



Judgments and decisions of 13 February 2020

The European Court of Human Rights has today notified in writing five judgments¹ and five decisions²:

one Chamber judgment is summarised below; separate press releases have been issued for three other Chamber judgments in the cases of: *Ibrahimov and Mammadov v. Azerbaijan* (applications nos. 63571/16, 2890/17, 39541/17, 74143/16, 2883/17, and 39527/17), *Sanofi Pasteur v. France* (no. 25137/16), and *Gaughran v. the United Kingdom* (no. 45245/15);

one Committee judgment, concerning issues which have already been considered by the Court, and the five decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in English.

Trajkovski and Chipovski v. North Macedonia (applications nos. 53205/13 and 63320/13)

The case essentially concerned the retention of DNA data of convicted persons.

The applicants, Jovche Trajkovski and Dimitar Chipovski, are two Macedonians/citizens of North Macedonia who were born in 1982 and 1979 respectively and live in Skopje.

The applicants had DNA samples taken from them in the context of criminal proceedings brought against them in 2009 and 2010. They were subsequently convicted of aggravated theft and given suspended sentences. Mr Trajkovski's conviction was based on his DNA profile, while in Mr Chipovski's case his DNA make-up was not used as evidence against him.

They both filed complaints with the Personal Data Protection Directorate, arguing that the police had violated their privacy rights by taking and retaining their DNA. The Directorate dismissed their complaints, finding that the police were authorised by domestic law to collect, process and store an individual's personal data when there was a reasonable suspicion that he or she had committed a crime.

The applicants challenged these decisions before the administrative courts, but their complaints were dismissed on similar grounds in 2013.

Relying on Article 8 (right to respect for private and family life), the applicants alleged that there was no legislative framework clearly regulating the taking, use, processing, storing and deletion of DNA material in North Macedonia. They complained in particular that the purposes for which DNA samples can be taken and profiles stored are couched in too broad terms and that the relevant provisions under national law did not specify how long DNA material could be retained in respect of convicted persons such as themselves.

Violation of Article 8

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.