



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

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FIFTH SECTION

Applications nos. 11892/25 and 12032/25
Marios IOANNOU against Cyprus
and Savvas AGATHOKLEOUS against Cyprus
lodged on 4 April 2025
communicated on 1 September 2026

SUBJECT MATTER OF THE CASE

The applicants are police officers against whom criminal and disciplinary proceedings were initiated in 2009 for, *inter alia*, corruption. In the meantime, the applicants were suspended from office, placed in detention for five days, and received reduced salaries. According to the applicants, the decision to institute criminal proceedings against the applicants was taken by the Deputy Attorney General at the time, notwithstanding an earlier report by a senior prosecutor advising against the institution of such proceedings due to the absence of sufficient evidence to support such prosecution.

At an unknown time, the Attorney General decided, *proprio motu*, to enter a *nolle prosequi* and discontinue the proceedings against the applicants as one of the principal witnesses could not be located. He therefore considered that there was insufficient evidence to continue the prosecution.

The applicants subsequently brought a civil claim for damages against the Attorney General alleging, *inter alia*, breach of statutory duty, malicious prosecution, and violations of their human rights, on the grounds that their prosecution had been initiated in bad faith. The domestic courts, both on first instance and on appeal, dismissed the applicants' claim holding that the Attorney General's powers to institute or discontinue criminal proceedings were not amenable to judicial review.

The applicants complain under Articles 6, 8 and 13 of the Convention about the limitations placed on their access to court as a result of the domestic

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courts' interpretation of Attorney General's powers and the consequent inability to subject his decisions to judicial review. They content that this effectively affords the Attorney General absolute immunity from suit and places him above the law. The applicants maintain that they do not challenge the Attorney General's authority to make such decisions; rather, they argue that those decisions should be amenable to judicial review where he has exceeded the bounds of his office by acting maliciously.

QUESTIONS TO THE PARTIES

1. Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the present case?

If so, did the applicants have access to a court for the determination of their civil rights and obligations, in accordance with Article 6 § 1 of the Convention? Did the restriction imposed in the present case by way of the domestic courts' interpretation impair the very essence of the right of access to court (see, *mutatis mutandis*, *McElhinney v. Ireland* [GC], no. 31253/96, §§ 23-25 and 33-40, ECHR 2001-XI (extracts); *A. v. the United Kingdom*, no. 35373/97, §§ 60-89, ECHR 2002-X; *Fayed v. the United Kingdom*, 21 September 1994, §§ 62-83, Series A no. 294-B; and *Ashingdane v. the United Kingdom*, 28 May 1985, §§ 55-57, Series A no. 93)?

2. Has there been a violation of the applicants' right to respect for their private life, contrary to Article 8 of the Convention (see, *mutatis mutandis*, *Fayed*, cited above, § 67; and *A. v. the United Kingdom*, cited above, §102)?

3. Did the applicants have at their disposal an effective domestic remedy for their Convention complaints, as required by Article 13 of the Convention?