

Stock-taking concerning the violations established by the Court in the case *Cyprus against Turkey* and analysis of the impact of the judgment of 12 May 2014 on the just satisfaction

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

Introduction

1. During its 1201st Human Rights meeting (June 2014), the Committee of Ministers instructed the Secretariat to present, for its 1214th meeting (December 2014), a general stock-taking concerning the different violations identified by the Court in the judgment *Cyprus against Turkey* of 10 May 2001, as well as an analysis of the impact of the judgment of the 12 May 2014 on just satisfaction. In conformity with this decision, the Committee will be able to decide, in the light of the examination of those questions at its December 2014 meeting, “on the order and the calendar for the examination of the three clusters of the principal judgment concerning the missing persons, the property rights of enclaved persons and the property rights of displaced persons” (see the decision adopted during the 1201st meeting, June 2014, DH).

Content

I. General stock-taking concerning the different violations identified by the Court.....	2
A. Cyprus against Turkey judgment.....	2
1. <i>Greek-Cypriot missing persons and their relatives</i>	2
2. <i>Home and property of displaced persons</i>	2
3. <i>Living conditions of the Greek Cypriots in Karpas region of northern Cyprus</i>	3
4. <i>Rights of Turkish Cypriots living in northern Cyprus</i>	4
B. Related individual cases	4
1. <i>Cases related to the property right of displaced Greek Cypriots (Xenides-Arestis group)</i>	5
2. <i>Case related to the rights of missing Greek Cypriots and their relatives (Varnava case)</i>	5
II. Impact of the judgment of 12 May 2014 on the just satisfaction	5
A. Findings of the Court.....	5
1. <i>Findings in respect of the Cypriot Government’s request for just satisfaction</i>	5
2. <i>Findings in respect of the Cypriot Government’s application for a “declaratory judgment”</i>	6
B. Impact of the Court’s findings.....	6
1. <i>Impact on the issue of missing persons</i>	6
2. <i>Impact on the issues related to the property rights of displaced persons</i>	6
3. <i>Impact on the issues concerning the property rights of enclaved persons</i>	8
4. <i>Impact on the other issues raised in the interstate case</i>	8
5. <i>Impact on the related individual cases</i>	8
Conclusions:	8
PROPOSALS	9

I. General stock-taking concerning the different violations identified by the Court

A. Cyprus against Turkey judgment

2. In its judgment, the Court held that there had been 14 violations of the Convention, grouped into 4 categories presented below.

1. Greek-Cypriot missing persons and their relatives

a) Violations found

- **a continuing violation of Article 2** (right to life) concerning the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances;
- **a continuing violation of Article 5** (right to liberty and security) concerning the failure of the Turkish authorities to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance;
- **a continuing violation of Article 3** (prohibition of inhuman or degrading treatment) in that the silence of the Turkish authorities in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment.

b) Summary of the status of execution

3. The Committee last examined the question of the missing persons and their relatives at its 1186th meeting (December 2013) (DH). The Deputies noted with great interest the exchange of views they had, at this meeting, with the members of the Committee of Missing Persons in Cyprus (CMP), which brought important clarifications on different issues raised in the framework of the implementation of the judgments *Cyprus v. Turkey* and *Varnava*. They also recalled the necessity of adopting a proactive approach as regards the search of the persons who are still missing, and called on the Turkish authorities to continue providing the CMP with all relevant information and to continue and intensify their efforts aimed at rapidly giving access to all relevant places. The Deputies noted with satisfaction in this respect the new information provided by the Turkish authorities and permissions granted to the CMP so far to access military zones, in particular to a second fenced military area. They also noted the assurances of the Turkish authorities that they will continue to grant the CMP access to other military zones.

4. As regards the identified persons, the Deputies took note of the further information provided by the Turkish authorities on the progress of the investigations conducted into the death of these persons and invited the authorities to keep the Committee informed on the progress achieved in this field. In this context, while underlining once again the importance for investigators to have access to forensic data and to all the evidence kept by the CMP, the Deputies noted with satisfaction that the CMP keeps this data, as well as any material element which might constitute evidence in a criminal investigation, with the aim of transferring them to the investigators.

2. Home and property of displaced persons

a) Violations found

- **a continuing violation of Article 8** (right to respect for private and family life) concerning the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus;
- **a continuing violation of Article 1 of Protocol No. 1** (right to protection of property) concerning the fact that Greek-Cypriot owners of property in northern 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;
- **a violation of Article 13** (right to an effective remedy) concerning the failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 and Article 1 of Protocol No. 1.

b) Summary of the status of execution

5. Following the pilot judgment of 22/12/2005 in the *Xenides-Arestis* case, an "Immovable Property Commission" was set up in the northern part of Cyprus under "Law No. 67/2005 on the compensation, exchange or restitution of immovable property". In its inadmissibility decision in the *Demopoulos* and 7 other cases delivered on 5 March 2010, the Grand Chamber found that Law No. 67/2005, which set up the Immovable Property Commission in the northern part of Cyprus, "provides an accessible and effective framework of redress in respect of complaints about interference with the property owned by Greek Cypriots" (§127 of that decision).

6. At the June and September 2010 meetings (DH), the Committee examined the question of the consequences of the Grand Chamber's inadmissibility decision in the *Demopoulos* case. For more details on the positions expressed in that regard, see the information document CM/Inf/DH(2011)32. The Secretariat's assessment of this issue is presented in two information documents, namely CM/Inf/DH(2010)21 and CM/Inf/DH(2010)36.

7. In December 2011 (1128th Deputies' meeting, DH), the Delegation of Cyprus requested the Committee of Ministers to suspend its examination of this question until the Court had pronounced itself on the application for a "declaratory judgment", filed with the Court by the Government of Cyprus, in November 2011. Whilst taking note of this request, the Committee decided to continue its discussion of the question of the property rights of displaced persons at its Human Rights meetings of March and December 2012, March 2013 and March 2014. At every examination of the issue the Committee has recalled that the Court was seized of a request under Article 41 of the Convention in the case of *Cyprus v. Turkey* and postponed the examination of the issue to the next meeting. The Court pronounced itself on this application in its judgments of 12 May 2014 on the just satisfaction.

3. Living conditions of the Greek Cypriots in Karpas region of northern Cyprus

a) Violations found

- **a violation of Article 9** (freedom of thought, conscience and religion) in respect of Greek Cypriots living in northern Cyprus, concerning the effects of restrictions on freedom of movement which limited access to places of worship and participation in other aspects of religious life; in addition, the authorities of the "TRNC" had not approved the appointment of further priests for the area, there being only one priest for the whole of the Karpas region ;
- **a violation of Article 10** (freedom of expression) in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school were subject to excessive measures of censorship;
- **a violation of Article 2 of Protocol No. 1** (right to education) in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them;
- **a continuing violation of Article 1 of Protocol No. 1** (right to protection of property) in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory and in that, in case of death, inheritance rights of relatives living in southern Cyprus were not recognised;
- **a violation of Article 3** (prohibition of inhuman or degrading treatment) in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading treatment. The Court referred to the finding that the Karpas Greek Cypriots were not permitted by the Turkish authorities to bequeath immovable property to a relative, unless the latter also lived in the north, that there was no secondary-school facilities in the north and that the restrictions on this community's freedom of movement weigh heavily on their enjoyment of private and family life and their right to practise their religion. The Court also indicated that the principles of bi-zonality and bi-communality, the basis of the politics of the Respondent State in the framework of the talks in Cyprus, were reflected in the situation in which Greek Cypriots lived that were characterised by isolation, restrictions in their movements, surveillance and lack of prospect of renewing or developing their community;
- **a violation of Article 8** (right to respect for private and family life) concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home. The Court indicated in particular that during the relevant period there were severe limitations to the number and the duration of the visits of Greek Cypriots living in the south to their relatives living in the north; the Court also referred to the fact that the Greek Cypriots' movements and contacts were controlled by the authorities. The Court considered in addition that the different

restrictions imposed on the Greek Cypriots living in the north of Cyprus, such as the absence of normal means of communication, the unavailability in practice of the Greek-Cypriot press, the insufficient number of priests, the absence of secondary education, the restrictions applied to freedom of movement and the impossibility of preserving property rights upon departure or on death were factors which aggravated the violations found in respect of the right to respect for private and family life.

- **a violation of Article 13** (right to effective remedy) by reason of the absence, as a matter of practice, of remedies in respect of interferences by the authorities with the rights of Greek Cypriots living in northern Cyprus under Articles 3, 8, 9 and 10 of the Convention and Articles 1 and 2 of Protocol No. 1.

b) Summary of the status of execution

8. Following the appointment of a second priest to officiate in the Karpas region, as well as the setting up since September 2005 of a full secondary education for the Greek Cypriot children in the north of Cyprus and the abandonment of the censorship of schoolbooks, the Committee closed its examination of the questions related to the restrictions of the freedom of religion, the censorship of schoolbooks and the absence of secondary education (violations of Articles 9, 10 and 2 of Protocol No.1)¹.

9. The Committee continues its examination of the questions of the property rights of Greek Cypriots living in the north of Cyprus and the effective remedies in this respect (Article 1 of Protocol No. 1 and Article 13). The measures taken by the Respondent State are summarised in the Information document CM/InfDH(2013)23 prepared by the Secretariat. The latest examination of these questions took place in June 2014 (1201st meeting, DH).

10. The questions relating to the discrimination suffered by the Greek Cypriots living in the north of Cyprus and to the breach of their private and family life, as well as the question of the remedies as regards Articles 3, 8, 9, 10 and 2 of Protocol No.1 have not yet been examined by the Committee. Indeed, until now, the Committee has focused on the examination of the questions relating to the other violations found in the judgment.

4. Rights of Turkish Cypriots living in northern Cyprus

a) Violation found

- **a violation of Article 6** (right to a fair trial) on account of the legislative practice of authorising the trial of civilians by military courts.

b) Summary of the status of execution

11. The competence of military courts has been reduced and all cases have been withdrawn from the military courts and transferred to civil courts. Consequently, the Committee decided to close its examination of this question in 2005 (for more details see Interim Resolution ResDH(2005)44 adopted on 7 June 2005).

B. Related individual cases

12. It is recalled that 34 individual cases raising issues similar to those examined in the *Cyprus v. Turkey* case are currently pending before the Committee for the supervision of their execution². The status of execution of these cases is presented below to allow the Committee to take it into account when it decides on the calendar for the examination of the different clusters of the *Cyprus against Turkey* case.

¹ For more details see Interim Resolution CM/ResDH(2007)25, adopted on 4 April 2007.

² In two cases concerning the property right of displaced persons, the individual measures required for the execution of the Court's judgments have been taken (cases *Alexandrou* and *Eugenia Michaelidou Developpements and Michael Tymvios*). The Committee decided to close the examination of the individual measures in one of these cases (*Eugenia Michaelidou Developpements and Michael Tymvios*, decision taken at the 1043rd meeting, December 2008, DH). As regards the *Alexandrou* case, as the authorities complied with the terms of the friendly settlement reached with the applicant on the application of Article 41, according to which they were to pay him a sum of money and return the immovable property at stake, the Execution Department noted that no further individual measure was necessary (see the public notes of the September 2010 meeting, DH).

1. Cases related to the property rights of displaced Greek Cypriots (Xenides-Arestis group)

a) Violations found

- **continuing violations of Article 1 of Protocol No. 1** (right to protection of property) due to the continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof;
- **continuing violations of Article 8** (right to respect for private and family life) in certain cases concerning the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus;

b) Summary of the status of execution

13. The issue of general measures in these cases is similar to those examined in the framework of the *Cyprus v. Turkey* case as regards the property rights and the right to respect of home of the displaced Greek Cypriots. As to the individual measures, their latest examination by the Committee dates back to September 2010 (1092nd meeting, DH). The Secretariat's assessment of the status of execution of these cases is presented in the Information document CM/Inf/DH(2010)21 of 17 May 2010. According to this assessment, the cases of *Loizidou* and *Eugenia Michaelidou Developments Ltd et Michael Tymvios* could be closed. This was also the case for the other cases of the *Xenides-Arestis* group, once the Turkish authorities had paid the just satisfaction awarded to the applicants by the Court, as well as the default interest due.

14. As regards the payment of the just satisfaction awarded in these cases by the Court, the Committee adopted an Interim Resolution in September 2014 (1208th meeting) in which it declared that Turkey's continued refusal to pay this just satisfaction is in flagrant conflict with its international obligations, both as a High Contracting Party to the Convention and as a member State of the Council of Europe. The Committee exhorted Turkey to review its position and to pay without any further delay the just satisfaction awarded to the applicants by the Court, as well as the default interest due (see Interim Resolution CM/Res/DH(2014)185, adopted on 25 September 2014).

2. Case related to the rights of missing Greek Cypriots and their relatives (Varnava case)

a) Violations found

- **a violation of Article 2** (right to life) due to the failure to conduct effective investigations into the fate of nine Greek Cypriots who had disappeared during the military operations carried out by Turkey in Cyprus in 1974;
- **a violation of Article 3** (prohibition of inhuman and degrading treatment) due to the authorities' silence in face of their real concerns;
- **a violation of Article 5** (right to liberty and security) due to the failure to conduct effective investigations into the whereabouts of two of the nine missing men, in respect of whom there has been an arguable claim that they had been detained at the time of their disappearance.

b) Summary of the status of execution

15. The individual and general measures in this case are examined with the examination of the issue of missing persons in the framework of the *Cyprus v. Turkey* case.

16. The issue of the payment of the just satisfaction in this case is examined jointly with that of the payment of the just satisfaction in the *Xenides-Arestis* group (see Interim Resolution CM/Res/DH(2014)185, quoted above).

II. Impact of the judgment of 12 May 2014 on the just satisfaction

A. Findings of the Court

1. Findings in respect of the Cypriot Government's request for just satisfaction

17. In this judgment, the Grand Chamber held that Turkey is to pay the applicant Government 30,000,000 Euros in respect of non-pecuniary damage suffered by the relatives of the missing persons and 60,000,000 Euros in respect of non-pecuniary damage suffered by the enclaved Greek Cypriot residents of the Karpas

peninsula. The Court indicated that those amounts shall be distributed afterwards by the applicant Government to the individual victims under the supervision of the Committee of Ministers within eighteen months from the date of the payment or within any other period considered appropriate by the Committee of Ministers.

2. Findings in respect of the Cypriot Government's application for a "declaratory judgment"

18. The Court pronounced itself on this application in paragraphs 61-63 of the judgment:

" 61. In their application of 25 November 2011 the Cypriot Government requested the Court to adopt a "declaratory judgment" stating:

"(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;
(ii) that this obligation arising under Article 46 is not discharged by the Court's admissibility decision in *Demopoulos*."

62. The Court observes that the respondent State is bound by Article 46 and thus by its international obligations to comply with the principal judgment. It reaffirms the general principle that the respondent State remains free to choose the means by which it will discharge its legal obligation under the above-mentioned provision, and that the supervision of the execution of the Court's judgments is the responsibility of the Committee of Ministers.

63. The Court considers that it is not necessary to examine the question whether it has the competence under the Convention to make a "declaratory judgment" in the manner requested by the applicant Government since it is clear that the respondent Government is, in any event, formally bound by the relevant terms of the main judgment. It is recalled in this connection that the Court has held that there had been a continuing violation of Article 1 of Protocol No. 1 by virtue of the fact that Greek-Cypriot owners of property in northern Cyprus are being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights (section III, point 4 of the operative part of the principal judgment). It thus falls to the Committee of Ministers to ensure that this holding which is binding in accordance with the Convention, and which has not yet been complied with, is given full effect by the respondent Government. Such compliance could not, in the Court's opinion, be consistent with any possible permission, participation, acquiescence or otherwise complicity in any unlawful sale or exploitation of Greek Cypriot homes and property in the northern part of Cyprus. Furthermore the Court's decision in the case of *Demopoulos and Others*, cited above, to the effect that cases presented by individuals concerning violation of property complaints were to be rejected for non-exhaustion of domestic remedies, cannot be considered, on its own, to dispose of the question of Turkey's compliance with section III of the operative provisions of the principal judgment in the inter-State case."

B. Impact of the Court's findings

1. Impact on the issue of missing persons

19. The judgment seems to have no impact on the issues followed until present by the Committee regarding the effective investigations on the fate of the missing persons. The judgment adds however a new question, that of the payment of the just satisfaction that the Respondent State should pay.

2. Impact on the issues related to the property rights of displaced persons

20. According to the Court, Turkey has not yet complied with the conclusion of the principal judgment that there was a violation of the property rights of displaced Greek Cypriots by virtue of the fact that they were denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights. Consequently, Turkey is to adopt additional measures concerning this part of the principal judgment.

21. In this respect, the Court held that the compliance with its holding on the violations of the property rights of displaced persons in the principal judgment "could not [...] be consistent with any possible permission, participation, acquiescence or otherwise complicity in any unlawful sale or exploitation of Greek Cypriot homes and property in the northern part of Cyprus" (§63). The Court also stated that the *Demopoulos* decision cannot be considered, on its own, to dispose of the question of Turkey's compliance with section III

of the operative provisions of the principal judgment in the inter-State case (the title of this section is “Alleged violations of the rights of displaced persons to respect for their home and property”).

22. In order to put an end to the practice called into question by the Court, it is necessary to identify clearly what is covered by the terms “unlawful sale or exploitation”. Does this refer to sale and exploitation which are not in conformity with the law applicable in the “TRNC” or to all sale and exploitation made without the consent of the Greek Cypriot owners? It is essential to decide upon that issue in order to be able to determine the additional measures that Turkey should adopt.

23. If it refers to sale and exploitation which are unlawful under the applicable law in the “TRNC”, it can only be sale and exploitation of property which is prohibited for sale or exploitation by the 2005 Law, namely the properties which have been returned by the Immovable Property Commission to their Greek Cypriot owners. It is recalled in this respect that, according to the Turkish authorities, the sale and exploitation of properties which are subject to a request for restitution before this Commission are also prohibited by the regulations applicable in the “TRNC”. If it refers to sale and exploitation which are unlawful under the law applicable in the “TRNC”, the Committee could ask the Turkish authorities to provide information on the existence of practice in this respect, and, if necessary, invite them to take measures without delay to put an end to such practice.

24. If it refers to sale and exploitation which are unlawful because they take place without the consent of the Greek Cypriot owners, the measures should aim at prohibiting the transfers and exploitation of immovable properties belonging to displaced Greek Cypriots. As the Convention guarantees only individual rights, such prohibition would only make sense if it aims at preserving the possibility for restitution of those properties to their Greek Cypriot owners. Such interpretation of the judgment on the just satisfaction seems to be in contradiction with the Grand Chamber findings in its inadmissibility decision *Demopoulos and Others* of 1 March 2010 and that of the Chamber in the *Meleagrou and Others* decision of 2 April 2013.

25. It should be recalled in this respect that in its *Demopoulos* decision, the Court held that it would be unrealistic to expect that the Court should, or could, order the Respondent State to ensure that these applicants obtain access to, and full possession of, their properties, irrespective of who is now living there or whether the property is allegedly in a militarily sensitive zone or used for vital public purposes. The Court considered that some thirty-five years after the Greek Cypriot owners left their property, it would risk being arbitrary and injudicious for it to attempt to impose an obligation on the respondent State to effect restitution in all cases. The Court moreover stated that it cannot impose an unconditional obligation on a State to embark on the forcible eviction and rehousing of potentially large numbers of men, women and children and recalled that in its case-law it considered it necessary to ensure that the redress applied to old injuries does not create disproportionate new wrongs (§§116-117).

26. In addition, in the *Demopoulos* case, the applicants and the Cypriot Government contested the genuineness of the redress mechanism set up arguing that it aims to legitimise the illegal seizure of the properties belonging to Greek Cypriots (§106). However, the Court considered that Turkey had put into place legislation which seeks to provide a mechanism of redress and which has been interpreted so as to comply with international law, including the Convention. The Court concluded that the 2005 Law “provides an accessible and effective framework of redress in respect of complaints about interference with the property owned by Greek Cypriots” (§127)³. The Court also indicated that the applicants can decide not to use the redress mechanism and await a political solution but if they wish to invoke their rights under the Convention, their claims will be decided in line with the principles of the *Demopoulos* decision (§128).

27. In its *Demopoulos* decision the Court found, in addition, that even if only a small proportion of the property under occupation would in practice be eligible for restitution under the 2005 Law, this does not undermine the effectiveness of the new scheme for restitution, exchange and compensation put in place by Turkey in the northern part of Cyprus (§119). If the terms “unlawful sale and exploitation” used in the judgment on the just satisfaction concern exclusively the sale and exploitation of property belonging to that category, the Committee could ask the Turkish authorities to take measures to guarantee that the properties which are suitable for restitution under 2005 Law are not subject to sale and exploitation without the consent of their Greek Cypriot owners. The Turkish authorities could, for instance, envisage that from the lodging of a request for restitution with the Immovable Property Commission, their sale and exploitation will be prohibited.

³ This conclusion was confirmed in the inadmissibility decision *Meleagrou* (cited below) in which the Court confirmed that the restitution should not be afforded in every case and concluded that the applicants had not exhausted the remedies at their disposal as they only requested the restitution of their properties.

3. Impact on the issues concerning the property rights of enclaved persons

28. At this stage, it is hard to identify the impact of the judgment on the just satisfaction on this issue. Indeed, as specified by the Applicant Government, its request for just satisfaction does not concern the violation of the property rights of enclaved persons (§51). Furthermore, the Government's request for a declaratory judgment relates exclusively to the issue of the property rights of displaced persons. Moreover, in its reply the Court referred only to that issue. Thus when the Court decided in paragraph 63 of the judgment on the just satisfaction that Turkey has not complied with the conclusions of the principal judgment, it referred twice to Section III of the operative provisions of the principal judgment which relates exclusively to the property rights of displaced persons.

29. In addition it is important to underline that the issue of the property rights of enclaved persons is very different from that of the property rights of displaced persons. Indeed, there are two specific problems to be remedied related to the issue of the property rights of enclaved persons: 1) impossibility to keep the property rights on immovable property in case of permanent departure from the north; 2) impossibility to bequeath immovable property and lack of recognition of the rights of the heirs. These questions have been settled by the adoption of specific measures taken by the Turkish authorities. More precisely, the Turkish authorities took regulatory measures according to which the Greek Cypriots can keep the property rights on their immovable property situated in the north upon permanent departure from the north and the property rights of their heirs are recognised (for more details on the measures taken, see the Information document CM/Inf/DH(2013)23, cited above). The possibility of applying to the Immovable Property Commission as a last resort as regards properties belonging to enclaved Greek Cypriots is an additional remedy whose effectiveness has not been questioned by the just satisfaction judgment.

30. Finally, it should also be recalled that in the principal judgment the Court found a non-violation of Article 1 of Protocol No. 1 as regards the complaint of an alleged practice of failing to protect the property of Greek Cypriots living in the north of Cyprus against interferences by private persons (Section IV, point 10 of the operative provisions). This finding has not been challenged by the judgment on the just satisfaction.

31. This question could nevertheless be reexamined in the light of the Committee's conclusions on the issue of the property rights of displaced persons.

4. Impact on the other issues raised in the interstate case

32. The judgment does not seem to have any impact on the other issues raised in the interstate case. It adds however a new question concerning the living conditions of enclaved Greek Cypriots (in relation to the violations of Articles 3, 8, 9, 10 and 13 of the Convention and of Article 2 of Protocol No. 1) which is that of the payment of the just satisfaction that the Respondent State should pay.

5. Impact on the related individual cases.

33. The judgment on the just satisfaction does not seem to have any impact on the related individual cases. It is recalled in this respect that the applicants in the *Varnava* case are excluded from the list of relatives of the missing persons concerned by the judgment on the just satisfaction. In addition, the judgment on the just satisfaction does not provide for compensation of pecuniary damage regarding the properties concerned by the individual cases.

Conclusions:

34. The judgment on the just satisfaction should not have an impact on the issues raised until now by the Committee as regards the property rights of enclaved persons and the individual cases. Its impact is limited to the new question of the payment of the just satisfaction as regards the missing persons and the other outstanding issues in the interstate case.

35. The assessment on its impact on the issue of the property rights of displaced persons requires, first that the meaning and the scope of the term "unlawful sale or exploitation" that the Court uses to point out practices considered incompatible with the implementation of Section III of the operative provisions of the principal judgment be decided upon.

36. The Secretariat has identified possible interpretations in this respect and it is up to the Committee to decide, or to identify other interpretations. If as a result of these discussions, the Committee concludes that it is not possible to take a decision, then the question of a request for interpretation under Article 46§3 of the Convention could arise.

PROPOSALS

37. As regards the order and the calendar for the examination of the three clusters of the principal judgment, if the Committee shares the Secretariat's conclusion on the need to settle first the question of the meaning and the scope of the term "unlawful", including, if necessary, through a request for interpretation under Article 46§3, it could decide to resume the issue of the property rights of displaced persons in March 2015.

38. As regards the two other clusters relating to the missing persons and to the property rights of enclaved persons, the Committee could envisage resuming their consideration at the September 2015 meeting and establishing a working calendar with time-limits for the submission of information and for its assessment by the Secretariat. In this way, a continuing control could be exercised in these cases.

39. The related individual cases could also be joined to this examination, as well as the questions of the payment of the just satisfaction in these cases, so as to in the long-term, group the examination of the *Cyprus v. Turkey* case and the related individual cases at one annual meeting.