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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

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Meeting: 1545th meeting (December 2025) (DH)

Communication from Cyprus (22/10/2025) concerning the case of Cyprus v. Turkey (Application No. 25781/94).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1545^e réunion (décembre 2025) (DH)

Communication de Chypre (22/10/2025) relative à l'affaire Chypre c. Turquie (requête n° 25781/94) [**anglais uniquement**].

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

CYPRUS v TURKEY
No. 25781/94
PROPERTY RIGHTS OF DISPLACED PERSONS

MEMORANDUM
BY THE GOVERNMENT OF THE REPUBLIC OF CYPRUS
1545th CM(DH) MEETING, 2-4 DECEMBER 2025

INTRODUCTION

1. Following the postponement of the discussion of the property cluster in the inter-State case of *Cyprus v. Türkiye* judgments of 2001 and 2014 at its June 2025 (1531st) meeting, three issues require the attention of the Committee at its forthcoming 1545th meeting. They are:
 - a. The proposed use of Article 46(3) of the Convention to resolve the disputed interpretation of the judgments whose execution is under supervision (“**the Article 46(3) issue**”);
 - b. The inadequacy of the Immovable Property Commission (IPC) for the purposes of compliance with the judgment of 2001 (“**the “IPC issue”**”); and
 - c. The continued non-payment of just satisfaction, in the sum of €90,000,000 plus interest, which was ordered to be paid in the judgment of 2014 (“**the non-payment issue**”).
2. The first, and fundamental, error in the latest Memorandum of Türkiye¹ is to suggest, without the slightest basis, that the IPC issue is determinative of the Article 46(3) issue.² As Cyprus has always recognised, the two issues are manifestly distinct. In summary:
 - (a) The purpose of an Article 46(3) reference is to determine whether the inter-State judgments are concerned with nothing more than the adequacy of the IPC or whether, as Cyprus maintains, they additionally require an end to the unlawful sale and exploitation of Greek Cypriot property in the occupied areas.³
 - (b) The recent judgment of the Court in *K.V. Mediterranean Tours* is concerned only with the adequacy of the IPC. Even if it could be interpreted as resolving that issue in Türkiye’s favour (which as Cyprus will demonstrate, is far from being the case),

¹ DH-DD(2025)1141.

² For example, by the statement that “*the Court’s judgment in the case of K.V. Mediterranean Tours Limited deprives the Greek Cypriot side of its last ammunition aimed at blocking the closure of supervision of this fully executed cluster through an Article 46(3) reference to the Court.*”: *ibid.*, p. 9.

³ A view endorsed by the Court’s former President Robert Spano, whose Independent Expert Opinion of 1 July 2024 was appended to Cyprus’s Memorandum of August 2024 (DH-DD 2024/949).

it would offer no support for closure and would in no way call into question the overwhelming case for an Article 46(3) reference to the Court.

- (c) Remarkably (and in tacit recognition of the weakness of its position on these points) Türkiye has almost nothing to say in its Memorandum about the Article 46(3) issue, and nothing whatever to say about the non-payment issue. Yet Türkiye's continued non-payment is inexcusable; and an Article 46(3) reference remains the only way of ensuring certainty as to the meaning of the inter-State judgments and a clear and principled resolution to this cluster.
3. The second significant error in Türkiye's latest Memorandum, which relates only to the IPC issue, is its partial presentation of the *K.V. Mediterranean Tours* judgment. Cyprus will turn to this after developing its primary case on the Article 46(3) issue.

THE ARTICLE 46(3) ISSUE

4. Cyprus has fully set out its position on Article 46(3) prior to previous meetings of the CM(DH).⁴ Türkiye has little to say about the issue in its latest Memorandum. However, in the interests of the maximum possible clarity Cyprus makes clear its position on this central element of the case at paragraphs 5-28, below.
5. The execution of a judgment under Article 46(2) of the Convention classically requires both the provision of an effective remedy and the cessation of any ongoing violations.⁵ When it comes to the execution of the 2001 inter-state judgment:
- a) everyone agrees that the Court required effective remedies to be available for Greek Cypriots displaced from their property in the occupied areas of northern Cyprus.
 - b) the requirement of the cessation of ongoing violations under the Convention system, which is a necessary requirement for execution of the judgment, has not yet achieved the same measure of consensus, resulting in deadlock in the Committee.

The position of Cyprus has been firm since 2001 and is briefly summarised in the following paragraphs.

2001-2010

6. The Court found in its main judgment of 2001 that Article 8, Article 13 and Article 1 of the First Protocol had been violated by the continuing refusal to allow the return of Greek Cypriot displaced persons to their homes in northern Cyprus, by the refusal to

⁴ See, in particular, DH-DD(2025)463 at paragraphs 3-26.

⁵ See paragraph 8, below.

pay them compensation and by the absence of a remedy for displaced Greek Cypriots to contest interference with their rights.

7. In the years immediately following 2001, attention focussed on the adequacy or otherwise of the remedies established by the Turkish authorities in response. This was a necessary, though not a sufficient, measure of compliance with the Court's judgment. The initial 'Law' of 2003 was pronounced deficient in *Xenides-Arestis*.⁶ The later 'Law No. 67/2005', setting up a modified IPC, was held in *Demopoulos* to provide (in March 2010) "*an adequate and accessible framework of redress*" in respect of complaints about interference with Greek Cypriot-owned property.⁷ Self-evidently, however, a mechanism offering redress for past violations (however well or badly it may function) is distinct from the cessation of further violations.
8. Cyprus has consistently maintained that the Court in its 2001 judgment required not only an effective remedy for past violations but an end to the continuation of such violations in the future. Thus, as correctly noted by the Secretariat:

"In 2006, the Cypriot authorities expressed concern that the property of displaced persons was being affected either by property transfers or construction activities and asked the Committee to call for a moratorium on such transfers and construction activities."⁸

The position of Cyprus is consistent with the 2001 judgment, as well as the principle of international law, reflected in the ECHR, that State responsibility for continuing violations requires not only reparation to compensate injured parties but an obligation to cease the continuing violations. As a proposition of law, this is scarcely controversial and is evident from decisions of the Commission dating back to 1988, when it stressed that "[t]he obligation to provide a remedy does not constitute a substitute for, or an alternative to, compliance with other Convention obligations".⁹ This position is also reflected in the Committee's recent decision in its first supervision of *Ukraine v Russia (re Crimea)* where by reference to a violation of Article 1 of the First Protocol, it called on Russia to "***immediately stop illegal expropriation [of property] and revert its consequences***".¹⁰ This summer, the Grand Chamber of the Court in *Ukraine and the Netherlands v Russia* once again significantly recalled that remedies alone are

⁶ Judgments of 14 March 2005 (admissibility) and 22 December 2005 (merits).

⁷ Admissibility decision of 5 March 2010. The IPC no longer meets this standard, for the reasons given in the next section of this Memorandum.

⁸ Notes on the Agenda for 1507th CM(DH), 17-19 September 2024, CM/Notes/1507/H46-34, p2.

⁹ 12860/87 *Andersen v Denmark*; 12719/87 *Frederiksen v Denmark*. This reflects the position in international law that a State responsible for an internationally wrongful act must put an end to that act (and not merely provide compensation for victims of it): see e.g. *Nicaragua v USA* ICJ Reports 1986, p145.

¹⁰ 1521st meeting, 4-6 March 2025, CM/Del/Dec/1521/H46-29, §7.

ineffective to put an end to “*administrative practices*” (in that case, the grave violations of human rights perpetrated across Ukrainian territory by agents of Russia).¹¹

2010-2014

9. Following the Court’s admissibility decision in *Demopoulos*, Cyprus in November 2011 submitted an application to the Court for just satisfaction, requesting at the same time that the Court declare

“(i) that Turkey is required by Article 46 to abide by the judgment in *Cyprus v Turkey* by *abstaining from permitting, participating or acquiescing or being otherwise complicit in, the unlawful sale and exploitation of Greek Cypriot homes and property in the northern part of Cyprus*; and (ii) that *this obligation is not discharged by the Court’s admissibility decision in Demopoulos and others*”.¹²

Cyprus developed these arguments in the course of those proceedings.¹³

10. The Court acceded to that application in its just satisfaction judgment of 12 May 2014, §63 of which confirmed that compliance with its 2001 judgment

“could not be consistent with any possible *permission, participation, acquiescence or other form of complicity in any unlawful sale or exploitation of Greek Cypriot homes in the northern part of Cyprus*”

and that

“*the Court’s decision in the case of Demopoulos and Others ... cannot be considered, taken on its own, to dispose of the question of Turkey’s compliance* with Part III of the operative provisions of the principal judgment in the inter-State case.”

The highlighted passages in paragraphs 8 and 9 above correspond almost to the letter, demonstrating that the Court was vindicating Cyprus’s position. The Court made its position even clearer when it stated in terms that the main inter-State judgment of 2001 “*has not yet been complied with*” – notwithstanding the ruling in *Demopoulos* that the IPC was an accessible framework of redress.

¹¹ *Ukraine and Netherland v Russia*, 9 July 2025, §1622: “[I]t is inherent in an administrative practice that any remedies would clearly be ineffective at putting an end to it.” See further the materials referred to in the Independent Expert Opinion of Robert Spano (Appendix to DH-DD(2024)949, §§72-80).

¹² That request is recorded in the just satisfaction judgment of 12 May 2014 at §61.

¹³ As summarised for the Committee in DH-DD(2019)602 at §§12-15.

11. Two members of the Court indeed commented in their concurring opinion that the meaning of §63 was “*crystal clear*”. They stated for the avoidance of any doubt (and without contradiction by the majority):

“To put it unambiguously, *the Demopoulos and Others decision did not interfere with the claimant State’s right to full implementation of the Grand Chamber judgment of 2001 including the immediate cessation of the continuing unlawful disposal (including sale, lease, use, or any other means of exploitation) of the land and property of Greek Cypriots in northern Cyprus* by the ‘TRNC’ authorities with the complicity of the Turkish State.”

They added that:

“This is also *an acknowledgment of the existence of a situation of non-implementation of the Grand Chamber’s judgment of 2001*, and therefore of a *violation by the respondent State of its obligations under Article 46 of the Convention, to which the Court seeks to put to an end.*”¹⁴

That position has consistently been advanced in the CM(DH) by Cyprus.

2014-present

12. The terms of the 2014 judgment were seen by Cyprus as a complete and unambiguous vindication of its understanding of the 2001 judgment. The Department for the Execution of Judgments however took the view that there were two possible interpretations of the 2014 judgment, taking into account the decision in *Demopoulos*.¹⁵ Cyprus finds it impossible to reconcile that observation with the passages quoted above from §63 of the 2014 judgment. That paragraph clearly stated that the provision of adequate remedies, endorsed in *Demopoulos*, did not remove the obligation of the respondent State to cease immediately the continuing disposal of the land and property of Greek Cypriots in the occupied areas of Cyprus.
13. Cyprus has at all times remained steadfast in its submissions before the Committee, advocating for the delegates to adopt a position which reflects the clear words of §63. It advanced its case in every CM(DH) meeting at which the issue was discussed. In 2022, Türkiye began to agitate (inconclusively) for the closure of the cluster. Since then, despite repeated invitations, the CM(DH) has not adopted a decision. It is now clear that the problem of interpretation is an obstacle to the supervision of the execution of the inter-state judgments, and will remain so until it can be definitively resolved.

¹⁴ Concurring Opinion of Judge Pinto de Albuquerque, joined by Judge Vučinić (who had also been a party to the 2001 judgment).

¹⁵ Stock-taking Memorandum prepared by the Department for the Execution of Judgments, H/Exec(2014)8, 25 November 2014.

14. Accordingly, in an attempt to be constructive and notwithstanding its own view that the interpretation of §63 is perfectly clear, Cyprus raised a compromise proposal in the form of the procedure in Article 46(3) ECHR, under which the Committee may refer a disputed question of interpretation back to the Court for a definitive judicial ruling. Cyprus invited the Secretariat to reflect upon this before the meeting of September 2023.¹⁶ In August 2024, Cyprus formally requested the making of an Article 46(3) reference.¹⁷ That solution gained significant support from the Committee in the September 2024 CM(DH), and would have been considered again at the June 2025 1531st CM(DH) had that discussion not been postponed.
15. The suggestion of Türkiye that the issue of interpretation was raised by Cyprus for the first time in 2022¹⁸ (not repeated in its latest Memorandum) is thus utterly misplaced. Cyprus has interpreted the 2001 judgment since shortly after it was given as calling for a moratorium on property transactions and construction activities; it asked the Court to confirm that interpretation in its application of 2011; and it has been consistent over the past 10 years in advancing its belief that the 2014 judgment offers precisely the confirmation that was sought.
16. Cyprus still considers that its interpretation of the Court's judgments is plainly correct. However, it is not a condition for progress that other members of the Committee should agree. To move forward and break the deadlock, it is necessary only for all sides to acknowledge (as does Cyprus) that other views exist, and to determine that the disputed issue should be resolved by the only body capable of authoritatively doing so: the Court. Article 46(3) of the ECHR, the mechanism for doing so, is explained further below.

Article 46(3)

17. Article 46(3) of the ECHR provides as follows:

“If the Committee of Ministers considers that the supervision of the execution of a final judgment is hindered by a problem of interpretation of the judgment, it may refer the matter to the Court for a ruling on the question of interpretation. A referral decision shall require a majority vote of two-thirds of the representatives entitled to sit on the committee.”

18. Introduced to the ECHR by Protocol 14, with effect from 1 June 2010, Article 46(3) observes scrupulously the division of functions between the Court and the CM(DH), as explained in the Explanatory Report to Protocol 14:

“The Committee of Ministers’ experience of supervising the execution of judgments shows that difficulties are sometimes encountered due to

¹⁶ DH-DD(2023)833, §31.

¹⁷ DH-DD(2024)949 §§7, 14.

¹⁸ DH-DD(2025)345, p.11.

disagreement as to the interpretation of judgments. The Court's reply settles any argument concerning a judgment's exact meaning. The qualified majority vote required by the last sentence of paragraph 3 shows that the Committee of Ministers should use this possibility sparingly, to avoid overburdening the Court.

The aim of the new paragraph 3 is to enable the Court to give an interpretation of a judgment, not to pronounce on the measures taken by a High Contracting Party to comply with that judgment.”¹⁹

That is the answer to Türkiye's misguided suggestion (not repeated in its latest Memorandum) that an Article 46(3) reference to the Court would amount to forfeiture by the Committee of its exclusive jurisdiction to determine compliance.²⁰ In fact, the changes introduced by Protocol No.14 provide a robust legal instrument for the Committee to overcome obstacles in its supervisory role, especially in the face of ongoing non-compliance.²¹

19. This is a highly appropriate time for the Article 46(3) procedure to be invoked. The possibility was first recognised by the Secretariat as early as 2014: but as was then acknowledged, the use of Article 46(3) could be contemplated only “*if it is not possible to take a decision*”.²² That impossibility has now been definitively demonstrated.²³

20. Article 46(3) should not be used lightly, and its use requires careful consideration; but ample opportunity for such consideration has now been provided. Türkiye's suggestion (not repeated in its latest Memorandum) that a reference would overburden the Court²⁴ is unfounded, particularly bearing in mind that Article 46(3) has not yet been used even once in the 15 years during which it has been available.

¹⁹ Explanatory Report to Protocol No. 14, CETS 194, §§96-97. Further useful background to Article 46(3) and the related Rules of Court is provided in the Council of Europe's own factsheet on Article 46 and in the Independent Expert Opinion of Robert Spano, appended to Cyprus's Memorandum of August 2024 (DH-DD 2024/949): see in particular §§74-87, addressing the issue of whether the dispute on the interpretation of §63 is an appropriate and proper question for a referral to the Court under Article 46(3).

²⁰ DH-DD(2025)345, p13.

²¹ See Explanatory Report to Protocol No. 14, CETS 194.

²² Stock-taking Memorandum prepared by the Department for the Execution of Judgments, H/Exec(2014)8, 25 November 2014, §37.

²³ It is significant, in this respect, that no time limit attaches to the use of Article 46(3), and that there is no requirement that a reference be made to the same constitution of the Court as issued the judgment whose interpretation is disputed. As demonstrated by the 2014 inter-state judgment, issued by a Grand Chamber, only two of whose 17 members had been party to the main inter-State judgment in 2001, the Court is perfectly willing to interpret its previous judgments notwithstanding wholesale changes in its own composition.

²⁴ DH-DD(2025)345, p13.

The significance of the issue

21. This dispute goes to the very heart of what the Court intended to convey, and what Türkiye must do in order to comply. Türkiye has yet to cease the violation of the rights of the displaced and provide effective redress, despite 24 years having passed since the original judgment and 11 years since it was confirmed by the Court that, notwithstanding *Demopoulos*, the original judgment “***has not yet been complied with***”. Türkiye’s demands that the supervision of this cluster be closed are thus completely out of place, as are its accusations of “*delaying tactics*” and its dismissal of Article 46(3) as nothing more than a “*procedural tool to divert the Committee’s attention from closure of its supervision*”.²⁵
22. At stake is nothing less than the continued “*Turkification*” of the occupied areas – a process that not only violates international law, but aims to pre-empt a solution to the Cyprus problem that would involve the return of the displaced to their homes and properties, and the restoration of their rights as envisaged by the Convention. Since the beginning of the occupation, Türkiye has been trying to alter the demographic and cultural character of the occupied areas, by bringing in numerous settlers, destroying places of worship, changing the names of places, suppressing the liberties of the enclaved to force them to leave and preventing the return of the displaced, trying to enforce two ethnically homogeneous, separate zones in Cyprus. Usurpation of property is a focal point in this policy. This disastrous agenda was avowed by none other than Eyfer Said Erkmen, a former Chairman of the IPC, when he said
- “... the more land is Turkified, the right of the Greek Cypriot side to demand land in the north will be abolished ... After they sell their property, why should the Greek Cypriots come to the north?”*²⁶
23. It is clear from the fact that “*Turkification*” continues apace (paragraphs 24-26, below) that any delay does not benefit the Republic of Cyprus, and that this matter has to be resolved by the Court.
24. Year after year, Cyprus has explained to the Committee, without contradiction, the significant scale on which land owned by displaced Greek Cypriots in the occupied areas is being unlawfully used and exploited, including by the construction of large hotel and apartment complexes.²⁷ The ability of Turks and other foreign nationals to acquire ‘property rights’ in the ‘TRNC’ has been further facilitated by amendments to ‘Law No. 39/2004’, dated 14 December 2024. The implementation, in July 2025, of a new ‘regulation’ relevant to this ‘law’ has enabled the eligibility of foreign and Turkish

²⁵ DH-DD(2025)345, pp11-13.

²⁶ Dyalog Turkish Cypriot daily, 24 March 2018, provided to the Committee in DH-DD(2018)873, Annex B p2.

²⁷ The Committee is referred, for example, to the detailed account in DH-DD(2023)833 at §§14-27.

nationals to acquire a greater number of properties per person.²⁸ As a result, 2,500 permits to purchase property were issued to foreigners in only two months,²⁹ the majority of them to Turkish nationals.³⁰

25. Türkiye's continuing policy is amplified in the statements of its Minister of Environment, Urbanization and Climate Change, Murat Kurum, who spoke about securing Turkish regional interests in the Eastern Mediterranean by increasing the Turkish population on the island. He spoke earlier this year of the planned construction of more than 5000 units for social housing by TOKİ [Türkiye's housing agency], saying that it "*will make their mark on the future of TRNC*", triggering "*migration and investment from Türkiye*".³¹ The steps to be taken are of "*strategic importance*" to 'strengthen the Turkish presence on the island'.³² According to the press, construction is to take place in villages where the properties belong predominantly to displaced Greek Cypriots: Gerolakkos (1500 residences), Mandres (1000), 900 (Trikomo), Morfou (1200), Prastio Lefkosias (50), Katokopia (50), Vatile (350), Palaikythro (120), Vathilakas (100), Kalopsida (30) and Dheryneia (1191)³³. In particular, the project in Dheryneia aims to detach the fenced off area of Varosha with the areas under the control of the government of the Republic of Cyprus.³⁴ Under the current plans, as recently announced, new social housing projects were launched in Morfou and Gerolakkos³⁵. Rural plots were donated to "*right holders*" at Gypsou, Milia and Limnia villages.³⁶

26. Most recently, the 'TRNC President' gifted social housing units and rural plots in the occupied areas as part of his 'pre-electoral' campaign. As reported by the Turkish Cypriot press, funds for social housing projects will come from a 3% tax imposed on the property sales to third country nationals. A portion of this revenue is set to finance the sums awarded by the IPC. All this demonstrates the clear and consistent

²⁸ See Yeni Düzen, <https://www.mykibris.com/kktc/haber/devlet-konutlarindaki-kiracilara-ev-sahibi-olma-yolu-acildi-58053>.

²⁹ See Yeni Düzen, <https://www.yeniduzen.com/2-ayda-2-bin-250-tasinmaz-mal-hakki-184777h.htm>.

³⁰ See Cyprus Mail, <https://cyprus-mail.com/2025/07/15/north-grants-rights-to-buy-property-to-over-2000-foreign-nationals-since-may> & Statistics on "permits" for foreigners to purchase real estate (YENİDÜZEN, 14/07/2025).

³¹ See Anadolu Agency, 'Minister Kurum gave the good news! Huge investment attack from Türkiye to TRNC' (10 April 2025) available at < <https://www.turkiyegazetesi.com.tr/gundem/bakan-kurum-mujdeyi-verdi-turkiyeden-kktcye-dev-altyapi-atagi-1107909>> and 'Toki will end the Israeli and Greek occupation of TRNC' (13 April 2025) available at <<https://www.odatv.com/guncel/kktcddeki-israil-ve-yunanlilarin-iscalini-toki-bitirecek-120094372>>.

³² *Ibid.* Kurum concludes that TOKİ [Türkiye's housing agency] aims to 'increase the Turkish population and strengthen the military presence [which are] seen as critical against the moves of Greece, Israel and the EU in the region'.

³³ See Cyprus Mail, [https://cyprus-mail.com/2023/09/12/north-to-build-thousands-of-social-houses#:~:text=Under%20the%20current%20plans%2C%201%2C500,Katokopia%2C%20and%2030%20in%20Kalopsida\),and%20Kibris%20Postasi,https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n486879-basbakan-ustel-ilk-etapta-alaykoye-1500-sosyal-konut-baslayacagini-acikladi](https://cyprus-mail.com/2023/09/12/north-to-build-thousands-of-social-houses#:~:text=Under%20the%20current%20plans%2C%201%2C500,Katokopia%2C%20and%2030%20in%20Kalopsida),and%20Kibris%20Postasi,https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n486879-basbakan-ustel-ilk-etapta-alaykoye-1500-sosyal-konut-baslayacagini-acikladi)

³⁴ <https://giynikgazetesi.com/kktcdde-10-bolgeye-5-bin-400-sosyal-konut/>.

³⁵ <https://haberkibris.com/guzelyurt-yeni-sosyal-konutlarinin-temeli-atildi-iki-bloktan-olusacak-35-daire-yapilacak-1207-2025-03-28.html>

³⁶ <https://brtk.net/mormenekse-yildirim-ve-akovada-kirsal-kesim-arsalari-hak-sahiplerine-verildi/>

administrative practice implemented by the occupying power for the Turkification of Greek Cypriot properties and their alienation from their owners.

27. The question of whether the Court considered activity of this kind to violate the Convention – as Cyprus considers it plain that it did – is of the highest importance for the context in which it is sought to resolve the Cyprus problem. It would be a dereliction of the Committee’s duty not to take the readily available step of invoking Article 46(3) to seek an authoritative ruling.
28. Nor are the ramifications limited to the situation of Cyprus. The appropriate and adequate execution of the judgment in this inter-State case will be a template for dealing with other similar situations of aggression and unlawful occupation, where there are violations of the rights of the displaced to their home and property. This point was expressed as follows in the Independent Expert Opinion of Robert Spano:

“If the proposition is accepted, that an occupying power can take measures to effectively eliminate its duty of restitutio in integrum under the Convention on the basis of ex post facto domestic law authority, and thus escape from its obligations of compliance merely by paying compensation, such a stipulation is likely to have grave consequences. For example, invading powers following an act of aggression would have every incentive to transfer, alienate and exploit occupied territory and eliminate in toto an obligation for restitution of property without international responsibility if all that was required was to establish a domestic mechanism in order to ex post facto (and unilaterally) determine compensation.”³⁷

On this basis also, the case for seeking an authoritative ruling on the disputed interpretation is a compelling one.

Cyprus’s proposal

29. For all these reasons, Cyprus urges the Committee to progress the issue at the December 2025 CM(DH) meeting by instructing the Secretariat to prepare a draft interim resolution referring to the Court, under Article 46(3) ECHR, an appropriate question on the interpretation of its 2014 judgment.³⁸
30. The Court’s ruling will break the stalemate and respect the proper roles of the Court and the Committee in the Convention system, by enabling properly informed decisions to be taken on the future supervision of this cluster and removing the risk that the Committee will have proved inadequate to the task conferred on it by the Court. It is

³⁷ Appendix to DH-DD(2024)949 at §87.

³⁸ A proposed question on the interpretation of §63 was formulated in the Independent Expert Opinion of Robert Spano (Appendix to DH-DD(2024)949 at §88). Cyprus would not however wish to be prescriptive about the wording of any referral so long as the essential issue for decision, identified above, is presented clearly to the Court.

hard to conceive why the proposal to have recourse to an instrument provided for by the Convention, to assist the Committee in fulfilling its obligations under Article 46 by answering specific questions that might arise of interpretation, would be seen as controversial.

31. Contrary to Türkiye's misleading assertions in its most recent Memorandum³⁹, the Court's ruling in *K.V. Mediterranean v Türkiye* (as to which, see paragraphs 34-40 below) is restricted to the IPC issue and has not the slightest bearing on the interpretation of paragraph 63 of the Court's 2014 judgment. Even if its terms were as conclusive as Türkiye seeks to argue, which they are most certainly not, there would be no reason to deny the Court the opportunity to resolve the central question of interpretation by means of a reference under Article 46(3) of the Convention.
32. From a practical and legal point of view the Article 46(3) solution is the optimal one, irrespective of the answer that may be given by the Court on the disputed question of interpretation. In particular:
 - (a) The issue is a contained one which, judging from its previous approach to references from the CM(DH), the Court is capable of resolving speedily as well as authoritatively.⁴⁰
 - (b) Resolution of the issue of interpretation is a necessary prerequisite for any further consideration of this matter, which, as experience has shown, can only realistically be contemplated once there is a common understanding of the legal parameters that govern the dispute.

No one can be sure of the answer that the Court will give to the question referred – which is why the proposal of Cyprus is not without risk from its point of view. That proposal, which is in the nature of a compromise, does however offer the only visible way out of the current impasse. Cyprus proposes it to the Committee for that reason.

THE IPC ISSUE

33. If the Committee agrees to instruct the Secretariat to prepare a draft interim resolution for an Article 46(3) reference, the IPC issue can safely be held over until such time as the Court has given its ruling. In the event that the IPC issue needs to be resolved, however, Cyprus's position is that continued supervision in the CM(DH) is required

³⁹ DH-DD(2025)1141.

⁴⁰ The two cases decided by the Court under the Article 46(4) procedure, after references by the CM(DH), provide the closest available analogy. In *Mammadov v Azerbaijan*, less than 18 months elapsed between the decision of the CM(DH) to refer a question to the Court in December 2017 and the judgment of the Grand Chamber in May 2019. In *Kavala v Türkiye*, the interval between receipt of the referral in February 2022 and the Grand Chamber judgment in July 2022 was less than five months.

and that the judgment of 10 June 2025 in *K. V. Mediterranean Tours v Türkiye* – far from assisting Türkiye, as it claims – is supportive of that position.

K.V. Mediterranean Tours

34. Since Türkiye devotes the majority of its latest Memorandum to the judgment in *K. V. Mediterranean Tours*, Cyprus begins by analysing the significance of that case. Three points are of relevance.
35. **First**, the Court reiterated its previous case law (*Demopoulos, Meleagrou, Joannou*) to the effect that *some* IPC cases had been satisfactorily resolved, and noted that the high number of pending claims could not be relied on to prove that “*any particular claims had not been or would not be handled with due expedition*” (§59).
36. **Secondly**, however, the Court found a procedural violation of Article 1 of the First Protocol to the Convention in the *K. V. Mediterranean* case because “[t]he **IPC did not act with coherence, diligence and appropriate expedition**” (§70). Those were precisely the words used by the Court when finding a similar violation in the 2017 case of *Joannou*, which as the Court pointed out at §59 had been before the IPC for some nine years. Furthermore, the Court in *K. V. Mediterranean* found that the period of nearly 15 years for which the *K. V. Mediterranean* case had been pending before the IPC was “**mainly due to the passive approach of the IPC and the procrastination of the ‘TRNC’ authorities**” (§68). It marked the gravity of the matter by a substantial award of damages for both pecuniary and non-pecuniary loss (§§106-109).
37. **Thirdly**, and most significantly, the Court went further than its previous case law by considering the case under Article 46 of the Convention, which as it pointed out governs the supervision of execution by the CM(DH) (§§100-104). In this connection, the Court:
- (a) identified “**the Convention issue in the present case**” as “**the excessive length of proceedings before the IPC, an issue which is not new and has been the subject of well-established case-law**”,
 - (b) affirmed that “*it remains attentive to the developments in the functioning of the IPC remedy and its ability to effectively address Greek Cypriot property claims*”; and, having noted “*the efforts made by the Turkish authorities aimed at bringing the IPC proceedings into compliance with the Convention*” (§104),
 - (c) concluded that nevertheless, “*the current case clearly shows that **consistent and long-term efforts must continue in order to achieve compliance with the Convention requirements***”, in particular as regards the acceleration of proceedings and the creation of a remedy to secure “**genuinely effective redress**” in respect of delays in IPC proceedings (§104).

38. It is plain from the wording of §104 in particular that the Court did not consider that compliance with Convention requirements in relation to redress had yet been achieved, 20 years after the establishment of the IPC, and that further steps were required for this to happen. It is equally plain, from the invocation of Article 46, that the Court expected the CM(DH) to oversee this process.
39. The triumphalist portrayal of the *K.V. Mediterranean Tours* judgment in Türkiye’s Memorandum is in sharp contrast to the appraisals of senior figures both in the Court and in the occupied areas of Cyprus:
- a. Judge Yüksel, in her dissenting judgment in *K.V. Mediterranean Tours*, emphasised (correctly) that under Article 46 “*the Court may exceptionally indicate the type of measures that might be taken in order to put an end to systemic or structural problems*”, before expressing the view that “*this case concerns a procedural shortcoming arising from specific factual circumstances, not a structural failure requiring exceptional measures under Article 46 of the Convention*”. Significantly, on the latter point Judge Yüksel was a lone voice. No other Judge denied that the case concerned a structural failure – a clear indication that though the Court had jurisdiction to find a violation only in the specific case before it, it considered that the inadequacies of IPC proceedings constitute “*a structural failure requiring exceptional measures under Article 46 of the Convention*”.
 - b. Turkish Cypriot politicians have seen the judgment as a “**warning**” and a “**criticism**”, demonstrating a considerably greater awareness of its problematic nature for Türkiye than is admitted to in Türkiye’s Memorandum.⁴¹
 - c. An article in the Turkish Cypriot press has identified in the ruling a clear message that “*the IPC is not working*” and “*the delays are unacceptable*”.⁴² This echoes critical articles cited in previous Memorandums concerning the IPC’s slow rate of progress.⁴³
40. In view of this clear and recent invitation from the Court to the CM(DH) to conduct general supervision of the IPC’s procedures, it would be perverse to close the supervision of the very case in which the CM(DH) has already been considering the

⁴¹ Statements by the so called “Minister of Internal Affairs, Dorsun Oguz, Kıbrıs Postası newspaper 13 June 2025 “... some points in the decision have the character of a warning, Oğuz said that a criticism was made especially for the prolongment of the processes of the cases...The fact that cases which continue since 2010 are not concluded is a deficiency ...”.

⁴² “There is a clear message in the ECHR ruling: the IPC is not working, the delays are unacceptable, and if this continues, the Commission will no longer be considered a valid legal remedy.” Bogun Kıbrıs, 12 June 2025, <https://bugunkibris.com/2025/06/12/tmkya-sari-kart-aihmnden-son-uyari/>.

⁴³ See, e.g., DH-DD(2023)833, Appendix A; DH-DD(2025)465, paragraph 33.

matters that troubled the Court. This supervision is already well-established. For example, at the 1411th CM(DH) in 2021 the Committee invited the Turkish authorities to submit statistical data on the functioning of the IPC, and in particular on the number of cases pending, the length of time they have been pending, the number of awards of compensation made, the total amount and the number of awards that have been paid in full so far, and the funds and staff at its disposal.⁴⁴

IPC: non-compliance and structural problems

41. It is becoming increasingly apparent, including on the basis of evidence which was published since the judgment in *K.V. Mediterranean Tours* and referred to below, that the non-compliance and structural problems of the IPC identified by the Court are deteriorating, and that the situation is liable to worsen even further as time goes by.
42. In relation to ***protracted delays***, according to the latest figures on the IPC's website (17 October 2025):
 - a. Only 25% of applications filed with the IPC since 2006 (2131/8375) have been concluded, the overwhelming majority of them by so-called friendly settlement.⁴⁵ The rest remain unresolved.
 - b. 75% of those applications (6269/8375) were filed prior to December 2015, i.e. more than a decade ago.

Even making the unlikely assumption (in Türkiye's favour) that the oldest claims were resolved first, it follows that at least two thirds of pre-2016 applications to the IPC have been pending for more than 10 years without resolution – a greater period of time than was deemed excessive in *Joannou*. Almost certainly, many have been pending for substantially longer than that.

43. In relation to ***lack of resources***, the situation is equally acute:
 - d. On the basis of the latest figures supplied by Türkiye, in June 2022, the number of awards paid was only 64% of the number of awards made, and the total amounts paid were only 61% of the total amounts awarded. This demonstrates a very significant backlog in the payment of awards, to add to the monumental backlog in proceedings before the IPC itself.⁴⁶

⁴⁴ CM/Del/Dec(2021)1411/H46-36, paragraphs 5 and 6.

⁴⁵ "Friendly" settlements often mask intense pressures, as applicants who may be desperate after prolonged delays and economic hardships settle for inadequate compensation.

⁴⁶ See DH-DD(2023)833, paragraph 50.

- e. The ‘Minister of Finance’ of the ‘TRNC’ is reported to have admitted in June 2025 (the month of the *K.V. Mediterranean Tours* judgment) that the IPC now struggles to even pay its own salaries,⁴⁷ and that the payment of awards has been frozen. The Social Democracy Party in the same month called for measures to be taken for allocating the necessary budget.⁴⁸
 - f. Press reports in recent months have focused on the failure to use property taxes to pay sums awarded by the IPC,⁴⁹ and on the “*discretion for compensation*” being “*kept low for reasons such as budget cuts*”.⁵⁰
44. A new and disturbing phenomenon is the use of *intimidating tactics* to prevent legitimate owners from applying to the IPC, or even to look for information to substantiate their applications before the IPC. Five elderly Greek Cypriots have been detained in the occupied areas since 19 July 2025. Arbitrarily arrested for surveying the property belonging to one of them in occupied Trikomo, for which she has applied to the IPC, the five have been held and tried on false allegations of trespassing, nuisance, spying and “*illegal entry into the TRNC*”, for which they were also brought before a ‘military court’. They continue to be held on unsubstantiated allegations of possessing information on property in violation of data protection laws. The Turkish Cypriot lawyer of one of these persons, who represents her before the IPC, was also arrested and detained, on charges related to the alleged disclosure of property-related data, with his client list and work materials confiscated. Evidently, as he stated, he was arrested “*as a result of actions taken at the request of his client.*”⁵¹ The Turkish Cypriot real estate agents who provided the property assessment information were also arrested in connection with this standard practice.

45. As the matter was summarized by a Turkish Cypriot newspaper:

*“That is why the five Cypriots from Trikomo are now in prison. They submitted an application to the IPC ... they submitted an application to sell their property and now they are being accused of ‘espionage’.”*⁵²

⁴⁷ Kutlay Erk, Yeni Düzen newspaper, 14 June 2025, <https://www.yeniduzen.com/aihm-karari-tmk-yapilanmasi-maras-acilimi-23880yy.htm>, “The reason of the fact that the system is not functioning, is not made to function, is the Minister of Finance. That Minister who had said that the payments of the IPC would not be made for the last half of the previous year and that the priority was to pay the salaries.”

⁴⁸ Kıbrıs Postası, 27 June 2025, https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n566545-tdp-tmknin-tazmin-takdiri-ile-ilgili-yime-yapilan-basvuru-dusundurucudur.

⁴⁹ Bugün Kıbrıs, 10 October 2025, <https://bugunkibris.com/2025/10/10/maliye-tasinmaz-mal-komisyonunun-41-milyon-sterlinini-maaslara-aktardi/>

⁵⁰ Kıbrıs Postası, 27 June 2025, https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n566545-tdp-tmknin-tazmin-takdiri-ile-ilgili-yime-yapilan-basvuru-dusundurucudur.

⁵¹ Yeni Düzen, 05.09.25

⁵² Aziz Şah, Avrupa, 23/07/2025

The “President of the TRNC”, Ersin Tatar, confirmed to the Turkish Cypriot press⁵³ on 25 July 2025 that he had given instructions to arrest anyone searching for information on property.

46. These concerning developments, not before the Court in *K.V. Mediterranean Tours*, suggest a policy of intimidation that calls into question not only the effectiveness but the accessibility of the IPC.
47. **Further complaints** relating to the effectiveness of the IPC are still being lodged with the European Court of Human Rights. Eight new applications were communicated to Türkiye, on 22 January 2025, concerning the length of judicial proceedings initiated before the IPC, and the lack of effective remedies in this respect. At least two of these cases currently pending before the Court, (*Josephides*⁵⁴ and *Ioannou*)⁵⁵ concern applications filed with the IPC in 2012,⁵⁶ and another three, (*Kyriakides and Kyriakidou*,⁵⁷ *Lordos Tourist Limited*⁵⁸ and *Yiapani*⁵⁹) applications filed with the IPC in 2011.
48. On 1st September 2025 the Court communicated seven new applications⁶⁰ to Türkiye, which according to the Court concern “*the non-enforcement of IPC awards and the lack of effective remedies in this respect*”. It is thus evident that the question of the effectiveness of the IPC, is still very far from being resolved.

Conclusion on the IPC issue

49. For all these reasons, irrespective of what it decides on the (principal) Article 46(3) issue, it would be neither safe nor appropriate for the Committee to proceed on the basis that the IPC provides an adequate and effective means of redress for displaced Greek Cypriots, or to close the cluster on that basis.

THE NON-PAYMENT ISSUE

50. In its 2014 judgment, the Grand Chamber of the Court ruled that Türkiye was to pay the Government of Cyprus, by 12 August 2015, €30 million in respect of non-pecuniary

⁵³ Star Kıbrıs, 25 July 2025, <https://www.starkibris.net/index.asp?haberID=340042>.

⁵⁴ Application no. 79212/17.

⁵⁵ Application no. 19378/21.

⁵⁶ The fact that the supervision of execution of certain individual judgments has been closed (DH-DD(2025)345, pp 9-10) signifies merely that the judgments in those cases have been sufficiently executed: it is of no relevance to the systemic adequacy of the IPC for the purposes of providing an effective remedy to *all* applicants, which is the issue raised in the inter-State case.

⁵⁷ Application no. 64919/17.

⁵⁸ Application no. 56149/17.

⁵⁹ Application no. 23525/18.

⁶⁰ *Mavromatis v Türkiye and 6 other applications*, Application no. 28334/17.

damage suffered by the relatives of the missing persons and €60 million in respect of non-pecuniary damage suffered by the enclaved Greek Cypriots of the Karpas peninsula. It indicated that these amounts, together with interest, should be distributed by the Government of Cyprus to the individual victims, under supervision of this Committee, within 18 months of the date of payment or any other period considered appropriate by the Committee.

51. The Committee has recalled in each of its decisions on the inter-State case since June 2015 that the obligation to pay the just satisfaction awarded by the Court is unconditional, and has called on the Turkish authorities to pay the sums due. Despite these calls, and the interim resolution issued by the CM(DH) in September 2021, Türkiye has failed to provide any reason for non-payment, or to hold out any prospect of payment. Its latest Memorandum is once again completely silent on the matter.
52. In its Decisions adopted at the 1521st CM(DH) on 6 March 2025, the Committee deplored the absence of response to the interim resolution of 2021 and instructed the Secretariat, if the situation remains unchanged, to prepare draft interim resolutions concerning the issue of payment of the just satisfaction awarded by the Court in each of these cases, for consideration at the March 2026 DH meeting.⁶¹
53. Türkiye's failure to discharge or even to acknowledge its obligations is not only an affront to the rule of law, to justice and to the principle that the aggressor should pay: it has obvious consequences for the individuals who have been denied the compensation due to them. Cyprus asks the Committee to deplore this default in the strongest terms, and to urge Türkiye to pay the sums due without further delay.

CONCLUSION

54. The supervision of the execution of this cluster has been unduly protracted, first by a failure to reach agreement on the proper interpretation of the judgments under supervision and more recently by an insufficient consensus for invoking the Article 46(3) procedure that was specifically designed for resolving such an impasse. The Committee is invited to invoke that mechanism without further delay, in the first instance by instructing the Secretariat to prepare a draft interim resolution referring the disputed question of interpretation to the Court.
55. Türkiye's invitation to the Committee to close this cluster will not be relevant if the latter course is taken, and should in any event be declined. The need for continued supervision of the IPC mechanism is reinforced both by the analysis of the Court in *K.V. Mediterranean Tours*, which goes further in this respect than previous cases such as *Joannou*, and by the latest available evidence. The inter-State case is the obvious vehicle for such supervision to continue.

⁶¹ CM/Del/Dec(2025)1521/H46-31, paragraph 3.

56. Finally, the non-payment of just satisfaction by Türkiye is without any conceivable justification and should be deplored in the strongest terms.
