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

FIRST SECTION

DECISION

Application no. 27538/24
Antonakis GRIGORIOU
against Cyprus

The European Court of Human Rights (First Section), sitting on 5 December 2024 as a Committee composed of:

Alena Poláčková*, President*,
Georgios A. Serghides,
Alain Chablais*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 27538/24) against the Republic of Cyprus lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 16 September 2024 by a Cypriot national, Mr Antonakis Grigoriou, who was born in 1947 and lives in Paralimni ("the applicant"), and was represented by Mr A. Pittadjis, a lawyer practising in Paralimni;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the length of civil proceedings.

2. Following a fire at a port in 2009 which destroyed the applicant's boats, he sued the State and a private company for negligence. In 2014 he withdrew the claim against the private company. Proceedings continued against the State (civil case no. 35/2014). On 26 June 2015 the District Court dismissed the applicant's claim.

3. At an unknown date, he appealed (appeal no. 23/2015). He claimed, *inter alia,* that the district court judge had unjustifiably interfered in the procedure by cross-examining witnesses and had been hostile and prejudiced against him. On 29 May 2024 the Supreme Court dismissed the appeal. It held, *inter alia,* that the trial judge had acted within the remits of his power of asking questions that would clarify ambiguities in answers previously

given, or which identified the nature of the defence if that was unclear. In addition, the trial judge had posed questions to both parties to the proceedings.

4. Relying on Article 6 § 1 the applicant complained about the overall length of the civil proceedings which allegedly lasted over fifteen years between 2009 and 2024. He also complained under Article 6 § 1 and Article 13 of the Convention of the trial judge's alleged bias and the Supreme Court's findings in that respect.

THE COURT'S ASSESSMENT

5. To ensure the effective protection/application at domestic level of the principle of the right to a trial within a "reasonable time" and to provide effective domestic remedies in relation to breaches of that right, Parliament passed the Law Providing for Effective Remedies for Exceeding the Reasonable Time Requirement for the Determination of Civil Rights and Obligations, Law 2(I)/2010 ("Law 2(I)/2010"). This law entered into force on 5 February 2010 and applies to complaints concerning the length of proceedings in all civil and administrative cases.

6. The relevant provisions of Law 2(I)/2010 are set out in detail in *Panayi v. Cyprus* (dec.), no. 46370/09, 23 September 2010, and *Altius Insurance Ltd v. Cyprus,* no. 41151/20, § 5, 24 October 2023.

7. The Court held in the case of *Panayi* (cited above) that the remedies provided under Law 2(I)/2010 were in principle capable of both preventing the continuation of the alleged violation of the right to a hearing without undue delay and of providing adequate redress for any violation that had already occurred. The Court considered that, at the time, there was no reason to doubt the effectiveness of the new remedy and required the applicant to have recourse to it.

8. Recently, the Court revisited the matter in *Altius Insurance Ltd* (cited above). In finding a violation of Article 13 in conjunction with Article 6 § 1 of the Convention the Court held, *inter alia,* that the way Law 2(I)/2010 had been interpreted and applied by the domestic courts in practice lead to a division of the examination of the length of first instance and appeal proceedings (ibid., § 79). Such separation was at odds with the Court's approach to examining the overall length of proceedings (ibid.). As a result of that separation, the Supreme Court was precluded from examining the applicant company's claim and allegations in respect of pecuniary and non-pecuniary damage together, limiting its assessment only to the appeal proceedings (ibid., § 80). In those circumstances, the Court was not satisfied that the protection of a person's rights under the Law 2(I)/2010 as interpreted and applied by the domestic courts was comparable with that which the Court can provide under the Convention (ibid., § 82).

9. The present application was lodged with the Court after the above judgment. It appears that the applicant has not applied to the domestic courts for compensation under Law 2(I)/2010. He does not explain why he has not done so and makes no reference in his application to the Court's findings in *Altius Insurance Ltd* (cited above).

10. In a common-law system, such as Cyprus, where the courts extend and develop principles through case-law, it is generally incumbent on an aggrieved individual to allow the domestic courts the opportunity to develop existing rights by way of interpretation (see, *Kane v. Cyprus* (dec.), no. 33655/06, 13 September 2011). Relying on the Court's findings in *Altius Insurance Ltd* (cited above), the applicant could apply to the domestic courts raising his grievances concerning the length of the domestic proceedings under Law 2(I)/2010, thereby allowing the domestic courts an opportunity to bring their interpretation of Law 2(I)/2010 in line with Convention standards.

11. The Court notes that the domestic proceedings in the applicant's case terminated on 29 May 2024, the date the Supreme Court gave its final judgment in the case (see paragraph 3 above). As an action for a breach of the right to determination of civil rights and obligations within a reasonable time may be instituted within one year of the date of the final court judgment, it is still open to the applicant in the present case to avail himself of this remedy (section 5 (1) of Law 2(I)/2010) and give the domestic courts the opportunity to examine his complaint in a manner compatible with the Convention.

12. Accordingly, and without prejudice to the applicant's possibility of bringing new proceedings before this Court in the even that his claim is dismissed after exhausting domestic remedies, the Court finds this complaint to be premature. Consequently, this part of the application must be rejected, pursuant to Article 35 §§ 1 and 4 of the Convention, for non-exhaustion of domestic remedies.

13. As to the remaining complaints, the Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention and must be rejected as manifestly ill-founded as a whole pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 January 2025.

Liv Tigerstedt Section Registrar	Alena Poláčková President