CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 40089/04
by Stelios CHRISTOFOROU
against Cyprus

The European Court of Human Rights (First Section), sitting on 5 April 2007 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mr L. LOUCAIDES,
Mrs N. VAJIĆ,
Mr A. KOVLER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr G. MALINVERNI, *judges,*
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 10 November 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having regard to the parties' correspondence,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Stelios Christoforou, is a Cypriot national who was born in 1944 and lives in Limassol. He was represented before the Court by Mr C. Clerides, a lawyer practising in Nicosia. The Cypriot Government ("the Government") were represented by their Agent, Mr P. Clerides, Attorney-General of the Republic of Cyprus.

A. The circumstances of the case

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

On 11 May 1989 the applicant was suspended from his post of secretary of the Cooperative Credit Society of Ayias Filaxeos (Coop) as it was suspected, *inter alia*, that he had been involved in the granting of loans and other financial facilities without securing the required guarantees. Subsequently, the applicant signed a declaration assuming responsibility for the above irregularities, a guarantee for the benefit of the Coop up to the amount of 350,000 Cyprus pounds (CYP), an agreement to pay the above amount by way of monthly instalments and, finally, an agreement and declaration of a mortgage on his house and a bond for the amount of CYP 80,000.

On 8 September 1989 the applicant was dismissed by the Coop. Criminal proceedings ensued and the applicant was convicted and sentenced to imprisonment.

Following his release, the applicant filed a civil action on 5 May 1993 before the District Court of Limassol against the Coop. He sought the annulment of the above agreements, declarations and bond on the basis that they had been obtained by, *inter alia,* the exercise of undue influence and/or duress, and/or misrepresentations or fraud, and/or without lawful consideration and/or were contrary to public policy.

On 12 January 2001 the District Court delivered its judgment finding in favour of the applicant.

On 30 January 2001 the Coop filed an appeal with the Supreme Court.

On 14 May 2001 the Supreme Court upheld the appeal and quashed the first instance judgment. It found that the agreements, declarations and the bond were valid and had been concluded in accordance with the relevant regulations. There had not been any undue influence or duress while lawful consideration had been provided.

COMPLAINTS

1. The applicant complained under Article 6 of the Convention, *inter alia,* about the excessive length of the proceedings before the domestic courts.

2. He also complained about the lack of an effective remedy contrary to Article 13 of the Convention.

3. Finally, he submitted certain complaints under Articles 8 of the Convention and 1 of Protocol No. 1 to the Convention.

THE LAW

By letter dated 19 January 2007 the Government informed the Court that the parties had reached an agreement to settle the case and that the Government would be willing to pay the applicant CYP 7,000 in full and final settlement of his claim under the Convention along with CYP 1,700 plus VAT in respect of costs and expenses. By letter dated 10 February 2007 the applicant confirmed the settlement. Subsequently, by letter dated 13 February 2007, the Government informed the Court that the Ministry of Finance of the Republic of Cyprus had approved the terms of the friendly settlement.

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, the application of Article 29 § 3 of the Convention to the case should de discontinued and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention;

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President