

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
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Meeting: 1302<sup>nd</sup> meeting (December 2017) (DH)

Communication from the Turkish authorities (22/11/2017) concerning the cases of CYPRUS v. Turkey and XENIDES-ARESTIS v. Turkey (Applications No. 25781/94, 46347/99)

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Réunion : 1302<sup>e</sup> réunion (décembre 2017) (DH)

Communication des autorités turques (22/11/2017) concernant les affaires CHYPRE c. Turquie et XENIDES-ARESTIS c. Turquie (requêtes n° 25781/94, 46347/99) (**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.

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## MEMORANDUM

Property Rights of "Displaced Persons" cluster of "Cyprus v. Turkey"  
and the Xenides-Arestis group

1302<sup>nd</sup> (Human Rights) meeting of the Ministers' Deputies (CMDH)

5-7 December 2017

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### Introduction

"Property rights of the Greek Cypriot displaced persons" is on the agenda of the next Committee of Ministers meeting in human rights format (CMDH) that will take place on 5-7 December 2017.

This issue will be discussed as part of the examination of the "property rights of displaced persons" cluster of the "Cyprus v. Turkey"<sup>1</sup> case as well as the individual cases in the Xenides-Arestis group.

To this end, with a view to conducting a legal examination, we request the Deputies;

- with respect to the "displaced persons" cluster of "Cyprus v. Turkey" and the general measures in the Xenides-Arestis group, to confirm that the existing measures meet the comments of the European Court of Human Rights (ECtHR) in the just satisfaction judgment, with a view to closure;
- to instruct the Secretariat to prepare a draft final resolution to close the supervision of the individual measures in the cases of *Loizidou*,<sup>2</sup> *Eugenia Michaelidou Developments Ltd and Michael Tymvios*<sup>3</sup> and *Alexandrou*,<sup>4</sup> where the sums owed have already been paid years ago; and for the other cases in the Xenides-Arestis group to state that the only measure which remains outstanding is just satisfaction;<sup>5</sup> and
- with respect to the Karpaz residents and their heirs cluster of "Cyprus v. Turkey", to consider that the views of the European Court of Human Rights on the "displaced persons" cluster in the just satisfaction judgment do not have any impact on the primary measures taken for that cluster.

### Case description

Cyprus v. Turkey:

- In May 2001, the European Court of Human Rights found violations of Articles 8 and 13 and Article 1 of Protocol No. 1 concerning the homes and immovable properties of displaced Greek Cypriots in the case of "Cyprus v. Turkey".

<sup>1</sup> "Cyprus v. Turkey" [GC], no. 25781/94, ECHR 2001-IV.

<sup>2</sup> *Loizidou v. Turkey (merits)*, 18 December 1996, Reports of Judgments and Decisions 1996-VI.

<sup>3</sup> *Eugenia Michaelidou Developments Ltd and Michael Tymvios v. Turkey*, no. 16163/90.

<sup>4</sup> *Alexandrou v. Turkey*, no. 16162/90.

<sup>5</sup> This is also the recommendation of the Secretariat in the Notes on the Agenda, H46-35 Xenides-Arestis group v. Turkey (Application No. 46347/99), CM/Notes/1302/H46-35, dated 7 November 2017, p. 3.

## The Immovable Property Commission as an effective and accessible redress:

In order to provide an effective and accessible redress where Greek Cypriots can apply in respect of their complaints concerning interference with the properties they left in the North, the Immovable Property Commission (IPC) was set up under TRNC Law No. 67/2005, which entered into force on 22 December 2005.<sup>6</sup> This Law enables Greek Cypriots to apply to the Immovable Property Commission for restitution, compensation and/or exchange, as well as compensation for loss of use as a complementary remedy to the three primary remedies, for the immovable properties that were registered in their name on 20 July 1974<sup>7</sup> (or if they are the legal heirs to such persons) or their movable properties before 13 February 1975, which they had to abandon due to conditions beyond their own volition.<sup>8</sup>

IPC has been examining applications made in respect of properties by Greek Cypriots and deciding on the remedies. The IPC considers the specific remedy requested by the Greek Cypriots and applies the criteria set out in Law No. 67/2005 to assess whether this is feasible.<sup>9</sup> A right of recourse lies against the decision of the IPC to the TRNC Supreme Court sitting as the High Administrative Court exercising revisional jurisdiction.<sup>10</sup>

In case a Greek Cypriot asks for compensation, the amount will be determined by the IPC on an equitable basis, taking into account the market value in 1974 and the increase in value since. Compensation for loss of use and for movable property could also be paid. Non-pecuniary damage could be given for homes, taking into account personal and family links to the property in question.<sup>11</sup>

Compensation has been the most preferred remedy sought. Out of 6371 applications to the IPC so far, 4377 Greek Cypriot applicants asked for compensation only. 873 out of 886 decisions of the IPC included payment of compensation. Total compensation amount ruled by the IPC is 242,336,671 Pounds Sterling.

In case of exchange, Greek Cypriots could be offered Turkish Cypriot property in the South with value equivalent to the value of the property they left in the North. So far, 2 decisions of the IPC included exchange as a remedy.

If however, a Greek Cypriot applies for restitution, for its decision the IPC first checks if the current use and ownership of the property rests with the TRNC. If the answer is yes, then the following criteria are followed:

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<sup>6</sup> In June 2003, the TRNC initially established the Immovable Property Determination Evaluation and Compensation Commission. However, the European Court of Human Rights did not find it to be effective and accessible in the admissibility decision of *Xenides-Arestis*. Shortly after, Immovable Property Commission has been set up in a way to address the the shortcomings identified in this decision.

<sup>7</sup> There must be no other persons claiming rights to the claimed immovable property according to the Land Registry records.

<sup>8</sup> Law No. 67/2005, §6.

<sup>9</sup> Law No. 67/2005, §8.

<sup>10</sup> Law No. 67/2005, §9.

<sup>11</sup> Law No. 67/2005, §8.

- a) Property would be eligible for immediate restitution if;
  - its restitution would not endanger national security or public order, or
  - it is not allocated for public interest reasons, or
  - it is not within military areas or installations.
- b) If immediate restitution of the property is not possible due to the criteria set out in (a) above, then the property could still be eligible for restitution after the settlement of the Cyprus problem, provided that it has not been allocated for public interest or social justice reasons, and
  - it has not undergone a substantial improvement as a result of which its value doubled after abandonment, or
  - there is no approved project that would bring about the substantial improvement described above, or
  - the property was not one that was acquired by a Turkish Cypriot having had to leave South Cyprus and move to the North, in exchange for property s/he had to leave in the South.

If the current use and ownership of the property does not rest with the TRNC,<sup>12</sup> the criteria described above in (b) would also be used to determine whether a property would be eligible for restitution after the settlement of the Cyprus problem.

So far, 10 decisions of the IPC included immediate restitution as a remedy, and 1 decision was for the restitution of the property after the settlement of the Cyprus problem.

The Greek Cypriots also have the option not to apply to the IPC and instead wait for a solution to the Cyprus problem.<sup>13</sup>

Case-law which confirms that the remedies provided by the IPC secures “genuinely effective redress” for the Convention violations

Law No. 67/2005 which established the IPC came into existence as a consequence of the European Court of Human Rights holding in the pilot-judgment *Xenides-Arestis* that the Turkish side had to introduce a remedy to secure an effective redress for the Convention violations identified in that case, as well as all similar applications pending before it, in accordance with the principles for the protection of the rights laid down in Article 8 and Article 1 of Protocol No. 1.<sup>14</sup>

Later, in the just satisfaction stage of *Xenides-Arestis*, the Court noted that the remedies offered by the IPC, in principle, have taken care of the requirements of the Court laid down in the *Xenides-Arestis* decision above.<sup>15</sup>

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<sup>12</sup> Law No. 67/2005, §8.

<sup>13</sup> Law No. 67/2005, §19.

<sup>14</sup> *Xenides-Arestis v. Turkey* (merits), no. 46347/99, § 40, 22 December 2005.

<sup>15</sup> *Xenides-Arestis v. Turkey* (just satisfaction), no. 46347/99, § 37, 7 December 2006.

The first time the ECtHR examined whether the criteria by which the IPC decides on a remedy are effective is in the *Demopoulos* decision<sup>16</sup> delivered on 5 March 2010, where the Court found that the Immovable Property Commission “*provides an accessible and effective framework of redress in respect of complaints about interference with the property owned by Greek Cypriots.*”<sup>17</sup>

The Court also observed that “*...provision in Law no. 67/2005 is broad enough to encompass aspects of any loss of enjoyment of home...*”<sup>18</sup> The Court concluded that the complaints of the applicant property owners concerning a continuing interference with their right to respect for the home must also be rejected for non-exhaustion of domestic remedies, as the applicants had not submitted claims to that effect to the Immovable Property Commission.<sup>19</sup>

In reaching this conclusion, the Court noted that the situation in North Cyprus has changed since the delivery of the “Cyprus v. Turkey” judgment in 2001, as;

- there was now legislation that provided a mechanism of redress and which has been interpreted by the TRNC Constitutional Court so as to comply with international law, including the Convention;<sup>20</sup>
- political climate has ameliorated, with the opening of the borders;<sup>21</sup>
- some thirty-five years elapsed (at the time) since the applicants lost the properties and people, including Turkish Cypriot refugees from the South, have been living in those properties. Generations have passed;<sup>22</sup>
- much of the properties in the North changed hands, at least once.<sup>23</sup>

The Court also responded to the Greek Cypriot applicants’ complaints that IPC did not provide for restitution *in all cases*. The Court paid due regard to the time that has expired since the properties have been left and to the position of the third parties, and decided that “*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.*”<sup>24</sup>

Moreover, the Court emphasized that “*...from a Convention perspective, property is a material commodity which can be valued and compensated for in monetary terms. If compensation is paid in accordance with the Court’s case-law, there is in general no unfair balance between the parties.*”<sup>25</sup> As a result, the Court concluded that even where only a small portion of the properties would in practice be eligible for restitution by the Immovable Property Commission, the effectiveness of the Commission would not be undermined.<sup>26</sup> Accordingly, the Court found “*[n]o problem therefore arises as regards the impugned discretionary nature of the restitutionary power under Law no. 67/2005.*”<sup>27</sup>

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<sup>16</sup> *Demopoulos v. Turkey*, no. 46113/99 and 7 other applications, 5 March 2010.

<sup>17</sup> *Demopoulos*, §127.

<sup>18</sup> *Demopoulos*, §133.

<sup>19</sup> *Demopoulos*, §§ 133 and 134.

<sup>20</sup> *Demopoulos*, §90.

<sup>21</sup> *Demopoulos*, §90.

<sup>22</sup> *Demopoulos*, §84.

<sup>23</sup> *Demopoulos*, §84.

<sup>24</sup> *Demopoulos*, §116.

<sup>25</sup> *Demopoulos*, §115.

<sup>26</sup> *Demopoulos*, §119.

<sup>27</sup> *Demopoulos*, §118.

Furthermore, the Court held that “...it must leave the choice of implementation of redress for breaches of property rights to Contracting States, who are in the best position to assess the practicalities, priorities and conflicting interests on a domestic level even in a situation such as that pertaining in the northern part of Cyprus.”<sup>28</sup>

#### Subsequent cases further confirming the effectiveness of the IPC criteria

- Following the adoption of the *Demopoulos* decision, the ECtHR declared inadmissible for non-exhaustion of domestic remedies all applications by Greek Cypriots concerning their property claims in the North that had not already been declared admissible and where the applicants had not presented a claim to the IPC in accordance with Law No. 67/2005.<sup>29</sup>
- Subsequently, in the case of *Meleagrou*,<sup>30</sup> which was delivered on 2 April 2013, the applicant challenged the decision of the IPC on the ground that she was claiming restitution but the IPC could not grant it to her due to the criteria in Law No. 67/2005. The ECtHR held that restitution could not be awarded in light of the criteria set out in the Law and in order to exhaust domestic remedies in the TRNC, she had to ask for the other remedies offered by the IPC, namely exchange or compensation, which were equally effective for purposes of the Convention. As she failed to do so, her application was declared inadmissible.<sup>31</sup> This decision confirmed once again that restitution could not be the only remedy to address the alleged continuing violation. In other words, the Court found the criteria applied by the IPC to determine whether to grant restitution to be Convention-compliant and confirmed the principle that restitution does not have to be awarded in all cases and that exchange and compensation are equally effective ways of providing redress to Greek Cypriots with respect to their property claims.

#### The just satisfaction judgment of 12 May 2014 in the case of “Cyprus v. Turkey”

- The ECtHR delivered the just satisfaction judgment in the “Cyprus v. Turkey” case in May 2014, whereby it confirmed the relevance of *Demopoulos* for purposes of the CMDH and called upon the Committee to consider its consequences by underlining that “*Demopoulos* on its own” did not dispose the respondent state of its obligations.<sup>32</sup> In other words, the Court did not respond positively to what the applicant had asked it to do, namely to say that “*Demopoulos* does not have the effect of discharging the respondent state of its obligations under Article 46”.<sup>33</sup> The Court also made comments about whether compliance with the main judgment could be consistent with “unlawful sale or development” of properties.<sup>34</sup>

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<sup>28</sup> *Demopoulos v. Turkey*, no. 46113/99 and 7 other applications, §118.

<sup>29</sup> *Loizou v. Turkey*, no. 50646/15, §61, 3 October 2017.

<sup>30</sup> *Meleagrou and Others v. Turkey* (dec.), no. 14434/09, 2 April 2013.

<sup>31</sup> *Meleagrou*, §§14-16.

<sup>32</sup> “*Cyprus v. Turkey*” (just satisfaction), §63.

<sup>33</sup> “*Cyprus v. Turkey*” (just satisfaction), §61.

<sup>34</sup> “*Cyprus v. Turkey*” (just satisfaction), §63.

### Most recent case further confirming the effectiveness of the IPC criteria

- Most recently, on 3 October 2017 in the *Loizou* case,<sup>35</sup> the ECtHR confirmed its findings in the *Demopoulos* case concerning the effectiveness of the Immovable Property Commission. The Court was also satisfied with the effectiveness of the IPC criteria in cases involving companies. As a result, the Court declared inadmissible the applicant's claims challenging the functioning of the IPC (in particular, regarding the length of the proceedings before it, its effectiveness in cases of property belonging to companies, as well as the time it took for payment of the sums awarded).<sup>36</sup>

### Status of the procedure before the CMDH in the "Cyprus v. Turkey" case

After the *Xenides-Arestis* just satisfaction judgment, the CMDH had adopted decisions recalling that the ECtHR had been seized of the question of the effectiveness of the IPC and considered that the Court's conclusions on this point might be decisive for its examination of the displaced persons cluster in "Cyprus v. Turkey".<sup>37</sup>

It was indeed no other Court decision than *Demopoulos* that the CMDH has been deeming its conclusions to be decisive for the examination of this cluster. The Court has been confirming its conclusions on the effectiveness of the IPC ever since.

The Secretariat,<sup>38</sup> as well as numerous Delegations drew conclusions from the *Demopoulos* decision and considered the closure of the examination of this cluster.

Yet, the deliberations in the CMDH continued due to the political maneuvers of the applicant. Eventually, the applicant lodged a "just satisfaction" application to the Court where a "declaratory judgment" for this cluster was demanded.

Following the pronouncement of the Court in May 2014, despite the applicant's insistence on the introduction of additional measures to impose a ban on all transfers and construction activities in North Cyprus regarding all properties, whether it is the subject of an application to the IPC or not, there has not been any Delegation that has identified and proposed any additional measure.<sup>39</sup>

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<sup>35</sup> *Loizou v. Turkey*, no. 50646/15, §64.

<sup>36</sup> *Loizou v. Turkey*, no. 50646/15, §§76, 82.

<sup>37</sup> For example, CMDH decision of 16 September 2009 concerning property rights of displaced persons says: "The Deputies recalled that the European Court is currently seized of the question of the effectiveness of the mechanism of restitution, exchange and compensation established in the northern part of Cyprus and considered that the Court's conclusions on this point might be decisive for the examination of this question."

<sup>38</sup> CM/Inf/DH(2010)21, dated 17 May 2010.

<sup>39</sup> In the CMDH decision adopted at its 1214<sup>th</sup> meeting (December 2014), the Deputies were called upon to , identify and propose any additional measure with a view to ensuring a focused debate on full implementation of the main judgment.

## Upcoming CMDH meeting

For the upcoming CMDH in December, the Secretariat invites the Delegations to interpret what the

Court meant in the just satisfaction judgment when it said compliance with the main judgment cannot be consistent with “unlawful sale or exploitation” of Greek Cypriot homes and properties.<sup>40</sup>

The existing legislation in the TRNC, including Law No. 67/2005 which has been found effective by the Court, have to be analyzed to see whether there are provisions that address the Court's comments. In *Loizou*, the Court proceeded to assess whether Law No. 67/2005 provided effective remedies with respect to companies. In doing so, the Court relied on the interpretation of the Law No. 67/2005 advanced by the TRNC authorities because “...it is primarily for the national authorities to interpret and apply domestic law and it is not the Court's task to take the place of the domestic authorities in that respect.”<sup>41</sup>

According to the TRNC authorities, unlawful transactions on properties restituted to Greek Cypriot displaced are already prohibited in accordance with the existing legislation. In case IPC rules for immediate restitution, the property is registered in the name of the Greek Cypriot owner. Thereafter, it would be unlawful to sell, develop, transfer, mortgage, create an encumbrance on the property by anyone other than the registered Greek Cypriot owner according to the Immovable Property (Tenure, Registration and Valuation) Law (Cap. 224) and the Immovable Property (Transfer and Mortgage) Law, Law No. 11/1978).

In addition, Law No. 67/2005 expressly provides that as from the date of an announced decision of the IPC ruling ‘restitution after the Cyprus problem’, no construction shall be permitted on the said immovable property before the settlement<sup>42</sup> or in any event within a 3-year period; such immovable property cannot be improved, purchased or sold except for extraordinary circumstances laid out in the Law.

In other words, the Turkish side already has in place the necessary mechanisms to comply fully with the part of the main judgment dealing with the “property rights of displaced persons” in the just satisfaction judgment.

While the Greek Cypriot side argues that CMDH should require additional measures (including ban on transfers and construction on all properties) to ensure restitution of all Greek Cypriot properties, in reality, the real aim is the aggravation of the isolation of Turkish Cypriots and score points against Turkey and Turkish Cypriots at international platforms.

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<sup>40</sup> Notes on the Agenda, H46-32 “Cyprus v. Turkey” (Application No. 25781/94), CM/Notes/1302/H46-32, dated 7 November 2017, pp. 3-4.

<sup>41</sup> *Loizou v. Turkey*, no. 50646/15, §68.

<sup>42</sup> Within the provisions of the settlement agreement.



CMDH is not a platform to assist applicants to pursue their foreign policy objectives.

From a legal point of view, the demand of the applicant for restitution of all properties, even in cases when Law No. 67/2005 does not provide for restitution, has been repeatedly rejected by the ECtHR in the *Demopoulos* decision, and again in the *Meleagrou* decision. The Secretariat also confirms that the criteria set out in Law No. 67/2005 were not called into question in *Demopoulos* or in the just satisfaction judgment.<sup>43</sup>

Also, the applicant in “Cyprus v. Turkey” and then the applicants in the *Demopoulos* case<sup>44</sup> brought the issue of sales and developments in the TRNC to the attention of the ECtHR. However, in *Demopoulos*, rather than detecting any deficiency in the functioning of the IPC in this respect, the Court found the IPC to be effective and accessible.

Thus, Greek Cypriots have the option to apply to an effective remedy, namely the IPC, and ask for restitution, if they so wish. Thereafter, IPC will apply its criteria set out in Law No. 67/2005, but disregard those actions which may lead to the exclusion of restitution as a remedy when an application is pending before it.

Greek Cypriots also have the option to wait for a settlement of the Cyprus problem. It should be recalled that on 27 July 2015, the two leaders agreed that property rights of all displaced, Turkish Cypriot and Greek Cypriot, shall be respected not only through reinstatement/restitution, but also equally through exchange and compensation which will be decided on the basis of criteria.

#### Individual Measures in the Xenides-Arestis group

The compensation awarded by the ECtHR in the judgments as part of Xenides-Arestis group in respect of Article 1 of Protocol No. 1 and of Article 8 in those cases where payment is outstanding can be settled through the IPC.

Payment through the IPC will be necessary to ensure the ownership claims of the applicants that were the subject matter of the judgments are settled once and for all. This is because the amount of just satisfaction ruled by the ECtHR in the Xenides-Arestis group corresponds to loss of use between 1987 and the date of just satisfaction judgments (majority between 2010-2012).<sup>45</sup> However, the payment of just satisfaction ruled by the Court in these judgments will open the way for the claims of the applicants for loss of use to continue to accumulate and, as the Court has also acknowledged in paragraph 111 of the *Demopoulos* decision, this will enable the applicants to apply to the ECtHR periodically and indefinitely to claim loss of rents. The Court concluded that such an approach would ignore the consequences that attenuation of time would have on the link

<sup>43</sup> CM/Notes/1302/H46-32, p. 4.

<sup>44</sup> *Demopoulos v. Turkey*, no. 46113/99 and 7 other applications, §58.

<sup>45</sup> With the exception of the *Xenides-Arestis* just satisfaction where the ECtHR in *Demopoulos* found includes loss of use as well as value of property.

between the holding of title and the possession and use of the property in question. As a result, the IPC which grants loss of use as a complementary remedy to the three primary remedies has been found effective by the Court not only in *Demopoulos*, but also in *Meleagrou* where the Court was seized with the complaint that the IPC could not grant loss of use only.

Therefore, the applicants in the Xenides-Arestis group can receive payment for loss of use, as well as compensation, exchange and/or restitution for the properties that were in issue in the IPC which is more appropriate with access to the properties, registries and records for deciding on complex matters of property ownership and valuation and assessing financial compensation.<sup>46</sup>

The applicants to the cases that are part of the Xenides-Arestis group will not be required to follow the normal procedure before the IPC. The relevant Turkish Cypriot authorities, as respondent parties before the IPC, already examined these cases and made offers to the applicants.

The authorities consider that no additional individual measure is required, apart from the payment of just satisfaction. In its most recent analysis,<sup>47</sup> the Secretariat reiterated its conclusion of 2010 that the only individual measure which remains is the payment of just satisfaction, if pending.

In addition, the individual measures in the cases of *Loizidou*, *Eugenia Michaelidou Developments Ltd* and *Michael Tymvios* and *Alexandrou*, where just satisfaction has been paid, should also be closed.

#### No impact of the just satisfaction judgment on the cluster of Karpaz residents and their heirs

In line with the ECtHR's judgment regarding the cluster of Karpaz residents and their heirs in "Cyprus v. Turkey", the measures taken by the Turkish Cypriot authorities ensure the Greek Cypriot Karpaz residents keep their properties even in the cases of departure from the North, so long as they maintain minimum contacts (such as keeping a bank account or membership to a local association), and recognise the property rights of their heirs. IPC provides redress as a last resort.

In September 2015 CMDH welcomed these measures. This decision reflected the opinions of the Secretariat dated 2009 and 2013, which also concluded that these measures were capable of remedying the findings of the ECtHR in the main judgment.

The Court's views on the "displaced persons" cluster in the just satisfaction judgment do not have any impact on the primary measures taken for Karpaz.

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<sup>46</sup> *Demopoulos v. Turkey*, no. 46113/99 and 7 other applications, §97.

<sup>47</sup> H46-35 Xenides-Arestis group v. Turkey (Application No. 46347/99), p. 3.

The applicant also argues that the comments of the Court strictly regarding “displaced persons” in the just satisfaction judgment should also apply to the cluster relating Greek Cypriot Karpaz residents and their heirs.

However, the same treatment of the two clusters was the reason for violation in “Cyprus v. Turkey”. In the main judgment, when the Court said that the situation of Karpaz residents are analogous to that of displaced persons, it indeed found a violation because the two are treated in a similar manner. This is the reason why subsequently in North Cyprus a different legal regime has been introduced for Greek Cypriot Karpaz residents and their heirs in addition to the one that applies to displaced persons.

The Greek Cypriot side also excluded the Karpaz cluster from its application for just satisfaction, and asked for a declaratory judgment exclusively relating to the “property rights of displaced persons”, and not Karpaz residents or their heirs.

Thus, the Court’s comments on the “displaced persons” cluster in the just satisfaction judgment do not have any impact on the primary measures taken for Karpaz and all the necessary measures that address the findings of the Court regarding this cluster have been in place since 2008 and are being effectively implemented.

## Conclusion

Keeping in mind the necessity to conducting a legal examination and the importance of not unnecessarily prolonging this issue any further, we reiterate our request to the Deputies

- to proceed with an analysis of the existing measures in the TRNC and to confirm that the measures, which have been found effective repeatedly by the ECtHR, meet the comments in the just satisfaction judgment with respect to the “displaced persons” cluster of “Cyprus v. Turkey” and the general measures in the Xenides-Arestis group, with a view to closure; and
- to instruct the Secretariat to prepare a draft final resolution to close the supervision of the individual measures in the cases of *Loizidou*, *Eugenia Michaelidou Developments Ltd and Michael Tymvios and Alexandrou*, where the sums owed have already been paid years ago; and for the other cases in the Xenides-Arestis group to state that the only measure which remains outstanding is just satisfaction; and
- with respect to the Karpaz residents and their heirs cluster of “Cyprus v. Turkey”, to consider that the views of the European Court of Human Rights on the “displaced persons” cluster in the just satisfaction judgment do not have any impact on the primary measures taken for that cluster.