



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

SECOND SECTION

CASE OF SKRCHESKI v. NORTH MACEDONIA

(Application no. 37954/21)

JUDGMENT

Art 6 § 1 (civil) • Fairness of proceedings • Art 6 applicable to proceedings in which the State Judicial Council (“SJC”) found professional misconduct on the part of a retired judge in the performance of his judicial functions • Impugned proceedings directly concerned the applicant’s civil right to enjoy a good reputation • Failure of the SJC to comply with a previous decision by a second-instance Appeal Panel concerning the substantive law applicable to the applicant’s case • Situation at odds with the principle of the proper administration of justice and the principle of rule of law • Importance of the SJC’s decision-making for upholding the rule of law, the independence of the judiciary and public trust in the SJC’s operation • Proceedings as a whole fell foul of fair trial requirements

Prepared by the Registry. Does not bind the Court.

STRASBOURG

12 May 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Skrcheski v. North Macedonia,

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

Arnfinn Bårdsen, *President*,
Jovan Ilievski,
Péter Paczolay,
Oddný Mjöll Arnardóttir,
Stéphane Pisani,
Juha Lavapuro,
Hugh Mercer, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having regard to:

the application (no. 37954/21) 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 a Macedonian/citizen of the Republic of North Macedonia, Mr Trajche Skrcheski (“the applicant”), on 16 July 2021;

the decision to give notice to the Government of North Macedonia (“the Government”) of the complaint under Article 6 § 1 of the Convention concerning the manner in which the Judicial Council of the Republic of North Macedonia interpreted and applied the domestic law, and notably the Courts Act, to the proceedings against the applicant for professional misconduct, and to declare the remainder of the application inadmissible;

the Government’s observations;

Having deliberated in private on 31 March 2026,

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

INTRODUCTION

1. The application concerns the refusal of the Judicial Council of the Republic of North Macedonia (hereinafter, “the SJC”) to apply a more recent and, according to the applicant, more lenient substantive law in proceedings in which it established that there had been professional misconduct on the part of the applicant (a retired judge), despite a previous decision by an appeal panel finding the more recent law applicable to the case. The applicant complains of a violation of Article 6 § 1 of the Convention.

THE FACTS

2. The applicant was born in 1956 and lives in Ohrid. He was represented by Mr O. Mitov, a lawyer practising in Skopje.

3. The Government were represented by their Agent, Ms D. Djonova.

4. The facts of the case may be summarised as follows.

5. On 14 July 2017 the Council for establishing facts and instituting proceedings to determine the responsibility of a judge initiated professional misconduct proceedings against the applicant before the SJC.

6. At a session held on 18 June 2019 the SJC dismissed the applicant from the office of judge. It found that in 2015 and 2016 he had failed to draft or deliver judgments within the statutory deadlines in more than 240 cases assigned to him, which amounted to professional misconduct under sections 75(1)(2) and (10) of the 2010 Courts Act (namely, “unconscientious, slow (*ненавременно*) or negligent performance of judicial functions in the conduct of judicial proceedings in specific cases”, and “a severe breach of the rules of the Judicial Code of Conduct that damages the reputation of the judicial function” respectively; see paragraph 17 below).

7. On 17 July 2019 the applicant, represented by two lawyers, challenged the SJC’s decision before an appeal panel formed within the Supreme Court (“the Appeal Panel”). He argued, among other things, that the SJC had not applied to his case the amendments to the Courts Act which had entered into force on 25 May 2019 (“the 2019 Courts Act” – see paragraph 18 below) and which would have been more lenient for him. In particular, section 74 of the 2019 Courts Act allowed a disciplinary measure other than dismissal to be imposed on a judge. It also provided that a judge could be dismissed only if the professional misconduct was committed intentionally or with obvious negligence and had had serious consequences. The applicant argued that in his case there had been no such circumstances. Lastly, under section 76 of the 2019 Courts Act, the failure to draft or timely deliver judgments did not amount to unprofessional and unconscientious performance of judicial functions.

8. On 11 November 2019 the Appeal Panel upheld the applicant’s appeal and quashed the SJC’s decision. It found that the SJC had been incorrect in applying sections 75(1)(2) and (10) of the 2010 Courts Act (see paragraph 17 below), as those provisions had no longer been in force after the entry into force of the 2019 Courts Act on 25 May 2019 (see paragraph 18 below). It also instructed the SJC to take into account the principle of the application of the more lenient law.

9. On 7 May 2020 the SJC terminated the applicant’s judicial mandate, given that on 29 April 2020 he had become eligible for retirement.

10. In the remitted proceedings, a Commission established by the SJC heard the applicant, who reaffirmed his previous arguments, including those set out in his appeal before the Appeal Panel (see paragraph 7 above). The applicant’s lawyer stated, *inter alia*, that the SJC needed to take into account the requirement that professional misconduct be committed intentionally or with obvious negligence.

11. At a session held on 24 December 2020 the SJC again found that the applicant had committed professional misconduct under sections 75(1)(2) and (10) in conjunction with section 74(1)(2) of the

2010 Courts Act, by failing to draft or deliver judgments in a timely manner in more than 240 cases in 2015 and 2016. This had amounted to unconscientious, slow and negligent performance of his judicial functions. The SJC found the 2010 Courts Act to be applicable to the applicant's case, but further referred to section 76(1) of the 2019 Courts Act (cited in paragraph 18 below), which defined unprofessional and unconscientious performance of judicial functions as unsatisfactory professional competence or lack of conscientiousness (*незадоволителна стручност или несовесност*) affecting the quality and promptness (*ажурност*) of a judge's work. It stated that the 2019 Courts Act, as a more lenient law as had been indicated in the Appeal Panel's decision, also included provisions in which professional misconduct could be established on the grounds of unprofessional and unconscientious performance. Moreover, the applicant had not denied the facts relating to professional misconduct. As regards procedural law provisions, the SJC held that the State Judicial Council Act of 2006 ("the 2006 SJC Act", see paragraphs 19 and 20 below), as amended in 2010, 2011 and 2015, applied in the applicant's case.

12. On 4 February 2021 the SJC's decision of 24 December 2020 was served on the applicant.

13. The applicant submitted a copy of an article apparently published on an online news portal on 24 December 2020. The article reported that, at the session held on that day, the SJC had concluded that the applicant had been unprofessional and unconscientious in his work prior to retirement.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. THE 1991 CONSTITUTION, AS AMENDED BY THE 2005 CONSTITUTIONAL AMENDMENTS

14. Article 25 of the Constitution guarantees the right to respect for and protection of the privacy of personal and family life, and of dignity and reputation.

15. Article 50 § 4 provides that laws and other regulations may not have a retroactive effect, save in cases where that is more favourable to citizens.

16. Amendment XXVIII, which replaced Article 104, provides, *inter alia*, that the SJC is an autonomous and independent institution of the judiciary, ensuring and guaranteeing its autonomy and independence.

II. THE COURTS ACT (*ЗАКОН ЗА СУДОВИТЕ*)

A. The 2010 Courts Act

17. The relevant provisions of the Courts Act (Official Gazette nos. 58/06, 62/06, 35/08 and 150/10 – "the 2010 Courts Act") read as follows:

2. Dismissal of a judge
Section 74

“(1) A judge shall be dismissed from judicial office:

...

[2)] for unprofessional and unconscientious performance of judicial functions under the conditions determined by law.

(2) The decision on a judge’s dismissal shall be taken by [the SJC].

(3) On the day of the dismissal of a judge by [the SJC] on the grounds referred to in subsection (1) of this section, the judge’s right to a salary shall cease.”

3. Unprofessional and unconscientious performance of judicial functions
Section 75

“(1) Unprofessional and unconscientious performance of judicial functions [is defined as] unsatisfactory professional competence or lack of conscientiousness of a judge that affects the quality and promptness of his or her work, namely:

...

[2)] unconscientious, slow or negligent performance of judicial functions in the conduct of judicial proceedings in specific cases;

...

[10)] a severe breach of the rules of the Judicial Code of Conduct that damages the reputation of the judicial function;

...”

B. The 2019 Courts Act

18. On 25 May 2019 amendments to the Courts Act (Official Gazette no. 96/19 – “the 2019 Courts Act”) entered into force. The relevant part of amended section 74 reads as follows:

Dismissal of a judge
Section 74

“(1) A judge shall be dismissed from judicial office:

[1)] for a serious disciplinary breach, provided for by law, which renders him [or her] unfit to perform judicial functions; and

[2)] for unprofessional and unconscientious performance of judicial functions under the conditions determined by law.

...

(3) A judge shall be dismissed from judicial office on the grounds referred to in subsection (1) of this section if:

- the breach is committed with intent or obvious negligence on the part of the judge without justified reasons; and

- the breach had severe consequences.

(4) In the event of a less severe form of a breach ... of subsection (1) of this section, a disciplinary measure may be imposed on the judge.

(5) On the day when the decision for the dismissal of a judge by [the SJC] on the grounds of subsection (1) of this section becomes final, the judge's right to a salary shall cease."

The amended sections 75 and 76 concern serious disciplinary breaches, and unprofessional and unconscientious performance of judicial functions, respectively. The relevant parts of amended section 76 read as follows:

Unprofessional and unconscientious performance of judicial functions

Section 76

"(1) Unprofessional and unconscientious performance of judicial functions [is defined as] unsatisfactory professional competence or lack of conscientiousness of a judge that affects the quality and promptness of his or her work, if [he or she]:

1) in two consecutive evaluations does not meet the criteria for successful performance through [his or her] own fault without justified reasons, for which [he or she has received] two negative evaluations, in accordance with the procedure determined with the [SJC] Act;

2) has been convicted, by a final court judgment, and given a sanction [which does not amount to a non-suspended sentence of six months' imprisonment], and which is a direct result of actions undertaken in the performance of judicial functions, [committed] with intent or with obvious negligence (*свесна небрежност*);

3) without authorisation, reveals classified information, that is to say, reveals information and data concerning court cases, violating the duty to protect the secrecy of proceedings established by law, when the public has been excluded in accordance with the law;

4) without justified reasons, does not schedule hearings in the cases assigned to [him or her] or otherwise delays the proceedings;

5) does not work on a case, which results in the expiry of the limitation period for criminal prosecution or for the enforcement of a sanction ...;

6) works on a case which has not been assigned to [him or her] through the automated computer system for management of court cases; or

7) intentionally and unjustifiably makes a serious professional mistake, it being understood that a different interpretation of the law and the facts cannot be a ground for a judge's [professional misconduct]."

III. THE SJC ACT (OFFICIAL GAZETTE No. 60/06, WITH FURTHER AMENDMENTS)

19. Under section 96 of the 2006 SJC Act, as amended in 2010, 2011 and 2015, dismissal or disciplinary decisions against judges could be appealed against to an Appeal Panel, which could either uphold the decision or quash it and remit the case to the SJC for re-examination.

20. In 2018 amendments to the SJC Act (Official Gazette no. 83/2018) entered into force (hereinafter, "the 2018 SJC Act"). Under the amended

section 96, if the Appeal Panel remitted the case to the SJC, the SJC would adopt a final decision, taking into account (*целеејќи ги*) the Appeal Panel's instructions. The 2018 SJC Act applied to pending dismissal and disciplinary proceedings (section 52).

IV. THE STATE JUDICIAL COUNCIL ACT (OFFICIAL GAZETTE No. 269/2025; "THE 2025 SJC ACT")

21. Under section 78(1) of the 2025 SJC Act, which entered into force on 8 January 2026, the judge or court president whose Convention rights or freedoms have been found by the Court to have been violated may request the reopening of the proceedings or the execution of the Court's judgment within 90 days from the date of service of the final judgment. Under section 78(3), if from the Court judgment a need for the reopening of the proceedings emerges, in the reopened proceedings the SJC is obliged to respect the legal positions expressed in the Court's judgment. Under section 78(9), the reopened proceedings, in their part concerning the violation found, are to be conducted pursuant to the 2025 SJC Act (notably its section 66 which regulates professional misconduct proceedings (*носматка за утврдување одговорност*) in respect of a judge or a court president).

V. PRACTICE OF THE SJC AND THE APPEAL PANEL

22. The Government submitted copies of four SJC decisions (nos. 08-11/30, 08-11/32, 08-66/12 and 08-67/22), delivered between 10 September and 12 November 2019, and upheld by Appeal Panels in decisions taken between 25 December 2019 and 13 March 2020. In those cases the SJC applied versions of the Courts Act predating the amendments of 2019, in proceedings for the dismissal of judges on account of acts of professional misconduct committed between 2007 and 2017. In dismissing the judges' appeals against decisions nos. 08-11/30 and 08-11/32, including their arguments that the 2019 Courts Act should be applied to their cases as the more lenient law, the Appeal Panels held that the 2010 Courts Act was applicable, because it had been in force at the time when the professional misconduct had taken place.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

23. The applicant complained that the professional misconduct proceedings against him had not been fair and that in the remitted proceedings the SJC had incorrectly applied the 2010 Courts Act. He relied on Article 6 § 1 of the Convention, which, in so far as relevant, reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

A. Admissibility

1. *Compliance with the six-month time-limit*

24. The Government submitted that the applicant’s complaints, in so far as they concerned the proceedings before the Appeal Panel, had been lodged outside the six-month time-limit applicable when the applicant had lodged his application with the Court.

25. The applicant did not comment on the Government’s submissions.

26. The general principles relevant to the application of the six-month time-limit have been summarised in, for example, *Lekić v. Slovenia* ([GC], no. 36480/07, §§ 64-65, 11 December 2018). In particular, as a rule, the six-month period runs from the date of the final decision in the process of exhaustion of domestic remedies. Article 35 § 1 cannot be interpreted in a manner which would require an applicant to inform the Court of his or her complaint before his or her position in connection with the matter has been finally settled at the domestic level, otherwise the principle of subsidiarity would be breached (*ibid.*, § 65).

27. In the present case, by its decision of 11 November 2019, the Appeal Panel deciding on the applicant’s appeal merely quashed the SCJ’s decision of 18 June 2019 (see paragraphs 8 and 6 above respectively) and remitted the case for fresh consideration by the SJC. The Appeal Panel’s decision, therefore, did not provide a final settlement of the applicant’s case at domestic level and the date on which it was given cannot be taken as the date on which the six-month time-limit started to run. In the subsequent proceedings, on 24 December 2020 the SJC adopted a new decision (see paragraph 11 above) and the Government did not submit that that decision was amenable to further appeal. In the absence of a non-exhaustion objection by the Government (compare, for example, *Liblik and Others v. Estonia*, nos. 173/15 and 5 others, § 114, 28 May 2019), the Court concludes that, for the purposes of the proceedings before it, the SJC’s decision of 24 December 2020 is to be regarded as the final decision in the applicant’s case. As this decision was served on the applicant on 4 February 2021 (see paragraph 12 above) and the present application was lodged on 16 July 2021, it must be regarded as having been submitted within the six-month time-limit.

28. The Court therefore dismisses the Government’s objection that the applicant’s complaint concerning the proceedings before the Appeal Panel was lodged out of time.

2. *Applicability of Article 6 of the Convention to the impugned proceedings*

29. Although the Government did not contest the applicability of Article 6 § 1 of the Convention, the Court considers that it has to address this issue of its own motion (see *Grosam v. the Czech Republic* [GC], no. 19750/13, § 107, 1 June 2023).

30. The Court reiterates that for Article 6 § 1 in its “civil” limb to be applicable, there must be a “dispute” (“*contestation*” in the French text) over a “right” which can be said, at least on arguable grounds, to be recognised under domestic law, irrespective of whether it is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and, lastly, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play (see, among many other authorities, *Denisov v. Ukraine* [GC], no. 76639/11, § 44, 25 September 2018; *Grzęda v. Poland* [GC], no. 43572/18, § 257, 15 March 2022; and *Fabbri and Others v. San Marino* [GC], nos. 6319/21 and 2 others, § 76, 24 September 2024). Lastly, the right must be a “civil” right (see *Grzęda*, § 257, and *Fabbri and Others*, § 76, both cited above).

31. Turning to the present case, the Court observes that the disputed proceedings against the applicant were initiated as dismissal proceedings for professional misconduct. On 18 June 2019 the applicant was dismissed from the office of judge (see paragraph 6 above). Following the remittal of the case to the SJC by the Appeal Panel on 11 November 2019, and given that in April 2020 the applicant had retired, the proceedings against the applicant transformed into proceedings for determining professional misconduct on his part (see paragraphs 8-11 above). The present case, therefore, does not concern the applicant’s right to continue serving his term of office as a judge (compare and contrast, among many others, *Ilievska and Zdraveva v. North Macedonia*, nos. 19689/21 and 42794/22, §§ 73-74, 13 November 2025; *Ribarev v. North Macedonia*, no. 39987/22, §§ 68-69, 13 November 2025; *Mnatsakanyan v. Armenia*, o. 2463/12, §§ 48-59, 6 December 2022; *Kamnos v. Cyprus*, no. 147/07, §§ 66-88, 31 October 2017; and *Sturua v. Georgia*, no. 45729/05, §§ 24-27, 28 March 2017).

32. The Court, however, observes that with its final decision in the impugned proceedings (see paragraph 11 above) the SJC concluded that the professional misconduct on the part of the applicant had constituted unprofessional and unconscientious performance of judicial functions within the meaning of section 74(1)(2) of the 2010 Courts Act (cited in paragraph 17 above). At least one online media outlet reported on the outcome of the proceedings against the applicant (see paragraph 13 above). There is therefore no doubt that the SJC’s finding that he had performed the judicial function unprofessionally and unconscientiously concerned the applicant’s personal

integrity and professional competence as a former judge. It therefore had a direct impact on the applicant's social and professional reputation (contrast *Aktay v. Türkiye* (dec.), nos. 56064/16, 58000/16 and 15087/17, § 44, 9 January 2024, and *Marušić v. Croatia* (dec.), no. 79821/12, §§ 76 and 77, 23 May 2017; and compare, for example, in the context of Article 8, *Ovcharenko and Kolos v. Ukraine*, nos. 27276/15 and 33692/15, § 86, 12 January 2023, and *Juszczyszyn v. Poland*, no. 35599/20, § 233, 6 October 2022). The Court reiterates that the right to enjoy a good reputation is a "civil right" within the meaning of Article 6 § 1 (see, for example, *Madaus v. Germany*, no. 44164/14, § 15, 9 June 2016, with further references, and *Grădinar v. Moldova*, no. 7170/02, § 92, 8 April 2008). This right is protected under domestic law (see paragraph 14 above; and compare, for example, *Pocius v. Lithuania*, no. 35601/04, § 41, 6 July 2010). The Court considers that a person's reputation developed during his or her professional career forms part of that person's social identity and does not cease to exist with retirement. Accordingly, the impugned proceedings for professional misconduct against the applicant as a retired judge directly concerned his civil right to enjoy a good reputation.

33. In the light of the above, the Court finds that the civil limb of Article 6 § 1 of the Convention is applicable to the circumstances of the present case.

3. *Other grounds for inadmissibility and conclusion on the admissibility of the application*

34. The Court further notes that the applicant's complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *The parties' submissions*

35. The applicant submitted that the Appeal Panel had remitted the proceedings to the SJC because, in its decision of 18 June 2019 (see paragraph 6 above), the SJC had applied the 2010 Courts Act, which had no longer been in force after the entry into force of the 2019 Courts Act. However, in the remitted proceedings the SJC had again applied the 2010 Courts Act. The 2019 Courts Act would have been more lenient for the applicant, because it provided for the possibility that less severe disciplinary sanctions be imposed and required intent or obvious negligence on the part of the judge, as well as severe consequences resulting from the professional misconduct (see section 74(3) of the 2019 Courts Act, quoted in paragraph 18 above), elements which had not existed in his case.

36. The Government submitted that the SJC had consistently applied the 2010 Courts Act to the applicant's case, both before and after the remittal by the Appeal Panel. This application of the Courts Act had been in line with the SJC's practice (see paragraph 22 above) which predated the SJC's first decision in the applicant's case. The Appeal Panels had also subsequently harmonised their practice, as was evident from the examples which predated the SJC's second decision in the applicant's case (*ibid.*). The applicant, who was a former judge and had been represented by lawyers in the domestic proceedings, should have been aware of the relevant developments in domestic practice. He had not referred to any other examples from domestic practice aside from the Appeal Panel's decision in his own case. In the remitted proceedings, the SJC had also found that the application of the 2019 Courts Act would not have led to a different outcome. The SJC had held that the applicant had, *inter alia*, failed to draft judgments on time in more than 240 cases over a two-year period (see paragraph 11 above). This had amounted to delaying judicial proceedings, which under section 76(1)(4) of the 2019 Courts Act (see paragraph 18 above) constituted unconscientious and unprofessional performance of judicial functions.

2. *The Court's assessment*

(a) **Relevant general principles**

37. It is not the Court's function to deal with errors of fact or law allegedly made by a national court, unless and in so far as they may have infringed rights and freedoms protected by the Convention (see, among many other authorities, *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 186, 6 November 2018, with further references). It is primarily for the national authorities, notably the courts, to resolve problems of interpretation of national legislation. The Court's role is confined to ascertaining whether the effects of such an interpretation are compatible with the Convention in general and with the principle of legal certainty, guaranteed by Article 6 in particular (see *Alkes v. Turkey* (no.2), no. 16047/04, § 19, 8 June 2010).

38. The principle of legal certainty is implicit in all the Articles of the Convention and constitutes one of the fundamental aspects of the rule of law. It guarantees a certain stability in legal situations and contributes to public confidence in the courts (see *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 116, 29 November 2016, with further references). Under this principle the Court has frequently addressed situations of conflicting court decisions (see, among many others, *Lupeni Greek Catholic Parish and Others*, cited above, § 116, and the cases cited therein). However, aside from such cases, the Court has also previously found that a situation in which the highest court's ruling on the correct interpretation of the law was persistently disregarded by lower authorities was incompatible

with the principle of the proper administration of justice (see *Turczanik v. Poland*, no. 38064/97, § 49, ECHR 2005-VI, in which it has also acknowledged (§ 48) that the restoration of legality presupposes an obligation on the administrative authorities to comply with a judgment on the matter delivered by the State's highest administrative court). The Court considers that compliance by lower courts with instructions provided by higher courts may be seen as an inherent element of rule of law.

39. The Court further reiterates that, in view of the principle that the Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective, the right to a fair trial cannot be seen as effective unless the requests and observations of the parties are truly “heard”, that is to say, properly examined by the tribunal (see *Yüksel Yalçinkaya v. Türkiye* [GC], no. 15669/20, § 305 *in fine*, 26 September 2023, with further references).

40. The Court has on many occasions emphasised the special role in society of the judiciary, which, as the guarantor of justice – a fundamental value in a State governed by the rule of law – must enjoy public confidence if judges are to be successful in carrying out their duties (see *Grzęda*, cited above, § 302, with further references). The Court must pay particular attention to the protection of judges when it is called upon to review disciplinary proceedings against them in the light of the Convention provisions (see *Eminağaoğlu v. Turkey*, no. 76521/12, § 76 *in fine*, 9 March 2021).

(b) Application of these principles to the present case

41. The Court notes at the outset that the proceedings against the applicant began and continued for nearly three years as dismissal proceedings. Following the applicant's retirement, the proceedings were completed with the SJC's finding that he had committed professional misconduct while he was performing his judicial functions. The Court considers that professional misconduct proceedings conducted by the SJC – a body tasked with ensuring the independence of the judiciary (see paragraph 16 above) – are of particular significance for public confidence in the functioning of the judiciary; its independence and impartiality; and the work of the SJC, both when it concerns disciplinary proceedings against sitting judges and professional misconduct proceedings against former judges, as in the applicant's case. The Court will therefore assess the applicant's complaint with the particular attention required for reviewing disciplinary proceedings against judges (see the case-law quoted in paragraph 40 above *in fine*).

42. The Court observes that, when it initially dismissed the applicant, the SJC applied sections 75(1)(2) and (10) of the 2010 Courts Act as substantive law (see paragraphs 6 and 17 above). Following the applicant's appeal, the Appeal Panel remitted the case for fresh consideration, finding that the SJC had applied statutory provisions of the 2010 Courts Act which had no longer

been in force at the time of the applicant's dismissal. The Appeal Panel also instructed the SJC to take into account the principle of applying the more lenient law (see paragraph 8 above).

43. However, in the remitted proceedings the SJC again found the 2010 Courts Act to be applicable to the applicant's case (see paragraph 11 above). Even though its finding was in direct contravention with that of the Appeal Panel, the SJC did not provide any specific reasons concerning the grounds on which it had reached its conclusion as to which version of the Courts Act had been applicable. In respect of the Appeal Panel's instruction to take into consideration the principle of applying the more lenient law, the SJC limited itself to merely finding that the 2019 Courts Act also included the unprofessional and unconscientious performance of judicial functions as grounds for establishing professional misconduct on the part of a judge. It did not analyse which of the versions of the Courts Act was in fact more lenient for the applicant (contrast *Alkes (no. 2)*, cited above, § 21). It cannot therefore be concluded that in the remitted proceedings the SJC remedied the deficiency identified by the Appeal Panel (compare, *mutatis mutandis*, *Aykhan Akhundov v. Azerbaijan*, no. 43467/06, § 104, 1 June 2023). The Court considers that the situation thus created is at odds with the principle of the proper administration of justice (compare, *mutatis mutandis*, *Turczanik*, cited above, § 49) and the principle of rule of law, in particular, in light of the following considerations.

44. At this juncture, the Court would again stress the importance of the SJC's decision-making for upholding the rule of law, the independence of the judiciary and public trust in the operation of the SJC (see paragraph 41 above). In this connection, the Court observes that the professional misconduct proceedings against the applicant were completed with the SJC's decision of 24 December 2020 (see paragraph 11 above), which was not subject to a subsequent review by the Appeal Panel (contrast *Alonso Saura v. Spain*, no. 18326/19, §§ 36 and 37, 8 June 2023, in which compliance with the remittal instructions was subsequently thoroughly examined by the court issuing them; contrast also *Alkes (no. 2)*, cited above, § 21, and *Kuokkanen and Johannesdahl v. Finland (dec.)*, no. 38147/12, § 27, 2 June 2015, in which the applicants' allegations were analysed by domestic courts at two levels of jurisdiction). Consequently, the Appeal Panel could not assess whether the SJC had complied with its previous instructions in the remitted proceedings. The SJC's strict compliance with the Appeal Panel's finding was even more important in such circumstances.

45. The above considerations suffice for the Court to conclude that the proceedings in question, taken as a whole, fell foul of the requirements of a fair trial under Article 6 § 1 of the Convention. Accordingly, there has been a violation of that provision.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

46. 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.”

47. In his application form the applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,000 in respect of costs and expenses. By a letter of 25 April 2024 he was invited to submit his claims for just satisfaction by 6 June 2024 and was reminded that if he failed to do so within the time allowed, the Court could make no award, even if he had indicated his wishes concerning just satisfaction at an earlier stage of the proceedings. The applicant, however, did not submit a just satisfaction claim within the time-limit fixed (Rule 60 § 2 of the Rules of Court).

48. Accordingly, regard being had to the absence of a claim and having discerned no exceptional circumstances, the Court considers that it is not called upon to make any awards under any head (compare, for example, *Süleyman v. Turkey*, no. 59453/10, §§ 105-9, 17 November 2020, and *Nagmetov v. Russia* [GC], no. 35589/08, § 59, 30 March 2017, with further references).

49. Notwithstanding that conclusion, the Court would reiterate that in the event of a violation of Article 6 of the Convention, the most appropriate form of redress in cases such as the present one would be the reopening of the proceedings, if requested (see *Gerovska Popčevska v. the former Yugoslav Republic of Macedonia*, no. 48783/07, § 68, 7 January 2016).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention.

Done in English, and notified in writing on 12 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Arnfinn Bårdsen
President

SKRCESKI v. NORTH MACEDONIA JUDGMENT