

Synthesis of information submitted by the Cypriot and Turkish authorities respectively in March and May 2012 and subsequently on 4 and 24 October 2012 – concerning the confiscation of property belonging to enclaved Greek-Cypriots or their heirs

Synthesis prepared by the Department for the Execution of Judgments of the European Court of Human Rights

I - Introduction

1. At the 1136th meeting, the Cypriot authorities submitted voluminous documentation revealing, according to their analysis, a persistent practice of illegal confiscation of property belonging to enclaved Greek Cypriots or their heirs. A summary of this documentation has been circulated to all delegations (see DH-DD(2012)262).
2. On 24 May 2012, the Turkish authorities presented a memorandum in which they reiterate their position that the measures adopted since the judgment in *Cyprus against Turkey* have put an end to the violations found by the European Court and refute the allegations made by the Cypriot authorities.
3. Additional submissions were presented by, respectively, the Cypriot authorities on 4 October 2012 (DH-DD(2012)905) and the Turkish authorities on 24 October 2012 (see DH-DD(2012)997).
4. In conformity with the Committee's request (see decision adopted at the 1136th DH meeting – March 2012), the Secretariat presents the following overview of this information with a view to its evaluation by the Committee.

II - Review of the European Court's findings in the judgment *Cyprus against Turkey*

5. The Court noted that *"as regards ownership of property in the north, the "TRNC" practice is not to make any distinction between displaced Greek-Cypriot owners and Karpas Greek-Cypriot owners who leave the "TRNC" permanently, with the result that the latter's immovable property is deemed to be 'abandoned' and liable to reallocation to third parties in the 'TRNC'".* Consequently, the Court found that there was a continuing violation of Article 1 of Protocol No. 1 in respect of Greek Cypriots living in the northern part of Cyprus in that their **right to the peaceful enjoyment of their possessions was not secured** in case of their permanent departure from that territory (§ 269 of the judgment).
6. The Court also held that there had been a violation of Article 1 of Protocol No. 1 in that the **inheritance rights** of persons living in the south of Cyprus in connection with the property in the northern part of Cyprus belonging to their deceased Greek-Cypriot relatives **were not recognised**. Three findings led it to reach this conclusion:
 - *"the property of Greek Cypriots in the north cannot be bequeathed by them on death and [...] it passes to the authorities as 'abandoned' property";*
 - given the above finding, it did not appear that *"legal proceedings would hold out any prospects of success"* where a court remedy was invoked before the "TRNC courts";
 - finally, *"heirs living in the south would in fact be prevented from having physical access to any property which they inherited"*.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents..

III - Arguments developed before the Committee of Ministers by the Turkish delegation and the Cypriot delegation concerning the measures adopted by the Turkish authorities

7. For a number of years, the Turkish authorities have asserted that the situation criticised by the European Court in the judgment *Cyprus against Turkey* has been remedied, in relation to property rights of enclaved persons. The Cypriot authorities, for their part, consider that this is not the case. They consider that, notably, the new regulation presented by the Turkish authorities is devoid of any legal value, that it lacks clarity and foreseeability and is discriminatory, since it is applied only to “foreigners” within the meaning of Law No. 41/77 (“Housing Law”), i.e. to persons of Greek and Hellenic origin (for more details see Memorandum CM/Inf/DH(2009)39 of 10 September 2009). These arguments are again developed in their submission of 4 October 2012 (see DD-DH(2012)905).

1) Property rights of the persons leaving the north of Cyprus permanently

8. According to the Turkish authorities, enclaved persons have the possibility, following the decision of 27 February 2008 adopted by the “Council of Ministers of the Turkish Republic of Northern Cyprus (TRNC)” to preserve their property rights in the event of definitive departure for southern Cyprus, the only condition being to maintain minimum contact with northern Cyprus (for example to have a bank account, be a member of a local association).

9. In this respect, the Cypriot authorities note that the Turkish authorities assert that the property rights of Greek Cypriots are preserved for as long as they maintain “minimum contact” with northern Cyprus, whereas all the texts submitted are based on the concept of “permanent residence in TRNC”.

10. In reply, the Turkish authorities point out that the concept of “minimum contact” is defined in the 2008 decision of the Council of Ministers and that it is in the light of that decision that the term “permanent residence” used in Law No. 41/77 (“Housing Law”) has to be interpreted. They emphasise that “having permanent residence” does not mean that the owner must “be a permanent resident” (see DH-DD(2012)997 § 14).

11. The Turkish authorities also state that, when not even these minimal conditions of contact with northern Cyprus are fulfilled, the Immovable Property Commission provides an additional remedy for persons whose properties are considered “abandoned” under “TRNC” legislation. They also underline that the decisions of this Commission are subject to appeal before the Supreme Administrative Court (for more details see Memorandum CM/Inf/DH(2009)39 of 10 September 2009 and DH-DD(2012)997 of 24 October 2012).

12. The Cypriot authorities, for their part, assert that the Immovable Property Commission has no jurisdiction to deal with violations of the property rights of enclaved persons. On the one hand, they consider it unacceptable for the properties of enclaved persons to be able to be deemed to have been abandoned, requiring the owners to challenge this, and on the other hand, they point out that the Demopoulos decision only concerns applicants resident in the south and does not relate in any way to the violation of the property rights of enclaved persons.

2) Property rights of the heirs of enclaved persons

13. According to the Turkish authorities, the inheritance rights of persons resident in the south over properties situated in the north are subject to the regulation applicable, according to the very terms of the decision cited above, to “citizens of the TRNC”. Once the administration of estates procedure² was completed, these persons could enjoy their property under the same terms as enclaved persons. In their submission of 24 October 2012 (DH-DD(2012)997), the Turkish authorities specify the rights and procedure applicable in this matter (see §§ 20 to 23). They also supply factual information about the estates administered since 1979 (§§ 24 et seq).

14. In the opinion of the Cypriot authorities, the assertion by the Turkish authorities that enclaved Greek Cypriots and their heirs enjoy the same rights as citizens of the “TRNC” is contradicted by an exchange of correspondence between UNFICYP and the heir of one enclaved person who obtained access to the property inherited by him only on a temporary basis (see appendix to DH-DD(2012)905).

² Procedure for the administration of successions, regulated by the Administration of Estates Law, Chapter 189

15. On this point, the Turkish authorities state that there is a confusion here between the “permanent residence” to which the 2008 decision of the Council of Ministers refers and the “permanent residence” referred to in immigration matters. They emphasise in this context that the information that they supplied about property rights could not be understood as allowing the heirs of enclaved persons to obtain automatically the status of citizen of the “TRNC” without completing the formalities prescribed by the laws on citizenship. The correspondence presented by the Cypriot authorities shows, on the other hand, according to the Turkish authorities, that the property rights of the heir concerned were in fact recognised.

3) Documentation submitted to the Committee

16. The Cypriot authorities take the view that the information submitted is insufficient to enable the Committee to evaluate the state of execution of the *Cyprus against Turkey* judgment as regards the property rights of enclaved persons and their heirs. They consider that the Turkish authorities should be obliged to supply an English translation of the whole of Law No. 41/77 (“Housing Law”) and of all the legislation applicable in inheritance matters.

17. The Turkish authorities consider that no purpose would be served by supplying these documents. In their view, it emerges clearly from the summary and subject of Law No. 41/77 - an English translation of which has been supplied - that the only sections relating to the rights to properties situated in the region of Karpas are those sections of which a translation is necessary and has been supplied (DH-DD(2012)997 § 13). As to the laws applicable in matters of inheritance, they point out that the main texts applicable, namely the “Wills and Succession Law” (Chapter 195) and the “Administration of Estates Law” (Chapter 189), were supplied to the Secretariat in 2008, and originated in “the island’s colonial past”, so are quite familiar to the applicant State (DH-DD(2012)997 § 20).

IV - Arguments developed before the Committee of Ministers by the Turkish delegation and the Cypriot delegation concerning the factual information submitted by the Cypriot authorities

18. The Cypriot authorities assert that recent confiscations of property belonging to enclaved Greek-Cypriots or their heirs illustrate continuing violations of property rights belonging to this vulnerable group of individuals (see DH-DD(2012)259, 262 and 905).

1) Recent facts reported by the Cypriot authorities

19. The Cypriot authorities presented a series of 15 specific cases, supported by affidavits and various administrative and court documents in Greek. The appended table (annex 1) recapitulates the principal factual elements of these 15 specific cases.

20. Nine cases relate to the seizure of houses situated in Rizokarpasso in order to give them to Turkish settlers. All these seizures are recent (2011). They concern properties whose owners have died, in some cases many years ago, and their heirs are resident in southern Cyprus. In two other cases, the affidavits concern the authorities’ intention to seize the property. A number of the cases concern the confiscation, in some cases some time ago, of fields granted to Turkish settlers for exploitation.

21. It arises from a number of affidavits that the title deeds issued by the authorities of the Republic of Cyprus are not recognised by the “TRNC” authorities (case No. 6 for example).

22. Most of the affidavits do not mention any démarche undertaken by those concerned with a view to obtaining recognition of their rights over their properties and/or preventing the seizure, once they became aware of the seizure of their property and its occupation by Turkish settlers or handing over to them. The few démarches indicated do not appear to have any link with the procedures under the new regulation presented by the Turkish authorities. In case No. 1 the person concerned had undertaken démarches before the “Lands Office” of the “TRNC”, but did not specify what those were. In case No. 2 the person concerned only indicated that she had appointed a Turkish lawyer to effect “certain démarches” which had not achieved any result.

23. In the view of the Cypriot authorities, these facts show that the defendant State has not remedied the failings found by the Court, but has limited itself to putting in place a “façade of laws” which purport to address the property rights of enclaved Greek Cypriots and their heirs, whilst the properties continue to be seized, either by the authorities to give them to Turkish settlers or by the Turkish settlers themselves with the encouragement of the authorities. The Cypriot authorities therefore invite the Committee strongly to oppose these practices and to call on the Turkish authorities to give up their policy of confiscations and restore the properties, houses and fields to their lawful owners (see DD-DH(2012)259).

2) Comments of the Turkish authorities concerning these facts

24. The Turkish authorities consider that the criticisms formulated by the Cypriot authorities are unfounded. They advance, in particular, the following arguments (for more details see DH-DD(2012)523):

- The regulation currently in force requires the police to respect the property rights of enclaved persons and their heirs;
- Several affidavits actually show recognition of the property rights of persons who left the North after 1974 (for example in cases Nos. 1 and 11);
- None of the complainants has contacted the competent local authorities or used one of the options available to them;
- The heirs expect the authorities automatically to recognise their ownership without having either initiated any procedure or set up any administration of their estate in the "TRNC";
- In its judgment, the European Court noted that the "domestic law" of the TRNC provided civil and criminal remedies for complaints of abuses and offences, and it emerges from some of the affidavits that assistance has indeed been provided to complainants (for example in cases Nos. 1 and 9).

25. The Turkish authorities therefore consider that the Cypriot authorities are encouraging their nationals to avoid the local authorities of the "TRNC" and to take their complaints to Strasbourg, and that their allegations are simply a manoeuvre aimed at pointlessly prolonging the debate. Consequently, they request the Committee to close this aspect of the interstate case.

Annex 1 – Factual information set out in the affidavits submitted by the Cypriot authorities

	Cases and corresponding affidavits	Status of the Property	Procedures followed by the Property owners or their heirs
1	<p>Case of Ioannis Manitaras Died in 1999. Widow died in the south in August 2011</p> <p>Affidavits of : Elias Manitaras, son, and Anna Manitaras Christodoulides, daughter</p>	House in Rizokarpasso confiscated and given to Turkish settlers at the beginning of 2011. Seizure of lands belonging to the family in order to grant them to Turkish settlers.	<p>Illegal occupation by a Turkish settler in 2008 (according to the 1st witness), in 2010 (according to the 2nd witness); <u>the police were informed by the witness and recognised that the mother was the owner of the property and expelled the settler</u>. New occupation in 2011 (by the same settler), after renovation works on the house etc. Also, a number of seizures of the agricultural lands from 1976-2011.</p> <p>The 1st witness took a number of unspecified “demarches” through the Lands office of the “TRNC”.</p> <p>The 2nd witness indicated difficulties in the formal registration of a complaint with the police (language problems, signing a deposition in Turkish without understanding it).</p> <p>The 2 witnesses indicate that at the time of <u>the second occupation of the house, the police have asked them to provide the title deeds issued by the “TRNC”</u>; the follow up to these requests is not specified (the witnesses have title deeds issues by the Republic of Cyprus).</p>
2	<p>Case of Maritsa Touloura Died in July 2001</p> <p>Affidavit of : Katerina Touloura, daughter</p>	House in Rizokarpasso confiscated and given to Turkish settlers in April 2011.	Property inherited after the death of her mother, “Affirmation of ownership” issued by the land registry of Cyprus. First incident on an unspecified date after 2004: house found open and looted but no complaint was made. April 2011, house found empty and the locks changed. Informed in June that the house had been seized and given to a settler. Appointed a Turkish lawyer to undertake certain demarches but without any result to date. The nature of the steps taken by the lawyer is not specified. According to the witness, the situation and practice have worsened since the election of Mr Eroglu.
3	<p>Case of Katina Strongolou Died in the south in December 2008</p> <p>Affidavits of : Maria Demetriou and Anna Lambi, daughters</p>	House at Rizokarpasso confiscated and given to Turkish settlers in April 2011.	<p>Transfer of ownership by the parents whilst they were still alive to their daughter Anna (2nd witness). After the death of the mother, the two sisters regularly visited the house, often finding it open. In March 2011, they were informed by their neighbours that the house was seized by the authorities and given to settlers.</p> <p>The 2nd witness (owner of the house) indicates expressly not having taking any steps because she “does not believe justice will be done”. Underlines that the practice of seizures has recently intensified.</p>
4	<p>Case of Styliani ... Xiouri Died in June 2006</p> <p>Affidavit of : Maria Demetriou, niece</p>	House at Rizokarpasso confiscated and given to Turkish settlers in April 2011.	This affidavit is included in the preceding affidavit. The witness remembers having seen Turkish settlers living in her aunt's house some time after her aunt's death.

5	<p>Case of Nicos Loizou Died in October 2000. Widow died in March 2005.</p> <p>Affidavit of : Florentia Loizou, daughter</p>	House at Rizorkarpasso confiscated and given to Turkish settlers in April 2011.	House inherited in 2005. The witness mentions a number of visits to « see » the house. Informed at the beginning of 2010 by an aunt living in Rizokarpasso that the house was being renovated by Turkish settlers. Only demarche: letter to the “Service for Humanitarian Affairs” in Nicosia. No indication given of the follow up to this letter, nor any other demarches.
6	<p>Case of Magdalena Paschali Died in September 2006</p> <p>Affidavit of : Demetris Melis, nephew</p>	House at Rizokarpasso confiscated and given to Turkish settlers in June 2011.	House transferred to the witness by his aunt, whilst alive. After the death of the aunt the witness maintained the house, regularly staying for several days. In June 2011 he was contacted by the police who asked him to empty the house because it was about to be seized, who specified that his title deed (issued by the Cypriot administration) was not recognised in the “TRNC” – no indication given of any steps taken following the seizure.
7	<p>Case of Stavrinou Chrysostomou Died in April 2006</p> <p>Affidavits of : Makarios Chrysostomou, son, and Andreani Seraphim, daughter</p>	House in Rizokarpasso confiscated and given to Turkish settlers after Easter 2011.	<p>The two witnesses, brother and sister, each received half of the land belonging to their parents (one plot included a family house and the other a house which was under construction in 1974 and never completed). In 2006, on the death of their father, the 1st witness was contacted by the “TRNC” police, informing him that the house belonged to him and giving him the keys. The witness went there regularly for the weekend. On new year’s day 2009, the « TRNC » police informed him that he was not entitled to the house and must leave it, because from 1976 he was no longer an enclaved person. He left the keys with a neighbour and returned regularly to see the house. On an unspecified date (beginning 2011), he found that the house had been burgled and informed the police, who did not follow it up.</p> <p>After Easter 2011, a relative living in Rizokarpasso informed him that works had begun on the house belonging to him and on the one belonging to his sister; both had been seized by Turkish settlers.</p> <p>The 1st witness was recognised as owner on the death of his father even though he was living in the south but was later supplanted.</p> <p>No indication given of any steps taken.</p> <p>The complaint about the burglary was not followed up. However, no steps appear to have been taken following the discovery that works were underway.</p>
8	<p>Case of Anastasia Zakhariou Died in January 2009</p> <p>Affidavits of : Andreas Zakhariou, son, et Maria Zakhariou, daughter</p>	House at Rizokarpasso confiscated and given to Turkish settlers in June 2011.	Property transferred by the parents, before their deaths, to the two witnesses (the sister received the family house) and the transfer of property was registered by the competent authorities in the south of Cyprus. The mother died in 2009. In June 2011, the brother was informed by an enclaved person of the authorities’ intention to seize the house for settlers. In summer 2011, the sister transferred all the property into her brother’s name. No indication of any demarche undertaken.

9	<p>Case of Penelope Ioannou Tikkirou Died in March 2011 (husband died in 1979)</p> <p>Affidavits of : Kyriaki Christofidou and Katerina Danti, daughters</p>	House at Rizokarpasso transferred to a Turkish settler on an unknown date.	<p>In 2007, discovering that their house was registered in the name of a Turkish settler <u>they engaged legal proceedings in Famagusta. A decision was given in their favour in 2007, prohibiting the defendants from having access to the property.</u></p> <p>At their mother's funeral, finding the house occupied by a settler, they complained to the police in Rizokarpasso, <u>who threw the settler out.</u></p> <p>In November 2011, they found the house damaged and went to the police who indicated that they did not have a valid title deed and that the property would be confiscated and given to a settler, unless they secured a <u>title deed from the "TRNC" authorities (by going before the courts).</u></p> <p>In respect of the fields seized by the "TRNC" authorities after the events of 1974, the first witness indicated that around 2-3 years ago, his mother <u>received a notification of taxes payable on the land,</u> which she ignored, having no access to the lands.</p>
10	<p>Case of Kyriakou Roupinas Moved to the south for health reasons (husband died in 1956)</p> <p>Affidavits of : Christos Roupinas, son, and Georgia Theodoulou Kanna, daughter</p>	« Intention » of the authorities to confiscate the house at Rizokarpasso	The witnesses indicate that they do not know whether the authorities intend to give their property to Turkish settlers, one of them specifies that a settler seems to have applied to the Rizokarpasso police to obtain the house.
11	<p>Case of Anastassis Demetri Hadjianastassi Died in June 2004. Wife died in May 2007</p> <p>Affidavit of : Giannoula Constantinidou, daughter</p>	« Intention » of the authorities to confiscate the house in Rizokarpasso seizure of lands belonging to the family in order to give them to Turkish settlers.	On the death of the father, the witness and the mother began renovation work on their house (in 2007-08). On the death of the mother, the witness was informed by neighbours of the authorities' intention to demolish the house. Having appointed a Turkish Cypriot lawyer, <u>the witness obtained a title deed from the "Famagusta Lands Office".</u> The witnesses also possessed lands, which were cultivated by a Greek Cypriot enclaved person, this person was informed that he must stop his activities and that the lands would be seized. The witness informed the authorities of the existence of his title deeds and to date, it does not appear that the lands were seized.
12	<p>Case of Panayis Paouros Died in October 2002. Widow living in Rizokarpasso</p> <p>Affidavit of : Cryssi Ioannidou, daughter</p>	Seizure of family lands in order to give them to Turkish settlers.	<p>The mother currently still lives in the house in the north.</p> <p>The fields were seized after 2005 by Turkish settlers who still cultivate them today. Does not appear to have made any demarche before the "TRNC" authorities.</p>

13	<p>Case of Nicos Zaopodas Lives with his wife and children in Ayia Triada</p> <p>Affidavit of : Christina Christodoulou, daughter</p>	<p>From the beginning of 2010 and in September 2011, the authorities seized their fields in order to give them to Turkish settlers.</p>	<p>The witness alleges that her father was contacted by the authorities in order to give his agreement for an electricity pole to be placed on one of the fields; for the agreement, the authorities had him sign a document in Turkish. After a period of time, the authorities purported that the lands had been ceded to them and they constructed a whole electricity sub-station on the lands in question. Other fields were simply rented by the authorities to settlers for them to exploit. The affidavit does not refer to any demarche to complain about this situation.</p>
14	<p>Case of Antonis Katsiortas Lives with his wife in Ayia Triada</p> <p>Affidavit of : Flora Demetriou, daughter</p>	<p>In autumn 2011, the authorities seized their fields in order to give them to Turkish settlers.</p>	<p>The witness indicates that her father and his brothers inherited the lands in question from their parents. According to the witness, the authorities indicated to her father that he only he had the power to benefit from a transfer of property, being the only one resident in the north of Cyprus. That said, despite the title deeds being granted by the "TRNC" and the (unspecified) demarche taken by the witness's father, a Turkish settler continues to cultivate the lands.</p>
15	<p>Case of Thiophilos Nicola Zakhariou Died in December 1995. Widow died in May 2007.</p> <p>Affidavit of : Nicos Zakhariou, son</p>	<p>In September 2011, the authorities seized the family's fields in order to give them to Turkish settlers.</p>	<p>The lands were cultivated, with the witness's agreement, by his father-in-law, resident in the north and then given by the authorities to the same settler as in cases No. 13 and 14.</p>

Constitution

ART 13 - The rights and liberties referred to in this Constitution may be restricted by law in respect of aliens, in accordance with international law

ART 36 - (Property rights of "citizens")

(5) The right of the State to the immovable properties mentioned in Article 159 is reserved

Housing, Land distribution and special property Law (41/77)

The purpose of the law is inter alia « arrangement [...] of ownership, possession and running conditions of lands, [...], houses [...] abandoned by unidentified foreigners or foreigners residing out of the governance of the Turkish Republic of Northern Cyprus..»

General rules 2(3).52/1995 – "Foreigner" involves Greek and Hellenic Cypriots and their companies, associations, firms, social-cultural institutions or the shares of these establishments or other nationalities named as "foreigner" by decision of Council of Ministers

Section III – 4(1) Irrespective of the provisions in Immoveable Foreigner Property (Control and Administration Law) and Immoveable Foreigner Property (Allocation and Utilization) Law, **all properties that are found abandoned on 13 February 1975 or that are deemed abandoned or without an owner after the aforesaid date, comes under the control and administration of the Ministry responsible for Housing.**

Decision 518-2008 of the Council of Ministers

HOUSING, LAND DISTRIBUTION AND SPECIAL PROPERTY LAW

(41/77, 5/81, 27/82, 23/85, 3/88, 12/89, 44/90, 24/91, 53/91, 17/92, 6/94, 52/95, 39/98)

Decision under Section 3

Turkish Republic of Northern Cyprus Council of Ministers enacts the following Decision in accordance with the power entrusted to it pursuant to section 3 of Housing, Land Distribution and Special Property Law (Law No. 41/77, as amended):

- (a) *Foreigners who move their permanent residence from Turkish Republic of Northern Cyprus to the Greek Cypriot Administration and who do not exercise the option to transfer their properties within 1 year of their permanent departure will be deemed to be a "foreigner" for the purposes of this Law;*
- (b) *For the purposes of this Law, "permanent residence" will be determined on the basis of the foreigner's intent; in determining the intent to move permanent residence, on the other hand, the foreigner's workplace, family ties, participation in public life, financial investments and the place of home of the foreigner as well as similar factors will be taken into account;*
- (c) *The movable and immovable properties of people, who are considered as foreigners for the purposes of this Law, who pass away while permanently residing in the Turkish Republic of Northern Cyprus, are subject to the same laws regarding inheritance that apply to the citizens of Turkish Republic of Northern Cyprus.*

This decision shall revoke the previous decision of the Council of Ministers published in the Official Gazette Number: 80, Annex III on 8 August 2002 and will come into force on the date it is published in the Official Gazette.

ART 159 - (b) All immovable properties, buildings and installations which were found abandoned on **13th February 1975** when the Turkish Federated State of Cyprus was proclaimed or which were **considered by law as abandoned or not being owned after the abovementioned date**, or which should have been in the possession or control of the public even though their ownership had not yet been determined; and **(c)** all immovable properties found within the area of military installations, docks, camps and other training grounds (...) situated within the boundaries of the TRNC on 15th November 1983, **shall be the property of the TRNC notwithstanding the fact that they are not so registered in the records of the Land Registry Office**; and the Land Registry Office records shall be amended accordingly.

Law for the Compensation, Exchange and Restitution of Immoveable Properties

Interpretation 2. In this law, unless the context otherwise requires, (...) "Applicant" means the person applying to the Commission with a **claim of right in respect of immovable properties which are within the scope of sub-paragraph (b) of paragraph 1 of Article 159 of the Constitution, (...)**

Options available to the Greek Cypriots residing in Karpas in case of their permanent departure from that region/Heirs of enclaved persons residing in the south following the completion of the administration of estate procedure

Keep the ownership of their properties as long as they maintain **minimal contacts** with their property and/or ties with the community in the Karpas region (such as having a bank account in the north, being a member of an association in the "TRNC", according to the Turkish authorities' reading of the **Decision 518-2008**)

Transferral of the property right to a person residing in the north
- option to be used within one year from the permanent departure

Application before the Immovable Property Commission (IPC) for compensation or exchange of property

The decision taken is subject to appeal before the Supreme Administrative Court (Art. 152 of the Constitution)

Article 152 of the Constitution

(1) The High Administrative Court, shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person exercising any executive or administrative authority is contrary to any of the provisions of this Constitution, or of any law or of any subsidiary legislation made thereunder, or is made in excess or in abuse of powers vested in such organ or authority or person.

(2) Such a recourse may be made by a person whose legitimate interest is adversely and directly affected by such decision or act or omission.

(3) Such a recourse shall be made within seventy-five days from the date when the decision or act was published or, if not published or in the case of an omission, within seventy-five days from the date it came to the knowledge of the person making the recourse.

(4) Upon such a recourse the High Administrative Court may, by its decision:

(a) confirm either in whole or in part, such decision or act or omission; or

(b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever; or

(c) declare that such omission, either in whole or in part, ought not to have been made and that whatever act has been omitted should have been performed.

(5) Any decision given under paragraph (4) of this Article shall be binding on all courts and all organs or authorities of the State and shall be given effect to and acted upon by the organ or authority or persons concerned.

(6) Any person aggrieved by any decision or act declared to be void under paragraph (4) of this Article or by any omission declared thereunder that it ought not to have been made, shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings for damages or for being granted any other remedy and to recover just and equitable compensation to be determined by the court or to be granted such other just and equitable compensation as such court is empowered to grant.