

2.2.2005

Press release issued by the Registrar

GRAND CHAMBER HEARING
██████████ v. CYPRUS

The European Court of Human Rights is holding a Grand Chamber hearing today Wednesday 2 February 2005 at 9 a.m. in the case ██████████ v. *Cyprus* (application no. 73797/01).

The applicant

The case concerns an application brought by a Cypriot national, ██████████, who was born in 1937 and lives in Nicosia. He is a lawyer.

Summary of the facts

On 14 February 2001 Mr ██████████ was involved in a murder trial, defending an accused before the Assize Court of Limassol. During the trial, he objected to having been interrupted during his cross-examination of a prosecution witness and alleged that members of the court were talking to each other and sending each other notes ("ravasakia" - which can mean, among other things, short and secret letters/notes, or love letters, or messages with unpleasant contents). The court found the applicant to be in contempt of court and sentenced him to five days' imprisonment. The applicant served the prison sentence. His appeal was dismissed by the Supreme Court on 2 April 2001.

Complaints

The applicant complains under Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights that he was not tried by an independent and impartial tribunal, as the same court which claimed that he was in contempt had also tried and punished him. He also relies on Article 6 § 2 (right to be presumed innocent), Article 6 § 3 (a) (right to be informed in detail of the nature and cause of the accusation) and Article 10 (right to freedom of expression).

Procedure

The application was lodged with the European Court of Human Rights on 9 August 2001 and declared partly admissible on 8 April 2003.

In its Chamber judgment of 27 January 2004 the European Court of Human Rights held unanimously that there had been a violation of Article 6 §§ 1, 2 and 3 (a) and that it was not necessary to examine the applicant's complaint under Article 10. The Court awarded the applicant 15,000 euros (EUR) for non-pecuniary damage and EUR 10,000 for costs and expenses.

On 19 April 2004 the Cypriot Government requested that the case be referred to the Grand Chamber and the panel of the Grand Chamber accepted the request on 14 June 2004.

Third-party comments have been received from the Governments of the United Kingdom and Ireland, which had been given leave to intervene in the written procedure, and the Government of Malta, which had been invited to intervene.

Composition of the Court

The case will be heard by the Grand Chamber composed as follows:

Luzius **Wildhaber** (Swiss), *President*,
Christos **Rozakis** (Greek),
Jean-Paul **Costa** (French),
Nicolas **Bratza** (British),
Boštjan M. **Zupančič** (Slovenian),
Giovanni **Bonello** (Maltese),
Loukis **Loucaides** (Cypriot)
Riza **Türmen** (Turkish),
Françoise **Tulkens** (Belgian),
Josep **Casadevall** (Andorran),
Nina **Vajić** (Croatian),
Rait **Maruste** (Estonian),
Vladimiro **Zagrebelsky** (Italian),
Lech **Garlicki** (Polish),
Elisabet **Fura-Sandström** (Swedish),
Alvina **Gyulumyan** (Armenian),
Egbert **Myjer** (Netherlands), *judges*,
Danute **Jočienė** (Lithuanian),
Matti **Pellonpää** (Finnish),
Khanlar **Hajiyev** (Azerbaijani), *substitute judges*,

and also Paul **Mahoney**, *Registrar*.

Representatives of the parties

Government: Petros Clerides, *Agent*,
Lord **Lester of Herne Hill**, Pushpinder **Saini** and Stella **Joannides**,
Counsel

Applicant: Ben **Emmerson**, Daniel **Friedman**, Christos **Clerides**, Mark **Muller**,
Counsel
Louis **Charalambous**, *Solicitor*.

Mr [REDACTED] will also attend the hearing.

After the hearing the Court will begin its deliberations, which are held in private. Judgment will be delivered at a later date.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. Since 1 November 1998 it has sat as a full-time Court composed of an equal number of judges to that of the States party to the Convention. The Court examines the admissibility and merits of applications submitted to it. It sits in Chambers of 7 judges or, in exceptional cases, as a Grand Chamber of 17 judges. The Committee of Ministers of the Council of Europe supervises the execution of the Court's judgments. More detailed information about the Court and its activities can be found on its Internet site.