

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

Comité de filtrage/Screening Panel

AFFAIRE MARANGOS c. CHYPRE

CASE OF MARANGOS v. CYPRUS

(36/1998/939/1152)

DÉCISION/DECISION

STRASBOURG

7 août/August 1998

In the case of Marangos v. Cyprus[1],

The Screening Panel of the European Court of Human Rights, constituted in accordance with Article 48 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and Rule 26 of Rules of Court B[2],

Sitting in private at Strasbourg on 26 June 1998, and composed of the following judges:

Mrs E. PALM, *Chairwoman*,
Mr R. PEKKANEN,
Mr A.N. LOIZOU,

and also of Mr H. PETZOLD, *Registrar*,

Having regard to the application against the Republic of Cyprus lodged with the Court on 25 March 1998 by a Cypriot national, Mr Stavros Marangos, within the three-month period laid down by Article 32 § 1 and Article 47 of the Convention;

Whereas Cyprus has recognised the compulsory jurisdiction of the Court (Article 46 of the Convention) and ratified Protocol No. 9 to the Convention, Article 5 of which amends Article 48 of the Convention so as to enable a person, non-governmental organisation or group of individuals having lodged a complaint with the European Commission of Human Rights ("the Commission") to refer the case to the Court;

Noting that the present case has not been referred to the Court by either the Government of the respondent State or the Commission under Article 48 § 1 (a) or (d) of the Convention;

Having regard to the Commission's report of 3 December 1997 on the application (no. 31106/96) lodged with the Commission by Mr Marangos on 11 March 1996;

Whereas the applicant complained that the continued existence on the statute book of a criminal prohibition of male homosexual conduct in private between adults in Cyprus constituted a violation of his right to respect for private life as guaranteed by Article 8 of the Convention, and alleged violations of Articles 3 (prohibition of torture and other ill-treatment), 6 § 1 (right of access to a court), 8, 13 (right to an effective remedy), 14 (prohibition of discrimination), 17 (prohibition of abuse of rights) of the Convention and Articles 2 § 2 (freedom of movement) and 3 § 2 (prohibition of expulsion of nationals) of Protocol No. 4 to the Convention regarding a number of matters related to the fact that he was a

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Notes by the Registrar

1. The case is numbered 36/1998/939/1152. The first number is the case's position on the list of cases referred to the Court in the relevant year (second number). The last two numbers indicate the case's position on the list of cases referred to the Court since its creation and on the list of the corresponding originating applications to the Commission.
2. Rules of Court B, which came into force on 2 October 1994, apply to all cases concerning States bound by Protocol No. 9.

homosexual and to his omission to comply with his military service obligations;

Whereas on 20 May 1997 the Commission declared admissible only the complaint under Article 8 concerning the continued criminal prohibition of homosexual acts between adults in private;

Whereas the applicant, in specifying the object of his application, as required by Rule 34 § 1 (a) of Rules of Court B, stated that he sought a decision by the Court holding that there had been breaches of Article 8 (right to respect for private life) of the Convention, Articles 2 § 2 (freedom of movement) and 3 § 2 (prohibition of expulsion of nationals) of Protocol No. 4 to the Convention and violations with respect to all those matters related to his duty to carry out military service;

Having regard to Article 48 of the Convention and Rule 34 §§ 1 (a), 3 and 4 of Rules of Court B,

1. *Finds* that
   (a) the case raises no serious question affecting the interpretation or application of the Convention, as the Court has already established case-law on the relevant requirements of Article 8 of the Convention, while consideration of the other complaints lies outside its jurisdiction as the Commission has declared them inadmissible; and
   (b) the case does not, for any other reason, warrant consideration by the Court as, in the event of a finding that there has been a breach of the Convention, the Committee of Ministers of the Council of Europe can award the applicant just satisfaction, having regard to any proposals made by the Commission;

2. *Decides*, therefore, unanimously, that the case will not be considered by the Court.

Done in English and in French, and notified in writing on 7 August 1998 pursuant to Rule 34 § 4 of Rules of Court B.

Signed: Elisabeth PALM
Chairwoman

Signed: Herbert PETZOLD
Registrar