

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Abel Campos
Tel: 03 88 41 26 48

Date: 02/07/2013

DH-DD(2013)741

Document distributed at the request of: Cyprus

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1172 meeting (4-6 June 2013) (DH)

Item reference: Additional questions concerning the property rights of
enclaved persons

Case of Cyprus against Turkey

* * * * *

Document distribué à la demande de : Chypre

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1172 réunion (4-6 juin 2013) (DH)

Référence du point : Questions supplémentaires concernant les droits de
propriété des personnes enclavées

Affaire Chypre contre Turquie



REPUBLIC OF CYPRUS

PERMANENT REPRESENTATION TO THE COUNCIL OF EUROPE

28 June 2013

Mr Philippe Boillat
Director General of Human Rights and the Rule of Law

Dear Mr Boillat,

Further to the questions and points raised by a number of delegations during the June 2013 CM(DH) meeting, please find attached a list of relevant questions regarding the property rights of enclaved persons.

In accordance with paragraph 3 of the decisions, these questions are considered "*that still need to be clarified in respect of the three violations found by the Court as regards the property rights of the enclaved Greek Cypriots and their heirs*".

Please accept, Mr. Director General, the assurances of my highest consideration.

Sincerely yours,

Theodora Constantinidou
Permanent Representative

Mr. Abel De Campos
Senior Administrator (Human Rights meetings and monitoring mechanisms)
Secretariat of the Committee of Ministers

1. What measures will Turkey introduce to prevent continuing and future violations of the property rights of the enclaved and their heirs?
2. What steps will Turkey take to eliminate or amend measures that discriminate against enclaved Greek Cypriots and their heirs in their enjoyment of their property rights because of their ethnicity?
3. Having regard to the fact that, but for their ethnic origin, the enclaved Greek Cypriots would have been treated more favourably as regards their property and inheritance rights, what steps does Turkey intend to take to overcome the effects of the past and continuing ethnic discrimination, and the undermining of their confidence in using the remedies provided by the de facto authorities?
4. Have any instructions been given by Turkey to the de facto authorities, "the police" and other subordinates, about how they must respect the property and inheritance rights of the enclaved Greek-Cypriots and their heirs? If so, how and when has this been?
5. How does Turkey intend to evaluate the practical effectiveness of the helpline and the booklet?
6. What measures are envisaged to encourage the enclaved Greek Cypriots and give them confidence to use the remedies described in the booklet?
7. How will the enclaved be informed about the identity of well qualified "t.r.n.c." lawyers in the occupied area, who are able and willing to act on their behalf? What arrangements are there to enable the enclaved Greek Cypriots to identify such lawyers and obtain their agreement to provide their services effectively?
8. Will legal aid and advice be made available to those with insufficient means, together with the use of interpreters, where appropriate and necessary?
9. What is the meaning of "*close relative*" and that of "*minimal contacts*"?
10. Will Turkey remove obscurity and lack of legal certainty of the "*Housing Law and regulation*" by:
 - (a) explaining what is the remedy where the Ministry fails to assess the situation about "minimal contact" within 30 days?
 - (b) explaining what is the remedy for a failure to do so?
 - (c) explaining the terms on which an appeal may be made against a minister's decision?

11. Will Turkey undertake to give the benefit of the regulation to the heirs of the enclaved who died between 8 August 2002 and 26 February 2008? If not, why not?
12. Why is the 1 year time limit for the transfer of property absolute with no exception for cases of hardship etc.?
13. What is the procedure of the "t.r.n.c. council of ministers" in deciding whether to permit transfer of property to someone who is neither "t.r.n.c." citizen, or close relative?
14. What is to happen if the Greek Cypriot owner wishes to transfer a property while still living in the Karpasia region, or where the owner has to leave the region for health reasons, or where the owner dies while temporarily in the south?
15. What is the procedure for an application to be made to the "Famagusta District Court" under the "*Civil Wrongs Law 248*"?
16. Since the adoption of the relevant laws and regulations, how many applications by enclaved persons and their heirs have been submitted to the Turkish authorities? How many of them have been settled?