



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

THIRD SECTION

CASE OF PITSILLOS v. CYPRUS

(Application no. 41854/98)

JUDGMENT

STRASBOURG

28 March 2000

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 Pitsillos v. Cyprus,

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

Sir Nicolas BRATZA, *President*,

Mr J.-P. COSTA,

Mr L. LOUCAIDES,

Mr P. KÜRIS,

Mr W. FUHRMANN,

Mrs H.S. GREVE,

Mr K. TRAJA, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 24 August 1999 and 14 March 2000,

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

PROCEDURE

1. The case originated in an application (no. 41854/98) against Cyprus lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Cypriot national, Mr Modestos Pitsillos (“the applicant”), on 2 June 1998.

2. The applicant was represented by Mr Vrahimis, a lawyer practising in Nicosia. The Cypriot Government (“the Government”) were represented by their Agent, Mr Markides, Attorney-General of the Republic.

3. The applicant complained under Article 6 § 1 of the Convention about the length of proceedings he had instituted in connection with the expropriation of his land.

4. The application was transmitted to the Court on 1 November 1998, when Protocol No. 11 to the Convention came into force (Article 5 § 2 of Protocol No. 11). The application was allocated to the Third Section of the Court (Rule 52 § 1 of the Rules of Court).

5. On 19 January 1999 the Court decided to give notice of the application to the Government and invited them to submit their observations on its admissibility and merits. The Government submitted their observations on 30 April 1999, to which the applicant replied on 18 June 1999.

6. On 24 August 1999 the Court declared the application admissible.

7. On 28 January 2000 and on 1 February 2000 the Agent of the Government and the applicant’s representative respectively submitted formal declarations accepting a friendly settlement of the case.

AS TO THE FACTS

8. On 27 November 1989 the applicant asked the Nicosia District Court to determine compensation for the expropriation of one of his plots of land. On 22 July 1994 the court awarded the applicant 500 Cypriot pounds plus costs and expenses.

9. On 30 August 1994 the applicant appealed to the Supreme Court.

10. On 6 March 1997 the applicant requested that his appeal should be fixed for hearing.

11. On 9 July 1998 the record of the first instance proceedings was completed.

12. On 22 September 1998 the Supreme Court gave pre-trial directions for the appeal. The applicant and the authorities filed their outlines of appeal on 6 November 1998 and 21 December 1998 respectively. The hearing of the appeal was set for 19 May 1999.

13. On 28 April 1999 the hearing of the appeal was stayed until 19 July 1999 to enable the Supreme Court to hear two criminal appeals as a matter of urgency.

AS TO THE LAW

14. On 28 January 2000 the Court received the following declaration from the Government:

“I declare that, by virtue of a friendly settlement of application no. 41854/98 lodged by Modestos Pitsillos, the Government of the Republic of Cyprus is to pay the applicant C£ 2,000 in damages and C£ 1,000 in legal costs, upon notification of the judgment of the Court according to Art. 39 of the European Convention of Human Rights.

Moreover, the Government will abstain from recovering from the applicant legal costs granted by Cyprus courts in favour of the Government and against the applicant in legal proceedings brought by the applicant against the Government in other cases. It is estimated that the amount of such costs is over C£ 2,000.

Finally, the respondent Government acknowledges that applicant did not in any way contribute to the delay in the matter of having his appeal fixed before the Supreme Court of Cyprus.

The above amounts to a final settlement of the case.

The Government also undertakes not to request, after the delivery of the judgment, that the case be referred to the Grand Chamber according to Art. 43 § 1 of the Convention.”

15. On 1 February 2000 the Court received from the applicant’s representative the following declaration signed by the applicant:

“I have taken note of the declaration of the Cypriot Government according to which it is prepared, by way of a friendly settlement of application no. 41854/98, to pay me the sum of C£ 3,000 (C£ 2,000 in compensation and C£ 1,000 in legal costs), to abstain from recovering legal costs granted by Cyprus courts in favour of the Government and against me in legal proceedings brought by myself against the Government in other cases and to recognise that I did not in any way contribute to the delay in the matter of having my appeal fixed before the Supreme Court of Cyprus.

I accept the above proposal and waive any other claim against the Cypriot Government concerning the facts that gave rise to the above application.

The above declaration is made in the context of a friendly settlement between the Cypriot Government and myself.

I note that the Government will take the necessary measures for the execution of this friendly settlement and request that the above sum be submitted to my counsel Laris Vrahimis.

I undertake not to request, after the delivery of the judgment, that the case be referred to the Grand Chamber according to Art. 43 § 1 of the Convention.”

16. The Court takes note of the agreement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties’ undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 28 March 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

N. BRATZA
President