



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

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FIFTH SECTION

Application no. 14146/26
Nicolas NICOLAOU
against Cyprus
lodged on 27 March 2026
communicated on 1 September 2026

SUBJECT MATTER OF THE CASE

The applicant was a police officer. He was prosecuted for, *inter alia*, conspiracy to commit a felony and drug possession (criminal case no. 15956/08). The Assize Court dismissed the case on account of the prosecution's failure to establish a *prima facie* case. It considered the evidence against him was insufficient and incapable of establishing the elements of the offenses with which he had been accused. Pending the criminal proceedings, the applicant was detained for overall five months and fourteen days. He was also dismissed from the police force following a disciplinary decision.

The applicant then brought an action for damages against the Attorney General for malicious prosecution (case no. 5837/13). His claims were directed against the police who had requested his prosecution while allegedly knowing of the absence of sufficient evidence against him. The Attorney General argued that his actions, as well as those of the police had been lawful and that the applicant had failed to prove his case. The court dismissed the case primarily because it considered that decisions of the Attorney General to instigate criminal proceedings were not amenable to judicial review. For the sake of completeness, it also examined the merits of the applicant's claim and dismissed it. The applicant appealed to the Supreme Court (appeal no. 308/17), which dismissed the appeal solely on the ground that the Attorney General's decisions were not amenable to judicial review.

The applicant complains under Articles 6 and 13 of the Convention that the domestic courts' interpretation of the Attorney General's powers and the resulting inability to subject his decisions to judicial review restricted his right of access to a court and impaired the very essence of that right, effectively affording the Attorney General absolute immunity from suit.

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 applicant have access to a court for the determination of his 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. Did the applicant have at his disposal an effective domestic remedy for his Convention complaints, as required by Article 13 of the Convention?