



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

FIRST SECTION

CASE OF SKOUTARIDOU v. TURKEY

(Application no. 16159/90)

JUDGMENT

STRASBOURG

17 December 1999

[This judgment is subject to editorial revision before its reproduction in final form in the official reports of selected judgments and decisions of the Court.]

In the case of Skoutaridou v. Turkey,

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

Mrs E. PALM, *President*,
Mr L. FERRARI BRAVO,
Mr GAUKUR JÖRUNDSSON,
Mr B. ZUPANČIČ,
Mr T. PANȚIRU,
Mr R. MARUSTE, *Judges*,
Mr F. GÖLCÜKLÜ, *ad hoc Judge*,
and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 7 December 1999,

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

PROCEDURE

1. The case originated in an application (no. 16159/90) against the Republic of Turkey lodged with the European Commission of Human Rights ("the Commission") under former Article 25 of the Convention¹ by a Cypriot national, the late Eleni Skoutaridou ("the applicant"), on 26 January 1990. The applicant had designated as her representative Mr Phoebus Clerides, a lawyer practising in Cyprus. The Turkish Government are represented by their Agent. The Government of the Republic of Cyprus, who intervened in the proceedings under Article 36 of the Convention and Rule 61 § 1 of the Rules of Court, are represented by their Agent, Mr Alecos Markides, Attorney General of the Republic.

2. The applicant had complained about her inability to enjoy her property in the northern part of Cyprus. On 29 November 1993 the Commission decided to give notice of the application to the respondent Government and invited them to submit their observations on the admissibility and merits. No such observations were submitted until 31 October 1998.

3. Following the entry into force of Protocol No. 11 to the Convention on 1 November 1998 and in accordance with the provisions of Article 5 § 2 thereof, the application was transferred to the Court.

4. In accordance with Rule 52 § 1 of the Rules of Court, the President of the Court, Mr L. Wildhaber, assigned the case to the First Section. The Chamber constituted with the Section included *ex officio* Mr R. Türmen, the judge elected in respect of Turkey (Article 27 § 2 of the Convention and

¹ As applicable before the entry into force of Protocol No. 11 and the establishment of a Court functioning on a permanent basis (Article 19 of the Convention as amended by Protocol No. 11).

Rule 26 § 1 (a) of the Rules of Court) and Mrs E. Palm, President of the Section (Rule 26 § 1 (a)). The other members designated by the latter to complete the Chamber were Mr L. Ferrari Bravo, Mr Gaukur Jörundsson, Mr B. Zupančič, Mr T. Panțiru and Mr R. Maruste.

Subsequently Mrs Palm exempted Mr Türmen from sitting after his withdrawal from the case having regard to the decision of the Grand Chamber in the case of *Ogür v. Turkey* taken in accordance with Rule 28 § 4. The respondent Government accordingly appointed Mr F. Gölcüklü to sit as an *ad hoc* judge (Article 27 § 2 of the Convention and Rule 29 § 1).

5. On 8 June 1999 the Court, having noted that the respondent Government had not submitted any observations within the relevant time-limit, declared the application admissible.

6. On 18 June 1999 the Government of Cyprus were informed of their right to take part in the proceedings (Article 36 of the Convention and Rule 61 § 1). On 8 July 1999 the Government of Cyprus informed the Court that they wished to avail themselves of this right.

7. On 9 August 1999 the respondent Government submitted observations on the merits of the case.

8. On 9 November 1999 Mr Clerides informed the Court of the applicant's death and applied for leave to withdraw the application without admission or prejudice.

AS TO THE FACTS

9. The applicant was the owner of plot of land No. F 936 in the District of Northern Nicosia. From 1974 and until her death she had allegedly been deprived of her property rights, the plot in question being located in the northern part of Cyprus. The Turkish authorities had allegedly been preventing her from having access to and from using and possessing her property. The reason for her inability to enter the northern part of Cyprus had allegedly been her Greek-Cypriot origin.

AS TO THE LAW

10. On 9 November 1999 the applicant's representative informed the Court of her death and applied for "leave to withdraw the case without admission or prejudice".

11. The Court takes note of this development and, bearing in mind the existence of a number of cases pending before it raising similar issues, considers that respect for human rights as defined in the Convention and the

protocols thereto does not require it to continue the examination of the application (Article 37 § 1 (c) of the Convention).

12. Accordingly, the case should be struck out of the list.

FOR THESE REASONS THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English and notified in writing on 17 December 1999, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Elisabeth PALM
President