither the power nor the practical possibility of doing so itself. If, however, national law does not allow – or allows only partial – reparation to be made for the consequences of the breach, Article 41 empowers the Court to afford the injured party such satisfaction as appears to it to be appropriate. The Court enjoys a certain discretion in the exercise of that power, as the adjective “just” and the phrase “if necessary” attest. To that end, it may have recourse to equitable considerations (see *Molla Sali v. Greece* (just satisfaction) [GC], no. 20452/14, § 32, 18 June 2020, with further references). Reparation for pecuniary damage must result in the closest possible situation to that which would have existed if the breach in question had not occurred (see *Kostov and Others v. Bulgaria*, nos. 66581/12 and 25054/15, § 107, 14 May 2020, and *Vistiņš and Perepjolkins v. Latvia* (just satisfaction) [GC], no. 71243/01, § 33, ECHR 2014).

13. The basis on which the Court proceeds as regards pecuniary damage depends on the nature of the breaches found (see, among other authorities, *Stojanovski and Others v. the former Yugoslav Republic of Macedonia* (just satisfaction), no. 14174/09, § 11, 7 February 2019, and *Arsovski v. the former Yugoslav Republic of Macedonia* (just satisfaction), no. 30206/06, § 21, 7 February 2019). Illegal and arbitrary disposessions of property in principle justify *restitutio in integrum* and, in the event of non-restitution, payment of the up-to-date full value of the property (see *Stojanovski and Others*, cited above, § 11, with further references).

(b) Application of those principles to the present case

14. The Court will firstly address the Government's argument that the applicants did not seek the reopening of the domestic proceedings following the Court's principal judgment. It observes that the applicants lodged their restitution claim on 7 December 2001 and that, following several sets of proceedings, the restitution order accepting that claim was declared in part null and void in a decision which became final on 21 October 2015 (see the principal judgment, §§ 14 and 30), that is, almost fourteen years after the restitution claim had been lodged. Awaiting the outcome of potentially reopened domestic proceedings would therefore impose an excessive burden on the applicants (compare *Sakskoburggotski and Chrobok v. Bulgaria* (just satisfaction), nos. 38948/10 and 8954/17, § 34, 2 May 2023). Bearing in mind that the non-exhaustion rule does not apply to just satisfaction claims under Article 41 (see paragraph 11 above), the Court considers that the applicants' failure to request the reopening of the domestic proceedings is immaterial for the Court's decision as to an award of pecuniary damage (see, *mutatis mutandis*, *Arsovski*, cited above, § 30, and compare *Sadocha v. Ukraine* (just satisfaction), no. 77508/11, § 17, 7 May 2020).

15. As to the nature of the violation found, in the principal judgment the Court concluded that the interference complained of did not satisfy the conditions of lawfulness (see paragraph 2 above and compare *Stojanovski and Others*, cited above, § 12). It held in particular that the quashing of the restitution order by the authorities *proprio motu* on the grounds of its unenforceability – a conclusion running counter to several judgments of the administrative courts and the Supreme Court – had not been foreseeable for the applicants (see the principal judgment, § 74). Such interference amounted to an unlawful dispossession of property and therefore justifies *restitutio in integrum*. In the present case, *restitutio in integrum* could entail reinstating the restitution order. However, the Court is not empowered under the Convention to order the respondent State to take such action (compare *Edwards v. Malta* (just satisfaction), no. 17647/04, § 27, 17 July 2008).

16. The Court further observes that, as confirmed by both parties, the land register still records the applicants as having title to the land in question. However, the restitution order on the basis of which the entry in the land register was made is no longer in legal force. It was quashed precisely because of the domestic authorities' finding that it was legally and factually unenforceable (see the principal judgment, §§ 17 and 30). In such circumstances, the Court cannot speculate as to whether the applicants are able to dispose of the land in question, by selling or leasing it.

17. The Court therefore considers that, as in *Stojanovski and Others* (cited above, § 14), there are two possible ways of putting the applicants in the present case in the closest possible situation to that which they would have been in had the violation not occurred: (1) transferring a similar plot of land into their possession; or (2) the payment of monetary compensation.

18. The respondent State should therefore transfer into the applicants' possession a similar plot of land in the same area, which has characteristics and a value that are as close as possible to those of the land covered by the applicants' complaint to the Court. The value of any sums paid by the State to the applicants (by way of reimbursement of their payments made in returning the compensation awarded to their predecessors at the time of the confiscation), are to be deducted from the value of the replacement land transferred into the applicants' possession pursuant to this judgment.

19. As to the surface area of the land in question, the Court observes that in quashing the restitution order, the Restitution Commission established that the parts of the plot that would be impossible to return were occupied by a petrol station, business premises, a public street and a fruit orchard (see the principal judgment, §§ 29 and 30). Before the Court, the applicants complained about the quashing of the order only in respect of the land which had not been returned to them because of the private business premises that had been built on it (*ibid.*, § 70). The Government did not indicate the exact amount of land covered by the applicants' complaints. From the material available in the case file, it appears that the applicants' complaint covers 4,797 sq. m of land. Accordingly, the difference between this and the amount of land claimed by the applicants (6,112 sq. m) should be excluded from the calculations for just satisfaction.

20. In the event of failure to take the action indicated in paragraph 18 above, the Court considers that the respondent State should pay monetary compensation to the applicants. As to the amount of that compensation, the Government argued that it should be calculated in accordance with the Regulations, given that, under the Restitution Act, the amount of compensation for property that could not be returned was determined on the basis of the state of the property at the time of its confiscation (see section 37 of the Restitution Act as explained in paragraph 40 of the principal judgment). The Court is not convinced by this argument, for the following reasons. Under section 27 of the Restitution Act (see the principal judgment, § 38), the applicants were entitled to seek the physical return of the land that was confiscated from their predecessors, as it was undeveloped building land at the time when they lodged their restitution claim (*ibid.*, §§ 16 and 24). If that request was granted, the property would be returned, fully or in part, in the state which it had been in on the date of the entry into force of the Restitution Act (see section 20 of the Act, explained in paragraph 36 of the principal judgment). This was indeed done by means of the restitution order, which had established in 2002 that the land had been undeveloped building land (see the principal judgment, § 16), and which was subsequently partly quashed in violation of Article 1 of Protocol No. 1 to the Convention. The Court therefore considers that the Government's arguments do not justify a departure from the approach taken in the case of *Stojanovski and Others* (cited above, § 16 *ab initio*), and that an award should be made to the

applicants in the amount of the market value of the land in question (compare, for example, *Mutishev and Others v. Bulgaria* (just satisfaction), no. 18967/03, § 31, 28 February 2012). The parties have not argued that the amount should be calculated on the basis of the market value at the time of the interference. The Court considers instead that the amount should be determined on the basis of the market value at present (compare *Stojanovski and Others*, cited above, § 17).

21. In this regard, the expert assessment submitted by the applicants valued the land at EUR 310 per square metre. The Government did not submit their own expert assessment, but rather challenged the findings of the assessment submitted by the applicants. The Court notes that certain aspects of the assessment of the market value of the land remain unclear. As pointed out by the Government, the expert relied on market offer prices for real estate, as opposed to prices paid in actual transactions involving land in the same area (see *Vardanyan v. Armenia* (just satisfaction), no. 8001/07, § 35, 25 July 2019). In addition, the assessment was based solely on five such offers obtained from a single source of information. Finally, as also noted by the Government, the assessment was conducted without an on-site inspection of the land in question.

22. The Court is mindful of the difficulties in calculating the market value of the land in question and considers that the parties have not provided a sufficiently reliable basis for such an assessment. Given the limited material and evidence in its possession, in determining the appropriate amount of compensation the Court will have recourse to equitable considerations in determining the appropriate amount of compensation (see *Arsovski*, cited above, § 29, and *Kanaginis v. Greece* (just satisfaction), no. 27662/09, § 26, 8 March 2018).

23. Making an overall assessment of the relevant considerations, the Court considers it appropriate to award the applicants jointly the sum of EUR 774,000, less any sum already paid to the applicants by way of reimbursement of their payments made in returning the compensation awarded to their predecessors at the time of the confiscation.

B. Default interest

24. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that the respondent State is to transfer into the applicants' possession, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, a plot

of land located in the same area as the land at issue in the present case, with characteristics and a value - less any sum already paid to the applicants by way of reimbursement of their payments made in returning the compensation awarded to their predecessors - as close as possible to those of the land in respect of which the Court has found a violation;

2. *Holds* that, in the alternative, should the respondent State fail to comply with the above obligation, the respondent State is to pay the applicants, within the same period of three months, EUR 774,000 (seven hundred and seventy four thousand euros) jointly in respect of pecuniary damage, plus any tax that may be chargeable, and after deduction of any amount already paid to the applicants by way of reimbursement of the sums returned in respect of the compensation awarded to their predecessors, the said amount to be converted into the national currency of the respondent State at the rate applicable on the date of settlement;
3. *Holds* that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the sum of EUR 774,000 (seven hundred and seventy four thousand euros), less any sum already paid to the applicants by way of reimbursement of their payments made in returning the compensation awarded to their predecessors, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
4. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 21 October 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Registrar

Arnfinn Bårdsen
President

APPENDIX

List of applicants:

No.	Application no.	Applicant Year of birth Place of residence Nationality
1.	31620/15	Jordan NASKOV 1938 Skopje Macedonian/citizen of the Republic of North Macedonia Nada DIMOVA 1937 Skopje Macedonian/citizen of the Republic of North Macedonia Danica KISELOSKA 1941 Skopje Macedonian/citizen of the Republic of North Macedonia Zvezda MAKAROVSKA 1947 Skopje Macedonian/citizen of the Republic of North Macedonia Cvetan NASKOV 1950 Skopje Macedonian/citizen of the Republic of North Macedonia Koce NASKOV 1943 Skopje Macedonian/citizen of the Republic of North Macedonia

NASKOV AND OTHERS v. NORTH MACEDONIA (JUST SATISFACTION) JUDGMENT

No.	Application no.	Applicant Year of birth Place of residence Nationality
		Lazar NASKOV 1949 Skopje Macedonian/citizen of the Republic of North Macedonia Slobodan NASKOV 1952 Skopje Macedonian/citizen of the Republic of North Macedonia Tomislav NASKOV 1939 Skopje Macedonian/citizen of the Republic of North Macedonia Vancho NASKOV 1972 Skopje Macedonian/citizen of the Republic of North Macedonia
2.	34859/15	Jordan NASKOV 1938 Skopje Macedonian/citizen of the Republic of North Macedonia Nada DIMOVA 1937 Skopje Macedonian/citizen of the Republic of North Macedonia Danica KISELOSKA 1941 Skopje

NASKOV AND OTHERS v. NORTH MACEDONIA (JUST SATISFACTION) JUDGMENT

No.	Application no.	Applicant Year of birth Place of residence Nationality
		Macedonian/citizen of the Republic of North Macedonia Zvezda MAKAROVSKA 1947 Skopje Macedonian/citizen of the Republic of North Macedonia Cvetan NASKOV 1950 Skopje Macedonian/citizen of the Republic of North Macedonia Koce NASKOV 1943 Skopje Macedonian/citizen of the Republic of North Macedonia Lazar NASKOV 1949 Skopje Macedonian/citizen of the Republic of North Macedonia Slobodan NASKOV 1952 Skopje Macedonian/citizen of the Republic of North Macedonia Tomislav NASKOV 1939 Skopje Macedonian/citizen of the Republic of North Macedonia Vancho NASKOV

NASKOV AND OTHERS v. NORTH MACEDONIA (JUST SATISFACTION) JUDGMENT

No.	Application no.	Applicant Year of birth Place of residence Nationality
		1972 Skopje Macedonian/citizen of the Republic of North Macedonia
3.	14659/16	Jordan NASKOV 1938 Skopje Macedonian/citizen of the Republic of North Macedonia Nada DIMOVA 1937 Skopje Macedonian/citizen of the Republic of North Macedonia Danica KISELOSKA 1941 Skopje Macedonian/citizen of the Republic of North Macedonia Zvezda MAKAROVSKA 1947 Skopje Macedonian/citizen of the Republic of North Macedonia Cvetan NASKOV 1950 Skopje Macedonian/citizen of the Republic of North Macedonia Koce NASKOV 1943 Skopje Macedonian/citizen of the Republic of North Macedonia

NASKOV AND OTHERS v. NORTH MACEDONIA (JUST SATISFACTION) JUDGMENT

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