



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

FOURTH SECTION

DECISION

Applications nos. 30984/96 and 35213/97  
Kyriacos KOSTA and Others against Turkey  
and Christodoulos PETSAS and 690 Others against Turkey

The European Court of Human Rights (Fourth Section), sitting on 6 December 2011 as a Chamber composed of:

Lech Garlicki, *President*,  
David Thór Björgvinsson,  
George Nicolaou,  
Işıl Karakaş,  
Ledi Bianku,  
Zdravka Kalaydjieva,  
Vincent A. De Gaetano, *judges*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having regard to the above applications lodged with the European Commission of Human Rights on 18 July 1995 and 3 April 1996,

Having regard to the partial decision dated 26 October 1998 in application no. 35213/97,

Having regard to Article 5 § 2 of Protocol No. 11 to the Convention, by which the competence to examine the applications was transferred to the Court,

Having regard to the observations of the parties,

Having deliberated, decides as follows:

THE FACTS

The details concerning the applicants in these applications are contained in the case-files.

1. Application no. 3984/96 was stated to concern 185 applicants, previously inhabitants of the village of Filia.

2. Application no. 35213/97 was stated to concern some 690 applicants previously inhabitants of Kythrea, Mia Milia, Neo Chorio, Trahoni, Palekythro, Exo Metochi and Voni. Three of the four leading applicants in application no. 35213/97 also were said to have filed complaints on behalf of the Ayia Marina church.

The applicants were represented before the Court by Mr M. Triantafyllides, a lawyer practising in Nicosia, Cyprus. Mr Triantafyllides died in 2005; no letters of authority have been provided concerning any other lawyer. The Turkish Government (“the Government”) were represented by their Agent.

### **The circumstances of the case**

The facts of the cases, as submitted by the parties, may be summarised as follows.

All the applicants, Greek Cypriots, claimed to own or partly own immovable property in the northern part of Cyprus under the control of the “Turkish Republic of Northern Cyprus”. The applicants claimed that since August 1974 they had been deprived of their property rights, all their property being located in the area which is under the occupation and the control of the Turkish military forces. The latter prevented them from having access to and from using and enjoying their homes and property in northern Cyprus.

In application no. 35213/97, the applicants stated that at an unspecified time a mosque had been built on part of the property of the Ayia Marina church.

## **COMPLAINTS**

The applicants complained under Articles 8 and 14 of the Convention and Article 1 of Protocol No. 1. They asserted that their rights to respect for their homes and to the peaceful enjoyment of their possessions had been violated. They also complained that they had been subjected to discrimination in the enjoyment of the above-mentioned rights, contrary to Article 14 of the Convention.

In application no. 35213/97, the individual applicants further complained under Articles 9 and 14 that the erection of the mosque offended their religious feelings, in particular those from the Ayia Marina quarter, while they complained on behalf of the church under Articles 9 and 14 and Article 1 of Protocol No. 1 about the construction of the mosque on its property.

## THE LAW

The Court recalls that on 2 June 2010 pursuant to the Chamber's decision, the Registry requested that the lawyer who had *de facto* continued these applications since the death of the original representative confirm whether in light of *Demopoulos and Others v. Turkey* (dec.), nos. 46113/99, 3843/02, 13751/02, 13466/03, 10200/04, 14163/04, 19993/04 and 21819/04, ECHR 2010-...), the applicants maintained their applications, that he provide letters of authority signed by those applicants who wished to authorise him to represent them and an updated list of the applicants, with all relevant details required by the Rules of Court and that he identify for each applicant, the properties which were owned and in respect of which a claim for home was made.

The lawyer requested a one-month extension of the time-limit to produce this information. This expired on 30 July 2010.

No further correspondence has been received from the lawyer or any applicant.

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their applications, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case (see in this connection the above-mentioned decision in *Demopoulos and Others v. Turkey*).

In view of the above, it is appropriate to join the cases pursuant to Rule 42 § 1 of the Rules of Court and strike them out of the list.

For these reasons, the Court unanimously

*Decides* to join the applications;

*Decides* to strike them out of its list of cases.

Fatoş Aracı  
Deputy Registrar

Lech Garlicki  
President