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Note verbale dated 5 June 2014 from the Permanent Mission of Cyprus to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to refer to the just satisfaction judgement issued by the Grand Chamber of the European Court of Human Rights on 12 May 2014 in the case of *Cyprus v. Turkey* (application No. 25781/94), which concerns article 41 of the European Convention on Human Rights.¹ It should, at this point, be recalled that, in a ruling delivered on 10 May 2001 with regard to the fourth inter-State case of *Cyprus v. Turkey*, the Court had found numerous violations of the Convention by Turkey arising out of the military invasion and operations that Turkey had conducted in Cyprus in July and August 1974, the continuing division of the territory of Cyprus, and so on.

It should be stressed that the recent landmark judgement for just satisfaction of the Court in the application of the Republic of Cyprus under article 41 of the Convention related to three aspects of the fourth inter-State case of *Cyprus v. Turkey*, as follows:

- (a) Claim for compensation for violations of the Convention with regard to 1,456 missing persons, at the discretion of the Court and within the pertinent jurisprudence in this matter;
- (b) Claim for compensation for violations of the human rights of the enclaved persons, for a sum equivalent to 50,000 British pounds for each enclaved person;
- (c) Claim for the issuance of a declaratory judgement of the Court by which to state that (i) Turkey shall, in accordance with article 46 of the Convention, comply with the 2001 ruling in the fourth inter-State application of *Cyprus v Turkey* and refrain from tolerating, or otherwise being complicit in, the usurpation and illegal exploitation of Greek-Cypriot properties in the occupied areas of Cyprus; and (ii) Turkey's obligations under

¹ See <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144151>.



article 41 of the Convention are not fulfilled with the Court's ruling on the admissibility of the case of *Demopoulos and Others v. Turkey*.

In its judgement of 12 May 2014, the Court for the first time in its history granted monetary just satisfaction to a claimant State, thus awarding €30 million for moral damages (non-pecuniary damage) suffered by the relatives of the missing persons and €60 million for non-pecuniary damage suffered by the enclaved persons. Pursuant to the Court's judgement, the afore-said sums, once paid by Turkey, will be distributed by the Government of the Republic of Cyprus under the supervision of the Committee of Ministers of the Council of Europe.

With respect to the part of the application of the Republic of Cyprus for the issuance of a declaratory judgement for violations in relation to Greek-Cypriot property rights in the occupied areas of Cyprus, the Court stated in clear terms that Turkey had not yet complied with the 2001 judgement in the fourth inter-State case of *Cyprus v. Turkey*, and continued to permit, participate in, acquiesce to or was otherwise complicit in the unlawful sale or exploitation of Greek-Cypriot homes and property in occupied Cyprus. The Court in fact held that there had been a violation of article 1 and Protocol 1 of the Convention by virtue of the fact that Greek-Cypriot owners in the northern part of Cyprus were being denied access to and control, use and enjoyment of their property, as well as any compensation for the interference with their property rights. Furthermore, the Court found that the decision in the case of *Demopoulos and Others v Turkey* could not be considered, on its own, to dispose of the question of Turkey's compliance with the operative provisions of the principal judgement in the fourth inter-State case of *Cyprus v. Turkey*.

The Permanent Mission of the Republic of Cyprus kindly requests the Office of the High Commissioner to circulate the present note verbale as a document of the twenty-sixth session of the Human Rights Council.
