

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 14/09/2017

DH-DD(2017)1009

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

Meeting: 1294th meeting (September 2017) (DH)

Communication from a NGO (08/09/2017) and reply from the authorities (14/09/2017) in the cases of CYPRUS v. Turkey and VARNAVA AND OTHERS v. Turkey (Applications No. 25781/94, 16064/90)

Information made available under Rules 9.2 and 9.6 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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

Réunion : 1294^e réunion (septembre 2017) (DH)

Communication d'une ONG (08/09/2017) et réponse des autorités (14/09/2017) dans les affaires CHYPRE c. Turquie et VARNAVA ET AUTRES c. Turquie (Requêtes n° 25781/94, 16064/90) **[anglais uniquement]**

Informations mises à disposition en vertu des Règles 9.2 et 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



R2685/76/EC

8 September 2017

Messrs
Secretariat of the Committee of Ministers
Council of Europe
F-67075 Strasbourg, cedex
France

VIA EMAIL & MAIL

Dear Sirs

Subject: 1) Application no. 25781/94 - Cyprus v Turkey, Grand Chamber Judgment dated 12 May 2014

2) Application nos. 16064/90, 16068/90, 16070/90, 16072/90 and 16073/90 - Varnava and Others v Turkey, Judgment dated 18 September 2009

We refer to Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlement and set out the following in relation to the general measures in the abovementioned cases:

- (1) We are a non-governmental organization founded in 2007 by a group of concerned lawyers in Cyprus and our aim is the establishment of the truth surrounding missing persons in Cyprus. For easy reference we attach copy of our latest press release on the occasion of the International Day of the Disappeared.
- (2) We have been informed by Messrs Lellos P Demetriades Law Office LLC (Law Office) that in the case of Hadjinicolaou and Others v Turkey (Application no. 7048/08) and Efthymiou and Others v Turkey (Application no. 40997/02) which had been declared inadmissible on 3 April 2012 and 7 May 2013 respectively, the Applicants gave reports to the Police Authorities of the Respondent's subordinate local administration on 6 January 2011 and 21 September 2012, respectively, and since then the Applicants have had no information. It is thus obvious that the Respondent is not taking any steps to carry out an investigation, let alone an effective one, and the Applicants are now requesting the Committee of Ministers to take up the matter as part of its consideration of general measures and of compensation for which they are entitled.
- (3) We have also been informed by the Law Office the following in relation to the eight missing persons:
 - (a) On 14 August 2017 the Law Office received by email a standardized report in Turkish for the following cases which had been declared inadmissible:
 - (i) Application no. 479/07 – Papayianni and Others v Turkey, Missing Person: Ioannis Papayiannis;

Truth Now NGO

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- (ii) Application no. 4584/10 – Scordis and Others v Turkey, Missing Person: Christoforos Skordis;
 - (iii) Application no. 6081/10 – Korelli v Turkey, Missing Person: Antonakis Korellis;
 - (iv) Application no. 4607/10 – Georghiou and Others v Turkey, Missing Person: Georghios Papageorghiou;
 - (v) Application no. 4649/10 – Stavraki Georgaki v Turkey, Missing Person: Andreas Stavraki;
 - (vi) Application no. 5189/10 – Stefanie and Others v Turkey, Missing Person: Philippos Hadjikyriacou;
 - (vii) Application no. 7839/10 – Akhniotou v Turkey, Missing Person: Panayiotis Nicolaou;
- (b) On 28 August 2017 the Law Office received by email a similar report for Application no. 5210/08 – Elia v Turkey, Missing Person: Odysseas Elias.
- (c) In all cases the Law Office replied the same day by email as follows:
- “Dear Sir/Madame
Thank you for your note in Turkish which, as you very well know, I cannot read.
Please translate into English or Greek and forward to me.
If that is not done as soon as possible, I am afraid no action will be taken from my part as I simply do not understand what you are saying.
Enough time was spent in you preparing this and I think that in the interest of promoting Human Rights, you should provide a translation.
Thanking you for your cooperation and I hope that my reply, in English, is understood and appreciated.”
- (d) So far the Law Office did not receive any translation of these reports so they cannot explain to the Applicants its content.
- (e) From an unofficial translation we understand that allegedly investigations had been carried out but no result was reached and that the cases will be closed.
- (f) Clearly, this is unacceptable by the Applicants, who insist that an effective investigation must be carried out.
- (4) With respect to the above we understand that the Turkish Government has so far failed to carry out an investigation, let alone an effective one, and the families of the missing persons involved, would like to express their disappointment for this matter.

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- (5) We understand that a number of resolutions have been taken by the Committee which have unfortunately no result for the Applicants. We therefore urge you to reiterate to Turkey its obligations under the judgments of the Court both in respect of damages as well as individual and general measures.

You may be also interested to know that we are supporting the creation of a Truth Commission in Cyprus to which the existing Committee on Missing Persons (CMP) should be upgraded details on which can be found on our webpage www.truthnowcyprus.org.

We remain at your disposal for any clarifications and would be grateful if these matters were brought to the attention of the Members of the Committee of Ministers, prior to their forthcoming meeting 19 – 21 September 2017 pursuant to Rule 9 of its Rules.

I remain at your disposal should you require any clarifications.

Thanking you in advance for your cooperation.

Yours sincerely

Natasa Iakovou
on behalf of Truth Now NGO

Enc

cc: DG Human Rights & Legal Affairs
Directorate of Monitoring
Department for the Execution of ECHR Judgments
Council of Europe
F-67075 Strasbourg
Cedex
France

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International Day of the Disappeared 30.8.2017

ANNOUNCEMENT

The past can neither be altered nor can it be buried. Truth must be revealed to achieve peace within the society and the souls and minds of those who have been suffering for years, including the relatives of the missing persons.

On the occasion of the International Day of the Disappeared, TRUTH NOW (<http://www.truthnowcyprus.org/index.php/en/>) repeats its call for the Republic of Cyprus (RoC) to take all the necessary measures for the ascertainment of the truth and restoration of justice and to provide guarantees of non repetition of similar events and mistakes.

TRUTH NOW applauds the recent decision of the RoC, to finally proceed with the exhumation of the remains of the dead after the bombing of the Athalassa Psychiatric Hospital in 1974 as well as the decisions taken by the Committee for Missing Persons (CMP) for the creation of a data base and an accessible system and also joins the call for more and accurate information that could lead to burial sites and the identification of more of our missing persons.

Furthermore, TRUTH NOW repeats its proposal for the creation of a Truth Commission in Cyprus by way of upgrading the existing CMP after amending its Terms of Reference so as, among other, to enable an effective investigation throughout the whole territory of Cyprus (<http://www.truthnowcyprus.org/index.php/en/a-truth-commission-for-cyprus/item/27-proposal-for-amending-the-terms-of-reference-of-cmp>).

TRUTH NOW also expects that the RoC:

a) will forthwith ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which the Republic of Cyprus signed in 2007, but has not yet ratified; [Since 2015 TRUTH NOW has been asking from the Ministry of Foreign Affairs for clarifications concerning the delay observed in relation to the preparation of a ratifying bill (<http://www.truthnowcyprus.org/index.php/en/announcements/item/50-letter-to-the-ministry-of-foreign-affairs-for-the-ratification-of-the-convention>), however, it has not yet received a reply], and

b) will proceed at long last with the effective investigation and ascertainment of the truth in relation to the collection of the dead that took place on 17.8.1974, during an agreed ceasefire, in the Ayios Pavlos area in Nicosia, and their burial at Lakatamia Cemetery, amongst whom many of our missing persons were included.

29 August 2017

More information available at:

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Truth Now NGO Ltd

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