



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

FOURTH SECTION

CASE OF DEMETRIOU v. TURKEY

(Application no. 16158/90)

JUDGMENT
(Strike out)

STRASBOURG

22 April 2008

FINAL

22/07/2008

This judgment may be subject to editorial revision.

In the case of Demetriou v. Turkey,

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

Nicolas Bratza, *President*,

Lech Garlicki,

Stanislav Pavlovski,

David Thór Björgvinsson,

Ján Šikuta,

Päivi Hirvelä, *judges*,

Metin A. Hakki, *ad hoc judge*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having deliberated in private on 1 April 2008,

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

PROCEDURE

1. The case originated in an application (no. 16158/90) against the Republic of Turkey 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, Afroula Via Demetriou (“the applicant”), on 26 January 1990.

2. The applicant was represented by Mr A. Demetriades, a lawyer practising in Nicosia. The Turkish Government (“the Government”) were represented by their Agent.

3. The applicant complained that she had been unable to access or use her property in the northern part of Cyprus after the 1974 Turkish invasion, invoking Articles 8 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention.

4. Following communication of the application to the Government by the Commission, the case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. It was allocated to the Third Section of the Court (Rule 52 § 1 of the Rules of Court). It was subsequently transferred to the Fourth Section of the Court.

5. On 24 August 1999 the Court, having noted that the respondent Government had not submitted any observations within the relevant time-limit, declared the application admissible.

6. The Government of Cyprus were informed of their right to take part in the proceedings (Article 36 of the Convention and Rule 44 § 1).

7. On 13 October 1999 the Government of Cyprus informed the Court that they wished to avail themselves of this right.

8. On 3 November 1999 the respondent Government submitted observations on the merits of the case. On 15 November 1999 the Cypriot Government submitted observations on the merits of the case.

9. On 19 December 1999, the applicant's lawyer informed the Registry that the applicant, then 79 years' old, no longer wished to pursue her application.

10. On 2 October 2007, Mr Türmen, the judge elected in respect of Turkey having withdrawn from sitting (Rule 28), the Government appointed Mr Metin Hakki as the *ad hoc* judge in his place (Article 27 § 2 of the Convention and Rule 29 § 1).

11. On 11 January 2007, the applicant's lawyer confirmed that the applicant wished to withdraw her application.

THE FACTS

12. The applicant was born in 1920.

13. The applicant was the owner of a fully furnished house, which she used as a secondary residence, in the District of Kyrenia. As a result of the 1974 Turkish invasion she claimed that she had been deprived of her property rights, her property being located in the area which was under the occupation and the overall control of the Turkish military authorities. The latter had prevented her from having access to and the use or possession of her house and property. She had been continuously prevented from entering the northern part of Cyprus because of her Greek-Cypriot origin. Moreover, the applicant stated that her house was currently occupied by officers and/or other members of the Turkish military forces.

THE LAW

14. On 11 January 2007 the applicant's representative confirmed to the Court that the applicant no longer wished to proceed with her application.

15. 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).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the application out of its list of cases.

Done in English, and notified in writing on 22 April 2008, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Fatoş Aracı
Deputy Registrar

Nicolas Bratza
President