CYPRUS:

Lack of political settlement prevents the displaced from fully enjoying their property rights

A profile of the internal displacement situation

18 December, 2007
About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

Internal Displacement Monitoring Centre
Norwegian Refugee Council
Chemin de Balexert 7-9
1219 Geneva, Switzerland
Tel.: +41 22 799 07 00
idmc@nrc.ch
www.internal-displacement.org
# OVERVIEW

LACK OF POLITICAL SETTLEMENT PREVENTS THE DISPLACED FROM FULLY ENJOYING THEIR PROPERTY RIGHTS

# CAUSES AND BACKGROUND

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OVERVIEW

Lack of political settlement prevents the displaced from fully enjoying their property rights

More than 30 years after having been displaced, more than 200,000 Greek and Turkish Cypriots still have unresolved issues related to their displacement. While they no longer have humanitarian needs and have largely integrated into the places they have settled, the displaced are still unable to take back possession of the property they left behind, or return to their homes. The leaders of the Government of Cyprus and the Turkish Cypriot administration agreed in 2006 on principles for continuing negotiations on the future of Cyprus, but the implementation of this agreement has not moved forward. One effect of the continued partition of the island has been discriminatory treatment of Greek Cypriots and Maronites in the north and Turkish Cypriots in the south, though the administrations in both areas have made efforts to address these issues. Recent developments include the resumption of the work of the Committee for Missing Persons, continued clearance of landmines, the establishment of a commission in the north to handle property claims, and an increased movement of people between the north and south. The United Nations and European institutions also continue to monitor the situation on the island.

A long-standing conflict

The roots of modern displacement in Cyprus date back to British colonial rule. After decades of growing dissatisfaction with British leadership, Greek and Turkish Cypriots organised separate armed movements against the British in the late 1950s. While the Greek Cypriots were calling for union with Greece, Turkish Cypriots were demanding partition of the island into Greek and Turkish zones. Britain renounced sovereignty over Cyprus, and a 1960 agreement with the governments of Greece and Turkey as well as Greek and Turkish Cypriot leaders established an independent Republic of Cyprus with a power-sharing arrangement between the Greek Cypriot and Turkish Cypriot communities. However, neither the Greek nor the Turkish Cypriots were satisfied with the agreement as it rejected their respective demands (ICG, 8 March 2006, p.1; TESEV, 30 April 2005, p.20).

The power-sharing arrangement broke down in 1963. After many disputes, the Greek Cypriot leadership proposed thirteen constitutional amendments to make the constitution more workable, one of which included modifying the number of Greek and Turkish Cypriot civil servants to reflect their respective population ratios (Chrysostomides, 2000, p.33). Turkish Cypriot government officials rejected these proposals, stating that political protections for Turkish Cypriots would be removed. They withdrew from their posts, and the bi-communal arrangement collapsed (ICG, 8 March 2006; Coufoudakis, 2006, p.7). Violence between Greek and Turkish Cypriots ensued and hundreds were killed (191 Turkish Cypriots and 133 Greek Cypriots) or disappeared (209 Turkish Cypriots and 41 Greek Cypriots) (TESEV, 30 April 2005, p.27). Over 25,000 Turkish Cypriots and several hundred Greek Cypriots fled their homes, with Turkish Cypriots seeking refuge in guarded enclaves (ICG, 8 March 2006; Scott 1998, p.145; TESEV, 30 April 2005, p.27; Hannay, 2005, p.4). The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964, but intermittent violence continued nevertheless (Hannay, 2005, p.4). Turkish Cypriot government members never returned to their posts and instead formed a separate administrative body for the Turkish Cypriot community.

The situation erupted again in July 1974 when the Greek Cypriot government was ousted in a coup engineered by the government of Greece (Coufoudakis, 2006, p.5). Within days, Turkey invaded and intercommunal violence broke out in addition to the Turkish military operation,
leading to the death and disappearance of some 3,000 Greek and Turkish Cypriots, as well as 
Greek and Turkish military personnel (TESEV, 30 April 2005, p.35). By the time a ceasefire came 
into effect in mid-August, Turkish troops had gained control of 37 per cent of the island and from 
183,000 to 242,000 people had been displaced (ICG, 8 March 2006; Coufoudakis, 2006, p.85). 
This included between 142,000 and 182,000 Greek Cypriots and between 41,000 and 60,000 
Turkish Cypriots (PRIO, 7 March 2006; Republic of Cyprus, 27 September 2007; TESEV, 30 April 
2005; Coufoudakis, 2006, p.88; European Commission of Human Rights, 10 July 1976; Palley, 

Over the next years, increasingly separate Greek and Turkish Cypriot zones were created. Greek 
Cypriots fled to the southern part of the island as Turkish troops took increasing control over the 
north. Similarly, Turkish Cypriots fled to the north as the intercommunal violence escalated in the 
south. People also left their homes after leaders signed the 1975 Vienna III agreement, which 
allowed for voluntary and assisted movements of Turkish Cypriots to the north and Greek 
Cypriots to the south, as well as assurances to Greek Cypriots that they would continue to have 
access to the services and facilities needed to lead a normal life in the north. In effect, a Turkish 
Cypriot zone was created in the north and a Greek Cypriot zone was created in the south, with 
only 130 Turkish Cypriots left in the south and 10,000 Greek Cypriots left in the north (PRIO, 7 
March 2006; Hannay, 2005, p.6; Coufoudakis, 2006, p.9; ICG, 8 March 2006). However, the 
number of Greek Cypriots decreased to about 500 by 1981 as many were subjected to pressure 
from the Turkish Cypriot authorities (European Commission of Human Rights, 10 July 1976; 
PRIO, 7 March 2006). Another factor contributing to ethnic consolidation of the north is the arrival 
of immigrants from Turkey. Although there is no consensus on the exact figure, estimates range 
from 31,000 to 115,000 people, and 35,000 Turkish troops (ICG, 8 March 2006; Scott, 1998 
p.148; CoE, 2 May 2003; PRIO, 12 August 2005).

Greek and Turkish Cypriots have been divided physically and politically ever since. A UN-
monitored buffer zone separates the Greek and Turkish Cypriot areas and while the Government 
of the Republic of Cyprus administers the Greek Cypriot zone, the Turkish Cypriot authorities 
administer the Turkish Cypriot zone. In 1975, political leaders in the north proclaimed the area 
under its control the “Turkish Federated State of Cyprus,” which became the “Turkish Republic of 
Northern Cyprus” (TRNC) in 1983. Only Turkey recognises this entity, while the Government of 
the Republic of Cyprus has international recognition. However, the Turkish Cypriot administration 
does not view the Government of the Republic of Cyprus as a legitimate authority due to the 
absence of Turkish Cypriot representation in state institutions in accordance with the 1960 
constitution (CoE, 10 May 2001; ICG, 8 March 2006, p.2).

Stalled implementation of latest agreement

Negotiations between the government of the Republic of Cyprus and the Turkish Cypriot 
authorities under UN auspices have so far failed to produce an agreement. The two sides 
continue to disagree on the root of the problem as well as the solution. Whereas the Republic of 
Cyprus points to the 1974 Turkish invasion and occupation as the beginning of the problem, and 
prefers a solution based on the respect for human rights including the right for all to repossess 
and return to their homes, the Turkish Cypriot leadership believes the dispute started in 1963 with 
the breakdown of the Republic of Cyprus government and prefers an arrangement based on the 
current partition with Turkish and Greek Cypriot zones within a single state (PRIO, 7 March 
2006).

In terms of a solution, the preferences of the two sides are mirrored by the general population; a 
2007 UN-commissioned survey in which 1,000 Turkish Cypriots and 1,000 Greek Cypriots were 
terviewed, along with 100 Turkish Cypriot and 250 Greek Cypriot residents of the buffer zone, 
concluded that 72 per cent of Greek Cypriots find a single-state solution “satisfactory”, while 67 
per cent of Turkish Cypriots find it “unacceptable”. And while 59 per cent of Turkish Cypriots think
a two-state arrangement is “satisfactory”, 73 per cent of Greek Cypriots find this alternative “unacceptable”. Both groups come closer on their support for a bizonal, bicommmunal federation, with 47 per cent of Greek Cypriots finding it “tolerable”, and 45 per cent of Turkish Cypriots finding it “satisfactory” (UN, 24 April 2007).

In 2004, the UN’s “Annan Plan” put forward the creation of a “United Cyprus Republic”, a loose confederation of two component states – the Greek Cypriot State and the Turkish Cypriot State. The plan was approved by 65 per cent of the Turkish Cypriot electorate, but rejected by 76 per cent of the Greek Cypriot electorate (UN, 26 May 2004; BBC, 8 August 2006).

The 2006 Gambari Agreement was the latest attempt to secure a political settlement. At a UN-sponsored meeting on 8 July 2006, Republic of Cyprus President Papadopoulos and Turkish Cypriot leader Ali Talat agreed on a set of principles to lay the foundation for future negotiations and a comprehensive settlement (Republic of Cyprus, 26 September 2007). The leaders also agreed to establish technical committees to examine issues that affect the daily lives of people on both sides of the buffer zone, and working groups to examine substantive issues. As of late 2007, there had been no progress on the Agreement’s implementation, although the parties had come closer to agreeing on how to start the process (The Observer, 21 September 2007; UN, 26 September 2007; Financial Mirror, 20 April 2007; UN, 3 December 2007).

Despite little progress on reaching a political settlement, the two sides have shown political will on the issue of missing persons (Republic of Cyprus, 5 October 2007; UN, 1 December 2006; UN, 9 March 2007; CoE, 7 April 2007). Some 1,500 Greek Cypriots and 500 Turkish Cypriots have been officially registered as missing since the 1960s (Republic of Cyprus, 27 September 2007; BBC, 21 November 2006). Established by the UN in 1981, the Committee for Missing Persons reactivated its work in 2004 after reconciling differing views on the procedure for concluding cases. The Committee is a mixed team of Greek and Turkish Cypriots as well as international experts, and is tasked with exhuming, identifying and returning the remains of missing persons to their families (Financial Mirror, 28 September 2007). As of late 2007, the remains of over 350 individuals had been exhumed on both sides of the buffer zone, 250 had undergone examination, and 57 had been identified and returned to their respective families (UN, 3 December 2007; Republic of Cyprus, 5 October 2007). The Council of Europe has stated that although the work of the Committee is notable, an investigation into the fate of missing persons is still needed (CoE, 4 April 2007; ECHR, 10 May 2001).

**Increased freedom of movement on the island**

The security situation in Cyprus is stable. The buffer zone has largely been cleared of landmines, but 23 minefields remain in the south, mainly near the buffer zone (ICBL, 2006; UN, 4 June 2007; UNFICYP, 15 December 2006). Clearance should be complete by 2009 (ICBL, 2006). The UN has also expressed concern that annual military exercises are conducted on both sides and minor security incidents periodically occur along the ceasefire lines such as stone throwing, weapon aiming at UN forces and firing in the direction of Greek Cypriot farmers (UN, 3 December 2007; UN, 4 June 2007; UN, 1 December 2006).

Mobility between the north and the south has increased since April 2003, when restrictions on crossing the buffer zone were eased (CoE, 16 May 2006). The buffer zone has been crossed over 13 million times since 2003 for employment, trade or religious activities as well as events bringing together the Greek and Turkish Cypriot communities (UN, 1 December 2006; US DoS, 6 March 2007). An estimated 5,500 Turkish Cypriots travel to the south on a daily basis for work and some 500 Maronites travel from the south to visit relatives in northern villages every weekend (UN, 4 June 2007; Cyprus Mail, 26 November 2006; Apostolides, 2005, from PRIO report of 22 November 2006; CoE, 16 May 2006; CoE, 27 October 2006). The Government of the Republic of Cyprus also offers free transportation for Greek Cypriots and Maronites in the north to visit their
children or access medical care in the south (CoE, 27 October 2006). Turkish Cypriots cross to
the south more regularly than Greek Cypriots cross to the north (UN, 24 April 2007).

The increased number of crossings has not led to improved relations between communities. In a
2007 UN survey, 40 per cent of Greek Cypriots and 30 per cent of Turkish Cypriots stated that
they had never crossed the buffer zone since the opening of the first crossing point in 2003 (UN,
24 April 2007). The majority of respondents from both groups who had crossed stated that their
impression of the other group had not changed as a result of visiting the other area (UN, 24 April
2007). Some groups faced difficulty when crossing, such as Turkish nationals trying to cross from
the north to the south (US DoS, 6 March 2007). Those crossing the buffer zone are required to
obtain separate insurance coverage in the community where they plan to drive their vehicles (US
DoS, 6 March 2007).

In 2006 and 2007, there was progress towards opening additional crossings points. In late 2006,
Turkish Cypriot authorities took down a contentious bridge and in early 2007 the Government of
the Republic of Cyprus demolished a wall and military checkpoint across Ledra Street in the
Cypriot capital Nicosia, (BBC, 9 March 2007; COE, 9 March 2007). Despite these positive steps
and the prioritisation of the opening of the crossing point by the Government of the Republic of
Cyprus and the Turkish Cypriot administration, the crossing is not yet operational as the security
situation in the area remains fragile (UN, 3 December 2007; Turkish Cypriot Human Rights

Discriminatory treatment of some Greek and Turkish Cypriots

More than 30 years since the conflict, the displaced no longer have humanitarian needs and have
largely integrated in their new locations. People displaced to the south were eligible to apply for
“refugee” status under which they could access various benefits and services, including housing
programmes that were quickly set up. The children of displaced men are entitled to inherit this
status and receive the respective benefits, whereas children of displaced women are not (MIGS,
26 May 2006; Cyprus Mail, 7 December 2006). Integration in the south has also been facilitated
by economic growth since the end of the conflict (US DoS, 6 March 2007). People displaced to
the north were not granted any special status, but were offered homes and property left behind by
displaced Greek Cypriots. As time has passed, many displaced people from both parts of the
island have emigrated or died (Palley, 2005 p.172).

While the displaced who remained on the island have largely integrated, Greek Cypriots and
Maronites in the north and Turkish Cypriots in the south report discriminatory treatment. The
telephones of Greek Cypriots and Maronites in the north are tapped (US DoS, 6 March 2007) and
they must travel to the south to access Greek Cypriot doctors (UN, 3 December 2007; UN, 9
March 2005). In the south, there have been isolated reports of Turkish Cypriots encountering ill-
treatment by police and physical attacks by Greek Cypriot youth (CoE, 16 May 2006; US DoS, 6
March 2007). Despite measures taken by the government such as adopting legislation prohibiting
discrimination on racial or ethnic origin, some Turkish Cypriots in the south have also reported
difficulties in obtaining passports, birth certificates and identity cards and in accessing housing,
medical care, employment and education (CoE, 27 October 2006; UN, 3 December 2007; UN, 9
March 2007; US DoS, 6 March 2007). Furthermore, only limited information is available in the
Turkish language and a government commitment to establish a Turkish-language school in
Limassol had not yet been realised in 2007, though Supreme Court proceedings on the right of
residents to be educated in Turkish were ongoing in 2007 (CoE, 16 May 2006; UN, 3 December
2007; US DoS, 6 March 2007). Meanwhile, Turkish-speaking children in Limassol can attend
Turkish-language classes at the local Greek Cypriot school. The Council of Europe’s European
Commission against Racism and Intolerance (ECRI) recommended in 2006 that the “Cypriot
authorities [in the south] pay attention and address problems of racism and racial discrimination
facing Turkish Cypriot citizens”.
Despite these challenges, there has been some progress in the treatment of Turkish Cypriots in the south and Greek Cypriots and Maronites in the north. The Turkish Cypriot authorities stopped censoring school books, established a secondary school for Greek Cypriots in Rizokarpaso in 2004 and ensured secondary education to Greek Cypriots under their jurisdiction in 2005. As a result of these actions, the Council of Europe’s Committee of Ministers decided in 2007 to close their study of the education of Greek Cypriots in the north (Coufloudakis, 2006, p.21; ICG, 8 March 2006; Turkish Cypriot Human Rights Foundation, 25 October 2007; CoE, 4 April 2007). The Committee of Ministers also decided to conclude their examination of the religious freedom of Greek Cypriots living in the north after restrictions on their movement were lifted and authorities allowed a priest to preside in the Karpas region (CoE, 4 April 2007).

The Committee of Ministers also decided to conclude their examination of the religious freedom of Greek Cypriots living in the north after restrictions on their movement were lifted and authorities allowed a priest to preside in the Karpas region (CoE, 4 April 2007).

For its part, the Republic of Cyprus passed legislation in 2006 affirming the right of Turkish Cypriots resident in the south to vote and stand for election (ECHR, 22 June 2004; CoE, 27 October 2006). As a result, Turkish Cypriots could vote and stand for election in the south for the first time in decades, in accordance with the still-valid 1960 constitution of the Republic of Cyprus (US DoS, 6 March 2007; TESEV, 4 December 2007). The Government of the Republic of Cyprus also assists Greek Cypriots and Maronites living in the north with food items, hygiene products, fuel and baby products, though these items are widely available in the north and some recipients are not dependent on these distributions (UNFICYP, 26 November 2007; TESEV, 4 December 2007). Holding citizenship of the Republic of Cyprus in addition to their “TRNC” identification card, Greek Cypriots and Maronites living in the north receive benefits from the Government of the Republic of Cyprus on a par with Cypriot citizens in the south, including pensions, unemployment benefits, child allowance and education grants (UNFICYP, 26 November 2007).

**Property remains the main outstanding issue for displaced people**

Property is one of the most complicated aspects of the Cyprus problem. Almost half the population of the island lost property as a result of violence or military action between 1963 and 1974 (UN, 1 April 2003). Information on those who lost their property as a result of violence following the constitutional crisis in 1963 is scarce, although more is available on the situation of people displaced after the 1974 Turkish military intervention.

Greek Cypriots left an estimated 1,810 square kilometres of property in the north, while Turkish Cypriots left about 535 square kilometres of property in the south, though there is no consensus on these figures (PRI, 7 March 2006). Following the de facto partition of the island after 1974, the Turkish Cypriot administration distributed property in the north, while property in the south has since been managed by the Government of the Republic of Cyprus. Turkish Cypriots also lost property as a result of inter-communal violence after the constitutional crisis in 1963.

The Turkish Cypriot property policy was designed to anchor the displaced in their new homes in the north, while the policy of the Government of the Republic of Cyprus has been to maintain the possibility for displaced people to return to their original homes (Scott, 1998 p.142). Turkish Cypriots displaced to the north received points for their land and property in the south and with these points could apply for a newly created “TRNC” deed for the abandoned Greek Cypriot property allocated to them. In gaining a title for their new property in the north, Turkish Cypriots forfeited their claim to their land and property in the south to the Turkish Cypriot administration (Scott, 1998 p.142; ECHR, 10 May 2001; Cyprus Mail, 8 March 2007). Greek Cypriots displaced to the south, on the other hand, received use and possession of abandoned Turkish Cypriot property, the title for which remains with the original owner (Republic of Cyprus, 1 July 1991; US DoS, 6 March 2007).

Prevented from returning to and repossessing their property and land, displaced Cypriots on both sides have applied to domestic and international courts to assert their rights. Over 30 years after
de facto partition, many displaced owners have died with the land titles still registered in their name. The first step in many cases for many Turkish Cypriots making claims on property in the south is to demonstrate that they have legally inherited the property title. The entire process can last several years, and may not be successful. Many documents for bequeathing land are only in Greek, including those for administering a will, conducting a land search or transferring a title deed, as well as the certificates of land search and title deed (Vroisha Yagmurulan Association, 6 December 2007). Most of the cases that Turkish Cypriots have lodged with courts in the south have been resolved out of court through “friendly settlements”. Turkish Cypriots who opted to push their cases through the court system in the south have encountered obstacles, including processing delays that can sometimes last years, and the fact that all applications must be submitted in Greek and all court hearings are conducted in Greek (Turkish Cypriot Human Rights Foundation, 25 October 2007). As a result, only a few cases have been decided, nearly all against Turkish Cypriots. Having exhausted local remedies, some of these Turkish Cypriots have applied to the European Court of Human Rights (ECHR) seeking restitution and compensation of their property from the Republic of Cyprus (Turkish Daily News, 4 January 2007; Turkish Cypriot Human Rights Foundation, 25 October 2007; Vroisha Yagmurulan Association, 6 December 2007).

Greek Cypriots have also applied to the ECHR demanding restitution of their property and compensation from Turkey for blocking their access to their properties in north Cyprus. After issuing landmark decisions in 1996 and 2001, the ECHR ruled in 2005 that there had been a continuing violation of a Greek Cypriot’s right to access and enjoy her home and property in the north, and held that she was still the legal owner of her home and property in the north (ECHR, 7 December 2006). The Court ordered Turkey to compensate the applicant for these violations.

In the same 2005 judgment, the ECHR ordered Turkey to introduce a remedy for the protection of property and possessions in the area under Turkish Cypriot administration. In response, the Turkish Cypriot authorities enacted the “Law for the Compensation, Exchange and Restitution of Immoveable Properties,” under which the Immovable Property Commission began its work in March 2006 (ECHR, 7 December 2006; Cyprus Mail, 23 March 2006). In late 2006, the ECHR noted that “…the new compensation and restitution mechanism, in principle, has taken care of the requirements of the decision of the Court on admissibility of 14 March 2005 and the judgment on the merits of 22 December 2005” (CoE, 7 April 2007; ECHR, 7 December 2006). The ECHR continued, however, that it has not yet examined the effectiveness and adequacy of this Commission and the applicant should not be required at this stage of proceedings to apply to it for reparation.

To date, some 300 applications have been lodged at the Commission and 22 cases have been decided (Permanent Mission of Turkey to the United Nations, 25 October 2007; Turkish Cypriot Human Rights Foundation, 25 October 2007). Compensation was paid to 18 applicants, who in return lost their right to use the property (The Observer, 8 June 2007). In two cases Greek Cypriots agreed to exchange their properties in the north with properties of comparable value belonging to Turkish Cypriots in the south. However, these exchanges are currently on hold as the ECHR is examining their voluntariness (PRIO, 13 November 2007; Turkish Cypriot Human Rights Foundation, 25 October 2007; Journal of Turkish Weekly, 24 September 2007). Restitution was afforded in three cases, though it remains to be tested whether these owners could take up residence on their land in the north (Turkish Cypriot Human Rights Foundation, 25 October 2007; PRIO, 13 November 2007).

More than thirty years after having been displaced, there is little prospect for most displaced people to return without a political settlement. While some of the people displaced may not want to return to their original homes and land, the UN reports that an increasing number of Maronites and Greek Cypriots have expressed an interest in returning permanently to their villages in the north to care for their parents who stayed behind in 1974 (Cyprus Mail, 19 February 2006; UN, 4
June 2007). Similarly, former residents of Famagusta, which is under Turkish Cypriot control, have initiated a campaign demanding that they be allowed to return and have collected some 30,000 signatures in support of this appeal (Cypriot Young Scientists Organisation, May 2007; Financial Mirror, 20 April 2007).

The development of property in both the north and south has only complicated property matters further. Uninhabited Greek Cypriot houses in the north have been demolished without the owner's consent, in addition to cultural and religious heritage items (UN, 4 June 2007; UN, 3 December 2007; Republic of Cyprus, 26 September 2007). Construction work on Greek Cypriot land in the north for housing, tourism and commercial development is also ongoing (Republic of Cyprus, 31 August 2005; UN, 4 June 2007; ICG, 8 March 2006; Financial Mirror, 8 June 2007; Embargol, 14 July 2006). In 2006, the Republic of Cyprus passed a law making the purchase, rent and sale of property owned by Greek Cypriots without the consent of the registered owner a crime. A Russian couple found with a contract for the purchase of Greek Cypriot property in the north were charged under this law and their trial was ongoing in 2007 (US DoS, 6 March 2007).

Development on Turkish Cypriot land in the south is also occurring (Embargol, 14 July 2006). Compensation for this development should be paid to the property custodian, but according to a Turkish Cypriot NGO this is not always done (Turkish Cypriot Human Rights Foundation, 25 October 2007). However, the Government of the Republic of Cyprus repairs Turkish Cypriot religious and cultural property as well as Turkish Cypriot houses within its area of control, spending $6 million dollars annually on the maintenance of Turkish Cypriot houses (CoE, 27 October 2006).

**UN maintains peacekeeping presence**

The United Nations has long been involved with Cyprus. Since 1964, successive special representatives have worked to facilitate a settlement between the two sides, but with little success (Hannay, 2005, p.7). Current Special Representative for Cyprus and Head of UNFICYP Michael Møller is continuing these efforts by facilitating discussions between the leaders on implementation of the latest 2006 “Gambari Agreement” (UN, 3 December 2007). In addition, the UN also seeks to maintain stability in the buffer zone, supervise the ceasefire lines drawn in 1974 and carry out humanitarian activities. UNFICYP helps Turkish Cypriots in the south to access social services and documentation, and distributes goods and pensions to Greek Cypriots and Maronites in the north, though police in the north have restricted some of these visits in the past (UN, 4 June 2007). UNFICYP has also facilitated events that bring together Greek and Turkish Cypriots and the movement of Greek Cypriots and Maronites to worship in the north (UN, 9 March 2007; UN, 4 June 2007; UN, 3 December 2007). The majority of Greek and Turkish Cypriots interviewed in the 2007 UN survey consider the presence of the UN on the island as essential since it enhances their sense of security, but believe that the UN is biased in favour of the other group (UN, 24 April 2007).

**European institutions continue to monitor enjoyment of rights in Cyprus**

European institutions such as the Council of Europe and the European Parliament also continue to engage with the Cyprus issue. The Council of Europe’s European Court of Human Rights continues to hear Cypriot cases relating to violations of the right to property, and the Committee of Ministers has issued resolutions on Cyprus (Coufoudakis, 2006, p.92; CoE, 4 April 2007; CoE, 7 June 2005). These resolutions follow the ECHR judgement of 10 May 2001 in the case of Cyprus versus Turkey and focus on such issues as missing persons, education, religion and property of displaced persons. The Council of Europe’s Parliamentary Assembly examined the issue of settlers in the north in 2003, but the Council had not followed up on this issue as of 2007. In 2007, the European Parliament issued a resolution on missing persons in Cyprus and appointed a Member of the European Parliament (who visited Cyprus in late 2007) to follow
developments on missing persons in Cyprus (EU, 15 March 2007). In 2006, the European Union allocated over $380 million for the economic development of the Turkish Cypriot community on both sides of the buffer zone and in 2007 provided funds for demining efforts (EU, 27 February 2006; UN, 15 June 2007).
CAUSES AND BACKGROUND

Background

Historical background: from colonial rule to power-sharing

- The Ottomans colonised Cyprus in 1571 and ceded the island to the British in 1878
- Cyprus became an independent state in August 1960 with government posts for both Greek and Turkish Cypriots
- After years of disputes, the Greek Cypriot leaders proposed constitutional amendments in 1963
- Clashes between the Greek and Turkish communities ensued, with Turkish Cypriots taking refuge in enclaves
- In 1964, the United Nations Security Council dispatched a United Nations peacekeeping force in 1964
- The peace lasted until 1974 when Turkey staged a military intervention following a coup d'Etat by Greek Cypriots
- Within weeks, Turks had occupied the northern third of the island
- Greek Cypriots from the northern part of the island fled to the south and the Turkish Cypriots living in the south took refuge in the north
- Cyprus has remained divided ever since with Greek Cypriots living in the south under the administration of the government of the Republic of Cyprus, and Turkish Cypriots living in the north under the administration of the "Turkish Republic of Northern Cyprus", which is recognised only by Turkey
- UNFICYP maintains a buffer zone between these two areas to this day

ICG, 8 March 2006:
"[...] The seeds of conflict in Cyprus were sown during British colonial rule in the early twentieth century. In the 1920s, the Greek Cypriot community, supported by Greece, became increasingly dissatisfied with British control. Yet unlike other twentieth-century decolonisation movements, the Greek Cypriot desire for freedom did not translate into a demand for independence. Viewing themselves as one people with mainland Greeks, the Greek Cypriots expressed their demand for selfdetermination through enosis, union with Greece. By the 1950s, Greek Cypriot dissatisfaction developed into a guerrilla struggle against the British. Aware of the fate of most other Muslims living in former Ottoman territories annexed to Greece over the previous 100 years, the Turkish Cypriot community, 18 per cent of the population, rejected enosis. Supported by Turkey and spurred on by the British, the Turkish Cypriots formed a reactive armed movement and inter-communal clashes erupted. By the late 1950s, Turkish Cypriot (and Turkish) aims crystallised into a demand for taksim, partition of the island into Greek and Turkish zones.

In 1959, the path for a compromise was cleared with a shift in the British position, renouncing sovereignty over Cyprus. Through the 1959 London and Zurich accords, the parties agreed on a basic structure for the new and independent Republic of Cyprus (RoC), which explicitly ruled out both enosis and taksim. Established on 16 August 1960, Cyprus was to be a bicomunal state, allowing for effective representation of, and power-sharing between, its two constituent communities. The parties also signed the Treaties of Guarantee, of Alliance and of
Establishment. The Treaty of Guarantee granted Britain, Greece and Turkey the right of unilateral intervention to restore constitutional order on the island. The Treaty of Alliance allowed Greece and Turkey to station 950 and 650 troops respectively in Cyprus. The Treaty of Establishment accorded the UK sovereignty over two military bases in Dhekelia and Akrotiri. From the outset, most Greek Cypriots expressed their dissatisfaction with the agreements, regarding them as a betrayal of the enosis cause and contesting what they believed to be over-generous concessions to the Turkish Cypriots. In December 1963, the Greek Cypriot leadership proposed a set of constitutional amendments which would have eliminated the bicommunal nature of the Republic and set the stage for a centralised unitary state with minority rights for the Turkish Cypriots.

Following the predictable rejection of the proposals by Ankara and the Turkish Cypriot leadership, Turkish Cypriot officials left all public positions and then were unable to return. Intercommunal violence reerupted leading to thousands of deaths and the forced displacement of over 30,000 Turkish Cypriots from mixed areas to enclaves. A UN peacekeeping force (UNFICYP) was deployed in 1964, primarily to protect the Turkish Cypriot community, and remains to this day despite changed circumstances. The problem intensified following the advent in 1967 of military dictatorship in Greece and growing Greek interference in the internal affairs of the island. This came to a head on 15 July 1974, when the Greek Cypriot National Guard (by then run by mainland officers) staged a coup, led by the notorious Nicos Sampson, to oust the Greek Cypriot government and extend Greek military rule to Cyprus. At this point, Turkey intervened militarily, invoking its rights under the Treaty of Guarantee initially to secure the perimeter of an area between Kyrenia and Nicosia and subsequently, in mid-August, to extend its control to 37 per cent of the island’s territory in the north.

During the war in Cyprus, the military dictatorship in Athens, which had encouraged the coup and then been unable to lend it adequate support, collapsed, and Greece returned to parliamentary democracy. Following Turkey’s intervention, its troops remained in Cyprus. The 1960 constitutional order was never restored: a radically different one emerged, with the island de facto partitioned into two zones: the Turkish Cypriot in the north and Greek Cypriot in the south, separated by a UN-monitored buffer zone, the Green Line [...]

The Turkish Cypriots in the north constituted their government as the “Turkish Federated State of Cyprus” in 1975 and then declared independence as the “Turkish Republic of Northern Cyprus (TRNC) in 1983. The “TRNC” has not been recognised by the international community, with the sole exception of Turkey, and its formation was condemned by the UN. The Greek Cypriots in the south retained the right to describe themselves as the internationally recognised “Republic of Cyprus”, viewed by the international community as the only legitimate authority on the island despite the absence of Turkish Cypriots in state institutions; Turkey in turn does not recognise the legitimacy of the current “Republic of Cyprus”.

PRIO, 31 December 2006:
"TRNC' is the acronym for the Turkish Republic of Northern Cyprus. The Turkish Cypriot community has had its own separate administration since the bicomunal government of the Republic of Cyprus broke down as a result of violent intercommunal conflict that started in 1963 (three years after the establishment of the Republic). The Cyprus government then became a solely Greek Cypriot administration, but has since claimed to be – and has gradually come to be accepted by the international community as – the legitimate government of the Republic of
Cyprus, the only internationally recognized state on the island (remarkably enough, without any formalities, such as a renegotiation of the internationally approved 1960 Accords, having taken place). Following the de facto division of the island in 1974, the Provisional Turkish Cypriot Administration of 1964–74 became the Autonomous Turkish Cypriot Administration, which was afterwards transformed into the Turkish Federated State of Cyprus (13 February 1975). In 1983, the Turkish Cypriots declared independence and the establishment of the TRNC. This declaration was declared by the UN Security Council to be ‘legally invalid’ (Resolution 541), and no country other than Turkey has since recognized the ‘TRNC’.

COE 27 April 1992, paras. 13-24:
"The two salient features of Cyprus's history are: the numerous successive waves of occupation that have engulfed the island and the Greek presence on Cyprus since 2000 BC. For centuries, the island has been an interface for the peoples, civilisations and cultures of Asia, Africa and Europe.

For three centuries, as from 1192, the crusaders made the island into Latin Christendom's isolated, solitary bastion in the Mediterranean. In 1571, after just under a century of Venetian domination, Cyprus became a possession of the Ottoman empire. 300 years later, in 1878, the Ottomans ceded the island to Great Britain in return for British help against the mutual enemy, Russia. In 1914, the Ottoman empire declared war on Great Britain which annexed the island.

It was not until 16 August 1960 that Cyprus achieved independence, as a result of the agreements signed in Zurich and London in February 1959 between the representatives of United Kingdom, Greece, Turkey and the two Cypriot communities. These agreements rule out the uniting of the island with any other state or its partition.

The 1960 constitution provided for the participation of both the Greek and Turkish communities in all the institutions of the new republic. The House of Representatives, which had 50 seats, allotted 70% of them to the Greek-Cypriot community (which at that time made up approximately 80% of the population) and 30% to the Turkish-Cypriot community (which accounted for the remaining 20% or so of the population).

Nevertheless, the application of the constitution proved more difficult than had been expected. The two communities, which were too susceptible to the respective influences of Greece and Turkey, accused each other of violating the 1959 agreements and the 1960 constitution. In the period from 1960 to the end of 1963 part of the Greek-Cypriot population, who had played a leading role in the uprising against the British occupation, continued to defend the idea of uniting Cyprus with Greece ("Enosis"). At the end of November 1963, the Turkish-Cypriot community rejected the constitutional amendments proposed by President Makarios. Attacks on members of this community at the end of December 1963 plunged the country into a deep political crisis, which ended in the fall of the intercommunal government.

The continual clashes at the beginning of 1964 led the United Nations Security Council to dispatch a United Nations peacekeeping force (UNFICYP) to the island in March of the same year. It is still stationed there.

Between 1964 and 1967 the Cyprus crisis became one of the main sources of tension between Greece and Turkey. Despite the provisions of the 1959 agreements limiting the size of the Greek and Turkish military contingents stationed in Cyprus, Greek armed forces moved on to the island with the authorities’ consent. During this period, the Turkish-Cypriot community, which felt left out of the Republic's administrative, legal and political organs, set up its own institutions.

In December 1967 and January 1968, following the agreements reached between Greece and Turkey, most of the Greek armed forces stationed on the island were repatriated. The political
climate improved and a few months later intercommunal talks began with a view to arriving at a just and peaceful solution of the Cypriot question.

On 15 July 1974, the coup d'Etat of Nikos Sampson, an avowed advocate of Enosis who enjoyed the open support of the military junta in power in Greece, set a real tragedy in motion. On 19 July 1974 President Makarios, who had had to leave the island, told the United Nations Security Council that the coup had led to much bloodshed and the loss of many human lives.

The Turkish military intervened the next day, 20 July 1974. The Turkish Government intended in this way to exercise its rights under the 1960 Guarantee Treaty. On 14 August 1974 a second wave of Turkish armed forces arrived in Cyprus and occupied the northern third of the island. The island was thus divided into two parts separated by a demarcation line. After this partition, the Greek Cypriots from the northern part of the island fled to the south and the Turkish Cypriots living in the south abandoned it to take refuge in the north. They had all therefore become refugees in their own country.

In 1975, the northern part occupied by the Turkish army was proclaimed the Turkish Federated State of Cyprus, which became the Turkish Republic of Northern Cyprus in 1983 and is recognised only by Turkey. This unilateral declaration of independence was condemned by the United Nations Security Council.

The declaration of independence drove a larger wedge between the two communities and made intercommunal dialogue even more difficult, despite the efforts of the United Nations Secretary General, who had been entrusted with a mission of good offices by the international community."


See also BBC News Country Profile: Cyprus

Population exchange under the Vienna III Agreement

- As a result of a 1975 agreement between Greek and Turkish Cypriots some 140,000 Greek Cypriots moved from the north to the south and 60,000 Turkish Cypriots moved from the south to the north
- The agreement also stipulated that Greek Cypriots who wanted to remain in the north would receive assistance to lead a normal life there
- The northern part of the island became mainly Turkish Cypriot, while the southern part of the island became mainly Greek Cypriot
- Turkey has since encouraged migration to northern Cyprus from Turkey proper, though there is no consensus on the number of such immigrants

PRIO, 31 December 2006:
"VIENNA III AGREEMENT– 2 AUGUST 1975 (UN DOCUMENT S/11789)
1. The Turkish Cypriots at present in the South of the Island will be allowed, if they want to do so, to proceed North with their belongings under an organized programme and with the assistance of UNFICYP.
2. Mr. Denktash reaffirmed, and it was agreed, that the Greek Cypriots at present in the North of the Island are free to stay and that they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North."
3. The Greek Cypriots at present in the North who, at their own request and without having been subjected to any kind of pressure, wish to move to the South will be permitted to do so.
4. UNFICYP will have free and normal access to Greek Cypriot villages and habitations in the North.
5. In connection with the implementation of the above agreement priority will be given to the reunification of families, which may also involve the transfer of a number of Greek Cypriots, at present in the South, to the North [...] 

This Agreement stipulated that Turkish Cypriots then residing in the south (some 10,700 in number) were free to move to the north, if they wished to do so, with the assistance of UNFICYP; and Greek Cypriots then remaining in the north (about 10,000 in number) were free to stay there and were to be provided with access to the facilities they needed to lead a normal life. The Greek Cypriots in the north would also be permitted to move to the south ‘at their own request and without having been subjected to any kind of pressure’. In addition, it was agreed that ‘priority would be given to reunification of families, which may also involve the transfer of a number of Cypriots at present in the south to the north’.

The results of the Agreement are well known. Within the space of a few months, the number of Turkish Cypriots remaining in the south was reduced to 130. The Greek Cypriot population in the north also shrank, but more gradually, such that it was only around 500 by the early 1990s.

Given the two sides’ very different experiences of the context and their more or less conflicting concerns, it is perhaps not surprising that their interpretations of the Vienna Agreement have always diverged. The Turkish Cypriot side refers to the Agreement as the ‘1975 Vienna Population Exchange Agreement’ or the ‘Voluntary Re-grouping of Population Agreement’, and has come to see it as simply meaning that ‘the Turkish Cypriots living in the south would be allowed to move to the north, if they wished to do so, and the Greek Cypriots living in the north would be allowed to move to the south, if they desired so’. The Greek Cypriots, in contrast, talk about it as the ‘Vienna III (Humanitarian) Agreement’, which, if implemented properly, ‘would have allowed 20,000 Greek Cypriots and Maronites to stay and live a normal life in the occupied Karpasia Peninsula and the Maronite villages’.

It is important to emphasize that the Greek Cypriots accepted this agreement under the pressure of circumstances and despite their general unease at the time that it might help the Turkish Cypriot aim of ‘partition’. They agreed because they decided it was the only way to stop the Turks from ‘expelling’ the remaining 10,000 Greek Cypriots in the north. They also wanted to ensure that the Turkish Cypriots trying to cross to the Turkish-controlled north would not be attacked by Greek Cypriot paramilitaries, as they feared such attacks might trigger further southward incursion by the Turkish army.

One Greek Cypriot leader who opposed the Agreement was Dr Vassos Lyssarides, then leader of the Greek Cypriot political party EDEK (United Central Democratic Union). According to Clerides, his objection was that ‘by allowing the Turkish Cypriots to go north we impliedly accepted that the solution would be based on a bizonal federation, and that it would constitute an impediment to the return of all refugees to their homes’.

In fact, as it turned out, this is exactly how the Turkish Cypriots have come to interpret the Agreement. The following statement (co-authored by a prominent Turkish law professor and a Turkish Cypriot former Supreme Court judge) sums up the Turkish Cypriot side’s attitude on this matter:

This Agreement, reached under the auspices of the UN Secretary-General and implemented in September 1975 under UN supervision, consolidated the peace reached as the result of the Turkish Peace Operation. The voluntary regrouping of populations made it feasible for the two
peoples of Cyprus to live in complete security in their respective zones. No intercommunal fighting or acts of violence took place in Cyprus since the implementation of the Agreement....

The peace achieved by the Turkish Peace Operation became a permanent feature in the island.

The suggestion made here – in a way that can only be perceived as offensive by Greek Cypriots – is that not only had peace been achieved through the Turkish military operation, but the division of the island itself was voluntarily ‘finalised’ with the approval of the UN.

According to this view of things, the Agreement ‘was reached for an exchange of populations as a first step towards the establishment of a bi-zonal federal Republic.’31 ‘The juridical and bi-zonal status of the two communities was established’ by this Agreement whereby ‘the freedom of movement to the North of the Turks enclaved in the South and freedom of movement of Greeks living in the North to the South was accepted by the intercommunal negotiators’.32 Therefore, it ‘is the very foundation of a bi-zonal solution for the two communities accepted both by Clerides [in 1975] and Makarios [in 1977]’ and later in 1979 by Kyprianou [...].”

TESEV, 30 April 2005:
“During the period between the end of the operation and the summer of 1975, a number of incidents occurred in which some Turkish Cypriots whilst trying to cross to the Turkish controlled area in the north were attacked by revenge-seeking Greek Cypriots. A crisis emerged when the Turkish side reacted by expelling some 800 Greek Cypriots from the north and warning that ‘all the Greeks in northern Cyprus’ would be transferred ‘to the Greek part of the island, if the ill-treatment of Turks in the south continued and if the Greek authorities continued to prevent these Turks from crossing to the Turkish controlled part of the island’.

Makarios’s view on this issue was that ‘it was more important to keep Greek Cypriots in the north, and particularly in the Karpas area, than the Turkish Cypriots in the south.’ Makarios was also concerned that ‘should a serious incident take place against Turkish Cypriots in the south, Turkey may use it as an excuse to mount a military operation in the south.”

ICG, 8 March 2006:
"[...] The 1975 Vienna accords on the temporary exchange of populations led to the displacement of 140,000 Greek Cypriots from the north and 60,000 Turkish Cypriots from the south. Both areas were thus almost entirely ethnically cleansed. Since partition, Turkey has encouraged immigration to northern Cyprus from the mainland, and today the number of Turkish immigrants is somewhere between 55,0002 and 115,0003 out of a total population in the north of approximately 200,000 [...]."

A copy of the Vienna III Agreement of 2 August 1975 can be found here.

The problem of the settlers from Turkey (2006)

• There is no consensus on the number of people who have arrived from Turkey and settled in northern Cyprus
• A 2005 report showed that the number of TRNC citizens of Turkish-mainland origin were 25-30% of the population
• The vast majority of the settlers were peasants and shepherds from Anatolia who moved into villages that had been abandoned by Greek Cypriots
• The aim of the Turkish-Cypriot Administration’s policy towards the settlers has been to promote their permanent establishment on the island
The demographic structure of the population has further been modified by the presence of the Turkish army in the northern part of Cyprus.

In 2003, the Council of Europe expressed concern at the arrival of settlers from Turkey and the continuous outflow of the indigenous Turkish Cypriot population from the northern part.

ICG, 8 March 2006:
"[...] Since partition, Turkey has encouraged immigration to northern Cyprus from the mainland, and today the number of Turkish immigrants is somewhere between 55,000 and 115,000 out of a total population in the north of approximately 200,000 [...]"

Financial Mirror, 19 April 2007:
"The Mayor Morphou Charalambos Pittas said that the puppet regime in the Turkish occupied areas of Cyprus is bringing settlers to the occupied town of Morphou, in an effort to reap political gains.

Speaking at the Parliamentary Committee for Refugees, Pittas said that the occupation regime is using tricks and blackmail techniques, allocating land and properties not only to Turkish Cypriots but also settlers from Turkey, in order to prevent the return of the town to its legitimate citizens in case of a settlement of the long standing political problem of the island.

He noted that this information is derived from the Turkish Cypriot press, but also from Turkish Cypriots who are also concerned about the continuous arrival of settlers [...]"

PRIO, 12 August 2005:
"In this report, census data and updates have been used to estimate the number of TRNC citizens of Turkish-mainland origin. Contrary to widely held beliefs, the calculations show that this group (including their offspring) constitutes not the majority but rather only 25-30% of the population, and not more than 20-25% of the current TRNC electorate." [...] Since 1974, a substantial number of Turkish immigrants have settled in northern Cyprus. There has been much speculation about their numbers, and numerous negative stereotypes, suspicions, fears and myths are attached to the Turkish 'settler population' among both Greek Cypriots and Turkish Cypriots. Many Greek Cypriots take the position that the presence of these immigrants on the island is illegal and have demanded their repatriation as part of any reunification agreement. The 'settlers' are also perceived by many as a security threat [...]"

‘Native’ Turkish Cypriots also harbour conflicting sentiments towards the Turkish immigrants. While some consider the latter an inseparable part of their community, others resent their presence on the island and are reluctant to embrace them as true Turkish Cypriots.

The Turkish immigrants constitute a heterogeneous population, with varying degrees of attachment to the island and integration into the Turkish-Cypriot community. Many left Turkey when they were very young; others were born on the island. The long duration of their presence on the island means that many today have only weak links with Turkey and tend to identify themselves as Turkish Cypriots.

The debate on the 'settlers' issue has revolved around the issue of their numbers, more often than not failing to go beyond it. It has been argued by some that, by encouraging immigration from Turkey, the Turkish-Cypriot authorities and Turkey sought to change the demographic balance on the island, to distort the democratic will of the 'indigenous' Turkish Cypriots, and to strengthen the position of parties supporting the regime of Rauf Denktas, which had no problems with sustained dependence on Turkey [...]"
It is a fact that people of Turkish-mainland origin form an important element of the ethnic diversity in northern Cyprus [...] 

As a backdrop to the analysis, the report discusses conceptual problems attached to the ‘settler’ label, concluding that the variations present within this grouping warrant more fine-grained distinction. Several subcategories are identified, with the most important distinction for the purposes of the present report being that between citizens and non-citizens, as only the former enjoy the right to vote. It is proposed that the ‘settler’ label be restricted to the subcategory of ‘agricultural labour’, whose migration to the island formed part of a deliberate settlement policy pursued by both Turkey and the Turkish-Cypriot authorities following the partition of the island in 1974. Other Turkish nationals have since migrated to the island on their own initiative, acquiring citizenship through either naturalization or assisted naturalization (e.g. through marriage to Turkish Cypriots).

In addition to the categories of ‘settlers’ and immigrants – which both, by virtue of citizenship, enjoy the right to vote – northern Cyprus is also host to a large (non-voting) population of temporary residents of Turkish origin. These can be divided into five main groupings: registered workers (i.e. workers with work permits); non-registered workers (i.e. those without work permits); tourists; university students and lecturers; and Turkish army personnel (including conscripts and family members).

The report also addresses the ubiquitous question of the number of Turkish immigrants in northern Cyprus. It argues that widely used estimations based on the net balance of arrivals and departures combined with projections of Turkish-Cypriot birth rates are flawed. Such estimations fail to take account of the fact that the arrival–departure balance also includes temporary residents (e.g. students, migrant workers, tourists, etc.), along with TRNC citizens – irrespective of ethnic origin – who travel using Turkish travel documents, while excluding persons who may have arrived as Turkish nationals and, having received TRNC citizenship, departed with TRNC travel documents. Estimations ranging from 117,000 to 130,000 are therefore grossly exaggerated.

Using census data from 1996, with updates and electoral lists as alternative and more authoritative measures, the report estimates that the total number of TRNC citizens of Turkish-mainland origin currently residing in northern Cyprus is between 32,000 and 35,000 plus offspring – that is, between 16.8% and 18.4% of the total number of citizens of the TRNC (190,000).

The total number of Turkish-originated temporary residents (non-citizens) is estimated (for 2005) at about 102,000, distributed as follows: registered workers (16,277); non-registered workers (30,000); tourists (1,695 on average at any particular time); university students (18,398) and lecturers (500); and Turkish army personnel, including conscripts and family members (35,000) [...] 

The report then presents the results of an in-depth case-study of 26 villages almost exclusively inhabited by ‘settlers’ (according to the proposed definition) and their descendants. The electoral outcomes in these villages in all elections between 1981 and 2005 are examined and compared to the electoral outcomes in 53 villages almost exclusively inhabited by ‘native’ (Turkish-Cypriot) citizens.

The analysis shows that, until 1993, the majority of the electorate in the ‘settler villages’ voted for opposition parties – that is, against the party that had been in government since 1976, the National Unity Party (UBP). This majority divided its votes between ethnic ‘settler parties’, such as the Turkish Unity Party (TBP) and the New Birth Party (YDP), and mainstream opposition parties, such as the Democratic Populist Party (DHP), the Democratic Struggle Party (DMP), the Communal Liberation Party (TKP) and the Republican Turkish Party (CTP). For their part, the
‘native’ Turkish-Cypriot villages overwhelmingly supported the UBP. In the period after 1993, opposition ‘settler’ votes were increasingly directed at the Democratic Party (DP), which was founded in 1992 with the aim of ousting the UBP from government, while ethnic ‘settler’ parties vanished from the political arena. This support remained constant until 2002, after which time the DP started losing ground in the ‘settler villages’. Since the 2003 elections, the CTP vote in these villages has been on the rise (14% in 2003, and 22% in 2005) [...]  

Until now, the situation on the ground in Cyprus has hindered the conduct of proper research on the issue of the ‘settlers’. Authorities on both sides of the island have been reluctant to release accurate demographic information, and misinformation and propaganda are abundant. On one hand, information provided by the administration in the south has been very selective, based only on arrival and departure figures (and naturally without any distinction between citizens and non-citizens of the TRNC). For their part, the authorities in the north, at least prior to the 1996 census, rather than supplying the proper data when it was requested, preferred to say that they made no distinctions between their citizens. After the 1996 census, data did become available, but few took any notice.  

In this report, census data and updates have been used to estimate the number of TRNC citizens of Turkish-mainland origin. Contrary to widely held beliefs, the calculations show that this group (including their offspring) constitutes not the majority but rather only 25–30% of the population, and not more than 20–25% of the current TRNC electorate.”

**Council of Europe, 2 May 2003:**

“The Rapporteur [to the Parliamentary Assembly of the Council of Europe] notes with regret that, since the last report on the subject, there has been no progress towards the demographic stabilization on the island – to the contrary. The recommendation which was adopted by the Assembly in 1992 instructed the European Population Committee of the Council of Europe to conduct a census of the island’s population, in co-operation with the authorities concerned, in order to replace population estimates with reliable data. It also requested the authorities of the Republic of Cyprus and the Turkish-Cypriot administration not to change the demographic structure of the island and to keep the arrival of aliens under control. Neither of these recommendations has been accomplished.”

**Council of Europe, 24 June 2003:**

“It is a well-established fact that the demographic structure of the island has been continuously modified since the de facto partition of the island in 1974 as a result of the deliberate policies of the Turkish Cypriot administration and Turkey. Despite the lack of consensus on the exact figures, all parties concerned admit that Turkish nationals have been systematically arriving in the northern part of the island. According to reliable estimates, their number currently amounts to 115 000.

The settlers come mainly from the region of Anatolia, one of the less developed regions in Turkey. Their customs and traditions differ in a significant way from those in Cyprus. These differences are the main reason for the tensions and dissatisfaction of the indigenous Turkish Cypriot population who tend to view them as a foreign element.

In particular, the Assembly expresses its concern at the continuous outflow of the indigenous Turkish Cypriot population from the northern part. Their number decreased from 118 000 in 1974 to an estimated 87 600 in 2001. In consequence, the settlers outnumber the indigenous Turkish Cypriot population in the northern part of the island.

In the light of the information available, the Assembly cannot accept the claims that the majority of arriving Turkish nationals are seasonal workers or former inhabitants who had left the island before 1974. Therefore it condemns the policy of "naturalisation" designed to encourage new
arrivals and introduced by the Turkish Cypriot administration with full support of the Government of Turkey.

The Assembly is convinced that the presence of the settlers constitutes a process of hidden colonisation and an additional and important obstacle to a peaceful negotiated solution of the Cyprus problem.”

Council of Europe, 27 April 1992, paras. 105-112:
"This influx of Turkish settlers has had a real impact on the structure of the population in the northern part of the island. According to the Turkish-Cypriot Administration, the population here went up from 115 600 in 1974 to 148 500 in 1979. This increase of 32 900 persons is much larger than the natural rate of increase of the population, which worked out at a mere 7 843 over that period. It is therefore the result of a net migratory movement of 25 057 persons. I have no grounds for asserting that all arrivals were Turkish settlers, but neither do I have any reason to assume that, during this period, there was no emigration by Turkish Cypriots comparable to that of the Greek Cypriots, above all to Australia, the United Kingdom and the other countries of the Commonwealth. No matter what the reasons are, a 28% surge in the population in five years is quite exceptional, wherever it occurs.

The arrival and establishment of the Turkish settlers is the most notable demographic occurrence in Cyprus since 1974. One only has to consult the statistical tables to see that chief demographic indicators (natural rate of increase of the population, marriage, divorce and infantile mortality rates) from 1974 up to the present display quite comparable trends for both communities. Only one indicator, the fertility rate, shows a substantial divergence, especially between 1975 and 1980. It is higher in the north than in the south, which confirms the effect of the settlers' arrival on the island's demography.

The two communities have different stances on the issue of the Turkish settlers. The Greek Cypriots are extremely worried about a situation which they regard as serious and accuse the Turkish-Cypriot Administration of conducting a policy to promote colonisation. In the northern part of the island, the attitude to the establishment of Turkish settlers seems to have changed considerably since 1974. While these settlers were at first seen by the vast majority of Turkish Cypriots as a vital injection of the additional manpower needed by the country, over the years their growing numbers and the role that some of them play in political life have changed initial perceptions and introduced wide divergences within the Turkish-Cypriot community.

The parties in control of the Turkish-Cypriot Administration first played down the number of settlers and then said that their presence was not a problem. The opposition parties, on the other hand, vigorously denounce the arrival of the settlers, their naturalisation and their use for electoral purposes by the ruling parties.

[...] In my conclusions I must also draw attention to the demographic impact of the presence of the Turkish army in the northern part of Cyprus. Even if we take the lowest estimate of a contingent of 30 000 men and a population totaling 180 000 persons, this works out at one soldier per six civilians, a ratio that must be unique in Europe."

Cyprus' accession to the EU

- Cyprus joined the EU in May 2004 and will accede to the euro area in January 2008
- Benefits and responsibilities of being part of the EU were only extended to the southern part of the island under the administration of the Republic of Cyprus government
- Membership was suspended in the northern area under Turkish Cypriot administration
• The northern part can only join the EU if the island is reunited

**Economist, 7 September 2007:**

"The northern part can only join the EU if the island is reunited.

The dominant political issue remains the division of the island, and this often distracts attention from important policy issues. The main economic policy issue has been accession to the euro area, which will occur in January 2008. Future policy will shift from fiscal consolidation towards structural reform."

**UNSC, 24 September 2004:**

"On 1 May 2004, Cyprus joined the European Union (EU). While the accession did not, as was hoped, provide the catalyst for a comprehensive settlement, the EU framework, if used wisely by all parties, does have the potential to improve the climate between Cyprus, as an EU member state, and Turkey, as a candidate for EU membership. It also has potential to help reduce the disparities between the two communities on the island, promote confidence between them, and build and sustain constituencies on each side in favour of reconciliation and reunification. In this context, intra-island trade of certain goods began in August pursuant to an EU regulation. The EU Commission also recommended to the European Council an aid package of 259 million Euros for the Turkish Cypriots and the opening of direct trade between the north of the island and the European Union.

However, key decisions on the EU's relations with Turkey and with the Turkish Cypriots have yet to be taken. This has led to considerable uncertainty on both sides of the island. The Greek Cypriot side has opposed the Commission's recommendations on direct trade, and has proposed its own set of economic and confidence building measures. These have been largely dismissed by the Turkish Cypriot side, which has also expressed disappointment with what they regard as the slow pace of EU assistance."

**BBC News, 17 December 2004:**

"Cyprus stays divided into Greek and Turkish sectors for the foreseeable future. It could be a long time before the international community is prepared to take another stab at solving the problem. And when the island joins the EU on 1 May, only Greek Cypriots will get the benefits and responsibilities of being in the club. Membership is suspended in the Turkish Cypriot area, despite the "yes" vote, in line with an earlier decision that the north could only join if the island was reunited."

*See documents pertaining to Cyprus's accession to the EU on the "Enlargement" website of the European Commission [Internet]*

**Persisting tensions despite ceasefire (2007)**

• Increasing pressure in buffer zone from civilian population and military on both sides
• Turkish forces fired warning shots in direction of Greek Cypriot farmers close to ceasefire line
• More Greek Cypriots in buffer zone during hunting season
• Both Greek Cypriot and Turkish military conduct exercises along ceasefire line

**UNSC, 4 June 2007:**

"[...]"
12. The military and security situation along the ceasefire lines continued to be largely stable. In general, the opposing forces cooperated with UNFICYP to ensure peace and security in the buffer zone.

13. There were a total of 473 violations and other incidents during the reporting period. That represents an increase of 143 violations over the last reporting period, owed to civilian incursions into the buffer zone during the hunting season. The number of violations by the opposing forces was similar to those that characterized previous reporting periods. Typical violations included exceeding the permitted manning of positions, limited construction at and improvements to observation posts, and the photographing of opposing force positions. In addition, the forces of both sides serving in the observation post positions along the ceasefire line in the old city of Nicosia have often demonstrated lack of discipline. Incidents included the shouting of insults and the throwing of stones or bottles towards the opposing position, towards soldiers authorized to work on observation posts, or towards civilian vehicles outside the buffer zone. Such incidents persisted despite UNFICYP protests, and the opposing forces appeared unwilling to prevent these activities.

[...] 15. The Turkish Forces have previously shown restraint when civilians have approached their ceasefire line. During the reporting period, the Turkish Forces demonstrated a greater willingness to engage civilians close to their ceasefire line, in full implementation of their rules of engagement. On two separate occasions, Turkish Forces fired warning shots in the direction of Greek Cypriot farmers working close to the Turkish Forces ceasefire line. In the first incident on 30 January, a United Nations patrol in the area of Athienou reported approximately 10 shots fired into the buffer zone from behind the Turkish Forces ceasefire line. In the second incident on 31 January, a Greek Cypriot working in the vicinity of Astromeritis reported approximately six shots fired by a Turkish Forces patrol. The Commander of the Turkish Forces confirmed that his troops had fired warning shots towards civilians in the buffer zone and stated that the principal concern of the Turkish Forces regarded the use of land close to their ceasefire line. UNFICYP strongly protested both incidents.

16. On a number of occasions, civilian persons from both communities contributed to raising tensions in the buffer zone, particularly in areas close to the Turkish Forces ceasefire line. In separate incidents a shotgun was discharged, from the Greek Cypriot side, in the direction of a Turkish Force observation post and a United Nations sign was erected to indicate that the perimeter of the buffer zone was damaged by gunshots. Unruly behaviour of civilians in the buffer zone disrupted UNFICYP operations at least twice and involved assaults against United Nations personnel and damage to United Nations equipment.

17. The hunting season saw continued ingress into the buffer zone by members of the Greek Cypriot community. UNFICYP responded to prevent an increase in tension and ensure that those who entered the buffer zone left without incident. Both communities have been urged to exercise restraint and to comply with UNFICYP procedures during the forthcoming harvest season. Of principal concern is the Kaimakli area of north-east Nicosia (sector 2), where Greek Cypriot farmers reportedly intend to work on land close to the Turkish Forces ceasefire line, and Avlona area, where Greek Cypriot farmers have attempted to farm close to the Turkish Forces ceasefire line, without UNFICYP approval.

18. I am encouraged that neither side conducted major military manoeuvres during the reporting period, and urge the opposing forces to exercise similar restraint in the forthcoming period. However, both opposing forces completed limited military exercises close to their ceasefire lines. The Turkish Forces conducted exercises, typically at company strength (70-80 personnel), some of which involved the deployment of heavy weapons, including mortars and anti-tank recoilless rifles. These were held in training areas approximately 2,000m north of their ceasefire line. The
National Guard, contrary to advance information given to UNFICYP, deployed vehicle-mounted machine guns to observation posts along their ceasefire line and exercised at regimental strength with mortars within 1,000m of their ceasefire line.

19. The Turkish Forces have completed routine maintenance on the liaison post at Strovilia and have persistently overmanned the position, in violation of the military status quo in the area. The observation posts constructed by both sides in the Dherinia area in the summer of 2006, referred to in the previous report (S/2006/931), remain in place and negotiations for their destruction have stalled. UNFICYP operations in Varosha continue to be hampered by restrictions, imposed by the Turkish Forces, on access to and movement within the fenced area. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha."

UN SC, 15 December 2006:
"The Secretary-General expresses concern about the increasing pressure from the civilian population, particularly the Greek Cypriots, to expand construction projects in the buffer zone, a trend that could undermine security conditions. Civilian activities in the area between the ceasefire lines, including farming, cannot take place at the expense of stability and security, for which UNFICYP is responsible. At the same time, the trend towards increased construction on the Turkish Cypriot side is a cause of concern, as it may undermine the achievement of a comprehensive settlement [...]"

Attempts to reach a settlement (2006-2007)

- The UN-sponsored peace process has been ongoing since 1974
- Disagreement remains on several issues, including the right of Greek Cypriots to return and the withdrawal of Turkish troops from the north
- The change of the Turkish Cypriot leader in 2005 gave some hope an agreement would be reached
- Religious representatives from northern and southern Cyprus met for the first time in 2006

ICG, 8 March 2006:
"Successive rounds of bicomunal talks since 1974 have provided a few incomplete successes along with a myriad of failures. At different points in time, one party or the other, or both, have rejected internationally sponsored proposals. Yet, the international community, acting through the UN Secretary-General, developed increasingly precise ideas as to what the contours of a settlement should look like. International proposals were elaborated on the basis of the 1960 agreements as well as on the first and only bicomunal understandings reached in the early post-1974 years. The 1977 and 1979 High-Level Agreements stipulated that a future solution would be based on an independent, sovereign, bicomunal and bizonal federation, with territorial readjustments; that it would find answers to the status and property of displaced persons; and that it would stipulate provisions on the "three freedoms" of movement, settlement and property. In the mid-1980s under Secretary-General Javier Pérez de Cuellar, in the early 1990s under his successor, Boutros Boutros-Ghali, and in 1999-2004 under his successor, Kofi Annan, the UN devoted much time and energy to elaborating detailed plans and proposals for the federal reunification of Cyprus.

Alongside the ups and downs in the peace process since the late 1970s, other key developments took place. The most pivotal were those relating to the parties’ relationship with the European Community/European Union (EC/EU). In Greece, following the end of military rule in 1974, the new civilian government under Constantine Karamanlis’s New Democracy applied for EC membership and joined in 1981. Its membership had two effects on the conflict. First, the Greek
Cypriot government decided to pursue EC/EU accession. It duly applied in 1990 and, despite Turkish Cypriot and Turkish protests for another decade, entered the EU, along with eight former Communist countries and Malta, in May 2004. Secondly, Greece’s first two decades of membership generated significant strains in EC/EU-Turkey ties. Greece obstructed EU financial assistance to Turkey as well as Turkey’s EU candidacy until 1999. Greek attitudes have shifted profoundly since the launch of the Greek-Turkish rapprochement in that year, the most significant process of peaceful reconciliation between the two since the 1920s. As a result of the rapprochement as well as of key domestic developments in Turkey and within other important EU member states, in 1999 Turkey was formally recognised as an EU candidate country, clearing the way for the opening of accession negotiations in 2005. And the Turkish Cypriot community became increasingly convinced that its future, too, lay in the EU [...]

The preferred option of some Greek Cypriots seems to be to abandon the basic philosophy and approach of the Annan Plan (and indeed of all negotiations since the 1970s) and seek to build an empowered central state in which majority decision-making (read Greek Cypriot) would prevail and most Greek Cypriots would be able to return to the north, diluting if not eliminating any bizonal aspects to the island’s governance. Under this scenario, the Turkish establishment would “sacrifice” Cyprus for EU-related gains. There would be a faster and more extensive withdrawal of Turkish troops and settlers, stronger international guarantees, and a weaker (or absent) Turkish role in the security arrangements on the island. Greek Cypriots see this as a “European solution”, with freedom of movement and other rights assured in an EU context.”

UN SC, 4 June 2007:
“[...] 3. On 15 December, the Security Council adopted resolution 1728 (2006), by which, inter alia, it expressed full support for the process agreed upon by the Greek Cypriot leader, Tassos Papadopoulos, and the Turkish Cypriot leader, Mehmet Ali Talat, on 8 July 2006, and encouraged active participation in bicommunal discussions as described in the letter dated 15 November 2006 from the then Under-Secretary-General Ibrahim Gambari, to which both leaders had responded positively, under the auspices of my Special Representative. The Security Council called for the early completion of the preparatory phase so that a fully fledged good offices process might resume as soon as possible. At the same time, the Council regretted the continued lack of trust between the parties, which had prevented the implementation of the 8 July agreement.

4. Over the past six months, my Special Representative has continued efforts aimed at facilitating the implementation of the 8 July agreement (see S/2006/572) through intensive discussions with the two leaders and their representatives. Thus far, 14 meetings of the Coordination Committee, comprising the advisers of the two leaders and my Special Representative, have been convened, in addition to a number of bilateral meetings between the Special Representative and each side. The main objective of the Coordination Committee has been to agree on the modalities for the launching of the bicommunal working groups, which will deal with substantive issues, and the bicommunal technical committees, which will discuss issues affecting the day-to-day life of the people. There is a broad consensus on the way forward, based on procedural clarifications and agreements, including preliminary agreement on the list of issues for the technical committees and the working groups. However, differences remain concerning the interpretation of the agreement, most notably on what constitutes a day-to-day matter, and the mechanism for resolving disagreements. Although an understanding ad referendum was reached at the Coordination Committee meetings on 9 and 10 March, it foundered on the above points. Despite the commitment of the two leaders in July to ensuring that the “right atmosphere” prevail for the process to be successful, including by putting an end to the so-called blame game, the two sides continued to engage in mutual recriminations throughout the reporting period.
5. On 27 March, in a statement to the press, the members of the Security Council urged both communities to work with the United Nations to implement the 8 July agreement, in particular through the immediate creation of bicommunal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive settlement.

**UN, 26 September 2007:**
"A settlement to the Cyprus problem in the form of a bi-zonal, bi-communal federation that is unified, democratic and inclusive is feasible and need not involve unfair compromises, the President of the country told the General Assembly today.

Tassos Papadopoulos said the status quo on the Mediterranean island was not sustainable and it was important to continue with the process outlined in an agreement signed on 8 July last year by the leaders of the Greek Cypriot and Turkish Cypriot communities [...]"

**Economist.com, 21 April 2005:**
"AFTER leading the Turkish Cypriots for over three decades, Rauf Denktash, the mulish president of the self-proclaimed Turkish Republic of Northern Cyprus, is at last stepping down in favour of his determinedly pro-European rival, Mehmet Ali Talat. Mr Talat easily won the presidential election on April 17th, on a platform of reuniting the divided island and joining the European Union. The departure of Mr Denktash is being hailed by pro-peace Turks and Greeks as a step towards ending Cyprus's 30-year-old division. For years Mr Denktash (with help from like-minded hawks in Ankara) had torpedoed all United Nations plans for a settlement, earning him the nickname "Mr No"

**BBC, 29 March 2004:**
"The UN has sponsored a series of peace talks between the two communities since 1980, but only the recent talks have shown signs of progress.

Negotiations to create a united Cyprus have continually been hampered by key issues such as the right of return to the north by Greek Cypriots and the withdrawal of Turkish troops from the island.

Cyprus's impending entry to the European Union on 1 May prompted renewed efforts to find a solution. If either side rejects the referendum, in effect only the Greek side will join - leaving aside the already impoverished Turkish side.

[...] In February 2004 UN Secretary General Kofi Annan managed to get leaders of both sides to agree that if they could not reach agreement, he would present his own plan to the people direct - which in the event was what happened."

**BBC, 8 August 2006:**
"[...] Behind a media blackout, Greek and Turkish Cypriot negotiators are meeting under UN auspices to thrash out a basis for new talks.

On 31 July the two sides exchanged lists of issues they wanted to discuss.

These points were agreed by the leaders of the Greek and Turkish Cypriot communities, Tassos Papadopoulos and Mehmet Ali Talat, when they met in early July, under pressure from UN Deputy Secretary-General Ibrahim Gambari.

Hopes are rising of a deal this week, involving twin-track talks: on improving co-operation on "daily life" issues such as health or crime, and on substantive issues relating to any future comprehensive settlement."
This would be the first breakthrough since April 2004, when the Greek Cypriots voted "No" and Turkish Cypriots "Yes" in a referendum on a plan drawn up by UN Secretary General Kofi Annan to reunite the island.

[...] But the Greek and Turkish Cypriot sides seem far apart - and preliminary talks in 2005 on a direct trade package collapsed, each side blaming the other.

Mr Talat does not sound ready to compromise: "Lifting of [our] isolation is not a bargaining issue - these are our rights."

If the two sides do not come closer together, then the EU faces an uphill battle to stop what Enlargement Commissioner Olli Rehn has referred to as a "train crash" with Turkey this autumn.

Both Mr Talat and Mr Lillikas say they do not want this to happen.

If it does, European diplomats doubt any revived UN dialogue on Cyprus could survive.

So while for now there is a glimmer of light on UN Cyprus talks, it could soon fade again."

**BBC, 3 July 2006:**
"The President of Cyprus, Tassos Papadopoulos, has met Turkish Cypriot leader Mehmet Ali Talat for the first time in two years.

The talks focused on the fate of some 1,500 people officially classed as missing on the divided island.

There has been no direct contact between the two leaders since Greek Cypriots rejected UN-backed proposals to reunite Cyprus in April 2004.

Diplomats hope the talks might pave the way for further high-level contacts.

But Monday's encounter was brief - just over an hour - and no further meetings were announced. Mr Talat described the talks as "good and sincere"."

**COE, 21 February 2006:**
"The two religious representatives said they were delighted to meet for the first time, and warmly welcomed the initiative of PACE President René van der Linden to bring them together. There was goodwill on both sides, and a positive and sincere discussion took place.

The two leaders discussed ways that they could contribute to the creation of an atmosphere of trust and tolerance, to set an example to the people and politicians of Cyprus [...]"

**Defeat of Annan Plan (2006)**

- The Annan plan proposed a united federal entity with a Greek Cypriot state and a Turkish Cypriot state
- The majority of Turkish Cypriots voted in favour of the Annan Plan, while the majority of Greek Cypriots voted against it
- As a result, the plan never came into force
Several international organisations view it as a missed opportunity to resolve the Cyprus issue.

UN Security Council, 28 May 2004:
"On 13 February 2004, the parties in Cyprus committed to negotiating in good faith on the basis of the settlement plan dated 26 February 2003, to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. To this end, they agreed to a three-phase negotiation and finalization procedure.

In Phase 1 of the effort, the parties negotiated in Cyprus between 19 February and 22 March 2004. This effort did not produce significant progress at the political level. However, positive results were achieved at the technical level by experts from the two sides assisted by United Nations experts.

In Phase 2 of the effort, I convened a meeting of the two sides in Bürgenstock, Switzerland, beginning on 24 March 2004, with the participation of Greece and Turkey in order to lend their collaboration. Full use was not made of the opportunity for concentrated negotiations and consultations to agree on a finalized text by 29 March 2004, and agreement did not prove possible.

In Phase 3 of the effort, after consultations with the parties, I finalized on 31 March 2004 the text to be submitted to referenda on the basis of the plan, maintaining its overall balance while addressing to the extent possible the key concerns of each side.

The proposed Foundation Agreement in 'The Comprehensive Settlement of the Cyprus Problem' as finalized was submitted to separate simultaneous referenda on 24 April 2004. It was rejected by the Greek Cypriot electorate by a margin of three to one, and approved by the Turkish Cypriot electorate by a margin of two to one. It therefore did not enter into force.

This outcome represents another missed opportunity to resolve the Cyprus problem. The effort over the last four and a half years has achieved a great deal which should be preserved. However, none of those achievements is a substitute for a comprehensive settlement.

The decision of the Greek Cypriots must be respected. However, it is a major setback. They may wish to reflect on the implications of the vote in the coming period. If they remain willing to resolve the Cyprus problem through a bicomunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality. The Security Council would be well advised to stand ready to address such concerns.

The decision of the Turkish Cypriots is to be welcomed. The Turkish Cypriot leadership and Turkey have made clear their respect for the wish of the Turkish Cypriots to reunify in a bicomunal, bizonal federation. The Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development not for the purposes of affording recognition or assisting secession, but as a positive contribution to the goal of reunification."

ICG, 8 March 2006:
"The Annan Plan provided for the establishment of a new state of affairs, with a United Cyprus Republic (UCR) being the EU member, comprising a federal level and two constituent states – of the Greek Cypriot community in the south and the Turkish Cypriot community in the north.
Constitutionally, the plan allocated most powers to the two constituent states, with the federal level of government responsible principally for foreign relations, monetary policy, federal finance, Republic citizenship and immigration [...]

The constitutional dimension (which substantially met Turkish Cypriot demands for political equality) was counterbalanced by territorial proposals which provided for a significant reduction of the Turkish Cypriot zone, from 37 per cent to approximately 28.5 per cent of the island. Territorial readjustments would have allowed the majority of Greek Cypriot displaced persons to return to their properties under Greek Cypriot rule. The remaining displaced persons who wished to return to their properties in the north would normally have the right to reinstatement of one-third of the value and one-third of the area of their property. They would receive compensation for two-thirds of the value if their properties were occupied by other displaced persons or had been significantly improved [...]

Both Greek and Turkish Cypriots had very good incentives to accept the offered settlement. For the Greek Cypriot side, the Annan Plan would reestablish the much desired unity of their country. At the same time it would enable Greek Cypriot refugees to reclaim a significant part of their lost territory and return to their homes in safety, and would demilitarise the island to the levels of the Treaty of Guarantee of 1960. For the Turkish Cypriots, the Annan Plan would remove the many penalties flowing from international non-recognition of their self-proclaimed political entity; they would receive equal political status while at the same time fully asserting their Turkish identity. There was a further incentive for their acceptance in that the eventual reunification of the two divided parts would immediately bring their community the privileges of the island’s entry into the EU. The framework of the Plan was the assurance of bizonality and political equality, the respect of ethnic diversity and human rights and the existence of an independent sovereign state with a single international personality [...]

On 24 April 2004, Greek Cypriots and Turkish Cypriots voted in separate referendums on Annan V, the parties having finally agreed in February, under intense pressure from the U.S., EU and UK, that the Secretary-General could, in the absence of final agreement on a text, put his own definitive version to a vote. It was the first time that citizens of the island had had the opportunity to express their opinion on a peace settlement. Turnout was high, with 90 per cent of 480,000 registered Greek Cypriots and 75 per cent of the 143,000 Turkish-Cypriots going to the polls. The outcome of the twin referendums was – in a startling reversal of the whole negotiating history – a clear “yes” (65 per cent) from the Turkish Cypriot side, but a resounding “no” (76 per cent) from the Greek Cypriot side. The following month Cyprus was admitted to EU membership still divided, with the acquis communautaire suspended in its application to the north. The dispute today remains as far from solution as ever [...]

Greek Cypriot Objections to the Annan Plan.

Critics of the Annan Plan complained generally that too many Turkish demands were conceded by the UN and the drafters of the Plan for too little in return. The key assertions were:

If the Plan was to be in line with the island’s accession to the EU, it should provide for upholding the entire EU aquis communautaire; its derogations from the three indispensable freedoms of movement, property ownership and settlement, therefore, would create the anomaly that citizens of all other EU member states would be able to enjoy greater land and property rights in Cyprus than the Greek Cypriots.
In particular, the Annan proposals for property compensation, including the scheme for reexchange through a system of deferred payments, violated personal property rights, in contravention of the decisions of the European Court of Human Rights (ECHR).

The intercommunal majorities required by the plan gave the Turkish Cypriot minority vetoes on everything, thus creating a “tyranny of the minority”, as a consequence of which all disputes would end up in the Supreme Court, which would include three non-Cypriot judges as well as three from each constituent state so that foreigners yet again would have the ultimate say in Cyprus’s decision making mechanisms.

The economic cost of the proposed solution: the possibility that Greek Cypriots, rather than the Turks whom they held responsible, would be made to pay for various aspects of reconstruction – including compensation for properties not returned to their legitimate pre-1974 owners, reconstruction of abandoned property within the UN’s buffer zone, and compensation for settlers who might wish to return to Turkey; it was “immoral” of the UN to free Turkey from paying for the damage it had caused in the island and instead place the burden of compensations, reinstatements and reconstruction on the Cypriots.

The long-standing Greek Cypriot demand for the complete demilitarisation of the island and the departure of all Turkish occupying forces (with no right of future intervention) as soon as a settlement was reached, was not met. The Annan Plan allowed Turkey to station troops indefinitely, and preserved its right of military intervention even in the Greek Cypriot part of the island, with no substantial guarantees for the settlement’s implementation.

The Annan Plan was very specific about those settlers from Turkey who would be allowed to stay (45,000 to be granted citizenship by the Turkish Cypriot side, plus those who had married Turkish Cypriots in the interim) but gave no indication as to how the repatriation of the remainder would work.

The Annan Plan, of course, had its deficiencies, as any agreement based on compromise does, but it was the only realistic possibility for a viable settlement, and there are reasonable counter-arguments to all the above assertions:

Claims that the Annan Plan violated EU law and the European Convention on Human Rights are overstated: the derogations proposed were mostly temporary, and could certainly have been accommodated in the framework of international human rights law, especially in the context of the island’s transition from a partitioned, problematic political entity to a united, bicomunal, bizonal republic.

Annan V had already deleted permanent ceilings to property restitutions and acquisitions that had been included in previous versions of the Plan; the Greek Cypriot share of property in northern Cyprus would have been roughly doubled.17 By voting against the Annan Plan, Greek Cypriots ensured that no displaced persons would return at all, rather than the substantial numbers who would have been provided for in the settlement.

Experience from elsewhere demonstrates that complex power-sharing mechanisms can be made to work if there is political will on both sides.

The international community was certainly ready to put forward much of the funding for a comprehensive solution, so the perception that the Greek Cypriots would have to bear most of the economic cost was inaccurate; a “pre-donors conference” was in fact held in mid-April 2004 (it would have been difficult to hold it earlier, as the Annan Plan had not been finalised).

Complaints about the Annan Plan’s toleration of the continued presence of Turkish troops are overstated. Turkey and Greece would have been allowed to maintain up to 6,000 soldiers apiece until 2011. The number would then have dropped to 3,000 for each side, until 2018, when Turkey and Greece would be forced to reduce their contingents to no more than the 650 and 950
respectively provided for by the Treaties of Alliance and Guarantees in 1960. Complete demilitarisation of the island was unattainable in the context of the 1960 constitutional treaties, which were not in question at the 2004 referendum.

The problem of Anatolian settlers is not of recent origin: settlers from Turkey have lived in Cyprus for decades, and it was not easy for the UN drafters to provide for the early repatriation of some 115,000."

TESEV, 30 April 2005:
"Due to the collapse of the talks in March 2003 in The Hague, Annan III never had the chance to be put to referenda. In general, efforts to submit the plan to the public vote had for a long time been delayed by the unwillingness of the communities' leaders to undertake such an engagement.

Nevertheless, on 13 February 2004 the Greek Cypriots and the Turkish Cypriots committed themselves to negotiating in good faith on the basis of Annan III, and the changes each side put forward, to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. They also agreed that the role of the Secretary General should be enlarged, in other words he was 'to fill in the blanks in the plan, should the parties not be able to agree on all issues.

A three-phase negotiation effort stemmed finally on 31 March 2004 into the text to be submitted to referenda, known as Annan V. All the issues the parties hadn't reached agreement on were to be finalized by the UN Secretary General, as envisaged in the 13 February agreement. The text included further changes than those already suggested while accommodating, to a possible extent, the core concerns of the parties.

The fifth version of the Foundation Agreement in 'The Comprehensive Settlement of the Cyprus Problem' was put to simultaneous referenda on 24 April 2004. To the dismay of the international community, the Greek Cypriots rejected the plan. After more than forty years of conflict and 30 years of division, the reconciliation, and reunification could not be brought to the island. 75.8% of the Greek Cypriot voters refused to endorse the latest UN plan. Since the referenda were to serve as a constitutive act, the fact that 64.9% of the Turkish Cypriots approved the plan didn't change the current status quo and the Foundation Agreement didn't enter into force."

Implementation stalled on latest agreement between Greek and Turkish Cypriot leaders (2007)

- Greek and Turkish Cypriot leaders signed the "Gambari" agreement on 8 July 2006
- Agreement is to prepare ground for further negotiations and lead to comprehensive settlement
- However, implementation of the agreement is in a deadlock

UN Security Council, 4 June 2007:
"49. Despite the absence of significant progress, the parties have taken small but incremental steps in the right direction. There has been a sustained dialogue between the representatives of the two leaders on the modalities for the launching of the bicomunal working groups and the bicomunal technical committees. While the 8 July agreement is yet to be implemented, it should be noted that the two sides have come close, on several occasions, to reaching agreement on the start of the process [...]"
Republic of Cyprus, 10 July 2006:
"Agreement of 8th July 2006

Agreement between the President of the Republic Mr Tassos Papadopoulos and the Turkish Cypriot leader Mr Mehmet Ali Talat (8 July 2006)

Set of Principles

1. Commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions.

2. Recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots.

3. Commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed.

4. Agreement to begin a process immediately, involving bi-communal discussion of issues that affect the day to day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement.

5. Commitment to ensure that the "right atmosphere" prevails for this process to be successful. In that connection, confidence building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots. Also in that connection, an end must be put to the so-called "blame game".

Decision by the two leaders

The Technical Committees on issues that affect the day to day life of people will commence by the end of July provided that, at the same time, the two Leaders will also have exchanged a list of issues of substance and its contents to be studied by expert bi-communal working groups and finalized by the Leaders.

The two Leaders will meet further, from time to time as appropriate, to give directions to the expert bi-communal working groups as well as to review the work of the Technical Committees. 

Financial Mirror, 20 April 2007:
"President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat agreed on 8 July 2006, during a meeting in Nicosia in the presence of UN official Ibrahim Gambari, to begin a process of bicommmunal discussions on issues that affect the day-to-day life of the people and concurrently those that concern substantive issues, both contributing to a comprehensive settlement of the Cyprus problem [...] 

President Papadopoulos said the government remains committed and looks forward to the immediate implementation of the July 8 agreement, which lays the foundations for the development of a dialogue, for addressing problems of substance as well as issues that concern the everyday life of the people and for adequate preparation that will allow new comprehensive negotiations for the solution of the Cyprus problem.

"The delay and lack of progress as regards the implementation of the agreement is a cause of particular worry and concern to us as to the kind of solution that is truly sought by the other side. We hope that in the end wiser thoughts will prevail in the spirit of the long-term prospects which
are being opened up for a reunified Cyprus within the framework of European integration,” he added.

He furthermore noted that the government "continues to untiringly take unilateral actions and submit proposals aiming to create a climate of trust and conditions of cooperation and coexistence between Greek Cypriots and Turkish Cypriots," adding that “we have supported and continue to economically support the Turkish Cypriot community through a series of measures.”

Republic of Cyprus, 26 September 2007:
"[...], We currently find ourselves engaged in an effort to implement a process consisting of an Agreement concluded and signed by the two communities in Cyprus on 8 July 2006 and complemented by letters exchanged between the leaders of the two communities and the Under-Secretary-General for Political Affairs of the United Nations on 15 November 2006. The surprising laboriousness in implementing this carefully crafted Agreement, the purpose of which is to prepare the ground for subsequent negotiation and is intended to lead to a comprehensive settlement of the Cyprus issue, is not inherent to this particular process and we should thus persist on implementing what has been agreed. The pace can only be determined by progress, and as needed, culminating in full-fledged negotiations. Sidelining or circumventing stages of the process will only lead to expediting not the solution, but the confirmation of deadlock [...]"

Relations between Greek and Turkish Cypriots (2007)

- Tensions rise in buffer zone because of actions of Greek Cypriot and Turkish Cypriot farmers
- Group of Turkish Cypriot students attacked by Greek Cypriot students in isolated incident in Nicosia
- UN facilitates events between Greek Cypriot and Turkish Cypriot communities
- The two communities also work together on projects, some pertaining to the environment
- Despite negative stereotypes of the 'other' side, Greek Cypriot and Turkish Cypriots still want cross-community contact

UN SC, 1 December 2006:
"On 3 and 11 October, tension rose as result of disputes on farming and land ownership involving Greek Cypriot and Turkish Cypriot farmers in the buffer zone in the area of Kaimakli, north-east of Nicosia. In response to media reports that Greek Cypriot farmers intended to work beyond the farming security line, the Turkish Forces/Turkish Cypriot Security Forces overmanned their nearest position in the area. The situation was further aggravated when Greek Cypriot farmers entered the buffer zone and demanded access to the north of the farming security line. After intensive discussions held by UNFICYP with both sides, the situation was defused. Two press statements warning farmers against crossing the farming security line were issued by UNFICYP on 4 and 10 October. On 26 November, Turkish Cypriot farmers in the area of Avlona/Gayretkoy entered the buffer zone without authorization from UNFICYP to cultivate land owned by Greek Cypriots without their permission. When UNFICYP police and military personnel requested them to cease their activities and leave the area until permits were obtained, the farmers attacked the United Nations patrol, damaging six vehicles. UNFICYP strongly protested the incident. In the light of those incidents, UNFICYP tightened its procedures for issuing farming permits in order to safeguard property rights and maintain security in both areas [...]"

34. A serious incident occurred on 22 November at a private English language school in Nicosia, in which a group of Turkish Cypriot students attending the school were attacked by a group of Greek Cypriot students from outside the school, reportedly wearing partial face masks. A number
of the Turkish Cypriot students were injured in the attack. Three persons have been taken into custody over the incident so far, and the Cyprus police are continuing their investigation. The incident was strongly condemned by President Papadopoulos and other leading authorities on both sides of the divide [...]"

**UN Security Council, 4 June 2007:**
"25. UNFICYP facilitated 37 bicommunal events with the participation of approximately 2,000 people from both sides. These events were held in the buffer zone, at the Ledra Palace Hotel, which continues to be viewed by both sides as an essential, neutral venue for hosting bicommunal activities. There was a significant increase in the number of events at the Ledra Palace during the reporting period. In December 2006, in the bicommunal village of Pyla, UNFICYP facilitated a children's event, which included the nursery and primary schools of both Cypriot communities. That event was followed by commitments to continue to engage in joint cultural activities in 2007. UNFICYP also supported a United Nations Development Programme-led international civil society fair from 3 to 5 May at the Ledra Palace Hotel crossing with about 1,500 participants [...]"

**TESEV, 30 April 2005:**
"Although there has been no intercommunal violence since 1975, incidents along the UN controlled buffer zone which separates the Greek Cypriot and Turkish Cypriot held areas, have claimed occasional victims, mostly recently in 1996. The unresolved conflict has also remained a source of friction between Greece and Turkey. A contingent of Turkish troops (estimated 35,000) has remained stationed in the north."

**Broome, 31 December 2005:**
"When examined from a purely objective point of view, there should be little enthusiasm within either community to communicate and develop relationships across the Green Line. The negative portrayals of each other in the press, the bias in the educational system, and the rhetoric of politicians, combined with the difficulties surrounding any form of communication or contact, do little to promote interest in bi-communal encounters. Fortunately, we have found that the wall of separation, even though it has existed for more than a generation, has not destroyed the desire of people to know their neighbours. Many people are eager to come together, and it is not only because of curiosity about 'life on the other side.' Many people have indicated to me that they feel a part of themselves missing because they are separated from their neighbours in the other community. There is a spirit of kinship that exists between the two communities, and although it is not publicly recognized, most people probably are eager for the 'family feud' to end so they can develop more normal relations with their 'cousins.'

Fifteen years ago, there were only a handful of people involved in regular bi-communal contacts. As more activities were organized, it became clear that there existed a large unspoken desire to meet people from the other community. This was particularly evident during 1994-1997, a period when hundreds of individuals participated in conflict resolution workshops and thousands of others attended various bi-communal events. The growth in these activities was slowed, but not stopped, by a decision of the Turkish-Cypriot authorities in December 1997 to stop granting permissions for Turkish Cypriots to cross the Buffer Zone to meet with their Greek-Cypriot counterparts. The number of people involved in bicommunal groups continued to grow despite many difficulties. This increase in contacts did not eliminate the overall mistrust that is present on both sides toward the other community, but it demonstrated the existence of a willingness to meet together to work on improving relations and building a basis for a common future [...]"

Although contacts between Greek Cypriots and Turkish Cypriots have been limited since the start of inter-communal violence in 1963, and were almost completely shut off between the forced
division in 1974 and the 2003 ‘opening’ of the checkpoint, there has never been a total cessation
of contacts. Communities that identify themselves as Greek-Cypriot remained in the areas under
Turkish-Cypriot administration (Maronite communities in the Kormokiti area and a shrinking
pocket of mostly older Greek Cypriots in the Karpas), and people with families in these
communities were allowed limited visits across the Buffer Zone. Approximately 200 Turkish
Cypriots live south of the Buffer Zone, and during certain periods after 1974, a number of Turkish
Cypriots were crossing the checkpoint in Famagusta to work in Agia Napa, Larnaca, and other
towns in the southeast corner of the island. There has also been significant contact among
Cypriots living outside Cyprus. For example, there are large communities of both Greek Cypriots
and Turkish Cypriots living in cities such as London, and individuals socialize and work together.
In addition, students from both communities often study at the same university in Europe and the
United States, sometimes with meaningful contact.

In Cyprus, however, the restrictions placed on freedom of movement meant that special
arrangements were necessary in order for most citizens to have contact with individuals on the
other side of the Buffer Zone. Until the ‘closing’ of the checkpoint in December 1997, it was
primarily through the assistance of international diplomatic missions that bi-communal meetings
were held. Even with such assistance, it was always difficult and often impossible to arrange bi-
communal activities. There were very few bi-communal meetings during the 1970s and 1980s, but for a short
period of time, between 1994 and the end of 1997, bi-communal groups met regularly. However,
in December 1997 political difficulties meant that Turkish Cypriots could no longer cross the
checkpoint at Ledra Palace to meet with Greek Cypriots.

Until this ‘interruption’ of bi-communal activities, there was a trend of increasing contact and
communication, reaching a point in late 1997 when at least one bi-communal group was meeting
almost every day of the week, bringing together over 2000 individuals across the dividing line.
After permissions were stopped, most regular meetings of bi-communal groups in Cyprus ceased,
but numerous contacts took place at the mixed village of Pyla, located in the Buffer Zone next to
the British sovereign area. Between 1998 and 2003 it was one of the only places to which both
Greek Cypriots and Turkish Cypriots had access. Occasionally, there were large gatherings
allowed in the Buffer Zone, usually sponsored by the United Nations, political parties, or trade
unions. In addition, meetings took place outside Cyprus, and hundreds of individuals maintained
contact through the UN-operated telephone lines and with electronic mail.

Activities aimed at bringing together Greek Cypriots and Turkish Cypriots have spanned a wide
range of issues. Some projects have focused on practical matters, such as keeping the sewage
system operating properly in the divided city of Nicosia. Others have focused on the political level,
bringing together party leaders. A number of bi-communal concerts, art exhibitions, and dance
performances have taken place. Professional gatherings of lawyers, architects, and trade
unionists have been held. Workshops and seminars dealing with conflict resolution have been
offered to various groups. Several ongoing groups have met together on a regular basis to
discuss the core issues of the Cyprus problem. Special projects utilizing the Internet have been
sponsored, and a number of electronic discussion groups were operating. In general, bi-
communal activities can be organized under six broad categories: Political Contacts; Business
and Professional Meetings/Projects; Citizen Gatherings and Exchanges; Conflict Resolution
Activities; Ongoing Bi-communal Groups; and, Special Projects [...]

Many people (perhaps the majority) are still sceptical about the benefits of promoting
crosscommunity contact, and most people are hesitant to participate in bicommmunal activities and
events. The type of resistance varies over time, with different age groups, and between
communities, but even with the increase in numbers of people involved, and even after the April
2003 lifting of checkpoint restrictions there is still not widespread support for activities that
promote cross-community contact. In some cases, even today, those who are involved in such activities are criticized and occasionally harassed.

Although each person’s experience will differ, and conditions will change over time, there are a number of obstacles that those engaged in joint efforts across the Green Line will likely face. Many of these difficulties emanate from the social and political reality of Cyprus. In a society where there are many interest groups with a stake in maintaining the status quo of the conflict, resistance to reconciliation efforts is unavoidable. And in a social system where the existence of the conflict has become part of everyday existence, the meeting of individuals across the dividing line can be perceived as a serious threat to the comfortable (if undesirable) status quo. Finally, for those who suffered from the loss of loved ones, property, and a way of life, any attempt to understand the point of view of the other may be considered inappropriate and even insensitive.

No longer ‘banned’ from meeting or needing ‘permissions’ to meet at Ledra Palace, it has been possible since April 2003 for individuals and groups to meet nearly anywhere in Cyprus. Even though many of the old restrictions are gone, cross-community contacts continue to be plagued by various political events. And even though the authorities on each side no longer condemn the work of peace builders, there are still many in each community who oppose any activities that bring people together across the Green Line […]

Taken together, the political uses of bi-communal contacts, the concern about recognition, the negative images promoted by the media, and criticism from family and friends, severely affected bi-communal activities in Cyprus. Often participants became too frustrated to continue. Some international sponsors decided it was not worth the effort. Both Greek-Cypriot and Turkish-Cypriot attitudes hardened when confronted with these obstacles but Greek Cypriots interpreted the ‘ban’ on bi-communal activities as evidence of intransigence by the Turkish Cypriots, and Turkish Cypriots saw the Greek Cypriots refusal to allow their sports teams, business organizations, educational groups, and NGOs access to full participation in international affairs as a sign of their disinterest in a genuine partnership […]

Until recently, very few people in Cyprus had direct experience with individuals in the other community. Members of the older generation could remember what the other was like 30 or 40 years ago, but memory is very selective and changes over the years made these memories unreliable as a guide to today’s situation. Faced with this situation, young and old alike had to rely on information that was distorted, often deliberately. The education system, the media, the politicians, and even family members painted incomplete and misleading pictures of people and life on the other side of the Green Line. For most Cypriots, there was no alternative but to accept these depictions as authentic, since as long as contact was limited there was little chance for it to be disputed […]

There is a tendency to view the other community as homogeneous and to portray them in strictly negative terms. Yet the other is never an undifferentiated entity, and neither is everyone on one’s own side all of the same opinion. It is important to recognize the variety that exists among the ‘enemy’ or within one’s own community. Most of the bi-communal groups that have formed are composed of individuals from various political persuasions, with quite different views about what must be done to improve the situation in Cyprus. It is misleading to state that this is the ‘Greek-Cypriot position’ or the ‘Turkish-Cypriot position.’ Indeed, we have found that there is sometimes more similarity across community lines than there is within each community. It is often the case that Greek Cypriots will form closer ties with other Turkish Cypriots than they will with many of their compatriots. Of course, there is an ‘official’ position on each side and in the beginning stages of group work it is these views that often dominate.

However, as the group develops a more open climate of sharing, individual differences are brought out into the open and form the basis for discussion. From the more than 200 bi-
communal meetings and workshops in which I have participated, I have rarely seen discussion about issues which fall along strictly community lines. This richness of intra-communal differences may make it more difficult for the extremists in either side to promote separation of the two communities, and it is a factor that promises greater possibility for inter-communal cooperation in the future […]

The Turkish Cypriots do not easily forget their past treatment as second-class citizens, particularly during the period 1963-1974, when they were confined to small enclaves and feared for their safety anytime they travelled outside these protected areas. Many have lost relatives, including immediate family members, friends, and neighbours, who 'disappeared' or who were victims of raids on villages. No one in the Turkish-Cypriot community wants to live through such a time again. Many of the Turkish Cypriots who lived prior to 1974 in the south of Cyprus did not want to leave their homes, but they felt they had no choice. Since 1974, Turkish Cypriots have faced other difficulties, resulting from non-recognition and an economic embargo, that they continue to blame on the Greek Cypriots. They live constantly in a state of uncertainty about what will happen in the future and whether or not they will be forced once again to move and start over. The pain that has resulted from these bad memories and anxieties about the future weigh heavily in their willingness to cooperate with Greek Cypriots.

Similarly, Greek Cypriots suffered a traumatic shock in 1974, being pushed out of their homes and away from their land and businesses, and witnessing the killings, rapes, and destruction that accompanied the advance of the Turkish army. The agony from having family members and relatives still unaccounted for, and the deep desire to return to their homes and communities, haunts the entire Greek-Cypriot community. The sense of injustice and the feelings of helplessness follow them on a daily basis and bring anger, resentment, and feelings of revenge. It is often expressed as ultranationalist rhetoric that simply deepens the pain. For many, the simple act of meeting with Turkish Cypriots is seen as a betrayal to those who have suffered. For some, bi-communal meetings signify 'giving in' to injustice and wrongdoing."

**Signs of improved relations between Greece and Turkey (2006)**

- Relations between Greece and Turkey influence the Cyprus problem
- There has been a rapprochement since 1999, though it remains fragile

**ICG, 8 March 2006:**
"Greek-Turkish ties are of fundamental importance for the Cyprus conflict. The rapprochement since 1999 has acted as a key force in favour of reunification in Cyprus. The seeds of rapprochement were sown during the spring of that year when the Greek foreign minister, George Papandreou, made the strategic decision to engage in constructive dialogue with traditional archenemy Turkey, following the period of increasing brinkmanship in 1996-1999. The summer earthquakes in Istanbul and Athens provided the trigger for a major policy shift, with the groundbreaking reciprocal visits of Papandreou and his counterpart, Ismail Cem. Rapprochement then filtered through the system, through a set of bilateral agreements on "low politics" issues and led to a surge in business and civil
society contacts, as well as steadily rising bilateral trade [...] 

The Greek-Turkish rapprochement is one of the most positive developments in the Mediterranean region since 1960. It remains fragile, however, and while it has provided a conducive context for settlement in Cyprus, it has not, alone, been sufficient to deliver peace on the island. The Greek government’s unqualified support for the Cyprus government’s stance within the EU on issues pertaining to the conflict may poison the rapprochement, and a crisis in Cyprus or in the Aegean could endanger the process."

**Public opinion on resolution to conflict (2007)**

- UN conducted a poll with Turkish Cypriots and Greek Cypriots
- The majority of both communities think cross-communal contact is essential for a settlement to the Cyprus conflict
- However, only a small percentage from either group interact with the other group
- Both groups accept joint cooperation on environmental and academic projects
- They also think the work on landmines and missing persons is building confidence
- Despite relaxation of procedures for crossing from the south to the north, 40 per cent of Greek Cypriots and 30 per cent of Turkish Cypriots have not crossed
- Most of those who have crossed have not changed their opinion of the other group

**UNFICYP, 24 April 2007:**

"In February 2007, an island-wide poll, commissioned by UNFICYP, was conducted with a sample of 1,000 Turkish Cypriots and 1,000 Greek Cypriots, who were interviewed in their respective languages, face-to-face. In addition, a special sample of 100 Turkish Cypriots and 250 Greek Cypriots, all resident within the UN Buffer Zone, was selected for comparison with the general population.

For purposes of this project, UNFICYP retained the services of a Greek Cypriot and a Turkish Cypriot expert consultant, whose task it was to assist with preparation of the questionnaire and interpretation of the results. In addition, two well-established polling companies, CYMAR Market Research and Prologue Consulting, were selected through a tendering process to carry out the fieldwork [...]

Large majorities in both communities are convinced that day-to-day bicommunal contact is essential to pave the way for a united Cyprus and there is approval for those who reach out to the other community through such contacts. This goodwill notwithstanding, only a small percentage of Greek Cypriots and Turkish Cypriots interact with one another in a bicommunal context despite evidence that such contacts increase levels of trust towards members of the other community.

Even though both communities generally accept and acknowledge the merits and benefits of inter-communal contact, there is great sensitivity over the extent to which non-Cypriot intermediaries should get involved in facilitating and promoting such activities. While "assistance by the UN or others" is seen as potentially helpful, the overall message from survey respondents is that non-Cypriot intermediaries should maintain a delicate balance by “assisting and facilitating” while avoiding any perception of “interfering and meddling”.

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Of various possible types of inter-communal contact, the most acceptable to both communities is environmental cooperation by Greek Cypriot and Turkish Cypriot non-governmental organizations (NGOs), and also, joint research projects by Greek Cypriot and Turkish Cypriot academics working together.

Both communities view the work of the Committee on Missing Persons (CMP) and the Mine Action Centre (MAC) as making significant contributions to confidence building measures.

Large majorities of Greek Cypriots and Turkish Cypriots alike approve the work of CMP. Among the Greek Cypriots interviewed, almost everyone is aware of CMP’s recent exhumation activities, while the awareness level among Turkish Cypriots is also very high. Almost all Greek Cypriots and a strong majority of Turkish Cypriots believe that the exhumation and identification of remains is an essential process that must be completed before the issue of Missing Persons can be resolved.

On the demining front, both communities acknowledge and appreciate the MAC’s mine clearance activities in the buffer zone and concur that minefields are a leftover from the past that must be removed. Not everyone is aware of the Ottawa Treaty and its signatories’ obligation to remove anti-personnel mines but most realize that removal of minefields frees land for farming use and helps pave the way for the opening of further crossing points.

However, the confidence-boosting impact of crossing points is less evident. Only 10% of Greek Cypriots cross with any regularity compared to 45% of Turkish Cypriots. According to the survey, of those Greek Cypriots who only crossed a few initial times following the opening of the crossing, most report that the experience had not enhanced their impression of their Turkish Cypriot neighbours.

About 40% of Greek Cypriots indicate they have never crossed to the north since the opening of the first crossing point in 2003. Some 50% say that after one or a few initial crossings, they no longer do so. About 10% of Greek Cypriots continue to cross the checkpoints with any frequency. Among Turkish Cypriots, about 30% have never crossed. About 25% have crossed once or occasionally, but not any more. Some 45% of Turkish Cypriots still cross with greater or lesser frequency.

Most Turkish Cypriots report their opinions of Greek Cypriots remained unchanged as a result of crossing. Of those whose opinions did change, most say they came away with an improved view of Greek Cypriots. This was especially true among Turkish Cypriots coming south to work, to visit friends, to shop or for recreational purposes […]

The poll indicates that large majorities in both communities are sceptical about prospects for a comprehensive settlement of the Cyprus problem in the foreseeable future. At the same time, only small minorities within each of the two communities seem to believe that “the current status quo is the solution”.

While a strong majority of Greek Cypriots would find a Unitary State solution to be satisfactory, it is clear that such an outcome is unacceptable to most Turkish Cypriots who, according to the survey, would reject it out of hand. Similarly, most Turkish Cypriots would ideally prefer a Two State arrangement, something most Greek Cypriots will not countenance in any circumstances.

What the survey does show is that a large majority in each community believes a federal settlement is the second best option and would be prepared to accept such a constitutional framework, at the very least as a compromise solution. This is true for Greek and Turkish Cypriots alike. Rejecting a federal solution out of hand, under any circumstances and regardless of the specific plan, is not a majority viewpoint in either community.
Specifically, 65% of Greek Cypriots would consider a federal solution as tolerable or satisfactory, while 35% would consider it to be unacceptable. Among Turkish Cypriots, 70% would tolerate or fully accept a federal framework, while 30% would reject it out of hand. Of those who report that they would be willing to live with a federal framework, Greek Cypriots tend to evaluate federation as “tolerable” whereas Turkish Cypriots tend to evaluate it as “satisfactory”.

Offsetting this is the encouraging fact that Greek Cypriots, in principle, tend to be positive towards the prospect of everyday coexistence with Turkish Cypriots and also tend to agree that the two communities indeed have much in common. On these same issues, diverse views are being expressed by different segments of the Turkish Cypriot community.

One potential obstacle to reaching an agreed federal settlement is the fact that each community continues to have misperceptions about the other’s true intentions and/or preferences. In the case of the Turkish Cypriot community, there is a strong if inaccurate belief that most Greek Cypriots would reject any federal solution out of hand, while Greek Cypriots, mistakenly, tend to believe that Turkish Cypriots might still opt for a Unitary State.

The process that led to the Annan Plan in 2004 is seen as controversial by the Greek Cypriots and acceptable to the Turkish Cypriots. On the other hand, the public in both communities accepts the “Gambari process”, even though a majority in each believes the UN’s handling of the process favours the other side. In fact, approval or disapproval of the process is influenced by the same factors in each community – faith in the UN’s impartiality and efficacy and the desire for coexistence with the other community and a settlement of the Cyprus Problem. The survey response also shows that those who count themselves regular readers of the island’s main newspapers tend to take a more disapproving view of the ongoing process."

For more information, see the results of the survey.

Causes of displacement

Intercommunal violence in 1964: More than 20,000 Turkish Cypriots displaced

- Intercommunal violence and assault of Turkish Cypriot villages by Greek paramilitaries from December 1963 to August 1964 forced more than 20,000 Turkish Cypriots and a few hundred Greek Cypriots to abandon their properties
- Most of the movements seem to have been spontaneous, but in some cases people were reportedly ordered to leave and were prevented from returning to government-controlled areas by the Turkish paramilitaries
- Cypriot Armenians, who numbered 3,378 in 1960, were forced to leave the Turkish part of Nicosia

TESEV, 30 April 2005:
"[...] Between December 1963 and August 1964, the most violent phase of the clashes, 191 Turkish Cypriots and 133 Greek Cypriots were killed (55 of them were killed in Tylliria/Erenköy, in the north-west of Cyprus). An additional 209 Turkish Cypriots and 41 Greek Cypriots went missing (presumed dead). The events of this period also led to the uprooting and displacement of an estimated 25,000 Turkish Cypriots and a few hundred Greek Cypriots. Turkish Cypriots from 96 villages (of these 24 wholly Turkish Cypriot villages while the rest were mixed), fearing attacks by the Greek
Cypriot paramilitaries, sought refuge in guarded enclaves. Such enclaves were formed all over
the island, encompassing three per cent of the island’s territory. Official Greek Cypriot statements
claimed that most Turkish Cypriots were fleeing under their leadership’s directions in order to
prepare the ground for eventual partition. This was denied by the Turkish Cypriot leaders who
claimed that these people ran away without any prior planning to the nearest refuge
because they were frightened [...].

Kyle, December 1997, pp. 11-12:
"On 21 December 1963 a street brawl in a Turkish quarter in Nicosia between a Turkish Cypriot
crowd and [Greek Cypriot Minister of the Interior] Yorgadjis's plain-clothes special constables was
followed immediately by a major Greek Cypriot attack by the various paramilitary forces against
the Turks in Nicosia and in Larnaca. Although the TMT [Turkish Defence Organization] and
Turkey’s military contingent organized the defence of the Turkish Cypriot community, and there
were acts of retaliation directed at the Greek Cypriots, there is no doubt that the main victims of
the numerous incidents that took place during the next few months were Turks. Some 700
Turkish Cypriot hostages men, women and children, were seized in the northern suburbs of
Nicosia. The mixed suburb of Omorphita suffered the most from an independent gang of Greek
Cypriot irregulars led by Nixos Sampson who made a full assault on the Turkish Cypriot
population. During the first half of 1964, fighting continued to flare up between neighbouring
villages: 191 Turkish Cypriots and 133 Greeks were known to have been killed while it was
claimed 209 Turks and 41 Greeks were missing and could also be presumed dead. There was
much looting and destruction of Turkish villages. Some 20,000 refugees fled, many taking refuge
in Kyrenia and Nicosia. Food medical supplies had to be shipped in from Turkey. Twenty-four
wholly Turkish villages and Turkish houses in 72 mixed villages were abandoned. Most of the
moves seem to have been spontaneous, but in some cases the people were ordered to leave
and, once villagers had moved, the Turkish paramilitaries, now much expanded in numbers and
known simply as ‘the Fighters’, ensured they did not return to government-controlled areas. The
necessary basis for partition was being established."

Kyle, December 1997, pp. 14-15:
"Half or more of the Turkish Cypriot community was now compressed into disconnected enclaves
on the island. These fragments were loosely organized into groups of villages and sub-regions
where full-time ‘Fighters’ units were stationed, and where Turkey Army were posted; and into
seven regions, mostly based on the Turkish quarters in the towns, where civil government was
controlled by district officers and the ‘Fighters’ were commanded by Turkish army colonels. […]

The Cyprus Government imposed an economic blockade against the enclaves, which was soon
modified under UN and Red Cross/Red Crescent pressures to let in quotas of food. Later, the
passage of specific 'strategic materials' was prohibited; this was a large and growing list which
severely affected economic activity. There was some passage and commerce between Greek
and Turkish areas but this was subject to much delay, tedious searches and -sometimes -
instances of kidnapping and hostage-taking. This was perhaps inevitable when the two
communities were on a permanent war footing; however, even then this atmosphere did not
prevail everywhere. The UN was continually engaged in negotiations to secure Turkish Cypriot
'freedom of movement' without needless molestation, and to mediate complicated local
arrangements about police patrols.

On 21 April 1967 democracy was overthrown in Greece, bringing to power a group of colonels,
some of whom had experience of serving in Cyprus. […]

Relations with Makarios, who did not fancy a union with a military dictatorship or its Cyprus
intrigues, became increasingly strained. Makarios began cutting the budget of the National Guard
and building up his own paramilitary force, the Tactical Reserve, and became more amenable to
UN suggestions for easing tension. Roadblocks, for example, were removed from outside the
Turkish quarters of Paphos and Limassol, and Turkish Cypriots were allowed to buy 'strategic materials'.

[...]

"In March 1968, the last economic restrictions were withdrawn from the Turkish enclaves - a gesture which was not reciprocated by the Turkish Cypriots who continued to maintain their roadblocks in order to bar Greek Cypriots who continued to maintain their roadblocks in order to bar Greek Cypriots from their enclaves."

Kyle, December 1997, p. 33:
Displacement of the Cypriot Armenians
"At the time of independence the Cypriot Armenians, who then numbered 3,378, were mainly living in the Turkish part of Nicosia near the ceasefire line and possessed a sixteenth-century monastery with 700 acres nearby. At the close of 1963, when the Constitution collapsed, they found themselves forced to move over to the south. The Government gave them land on which they build their churches and schools."

PRIO, 22 November 2006:
"As a result of the events of 1963–64 and 1974, a significant number of property owners from both communities became dispossessed."

Displacement during the Turkish military action in July-August 1974

- The overwhelming majority of the Greek Cypriot population from the northern area was displaced as a direct consequence of the Turkish military action in 1974
- Some 180,000 Greek Cypriots in the north were displaced to the south from 1974 to 1975
- About 50,000 to 60,000 Turkish Cypriots fled to the north, including many who had been displaced before

BBC, 24 July 2005:
"The island was granted independence in 1960 after Greek and Turkish communities reached agreement on a constitution. Britain retained sovereignty over two military bases.

But relations broke down when Greek Cypriots proposed amendments threatening power-sharing arrangements.

Inter-communal violence erupted and the Turkish side withdrew from power-sharing. The UN sent a peace-keeping force to the island in 1964 to support British troops manning the so-called "Green Line" dividing Nicosia.

The situation on the ground improved but relations between the military regime in Greece and the Cypriot President Archbishop Makarios, a Greek Cypriot, became strained.

Tensions escalated, with Greece sending 20,000 troops to the island and Turkey launching air strikes after attacks on Turkish Cypriot areas.

In July 1974 Archbishop Makarios was deposed in a coup backed by Greece's military junta. Turkey responded by sending troops to the island and enforcing a partition of the island between north and south.

The island was divided along a line stretching from Morphou in the west through Nicosia to Famagusta."
Around 180,000 Greek Cypriots in the north fled south as Turkish Cypriots in the south sought refuge in the north. Talks to find a diplomatic solution failed and, in February 1975, the Turkish Cypriots announced the establishment of their own state, later to become the Turkish Republic of Northern Cyprus - recognised only by Turkey."

European Commission of Human Rights, 10 July 1976, paras. 185-196:
"Findings of the European Commission of Human Rights
I. General
Since it is common knowledge that the overwhelming majority of the Greek Cypriot population from the northern area has been displaced as a consequence of the Turkish military action in 1974 the Commission does not consider that specific evidence corroborating this is needed. As regards the number of persons affected, the Commission accepts as credible the figures mentioned by witness Iacovou i.e. about 182,000 displaced Greek Cypriots in September 1975.

II. Movements of persons provoked by the military action of Turkey
The Commission considers that the evidence before it shows that the vast majority of displaced Greek Cypriots left the north of Cyprus as direct consequence of the military action of Turkey.

Many fled during the first phase of this operation [20-22 July 1974] from the areas where actual fighting took place, or from areas considered to be in danger of becoming the theatre of military operations. There then developed in the Greek Cypriot population a sentiment of fear and horror about the reported conduct of the Turkish troops - a sentiment convincingly described by witness Odysseos and Kaniklides who came from places as far apart as Morphou and Famagusta - and, during the second phase of the military action [14-16 August 1974], whole areas were evacuated by their Greek Cypriot residents before the Turkish army reached them.

The Commission was not able to establish the exact figure of persons who fled. It assumed, however, that they were more than 170,000 since all other categories of displaced persons together make up only a few thousand out of the above-mentioned total of 182,000.

III. Measures of displacement not directly connected with the Turkish military action in the phases of actual fighting
The commission considers that the evidence before it establishes that a large number of Greek Cypriots who remained in the north of Cyprus after the arrival of the Turkish troops were uprooted from their normal surroundings and temporarily subjected to various measures of displacement.

(a) Evictions from houses and transportation to other places within the north of Cyprus

The range of these measures included the eviction of Greek Cypriots from houses including their own houses, the assembling of them at certain places, forcible excursions to other places where they were held for periods ranging from several hours to several days, and their transfer to prisons, detention centres or other detention places.

Such measures were not only described in a considerable number of individual statements, some of them corroborating each other, including statements made orally to the Commission's Delegation in Cyprus. They were also confirmed in reports of the United Nations and of the International Committee of the Red Cross which leave no doubt as to their correctness.

(b) Expulsion across the demarcation line

The Commission finds it established that there was an organised operation for the expulsion of the remaining civilian population of some villages in the Kyrenia district (Trimithui, Ayios Georgios, Karmi) to the south of Cyprus by driving them in buses to the green line at the Ledra Palace Hoter in Nicosia on 2 August 1974. Several persons gave the Commission's Delegation a
detailed description of these events, which were also confirmed in written statements submitted to the Commission. Moreover, witness Soulioti saw the arrival of these expellees and arranged their accommodation, and a UN report based on UNFICYP sources apparently concerns the same events although no places or names are mentioned.

Taking into account its above finding, the Commission finds strong indications that the other group expulsions mentioned by witness Soulioti also happened in the way described. This concerns, in particular the alleged expulsion of persons from the Karpasia area in June 1975, which was also mentioned by a number of other witnesses. The Commission's Delegation saw a film of persons who stated that they were expelled in June 1975, and they were also given a copy of an official letter to the ICRC in Nicosia protesting against these expulsions. However, the Commission has been unable to establish whether applications for transfer to the south were made by a number of these persons and, if so, whether such applications were made voluntarily.

With regard to other group expulsions, especially those during the second phase of the Turkish military operation, the Commission disposes only of hearsay evidence.

(c) Negotiated transfer of prisoners and detainees including those detained in Turkey

The fact that several thousand Greek Cypriot prisoners and detainees, including those detained in Turkey, became displaced as a consequence of their transfer and release to the south of Cyprus under the provisions of the Geneva Declaration [of the Foreign Ministers of Greece, Turkey and the United Kingdom of 30 July 1974] and various intercommunal agreements is common knowledge.

The Commission has not fully investigated to which extent these persons had an option to return to their homes in the north of Cyprus. It observes that the permission for the return of 20% of the prisoners from Turkey to their homes in the north of Cyprus could only be achieved with difficulties, but one could assume in the circumstances that the remainder of this group of prisoners were persons who had actually opted for their release to the south. On the other hand it appears from the testimony of witness Perkettis that prisoners were not asked where they wanted to be released.

With regard to persons who had been detained in detention centres in the north of Cyprus, the Commission finds it established that they were virtually barred from returning to their homes in the north of Cyprus. Only very few of them were released in the north. This is recorded in public documents of the United Nations. Moreover, the statements made by UNHCR and ICRC representatives at the intercommunal meeting of 7 February 1975, the record of which the Commission accepts as correct, indicate the will of these persons to remain in the areas under Turkish control was broken by the conditions imposed on them. Mr. Zuger expressly stated, 'They want to go south because they are not allowed to go back to their homes.'

In addition, some witnesses conveyed their impression that the detention centres were a special device for the evacuation of the Greek Cypriot population from the north of Cyprus.[…] In the light of the above the Commission finds a strong indication that evacuation of the Greek Cypriot population was a purpose of the detention centres."

The Commission concluded that, by the refusal to allow the return of more than 170,000 Greek Cypriot refugees to their homes in the north of Cyprus, Turkey violated Art. 8 of the European Convention on Human Rights. The Commission confirmed again the existence of this violation in 1983 and 1999.

The Commission also concluded in 1976 that, by the eviction of Greek Cypriots from houses, including their own homes, by their transportation to other places within the north
of Cyprus, of by their deportation across the demarcation line, Turkey equally violated Art. 8 of the Convention.

Displacement continues as a result of population transfer agreement and human rights violations (1975-2003)

- Following talks held between the representatives of the two communities in Vienna in 1975, Turkish Cypriots remaining in the south were allowed to leave for the north
- 10,000 Greek Cypriots who had stayed in the north could either stay and enjoy full minority rights or leave

Kyle December 1997, p. 19:
*Population transfer*
After the fighting ended in 1974 when the Turks halted their advance, Clerides and Denktas began meeting again. By the following year they had agreed that those Turkish Cypriots who had been attempting (with great difficulty) to leave for the north, would be allowed to do so [Vienna talks 31 July - 2 August 1975 or 1975 Vienna III Agreement]. In return the 10,000 or so Greek Cypriots who had stayed in the north could either stay and enjoy full minority rights or leave if they genuinely wanted to. The Turkish Cypriots subsequently termed this an "Exchange of Populations Agreement" - a phrase no doubt intended to echo the 1923 Treaty of Lausanne, when a major population transfer between Greece and [Turkey] was supposed to have ended the feud between them. But no such language was in the 1975 agreement. In the event, nearly all the Greek Cypriots in the north left in the next few years, complaining of harassment; they were prevented from returning by the Turkish Army along its ceasefire line. By 1996, there were only 486 Greek Cypriots in the north living in two villages in the Karpas and 187 Maronites in the Kormakiti region. Of the Turkish Cypriots living in the south, 343 were known to the UN. Apart from these small exceptions the island has been transformed into two-mono-ethnic zones, with an impassable (to most Cypriots) barrier between them running across the island and cutting through the walled city of Nicosia. The ceasefire line is supervised by the UN, who maintain and police a buffer zone, generally two to four and a half miles wide but narrowing down to a very short distance indeed in parts of Nicosia. The two front lines run for 112 miles across the island with 22 permanent staffed observation posts. Under the Cyprus Government's rules, foreign visitors (and journalists) can cross the buffer zone from south to north provided that they return to the south overnight. Visitors on the Turkish side may not cross the other way because, according to the same rules, they will have entered the country illegally, (though pre-1974 foreign residents can).

Displacement of minority groups after 1975
"By 1975 President Clerides and the Turkish Cypriot leader Denktas, agreed that Turkish Cypriots who wished to leave for the north could do so, while the 10,000 or so Greek Cypriots remaining in the north could choose to stay with full minority rights or leave; nearly all left.

Maronites are the largest of the three minorities [officially recognised under the 1960 constitutional agreement, including the Maronites, the Armenians and the Latins], numbering c. 5,000. Before 1974 most lived in four villages in the north. After 1974, 2,000 chose to remain in the Turkish-occupied areas; their number has been reduced to 170, whose average age is 68."

U.S. DOS 25 February 2000, sect. 5:
"Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of population, free and unhindered
access by the UNFICYP to Greek Cypriots and Maronites living in the north and the Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship."
POPULATION FIGURES AND PROFILE

Global figures

Total internally displaced population: estimated 210,000 persons (2007)

- The government of the Republic of Cyprus reports a total of 210,000 IDPs, while the Turkish Cypriot administration states the internal displacement issue was solved in 1975 with the Vienna agreements.
- The figure from the government of the Republic of Cyprus does not include some 26,000 people displaced by the events of 1963-64.
- Other sources also state there were 210,000 people displaced by the events of 1974, though one source estimates the number to be 205,000 people.

Republic of Cyprus, 27 September 2007:
According to the government of the Republic of Cyprus, there are currently 210,000 internally displaced people on the island. The government uses the United Nations figure for people displaced by the events of 1974-75, which does not include the number of people displaced by the events of 1963-64.

"Turkish Republic of Northern Cyprus", 18 October 2007:
The issue of displaced persons was conclusively settled between the two parties through the Voluntary Exchange of Population Agreement reached in Vienna on August 2, 1975, and implemented under United Nations auspices. In accordance with this Agreement, Turkish Cypriots remaining in the South moved to the North and Greek Cypriots remaining in the North moved to the South with the exception of a few hundred Greek Cypriots who chose to reside in the South. Both the Agreement and its implementation are well recorded in relevant UN documents. (S/11789 of 5 August 1975, S/11789/Add.1 of 10 September 1975).

The Greek Cypriots living in Northern Cyprus had not been driven from homes or properties by force, but left either as a result of fighting caused by Greek Cypriot side itself or in accordance with the Exchange of Population Agreement. This is evidenced by the fact that approximately ten thousand Greek Cypriots had remained in the North following the events of 1974. After the implementation of this Agreement, and having been interviewed by UNFICYP in privacy in order to determine that their applications to be transferred to the South were fully voluntary, the vast majority of Greek Cypriots over the years opted to be permanently transferred to the South, with the exception of 410 currently remain.

Financial Mirror, 13 July 2007:
"[...] More than 162,000 Greek Cypriots, about a quarter of the total population, who were forcibly expelled from the occupied northern part of the island, where they constituted about 70% of the population, are still deprived of the right to return to their homes and properties [...]"

Some 1,500 Greek and Maronite Cypriots, out of 20,000 at the end of August 1974, remain enclaved in their villages which are still occupied. These people are living under conditions of oppression, harassment and deprivation. The rest were forced to abandon their homes and become refugees."
TESEV, 30 April 2005:
"[...] Altogether the events of 1974 resulted in the displacement of approximately 162,000 Greek Cypriots from the northern part of the island and of an estimated number of 43,000 Turkish Cypriots from the south. The Greek Cypriots who fled from the north left behind an estimated 1,350,000 donums of property, while the Turkish Cypriot properties left in the south amounted to about 400,000 donums.

[...] By September 1975, only 130 Turkish Cypriots remained in the south. The number of Greek Cypriots in the north also declined, although more gradually: 3,582 Greek Cypriots moved to the south during 1975, 5,820 during 1976, and 900 during 1977. By November 1981, only 1,076 Greek Cypriots had remained in the north. The number subsequently went down further to 666, many of whom were very old people. This decline, according to Greek Cypriot claims, was 'the result of a sustained campaign of harassment, discrimination and oppression' by the administration in the north, which led to 'expulsion and gradual deterioration of the living conditions of the enclaved'."

PRIO, 31 December 2006:
"During the 1963-64 period, it is estimated that around 25,000 Turkish Cypriots (one-fourth of the entire Turkish Cypriot community at that time) and 700 Greek Cypriots (including 500 Armenians) were displaced. Of these, approximately 1,300 Turkish Cypriots had returned to their homes by 1970; the remainder were still displaced in the summer of 1974 when events led to the present de facto division of Cyprus. The resulting dislocation of people was massive. According to official Greek Cypriot sources, 142,000 Greek Cypriots (close to 30% of the entire Greek Cypriot community at that time) were displaced from the northern to the southern part of the island; and, according to official Turkish Cypriot sources, 45,000 Turkish Cypriots (close to 40% of the entire Turkish Cypriot community at that time) relocated from the south to the north.

When the Turkish military operation ended on 16 August 1974, many thousands of Greek Cypriots had already fled to the south, with only about 20,000 remaining in the north. By the summer of 1975, this number further diminished to around 10,000 (mainly in the Karpass area). The Greek Cypriot side claims that this was due to 'the oppressing measures taken by the Turks in order to compel all the enclaved persons to leave' the Turkish-controlled territories. Despite the Vienna III Agreement in August 1975 (more on this later), the number of Greek Cypriots in the north continued to decline: about 2,500 Greek Cypriots moved to the south during the remaining part of 1975, 5,800 during 1976, and 900 during 1977. By November 1981, only 1,076 Greek Cypriots remained in the north. The population subsequently was reduced to less than 500, many of whom were very old. This decline, according to the Greek Cypriot side, was again 'the result of a sustained campaign of harassment, discrimination and oppression' directed towards them by the administration in the north.

It has been estimated that, prior to July 1974, the actual Turkish Cypriot population in the territory that subsequently came under Turkish control was 71,000; of these, 10,000 were persons who had originally lived in villages to the south of the new dividing line but had been displaced during the intercommunal strife of 1963–64. As for the Turkish Cypriots who lived south of the new line in 1974, many tried (secretly and apparently often under difficult and dangerous conditions) in the year that followed to reach what they regarded as freedom and the safety of the north. Also, in January 1975, some 9,000 Turkish Cypriots who had taken refuge at the British bases in Akrotiri when the Turkish military offensive began were transported (via Turkey) to the north. Thus, by June 1975 the number of Turkish Cypriots remaining in the south was only about 10,700. By September 1975 – following the Vienna III Agreement of 2 August 1975 – most had moved to the north, leaving only 130 Turkish Cypriots resident in the south.
Thus, the total figure of displaced persons in Cyprus following the events of 1974, including both Greek Cypriots and Turkish Cypriots, was in the range of 210,000. This corresponds to 30% of the total population of the island at the time (636,000). [COE, 2 May 2003:]

"As an immediate result of the hostilities leading to the partition of the island, in 1974, in addition to a large number of people who were killed and 1,619 missing persons the number of displaced persons amounted to approximately 210,000 people. Out of this figure, the number of Greek Cypriot refugees displaced immediately after the invasion accounted for 201,000 (which constituted one third of the whole population of Cyprus), and the number of Turkish Cypriots was 8,000."

15. At that time about 13,000 Greek Cypriots were still living in the occupied area, and approximately 35–37,000 Turkish Cypriots were living in the Government controlled area.

16. Many of the people whose places of residence were in dangerous areas within the control of the Government returned to their homes by 1977 while at the same time enclave persons were forced to move to the southern part resulting in a total of 167,000 Greek Cypriot refugees.

17. On the other hand expulsions of Greek Cypriots from the occupied area have continued following discrimination, harassment and intimidation. By 1989, the number of Greek Cypriot refugees staying in the Government controlled area increased to 193,000.

18. Also the Turkish Cypriot population living in the Greek Cypriot zone was considerably reduced as a result of transfers carried out by UN or the ICRC, and following negotiations in Vienna in early August 1975. In all, Turkish Cypriots who had moved to the occupied areas numbered about 43–45,000 at the end of 1975. The Turkish Cypriot authorities provide a higher number of 65,000 forced to move to the "northern part".

US DOS, 6 March 2007:
"Although persons who were displaced as a result of the 1974 division of the island fall under the UN definition of IDPs, the government considered them refugees. At year's end these people and their descendants numbered approximately 238,000."

UNFICYP 2 February 2001:
"UNFICYP estimates as of end 2000
IDP population in northern Cyprus: 45,000 persons
IDP population in southern Cyprus: 165,000 persons
Total IDP population: 210,000 persons"

Geographical distribution

Socio-demographic balance of the island changed as a result of displacement (1974-1991)

- As a result of the events of 1974 and the 1975 Vienna agreement on population exchange, the northern part of the island is inhabited by Turkish Cypriots and immigrants from mainland Turkey, while the southern part is inhabited mainly by Greek Cypriots
The objective of some Turkish Cypriot leaders to create a homogeneous Turkish Cypriot territory has been met, with 18% of the total population of the island living on 39% of the territory.

The occupied area however lost a third of its population and is largely underpopulated, especially in the district of Famagusta.

The Turkish Cypriots decided not to repopulate the Greek Cypriot city of Varosha which they intend to restitute to the Greek Cypriots if negotiations succeed, while the Karpas peninsula is planned to stay durably under Turkish control.

Migrants from Turkey, mainly from the region of Anatolia, were brought into the Turkish-controlled zone and immediately provided with citizenship rights.

The population in the government-controlled area globally increased by 37% between 1974 and 1991 as a result of the displacement of the Greek Cypriot populations from the north of the island.

Following the return of the persons displaced from the immediate proximity of the demarcation line, and the arrival of the persons expelled from the Karpas, the displaced population stabilised around 194,000 persons, including more that 30,000 persons from the buffer zone.

About 75% of the displaced population had a rural background and lost its subsistence means as a consequence of the displacement.

The 50,000 displaced from urban areas came mainly from the district of Famagusta.

The majority of the displaced population settled in the main cities: Nicosia, Larnaca and Limassol which hosts a large proportion of the displaced from Varosha.

The displaced stayed in the vicinity of their former homes, which explains the concentration of the displaced population in the non-occupied part of the Famagusta district.

The Paphos area did not receive any substantial displaced population as a result of the prevailing poor economic situation there.

The total population of the island has slightly increased since 1974 but the population density of the southern part of the island was in 1991 twice as much as the density in the north.

ICG, 8 March 2006:
"[...] The 1975 Vienna accords on the temporary exchange of populations led to the displacement of 140,000 Greek Cypriots from the north and 60,000 Turkish Cypriots from the south. Both areas were thus almost entirely ethnically cleansed. Since partition, Turkey has encouraged immigration to northern Cyprus from the mainland, and today the number of Turkish immigrants is somewhere between 55,000 and 115,000 out of a total population in the north of approximately 200,000 [...]"

Drevet 1991, pp. 247-251:
"L'objectif poursuivi par une partie des dirigeants chypriotes turcs depuis 1958 est atteint et même dépassé: non seulement la population turque est regroupée dans un espace d'un seul tenant, mais celui-ci est très important: près de 39% de la superficie pour 18% de sa population.

En 1976, en dépit de l'arrivée des immigrés d'Anatolie, la zone occupée ne compte que moins des deux tiers de sa population d'avant 1974 (64%). Le sous-peuplement des perceptible partout, mais il est particulièrement accentué dans le district de Famagouste. Les Turcs n'ont pas voulu repeupler la ville grecque de Varosha (trente-huit mille six cents habitants en 1973 dont trente et un mille huit cents Grecs), qu'ils prévoient de restituer si les négociations aboutissent. Le Karpas, qui fait aussi partie du district, est réservé à un projet géostratégique qui doit permettre à la Turquie de le conserver durablement."
Bien que Denktash ait quelque temps soutenu que les nouveaux arrivants n'étaient que des Chypriotes turcs ayant anciennement émigrés, il a attiré tous ceux qui voulaient bien venir, indépendamment de leur qualification. Introduits comme "main-d'œuvre saisonnière", les Anatoliens ont été immédiatement pourvus d'une carte d'identité et d'un bulletin de vote. Leur effectif s'éleverait pour 1976 à vingt-sept mille trois cents habitants, non compris les troupes turces d'occupation (vingt-cinq à trente-cinq mille habitants). Leur nombre s'est encore accru par la suite mais, faute de source sûre, on ne sait pas s'il a atteint le chiffre de soixante mille habitants donné par les Grecs.

La zone gouvernementale a globalement augmenté sa population de plus du tiers (37 %). Le départ de quarante-cinq mille Chypriotes turcs est largement compensé par l'arrivée de cent cinquante-huit mille Grecs de la zone occupée. Après le retour dans leurs foyers d'une partie des personnes qui vivaient à proximité immédiate de la ligne de démarcation, et l'arrivée des derniers expulsés du Karpas, l'effectif des réfugiés est stabilisé à cent quatre-vingt-dix-huit mille hommes, dont plus de trente mille venant de la zone tampon. La proportion est considérable. Par rapport aux quatre cent quatre-vingt-dix-huit mille Grecs vivant dans l'île en 1976, elle dépasse 39 %. A l'échelle de la France après les événements de 1940, cela aurait représenté plus de quinze millions de personnes à réinstaller en zone sud. C'est une charge écrasante pour une petite île sans ressources importantes.

Circonstance aggravante, près de 75 % des réfugiés (cent quarante-cinq mille) sont des ruraux. Une grande partie d'entre eux ont non seulement perdu leur habitation mais aussi leur potentiel économique : terres cultivables, outillage, systèmes d'irrigation. Les cinquante mille urbains sont en grande majorité originaires de Famagouste (trente-neuf mille). Ils ont aussi perdu leurs actifs, mais leur qualification leur permet d'en reconstituer une partie.

La majorité des personnes déplacées, quelle que soit leur origine, se dirigent vers les trois villes principales qui augmentent fortement leur population : Nicosie, Larnaca et surtout Limassol qui reçoit une part importante des expulsés de Varosha. Les réfugiés sont souvent restés à proximité immédiate de leur ancien domicile, ce qui explique leur forte concentration dans la partie non occupée du district de Famagouste, en dépit de sa faible superficie. Seule la région de Paphos est resté en marge du mouvement. Sa situation économique déprimée ne lui a pas permis de recevoir aucun de réfugiés. Malgré leurs origines rurales, ils n'ont pas réoccupé les villages abandonnés par les Turcs, notamment à l'ouest où certains sont encore déserts.

### Evolution de la population dans la zone occupée

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<td>22.8</td>
<td>4.6</td>
<td>4.6</td>
<td>33.4</td>
<td>22.8</td>
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<tr>
<td>Famagouste</td>
<td>89.6</td>
<td>53.6</td>
<td>21.0</td>
<td>55.6</td>
<td>110.6</td>
<td>53.6</td>
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<tr>
<td>Larnaca</td>
<td>0.7</td>
<td>0.8</td>
<td>0.9</td>
<td>0.8</td>
<td>1.6</td>
<td>0.8</td>
</tr>
<tr>
<td>Total</td>
<td>157.6</td>
<td>144.7</td>
<td>71.3</td>
<td>146.7</td>
<td>228.9</td>
<td>146.7</td>
</tr>
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</table>

*(source: recensement de 1973 et estimations)*

### Evolution de la population en zone non occupée

<table>
<thead>
<tr>
<th>Par district</th>
<th>1973 Grecs</th>
<th>1973 Turcs</th>
<th>1973 Total</th>
<th>1976 Grecs</th>
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<tr>
<td>Nicosie</td>
<td>146.0</td>
<td>1.0</td>
<td>147.0</td>
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<td>Limassol</td>
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<td>15.4</td>
<td>63.4</td>
<td>48.1</td>
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<tr>
<td>Total</td>
<td>362.1</td>
<td>43.7</td>
<td>405.8</td>
<td>497.9</td>
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</tbody>
</table>

(*) 400 habitants n'ont pas pu être répartis

*(c) Éditions la Découverte & Syros, Paris*
PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical Security

Incidents in buffer zone threaten physical security (2007)

- Though generally stable, violations and incidents continue to occur along the ceasefire lines involving civilians and Greek and Turkish Cypriot forces
- Incidents include overmanning posts, lack of discipline, renovations to observation posts, conduct of military exercises and hunting in the buffer zone

UN SC, 4 June 2007:
"13. There were a total of 473 violations and other incidents during the reporting period. That represents an increase of 143 violations over the last reporting period, owed to civilian incursions into the buffer zone during the hunting season. The number of violations by the opposing forces was similar to those that characterized previous reporting periods. Typical violations included exceeding the permitted manning of positions, limited construction at and improvements to observation posts, and the photographing of opposing force positions. In addition, the forces of both sides serving in the observation post positions along the ceasefire line in the old city of Nicosia have often demonstrated lack of discipline. Incidents included the shouting of insults and the throwing of stones or bottles towards the opposing position, towards soldiers authorized to work on observation posts, or towards civilian vehicles outside the buffer zone. Such incidents persisted despite UNFICYP protests, and the opposing forces appeared unwilling to prevent these activities.

14. In late December, the Turkish Cypriots dismantled the bridge over the military patrol track, north of the Turkish Forces ceasefire line on Ledra Street. Once the work had been completed, a fibreglass wall was erected along the Turkish Forces ceasefire line. In early March, the National Guard removed the wall on Ledra Street south of their ceasefire line. The National Guard replaced the concrete structure with a fibreglass wall. Both sides continue to maintain a military presence in these locations. The National Guard has additionally installed a high-powered searchlight that has been the subject of protests from the Turkish Cypriot side. Since the destruction of the bridge and the concrete wall, UNFICYP has been engaged in discussions with representatives of both opposing forces in an attempt to facilitate the long-delayed opening of a crossing point along Ledra Street.

15. The Turkish Forces have previously shown restraint when civilians have approached their ceasefire line. During the reporting period, the Turkish Forces demonstrated a greater willingness to engage civilians close to their ceasefire line, in full implementation of their rules of engagement. On two separate occasions, Turkish Forces fired warning shots in the direction of Greek Cypriot farmers working close to the Turkish Forces ceasefire line. In the first incident on 30 January, a United Nations patrol in the area of Athienou reported approximately 10 shots fired into the buffer zone from behind the Turkish Forces ceasefire line. In the second incident on 31 January, a Greek Cypriot working in the vicinity of Astromeritis reported approximately six shots fired by a Turkish Forces patrol. The Commander of the Turkish Forces confirmed that his troops had fired warning shots towards civilians in the buffer zone and stated that the principal concern of the Turkish Forces regarded the use of land close to their ceasefire line. UNFICYP strongly protested both incidents.
16. On a number of occasions, civilian persons from both communities contributed to raising tensions in the buffer zone, particularly in areas close to the Turkish Forces ceasefire line. In separate incidents a shotgun was discharged, from the Greek Cypriot side, in the direction of a Turkish Force observation post and a United Nations sign was erected to indicate that the perimeter of the buffer zone was damaged by gunshots. Unruly behaviour of civilians in the buffer zone disrupted UNFICYP operations at least twice and involved assaults against United Nations personnel and damage to United Nations equipment.

17. The hunting season saw continued ingress into the buffer zone by members of the Greek Cypriot community. UNFICYP responded to prevent an increase in tension and ensure that those who entered the buffer zone left without incident. Both communities have been urged to exercise restraint and to comply with UNFICYP procedures during the forthcoming harvest season. Of principal concern is the Kaimakli area of north-east Nicosia (sector 2), where Greek Cypriot farmers reportedly intend to work on land close to the Turkish Forces ceasefire line, and Avlona area, where Greek Cypriot farmers have attempted to farm close to the Turkish Forces ceasefire line, without UNFICYP approval.

18. I am encouraged that neither side conducted major military manoeuvres during the reporting period, and urge the opposing forces to exercise similar restraint in the forthcoming period. However, both opposing forces completed limited military exercises close to their ceasefire lines. The Turkish Forces conducted exercises, typically at company strength (70-80 personnel), some of which involved the deployment of heavy weapons, including mortars and anti-tank recoilless rifles. These were held in training areas approximately 2,000m north of their ceasefire line. The National Guard, contrary to advance information given to UNFICYP, deployed vehicle-mounted machine guns to observation posts along their ceasefire line and exercised at regimental strength with mortars within 1,000m of their ceasefire line.

19. The Turkish Forces have completed routine maintenance on the liaison post at Strovilia and have persistently overmanned the position, in violation of the military status quo in the area. The observation posts constructed by both sides in the Dherinia area in the summer of 2006, referred to in the previous report (S/2006/931), remain in place and negotiations for their destruction have stalled. UNFICYP operations in Varosha continue to be hampered by restrictions, imposed by the Turkish Forces, on access to and movement within the fenced area. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha."

UN SC, 1 December 2006:
"14. The military and security situation along the ceasefire lines remained generally stable. Overall, the opposing forces showed cooperation and exercised restraint. The number of violations and other incidents decreased by 30 per cent from the same period in 2005, from 468 to 330. Those violations, which were mostly minor in nature, included lack of discipline, stone-throwing and verbal abuse, improvements to observation posts, filming of the buffer zone, cocking of weapons and pointing them at United Nations forces and incursions into the buffer zone. The reduction in violations and incidents could be attributed to the effectiveness of the mobile concept of operations in UNFICYP.

15. Despite the overall reduction of incidents, the mandate of UNFICYP continued to be challenged by both opposing forces. Significant violations by the National Guard included overmanning of an observation post and conducting a military exercise at platoon strength with mortars behind one of their observation posts. In addition, 82 members of the National Guard, including an armed element, attended a funeral inside the buffer zone, and 7 uniformed National Guard personnel attended a church service in the buffer zone. The Turkish Forces/Turkish Cypriot Security Forces manned the Ledra Street bridge. A Turkish Cypriot police element
continued to man an unauthorized checkpoint, and the Turkish Forces continued to patrol the vicinity of the Laroujina pocket. The nearby Turkish Forces observation post is regularly overmanned despite frequent protests by UNFICYP. Attempts to restore the status quo in the area have not progressed any further. In response, UNFICYP employed standing patrols and, on occasion, reoccupied some of its static observation towers. Such operations, which call for large numbers of personnel, are sustainable in the short term with the current force and confirm the requirement to maintain flexibility and the existing force levels for the foreseeable future.

16. As in 2005, the National Guard held its annual military exercise, “Nikiforos”, from 10 to 15 October with the participation of the General Staffs from Greece. The Turkish Forces/Turkish Cypriot Security Forces held their military exercise, “Toros II”, from 7 to 9 November. I should like to reiterate my appeal to both sides to refrain from holding those exercises.

17. The violation by the Turkish Forces of the military status quo in Strovilia persisted, with an increased number of soldiers manning that position. There has been no change in control by Turkish Forces over limited access of UNFICYP to and freedom of its movement within the fenced area of Varosha. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha [...]"

**Landmines still being cleared (2007)**

- Capital city Nicosia declared free of landmines
- Buffer zone was heavily mined by both Greek and Turkish Cypriots and has largely been cleared of mines laid by Republic of Cyprus National Guard
- Most of the cleared land is used for agriculture
- European Union funding mine clearance

**UN Security Council, 4 June 2007:**

“20. Mine clearance operations continued until the end of December 2006. By this time, the 13 Turkish Forces minefields located in the vicinity of Nicosia had been cleared. Following the completion of this operation, Nicosia was declared landminefree in a ceremony held in the buffer zone. UNFICYP, on behalf of the Mine Action Centre, has continued discussions with the Turkish Forces/Turkish Cypriot Security Forces to identify additional mined areas and to agree on terms for their clearance. Due to the reservations of the Turkish Forces concerning the potential civilian use of the cleared areas and Turkish Cypriot objections regarding the source of European Union funding of the mine-clearing operation, these discussions have failed to produce positive results and no mine-clearing has taken place since the beginning of this year. In order to respond to priority tasks such as the verification of the proposed Ledra Street crossing and to ensure a rapid resumption of full activities once agreement on access to minefields is reached, the programme has retained a reduced capacity from both contractors. I encourage the earliest conclusion of negotiations so that demining activities may resume.

21. From the inception of the programme in October 2004, over 2.2 million m2 of land have been released, with 25 minefields cleared and 2,816 mines destroyed (1,320 anti-personnel and 1,496 anti-tank). Since the previous report on UNFICYP (S/2006/931), 323,153 m2 of land have been released through survey activities. In December 2006, the European Union confirmed that an additional €4 million would be made available for mine action, bringing the total amount of European Union funding to €9 million [...]”

**ICBL, 12 September 2006:**
“A heavily mined buffer zone has divided Cyprus geographically and politically since 1974 when Turkish forces took control of the north of the island. Minefields were laid inside and outside the buffer zone by both the Greek Cypriot National Guard and Turkish forces. The UN Peacekeeping Force in Cyprus (UNFICYP) has military responsibility for all activities inside the buffer zone. Initially, UNFICYP counted 101 minefields and suspected mined areas on the island. Of these, 48 were located in the buffer zone and 53 outside, although many are less than one kilometer from the buffer zone.

Following clearance operations from November 2004 to July 2005, Cyprus reported that all National Guard minefields in the buffer zone had been cleared and that the National Guard demining program in the buffer zone was complete. However, according to the international Mine Action Centre in Cyprus (MAC-C), one additional National Guard minefield remains inside the buffer zone and another partially inside, in the Laroujina area. The Republic of Cyprus believes that these minefields are outside the buffer zone. The discrepancy stems from a disagreement concerning the boundaries of the buffer zone, although there is no dispute as to the physical location of the minefields. According to UNFICYP, 31 minefields remained in the buffer zone at the end of 2005, of which 28 were laid by Turkish forces, and three were of unknown origin. UNFICYP had previously recorded 26 minefields laid by Turkish forces, but two additional suspected mined areas were identified during 2005.

Outside the buffer zone, in Republic-controlled territory, there were 23 minefields containing 4,653 antipersonnel mines, according to the National Plan. This shows 18 minefields containing 4,318 antipersonnel mines remaining at the start of 2005. In its 2006 Article 7 report, Cyprus stated that the minefields were located near the communities of Dali, Lympia, Pyla, Athienou, Louroutzina, Geri, Trouloi and Potamia [...]"

The Republic of Cyprus reported the destruction in 2005 of 237 antipersonnel mines in two government-controlled minefields outside the buffer zone in the Lymbia and Dhali areas over an area of 11,000 square meters. In 2006, Cyprus planned to clear 280 antipersonnel mines from two minefields within an area of 18,000 square meters. In 2004, Cyprus reported the destruction of 335 antipersonnel mines in mined areas. In both June and November 2005, Cyprus stated that approximately 505 antipersonnel landmines had been removed and destroyed from six minefields in government-controlled areas; the June 2005 statement referred to clearance “until now,” suggesting that this was the total of all government clearance as of that date. Cyprus reports that the land cleared is mainly agricultural, and that it is returned to the legal owner after clearance. Asked to confirm whether government-controlled mined areas contain antivehicle mines in addition to antipersonnel mines, the Ministry of Foreign Affairs informed Landmine Monitor that, "There are no antivehicle mines in the Republic of Cyprus."

MAC-C reported that, by the end of 2005, the clearance of 16 minefields and/or dangerous areas within the buffer zone had been completed; 12 of them were National Guard minefields and four were unclaimed. The clearance of another four minefields (Turkish) was completed by April 2006. As well as facilitating the opening of new crossing points between the two communities, demining in the buffer zone is releasing agricultural and urban areas (including house clearance) to the population.

Inside the buffer zone, mine clearance released 171,265 square meters in 2005 while 58,426 square meters were released by battle area clearance. During that process, 616 antipersonnel mines, 451 antivehicle mines and six pieces of unexploded ordnance (UXO) were cleared and destroyed. In total, 497,339 square meters were released to the population in 2005 through a combination of clearance and survey operations. Between November 2004 and June 2005, operations inside the buffer zone achieved the clearance of 294,118 square meters and 2,063 mines [...]"
From November 2004, when clearance operations in the buffer zone started, to 31 March 2006, 20 minefields covering an area of 915,097 square meters were cleared. This includes 390,968 square meters released through technical survey, 86,155 square meters cancelled, 154,461 square meters manually cleared, 142,722 square meters cleared using mine detection dogs and battle area clearance covering an area of 140,791 square meters. In total, 976 antipersonnel mines, 1,336 antivehicle mines and seven UXO were cleared and destroyed. The areas cleared and released include Nicosia, Kaimakli, Kokkinokremmos, Dhenia, Ayios Dhometios, Kato Pyrgos, Lefka, Zodhia, Skouriotissa and Omorphita.

Once mine-affected land has been cleared in the buffer zone, it is handed over to the owner of the land along with a completion certificate, signed by MAC-C, UNFICYP and the National Guard or the Turkish forces’ liaison officer. MAC-C teams periodically visit landowners of mined areas where clearance has been completed to confirm usage of the cleared land as well as the confidence of the local population in using the cleared land.

**Discrimination**

Despite progress in some areas, Turkish Cypriot administration continues to interfere with some rights of Greek Cypriots and Maronites who stayed in the north (2007)

- In a 2001 judgement, the European Court of Human Rights held that living conditions of Greek Cypriots living in northern Cyprus violate the European Human Rights Convention
- In 2003 the Council of Europe condemned Turkey and the Turkish Cypriot authorities for not respecting and fulfilling the rights of Greek Cypriots and Maronites under their administration in northern Cyprus
- After monitoring the progress of the Turkish authorities in execution of this judgment, the Council of Europe decided in 2007 that issues of education and freedom of religion had been sufficiently addressed
- However, Greek Cypriots and Maronites still cannot enjoy their right to property and privacy

**Republic of Cyprus, 24 May 2007:**
"[...] by 2006 only 518 people, mostly elderly, [and mainly Greek Cypriots and Maronites] remain in the occupied area [...]"

In its judgment on May 10, 2001, in the case of Cyprus V. Turkey (application no.25781/94), the Court found Turkey guilty, by sixteen votes to one (the Turkish vote), of 14 violations of the European Convention of Human Rights. Out of these, seven violations concerned the living conditions of the enclaved people in the Turkish occupied area of Cyprus [...]"

On 24 June 2003, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution condemning Turkey and the Turkish Cypriot occupation regime for violations of the rights and freedoms of the enclaved. Resolution 1333 (2003) was adopted, with an overwhelming majority, following a presentation and joint debate of the report of PACE’s Rapporteur on the Rights and Fundamental Freedoms of Greek Cypriots and Maronites living in the northern part of Cyprus, Swiss MP Mr Dick Marty [...]"

**Council of Europe, 4 April 2007:**
"Issues relating to education"
Recalling that the Court found that the schoolbooks destined for use in the primary school of Greek Cypriots living in northern Cyprus were subject to excessive measures of censorship (violation of Article 10) and that the absence of appropriate secondary education facilities constituted a violation of the right to education of Greek Cypriots living in northern Cyprus (violation of Article 2 of Protocol No. 1);

Welcoming the continued functioning of the secondary school in Rizokarpaso since 2004 and in particular the fact that since September 2005 full secondary education to Greek Cypriot children is ensured; noting also the improvement of the regulatory framework aimed at securing the basis for the secondary education offered;
Noting with satisfaction the undertaking of the Turkish authorities to continue to provide for full secondary education for Greek Cypriot children in the future;

Welcoming in this context that censorship of schoolbooks no longer takes place, the censorship procedure having been replaced by a simple and swift screening procedure which takes into account notably the criteria of the European Convention and only results in a report containing recommendations;

DECIDES to close the examination of the issues relating to the violations found under Article 2 Protocol 1 and Article 10 of the Convention;

Issues relating to the freedom of religion
Recalling that the Court considered that restrictions on the freedom of movement of the Greek Cypriot population living in northern Cyprus, as well as the refusal to appoint a second priest in the region of Karpas, had infringed their freedom of religion (violation of Article 9);

Welcoming that such restrictions have been lifted in a satisfactory manner and noting in particular that numerous examples demonstrate that a normal and regular religious life in conformity with the requirements of the Convention is today possible;

Recalling that a request for the appointment of a second priest formulated by the Cypriot authorities through UNFICYP was approved in March 2005 but that the priest in question did not take up his duties due to personal reasons; recalling also that two further requests have been dealt with speedily, the appointment having however been rejected for reasons of security;

Noting that on 29 December 2006, the authorities of the applicant State made a new request for the appointment of a second priest to officiate in the Karpas region through UNFICYP, which has been confirmed by the competent authorities;

DECIDES to close the examination of the issues relating to the violations found under Article 9 of the Convention;

Issues relating to home and property of displaced persons
Recalling that the Court found violations by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus (continuing violation of Article 8), by the fact they 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 (continuing violation of Article 1 of Protocol No. 1) and by reason of the absence of a remedy to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1 (violation of Article 13);

Taking note of the information submitted by the Turkish authorities on the adoption of the “Law for the Compensation, Exchange and Restitution of Immovable Properties” (“Law no. 67/2005”),
which entered into force on 22 December 2005, and on the establishment and functioning of the “Immovable Property Commission”;

Noting the assessment of this mechanism made by the Third Chamber of Court in its judgment regarding just satisfaction in the case of Xenides-Arestis of 7 December 2006, but underlining the fact that the judgment in question has not become final yet since the applicant party and the Government of the respondent state made requests for the referral of the case to the Grand Chamber;

Reiterating the necessity not to interfere with the current ongoing judicial process before the Court in the Xenides-Arestis case and not to pre-empt or influence in any way the assessment the Court will be called on to make in that context;

Recalling further that detailed and concrete information on changes and transfers of property at issue in the judgment and on the measures taken or envisaged regarding this situation has been regularly requested since June 2006 (966th meeting), in particular in the light of the ongoing property developments in northern Cyprus, and noting in this respect that the information provided in response does not yet clarify this issue;

URGES the Turkish authorities to provide without delay such information, as well as information on measures taken to safeguard the property rights of the displaced persons as these have been recognised in the judgment of the European Court, without prejudging the redress required by the Convention, be it restitution, compensation, exchange or otherwise.

Other outstanding issues
Recalling that additional issues remain outstanding regarding further aspects of the living conditions of Greek Cypriots in northern Cyprus, notably those related to their property rights and their right to effective remedies;
Taking note of the fact that the Turkish authorities have recently submitted further information regarding these issues which remains to be assessed;

Welcomes the progress achieved in the execution of this judgment since the first interim resolution, which now allows the Committee to also close its examination of the violations established in relation to the issues of education and freedom of religion [...]"

U.S. DOS, 6 March 2007:
"[...] there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance (see section 5) [...] Greek Cypriots and Maronites in the area administered by Turkish Cypriots alleged that they were subject to surveillance, although less so than in previous years, and representatives of both communities complained that their telephones were tapped."

Turkish Cypriot Human Rights Foundation, 25 October 2007:
"Cypriot citizens who were resident in North Cyprus before 15th of November 1983 and who are considered as citizens of Turkish Republic of Northern Cyprus (TRNC) and have all the rights that citizens of TRNC have. Greek Cypriots and Maronites residing in the North would be given rights to housing medical care and education if they demanded it. Our observation is that the demand by them is very limited. The large population of Greek Cypriots resident in North Cyprus in the Karpas Peninsula have their own Greek Language schooling facility at primary and secondary level."

Freedom House, 30 September 2006:
"The citizenship of children of mixed Turkish and Turkish Cypriot parentage has been the subject of debate. The granting of citizenship in these cases was frozen last year, but it resumed in 2005."
Greek Cypriots and Maronites in the north face discrimination and have alleged that they are subject to official surveillance."

**ECR, 10 May 2001:**

*In its judgment dated 10 May 2001, the European Court of Human Rights held that there had been the following violations of the European Convention on Human Rights regarding the living conditions of Greek Cypriots in Karpas region of northern Cyprus:*

- *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;

- *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 continuing violation of Article 1 of Protocol No. 1* 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 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 violation of Article 3* in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading treatment;

- *a violation of Article 8* concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home;

- *a violation of Article 13* 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.

[...]

42. Although the Commission found no evidence of cases of actual detention of members of the enclaved population, it was satisfied that there was clear evidence that restrictions on movement and family visits continued to be applied to Greek Cypriots and Maronites notwithstanding recent improvements. It further observed that an exit visa was still necessary for transfers to medical facilities in the south, although no fees were levied in urgent cases. There was no evidence to confirm the allegation that the processing of applications for movement was delayed in certain cases with the result that the health or life of patients was endangered; nor was there any indication of a deliberate practice of delaying the processing of such applications.

[...]

43. The Commission found it established that there were restrictions on the freedom of movement of Greek-Cypriot and Maronite schoolchildren attending schools in the south. Until the entry into force of the “TRNC Council of Ministers” of 11 February 1998, they were not allowed to return permanently to the north after having attained the age of 16 in the case of males and 18 in the case of females. The age-limit of 16 years was still maintained for Greek-Cypriot male students. Up to the age-limit, certain restrictions applied to the visits of students to their parents in the north, which were gradually relaxed. However, even today such visits are subject to a visa requirement and a reduced “entry fee.”
Treatment of Turkish Cypriots in southern Cyprus (2007)

- About 2000 Turkish Cypriots live in southern Cyprus
- Turkish Cypriots living in the south can enter into legal marriages since 2002
- Turkish Cypriots experience racism and racial discrimination in southern Cyprus, according to Council of Europe
- Turkish students and teacher in southern Cyprus attacked by "National Voice of Greek-Spirited Youths"
- In the south Turkish Cypriots also suffer mistreatment by police, experience difficulty securing personal identification documents, and have limited access to information in Turkish
- Government of the Republic of Cyprus established Office for Turkish Cypriot Affairs

AI, 23 May 2007:
"On 22 November about 20 students from different high schools in Nicosia, wearing hoods, caps and scarves over their faces, attacked a group of Turkish Cypriot students and their Turkish Cypriot teacher with wooden sticks during a class at the English School, a mixed secondary school. The attack was widely condemned, and by the next day the police had identified and questioned the perpetrators, all of whom were minors apart from an 18-year-old, who was charged. The youths claimed to represent the organization National Voice of Greek-Spirited Youths, which stated on 27 November that membership had been withdrawn from those that had been members. Police investigations were continuing at the end of 2006."

COE, 27 October 2006:
"[...] 24. In relation to civil marriages between members of the Greek and the Turkish community, remedial legislation was enacted on the advice of the Attorney-General, first in 2002, (Law 46(I)/2002) and then in 2003 (The Application of the Marriage Law 2003 to Members of the Turkish Community (Temporary Provisions) Law, 2003 – Law 120(I)/2003) in the context of reaching friendly settlement in an individual recourse concerning the matter (Friendly Settlement Judgment of 16.7.02 in the case of Selim v. Cyprus). Under the said legislation, pending the abnormal situation, members of the Turkish Community can now (since 2002) contract civil marriages in the Government controlled area of the island. These, like all civil marriages, are performed by Mayors acting as marriage officers under the Marriage Law, 2003 (Law 104(I)/2003) the Law governing civil marriage in Cyprus. Under that Law, members of the Turkish Community can also have a religious marriage ceremony, performed by a registered minister of the religion, sect, or body, to which the parties belong."

Turkish Cypriot Human Rights Foundation, 25 October 2007:
"Turkish Cypriots resident in South Cyprus overall appear to be given the basic rights the deserve as “citizens of the Republic of Cyprus”. They are given ID cards, passports and medical care. The very important exception to this is that they are not given the rights that the 1960 Constitution of the Republic of Cyprus gives them as a part of the “Turkish Cypriot Community”. Examples of these rights are as follows:
1. The right to vote and stand for elections on a separate list (this matter has been challenged in the local courts in the south and failed. It is now being taken up in the ECHR).
2. Although an official language of the Republic, Turkish is not widely used as such by the authorities.
3. There are no Turkish Judges as part of the quorum judging a Turkish Cypriot even though this is required by the Constitution.
4. The Turkish Cypriot residents in the south have no school in their own language and under their own administration as required by the Constitution even in areas where there are large pockets of Turkish Cypriot residents such as Limassol."
COE, 16 May 2006:
"At the time of ECRI's second report, only a few hundred Turkish Cypriots lived in the government-controlled part of Cyprus. Since the partial lifting of the restrictions to freedom of movement across the Green Line in April 2003, the number of Turkish Cypriots living in the government-controlled part of Cyprus has increased and is reported to be currently around 2000. In addition, many Turkish Cypriots travel to the government-controlled part of Cyprus on a daily basis to work. Of these, some 3000 are regularly employed. However, according to some estimates, twice as many Turkish Cypriots may also be working there unregistered [...]"

ECRI notes, however, that Turkish Cypriots also experience problems of racism and racial discrimination. There have been instances of harassment and ill-treatment of Turkish Cypriot citizens by the police. Turkish Cypriots are also reported to have experiences disproportionate difficulties in securing services from the administration. However, ECRI understands that, following inter alia the intervention of the Commissioner for Administration, the situation in this field has improved. Cases of employment discrimination of Turkish Cypriots at point of recruitment in the private sector have also been reported.

Furthermore, ECRI notes that there is only an extremely limited amount of information in the Turkish language to enable Turkish Cypriots to adequately access and exercise their rights in all fields of life, for instance when trying to secure a public service or filing a Court case. The Constitutional provisions which establish Turkish as an official language in Cyprus have not been applied in practice, due to the situation of virtually total separation between the Greek and Turkish communities which has prevailed for now many years."

Republic of Cyprus, 30 April 2003:
"OFFICE FOR TURKISH CYPRIO AFFAIRS

For the coordination of the implementation of the aforementioned measures an Office for Turkish Cypriot Affairs will be established, headed by a Commissioner to be appointed. The Office will have the following competences:

(a) To co-ordinate the efforts of the State for the careful screening of all laws, policies and administrative practices, so that their implementation does not give rise to any kind of discrimination against Turkish Cypriots.

(b) To make recommendations, where necessary, for the introduction of legislative and administrative measures or for the revision of existing ones, so that the rights and legitimate interests of Turkish Cypriots are better protected.

(c) To recommend and monitor the introduction of practical arrangements for providing Turkish Cypriot citizens of the Republic with services, which take due account of the practical difficulties they face in having access to State services and to benefits accruing from the implementation of State policies.

(d) To receive, without substituting the competent services, requests by Turkish Cypriots and to forward them to the relevant Government departments or other services, submitting at the same time its recommendations.

(e) To provide the Turkish Cypriots with advice and information regarding the rights, obligations and benefits they can enjoy in accordance with existing laws and policies (as regards passports, economic assistance, subsidies, etc.) as well as their rights, obligations and benefits accruing from Cyprus’ accession to the EU."
(f) To translate in Turkish relevant forms, applications and other documents and to set up a website to host these along with other information useful to the Turkish Cypriots.

In this context information centres will operate both in Cyprus and abroad."

Treatment of Maronites (2006)

- Total number of Maronites living in southern Cyprus is 4650
- Maronites living in the south have increased contact with Maronites in the north as a result of being able to cross the buffer zone and since the government of the Republic of Cyprus provides transport free of charge to these areas
- There are 4 Maronite villages in northern Cyprus and the government of the Republic of Cyprus provides them with food supplies free of charge and assists with house repair, roads and water supply

COE, 27 October 2006:
"28.(1) According to statistical data provided by the Statistical Service of the Republic for the year 2004, the total number of the Maronites living in the Government controlled area is 4,650 persons. The number of Cypriot Maronites who live permanently in the occupied territory totals 150.

(2) The Cypriot Government pays particular attention to the promotion of the conditions necessary for the Maronites to maintain and develop the essential elements of their identity. The opening of the crossing points on the Green Line has facilitated the freedom of movement of the Maronite community. The Maronites maintain free and frequent contacts with members of their community living in the occupied part of Cyprus. About 500 Maronites from the Government controlled area visit their villages every weekend. In the territory, which is not under the control of the Government, there are 4 Maronite villages, namely: Kormakitis, Karpasha, Asomatos and Agia Marina, the last now being a Turkish military camp and thus not inhabited.

(3) In order to facilitate links between Cypriot Maronites living in the Government controlled territory and those living in the territory that is not under its control, the Government of Cyprus, provides the following:
- Free transportation twice a week to all Maronites living in the territory not under the control of the Government in order to visit their children or other family members and in order to seek medical care.
- Free housing in the Government Refugee Housing Estates to the Maronites who live permanently in the territory not under the control of the Government in order to visit their children who attend school in the Government controlled area and in order to seek medical care (upon application).
- Free food supplies once a week.
- Government aid for the repairs of -
  (i) houses, Maronite churches and cemeteries in the occupied territory,
  (ii) the transport network (roads) and water supply in Kormakitis."

Freedom of movement
Turkish and Greek Cypriot authorities relax restriction of movement between north and south (April 2003)

- Authorities in northern Cyprus announced easier movements to and from southern Cyprus in 2003
- This decision was made as public opinion in northern Cyprus expressed growing discontent about isolation
- The government in southern Cyprus also adopted series of measures facilitating movements of persons and goods to and from southern Cyprus
- Before crossing restrictions were lifted, the government of Republic of Cyprus discouraged travel to the northern part of the island and Turkish Cypriots traveling to the south needed permission from the Turkish Cypriot authorities
- In May 2001, the European Court of Human Rights found limitations on freedom of movement stood in the way of family reunification

BBC, 23 April 2003:
"The authorities in the breakaway Turkish north of Cyprus have announced that they will open access to the Greek Cypriot part of the island after nearly 30 years of enforced separation.

Turkish Cypriots will be able to go over the border, which is expected to be opened on Wednesday, for day-long crossings.

The move coincides with a series of confidence-building measures announced by the Greek-led Cypriot Government after the collapse of peace talks last month.

Until now, the two communities on Cyprus have been separated by a militarised UN buffer zone with virtually no contact between them.

While these steps will clearly go some way to ease the tension and the economic imbalance between the two communities, there are no signs that the key political issues of territory and sovereignty are any closer to being resolved, says the BBC's Tabitha Morgan in Cyprus.

Monday's announcement comes a week after the Greek Cypriots signed the European Union accession treaty paving the way for EU membership next year.

The EU says it will admit only the internationally recognised Greek part of Cyprus if the island is not unified in time for formal membership in May 2004.

Serdar Denktash, the deputy Turkish Cypriot prime minister and son of the president, said residents of the north would be permitted to enter the south every day provided they returned by midnight.

[...]

Greek Cypriot Foreign Minister George Iacovou also announced a series of proposals designed to allow trade between the two sides and to enable Turkish Cypriots to work in Greek part of the island.

The economy of northern Cyprus is in bad shape compared to that in the south, and many Turkish Cypriots are unemployed." (BBC News 22 April 2003)

"The question being asked on both sides of the UN line is why Mr Denktash, who for decades has discouraged contact between the two communities, has changed his mind.
Diplomats in Nicosia believe that, in part, he is responding to growing public discontent among Turkish Cypriots at their international isolation and economic deprivation.

Over recent months there have been large anti-government demonstrations in northern Nicosia."

**BBC, 30 April 2003:**
"The Greek-Cypriot authorities have announced a series of moves to end the isolation of the Turkish half of the divided island.

As of Friday, Turkish Cypriots will be able to trade in the south, and gain access to healthcare and other state benefits available to Greek Cypriots.

The Nicosia government will also start accepting official documents - such as car registration plates - issued by the breakaway north, which is only recognised by Turkey.

The measures follow last week's decision by the Turkish Cypriot Government to relax restrictions on movement between north and south, which allowed more than 130,000 people to criss-cross the border.

[...] After last week's decision by the Turkish Cypriot authorities to ease travel restrictions with the south, an estimated tenth of the divided island's population - crossed the UN-patrolled 'Green Line'.

Queues stretched for several kilometres, with many people having to wait for hours to cross to the other side.

Also for the first time in almost 30 years, Greek Cypriots were allowed to stay up to three nights in hotels in the north, rather than being confined to day trips."

**U.S. DOS, 31 March 2003:**
"Republic of Cyprus authorities discouraged travel to the northern part of the island. They permitted day trips only by tourists to the north, sometimes arbitrarily refused permission to non-Cypriots to cross into the northern part of the island, and pressured foreigners working in Cyprus not to cross to the north. They declared it illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who entered the country from the north.

Turkish Cypriots traveling to the south had to seek prior permission from the Turkish Cypriot authorities and had to provide them with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots had to provide their itinerary and the date they intended to return home to the Greek Cypriot checkpoint police. They did not need to notify the checkpoint police in advance, but did need to prove they were Turkish Cypriots. The Government did not limit the length of their stay in the south. Some Turkish Cypriots reported being followed by Greek Cypriot police during visits to the south.

Turkish Cypriot authorities generally allowed visits to the north by persons whose initial point of entry into Cyprus was in the south, but they denied entry to foreigners of Turkish Cypriot origin who had entered Cyprus through the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas; however, implementation of the procedures remained inconsistent and visitors of Greek Cypriot or Armenian origin, or persons thought to have Greek or Armenian names, faced considerable difficulties entering the north. In August 2001, Turkish Cypriot authorities refused entry to a foreign government delegation, which included a Greek-surnamed foreign national, on the grounds that the delegation had not provided enough notice."
All visitors had to obtain a formal 'TRNC visa' to enter the north. Maronites were charged the same fee of $1.83 (1 Cyprus pound) each time they crossed. Requests to cross into the north had to be submitted 48 hours in advance.

Since 2000 Turkish and Turkish Cypriot forces operated a checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia had been previously largely unimpeded, the checkpoint provided Turkish forces the ability to control the approach to the village. Despite protests from the UNFICYP and others, Turkish forces remained at the contested checkpoint at year's end in violation of the status quo. Turkish forces restricted UNFICYP movement, including refusing to allow the UNFICYP to operate a checkpoint in Kokkina.

[...]

Greek Cypriots still had to obtain a Turkish Cypriot 'visa' to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicommunal events taking place outside Cyprus by requiring civil servants to seek permission from their employer and the Turkish Cypriot 'Ministry of Foreign Affairs' before they could participate. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicommunal events. Private citizens have been allowed to travel to off-island bicommunal events.

[...]

In 2000 Turkish Cypriot authorities announced the easing of restrictions on the 417 Greek Cypriots and 147 Maronites living in the north. Turkish Cypriot authorities usually granted applications of Greek Cypriot residents in the north to visit the government-controlled area. Visits to the south were limited to a total of 6 months per year. The applicants had to return within the designated period or they risked losing their right to return home and to keep their property, although this rule rarely was enforced in practice. Overnight stays by relatives of Greek Cypriots and Maronites living in the north also were limited to a 'reasonable period' (to be determined by Turkish Cypriot authorities), with extensions possible. There were also reports that Turkish Cypriot authorities prevented unlimited travel to the north by family relatives. Greek Cypriots visiting from the south could not travel to the north in their personal vehicles; they were obliged to use taxis or buses and pay crossing fees of $1.83 (1 Cyprus pound).

Similar restrictions existed for visits by Maronite residents of the north to the government-controlled areas, but were applied much more loosely than those for Greek Cypriots, and Maronite travel is relatively unrestricted. Maronites whose relatives live in the northern part may travel to the north in their own vehicles, but still had to pay crossing fees.

Turkish Cypriot authorities permitted school holiday and weekend visits for all full-time Greek Cypriot and Maronite students, regardless of age and gender, who moved south to continue their studies. However, male Greek Cypriot students must demonstrate they are not yet performing military duties. Greek Cypriots and Maronites resident in the north no longer require police permits for internal travel and may use private vehicles registered and insured in the north. Implementation of this policy has been inconsistent.

European Court of Human Rights, 10 May 2001:

"The [European] Court [of Human Rights] observes in the first place that the facts as found by the Commission confirm that, during the period under consideration, the right of the enclaved Greek Cypriots to family life was seriously impeded on account of the measures imposed by the 'TRNC' authorities to limit family reunification. Thus, it was not disputed by the respondent Government in the proceedings before the Commission that Greek Cypriots who permanently left the northern part of Cyprus were not allowed to return even if they left a family behind."
Increased freedom of movement since easing of travel between north and south in 2003 (2007)

- Greek and Turkish Cypriot authorities relaxed travel restrictions between the north and south in 2003
- Since then, there have been over 13 million crossings of the green line for trade, religious and events with the Turkish and Greek Cypriot communities
- Some restrictions remain as Greek and Turkish Cypriots must show identification cards when crossing and access to some villages located in military zones in north is limited
- Economic growth in the north has increased as a result of the flows between the north and south and an increasing number of Turkish Cypriots live and work in southern Cyprus
- Opening of additional crossing points is pending

BBC 22 April 2003:
"The authorities in the breakaway Turkish north of Cyprus have announced that they will open access to the Greek Cypriot part of the island after nearly 30 years of enforced separation."

BBC 23 April 2003:
"On the first day that travel restrictions between the two sides of the island were eased, several hundred Greek and Turkish Cypriots had their first chance since 1974 to visit each other's half of Cyprus."

UN SC, 4 June 2007:
"[...] 23. Cypriots on both sides of the buffer zone continued to use the crossing points for various activities, including trade, religious and bicommunal events, without major incidents. UNFICYP has recorded approximately 13 million crossings since the opening of the crossing points in April 2003. That figure does not include crossings in Pergamos since 1 September 2006, when the Turkish Cypriot side discontinued sharing statistics on the movement of people at that crossing. Since August 2004, goods worth approximately £C 2 million (more than US$ 4 million) have crossed the Green Line from the north to the south of the buffer zone, reflecting a significant increase (£C 1 million for the period August 2004 to December 2006 and more than £C 1 million for the reporting period alone). During the period August 2004 to April 2007, goods worth approximately £C 500,000 (approximately US$ 1 million) crossed from south to north.

24. No agreement was reached on the opening of additional crossing points, despite some positive steps taken by both sides towards the opening of the Ledra Street crossing point in Nicosia (see para. 14). By its letter of 8 March, the Greek Cypriot side informed my Special Representative that it had decided to proceed with construction work at a prospective crossing point between Kato Pyrgos-Karavosti in the north-western part of Cyprus. Construction work is under way to the west of the National Guard ceasefire line outside the buffer zone [...]"

UN GA, 9 March 2007:
"5. Restrictions on freedom of movement persist in particular with regard to the military zones in the northern part of the island. Access to a number of villages located in these zones is restricted. The Maronite village of Ayia Marina remains completely inaccessible, while access to Asomatos remains severely limited. Restrictions on visitors to these villages also apply to relatives of the
inhabitants. In the case of Ayia Marina, its original inhabitants have, to date, not been able to visit their village since 1974 [...]

**US DOS, 6 March 2007:**
"[...] Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles [...]"

"The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally discouraged them from spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there. The government in many cases prohibited Turkish nationals from crossing from the area administered by Turkish Cypriots to the government-controlled area in the south (see section 2.a.).

The government allowed European Union citizens and citizens of other countries not subject to a visa requirement who entered Cyprus from ports of entry in the area administered by Turkish Cypriots to cross the green line into the government-controlled area; however, the government maintained that all ports of entry in the area administered by Turkish Cypriots are illegal."

**UN Commission on Human Rights, 27 March 2006:**
"6. Despite the overall positive developments, it should be noted that freedom of movement is still limited, not least due to the identity checks applied at the crossing points. Restrictions to the freedom of movement persist in particular with regard to the military zones in the northern part of the island. Movement to a number of villages located in these zones, including the Maronite villages of Ayia Marina and Asomatos, remains severely limited. Restrictions on visitors to these villages also apply to relatives of the inhabitants. In the case of Ayia Marina, its original inhabitants have to date not been able to visit their village in spite of the recent general relaxations.

7. With regard to the area of Varosha, the United Nations continues to hold the Government of Turkey responsible for the maintenance of the status quo. In response to reports of improper use of a beach area in Varosha for tourism, the Turkish Forces asserted that the number of authorized visitors had increased but that there had been no change in the status quo. UNFICYP was unable to verify the situation because of the established restrictions on the Force in that area."

**UN Security Council, 1 December 2006:**
"24. Cypriots on both sides of the buffer zone continued to use the crossing points for various activities, including trade, religious and bi-communal events, without major incidents. UNFICYP has recorded approximately 12 million crossings since the opening of the crossing points in April 2003. That figure does not include crossings in Pergamos since 1 September, when the Turkish Cypriot side discontinued sharing statistics on the movement of people at that crossing. UNFICYP is following up this matter with the Turkish Cypriot authorities. Goods worth approximately £C 958,000 (about $2 million) crossed the Green Line from the north to the south of the buffer zone, and goods worth approximately £C 358,000 (about $700,000) crossed from south to north. Although there has been a relatively steady flow of persons and goods since the opening of the crossing points and the entry into force of the Green Line Regulation, the potential of those interactions and trade among the people as a catalytic element towards the reunification of the island has yet to be seized.

25. Since the amendment of the Green Line Regulation in August 2005 to include the provision of three additional crossing points, agreement has not been reached on the modalities of opening
them. Consultations regarding the opening of the Ledra Street crossing point in Nicosia remain pending[...]

US DOS, 8 March 2006:
"The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but generally discouraged them from staying at former Greek Cypriot-owned properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there. The government prohibited Turkish nationals from crossing from the area administered by Turkish Cypriots to the South[...]

ICG, 8 March 2006:
"The first important event was the unilateral decision by the Turkish side to open the Green Line in April 2003, after the Turkish Cypriot walkout in The Hague. In the early weeks, there was a huge influx of people crossing the line, and the consequences were largely positive. Young Greek Cypriots and Turkish Cypriots for the first time experienced that contact does not entail violence, and coexistence is possible.

Following the first months of novelty and excitement, the numbers of crossings dropped and stabilised, throwing the remaining aspects of division into sharp relief. On the Greek Cypriot side, seeing the comparative poverty in the north and watching Turkish Cypriots buy consumer goods in the prosperous south consolidated the notion of the “impoverished other”. Some Greek Cypriots resented having to show their documents to Turkish Cypriot authorities when crossing the line. On the Turkish Cypriot side, resentment mounted over the obstacles to intra-island trade imposed by the Greek Cypriot government, as well as to restrictions imposed on tourists travelling to the north[...]

PRIO, 22 November 2006:
"The catch-up [of the economy in the North with the economy in the South] can be witnessed also by the respective growth rates. The economy in the North has been growing much faster than the more mature and open economy in the South, and especially so since 2002, the year after the Turkish lira was devalued. Average real GNP growth in the North was 10.9% per annum in 2002–05, compared with only 3.3% in the South. In the eleven-year period of 1995–2005, average real GNP growth was 5.4% per annum in the North, compared with 3.6% in the South. One of the reasons for the rapid acceleration in growth in the North is the devaluation of the lira, which raised the price competitiveness of exports, including tourism. Another important factor is the partial lifting of restrictions on freedom of movement across the Green Line from April 2003. According to Apostolidis (2005), an estimated 5,500 Turkish Cypriots travel daily to the South to work. Income from employment, combined with income from visitors, results in the transfer of an annual equivalent of CYP 97 million (net CYP 74 million after Turkish Cypriot spending in the South). A third reason, as outlined in Section 7, is a certain shift in demand for property by foreign buyers from the South to the North[...]

COE, 16 May 2006:
"[...] since April 2003, the population of Cyprus living on either sides of the Green Line has increasingly been moving across it. The Cypriot authorities have reported that some 8 million crossings have taken place since then. Such increased mobility has brought about significant changes in terms of contacts between members of the Greek and Turkish Cypriot communities, including those resulting from the simple fact that an increasing number of Turkish Cypriots currently live and work in the government-controlled part of Cyprus.”

Part of green line wall demolished (2007)
• Greek Cypriot government takes down wall across one green line crossing point in Nicosia
• Crossing had nevertheless not opened in 2007 since conditions of Greek Cypriot government had not been met
• Five crossing points were operational in 2007

COE, 9 March 2007:
"""I am delighted to learn that President Papadopoulos has now taken the courageous and praiseworthy step of demolishing the wall across the Ledra Street crossing of the Green Line. Cyprus need no longer suffer the ignominy of having Europe's last divided capital,""" PACE President René van der Linden said today.

[...] "I now strongly encourage Mr Talat – who had expressed to me his own genuine desire to see Ledra Street reopened – to honour this gesture and respond constructively and in good faith, by ensuring that Turkish Cypriot soldiers will not be visible to those using the Ledra Street crossing."

"The reopening of the Ledra Street crossing, apart from its symbolic value, will also be of great practical value to the inhabitants of Nicosia. During my visit, I was handed a letter by Ledra Street residents and shopkeepers from both sides of the divide and from both communities, calling for the opening of the crossing as a matter of urgency. I am pleased above all for them that their hopes now seem close to fulfilment.""

BBC, 9 March 2007:
"The unannounced decision by the Cyprus government to demolish the wall and military checkpoint on Ledra Street in the middle of the old city of Nicosia has changed the look of the capital.

Another breach has been made in the east-west line - the Green Line - that separates the two halves of the island.

But remaining political obstacles mean that the demolition that took place during the hours of darkness has, for the time being at least, only symbolic significance.

Until these obstacles are overcome, a psychological barrier will remain in place, preventing Greek and Turkish Cypriots mingling in what was - until the division of the city decades ago - Nicosia's main commercial thoroughfare.

The Turkish Cypriot authorities have already opened up their side of Ledra Street on the northern edge of the Green Line.

But the Cyprus government insists that, despite the demolition of the barriers on the southern side, the street will not reopen until a number of conditions are met.

The opening of the crossing point for free movement of people does not mean that the Cyprus problem will be solved.

These include the removal of Turkish and Turkish Cypriot flags, and the disengagement of Turkish troops from the area.

"The obstacle was not our checkpoint," said Cypriot President Tassos Papadopoulos. "The obstacle is the presence of the Turkish army."

Securing agreement on these contentious issues is unlikely to be easy or swift.
Any optimism engendered by the latest developments on Ledra Street is also dampened by the poor political atmosphere on the island. In the absence of a diplomatic process, the two communities appear to be drifting further apart, rather than working for reconciliation.

A total of five crossing points are open at various points along the dividing line. But in recent months the movement of Greek and Turkish Cypriots through them has noticeably declined.

Both foreign diplomats and ordinary Cypriots appear to agree that while the removal of barriers on both sides of the Green Line in Ledra Street is a positive step, there is still a long way to go before Nicosia or the island as a whole are reunited.

"It's a good move, but one that needs to be part of a much wider process, " said British High Commissioner Peter Millett, who came down to the line to watch the work in progress [...]"

BBC, 9 March 2007:
"Greek Cypriots have demolished a key section of the barrier dividing the island's capital city, Nicosia. The Green Line has separated Cyprus's Greeks from the Turkish population since 1974, when Turkish troops occupied the north.

The work in Ledra Street began under cover of darkness and had not been publicised in advance. But the Greek Cypriot authorities say Turkish troops must pull back before people can cross in either direction.

Ledra Street - a pedestrianised shopping area - would be the sixth crossing point on the divided island.

The move was welcomed by the Turkish Cypriot Prime Minister, Ferdi Sabit Soyer, as "a positive development".

The UN chief of mission, Michael Moller, also hailed it as "a positive contribution of great significance", the AFP news agency reported.

[... ] It used to be a bustling road in the heart of Nicosia's commercial district but for more than 40 years it has been blocked by a large wall and a viewing platform overlooking the demilitarised strip separating north from south.

In December a controversial bridge over the wall was removed

The structures have been replaced by plastic barricades.

[...] In December the Turkish Cypriot authorities dismantled a controversial footbridge on Ledra Street, which was built in 2005. It had angered Greek Cypriots, who said it encroached into the UN buffer zone separating the two sides.

The Green Zone is policed by United Nations troops, amid barbed wire and dilapidated buildings with sand bags still sitting in the windows.

[...] The BBC's Chloe Hadjimatheou says it will be a while before Ledra Street opens fully.

First the disused ordnance and derelict buildings will have to be made safe and then UN forces will have to establish a checkpoint to police the crossing."

See also "Cyprus starts demolition of dividing wall," Financial Mirror, 8 March 2007.
Limited travel options from northern Cyprus abroad (2006)

- Flights to and from northern Cyprus go through Turkey first

BBC, 7 December 2006:
"The Turkish Cypriot community is isolated by a largely undeclared embargo. Flights from Istanbul, Ankara and Izmir regularly come and go from Ercan airport but you will find no direct connections to London, Paris or Berlin. You can't get here without going to Turkey first. Mr Nihat [director of Ercan airport] talks to us about his immense frustration at running an airport that is cut off from the world.

Not much traffic to control from this tower. He says he would love to be able to talk to all the other directors of international airports, to share in their knowledge. If the airport was opened up, he reckons traffic would double overnight, to about 3m passengers per year, with obvious knock-on effects for tourism."
SUBSISTENCE NEEDS

Health Care

Health care obstacles for Greek Cypriots and Maronites in north (2005)

- Greek Cypriots and Maronites living in the north have access to health care given by Turkish Cypriot medical personnel
- Turkish Cypriot authorities do not allow Greek Cypriot caregivers from the south to tend to Greek Cypriots and Maronites in the north
- UN assists Greek Cypriots and Maronites to access health care from Greek Cypriot practitioners in the south

UN Security Council, 4 June 2007:
"[...] 37. UNFICYP continued liaising with the two sides on law enforcement and issued related to crossings. Twenty medical evacuations were facilitated from the north, and the remains of three Greek Cypriots were returned for burial in their villages in the northern part of the island [...]"

UN Security Council, 1 December 2006:
"[...] Ten medical evacuations were facilitated from the north, and the remains of four Greek Cypriots were returned for burial in their villages in the northern part of the island."

UN Commission for Human Rights, 9 March 2005:
"21. As far as the right to health is concerned, Turkish Cypriot authorities continue to disallow doctors from the south to visit the Greek Cypriots and Maronites saying that the north’s medical facilities are “adequate” to take care of these communities."

ECHR, 10 May 2001:
"219. The Court observes that an issue may arise under Article 2 of the Convention where it is shown that the authorities of a Contracting State put an individual’s life at risk through the denial of health care which they have undertaken to make available to the population generally. It notes in this connection that Article 2 § 1 of the Convention enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction (see the L.C.B. v. the United Kingdom judgment of 9 June 1998, Reports 1998-III, p. 1403, § 36). It notes, however, that the Commission was unable to establish on the evidence that the “TRNC” authorities deliberately withheld medical treatment from the population concerned or adopted a practice of delaying the processing of requests of patients to receive medical treatment in the south. It observes that during the period under consideration medical visits were indeed hampered on account of restrictions imposed by the “TRNC” authorities on the movement of the populations concerned and that in certain cases delays did occur. However, it has not been established that the lives of any patients were put in danger on account of delay in individual cases. It is also to be observed that neither the Greek-Cypriot nor Maronite populations were prevented from availing themselves of medical services including hospitals in the north. The applicant Government are critical of the level of health care available in the north. However, the Court does not consider it necessary to examine in this case the extent to which Article 2 of the Convention may impose an obligation on a Contracting State to make available a certain standard of health care."
220. The Court further observes that the difficulties which the Greek Cypriot and Maronite communities experience in the area of health care under consideration essentially stem from the controls imposed on their freedom of movement. Those controls result from an administrative practice which is not amenable to challenge in the “TRNC” courts (see paragraph 41 above). On that account, the Court considers that the issue of non-exhaustion need not be examined."
ACCESS TO EDUCATION

General

Education opportunities improve for Greek Cypriots in northern Cyprus (2007)

• In 2007, the Council of Europe closed examination of education issues for Greek Cypriots in northern Cyprus
• It was satisfied that the Turkish Cypriot authorities no longer censor textbooks and that full secondary education is provided to Greek Cypriot children
• As a result of the lack of Greek language secondary schools in the north in the past, Greek Cypriot children living in the north attended secondary school in south, accompanied by one parent

Council of Europe, 4 April 2007:

"Issues relating to education

Recalling that the Court found that the schoolbooks destined for use in the primary school of Greek Cypriots living in northern Cyprus were subject to excessive measures of censorship (violation of Article 10) and that the absence of appropriate secondary education facilities constituted a violation of the right to education of Greek Cypriots living in northern Cyprus (violation of Article 2 of Protocol No. 1);

Welcoming the continued functioning of the secondary school in Rizokarpaso since 2004 and in particular the fact that since September 2005 full secondary education to Greek Cypriot children is ensured; noting also the improvement of the regulatory framework aimed at securing the basis for the secondary education offered;

Noting with satisfaction the undertaking of the Turkish authorities to continue to provide for full secondary education for Greek Cypriot children in the future;

Welcoming in this context that censorship of schoolbooks no longer takes place, the censorship procedure having been replaced by a simple and swift screening procedure which takes into account notably the criteria of the European Convention and only results in a report containing recommendations;

DECIDES to close the examination of the issues relating to the violations found under Article 2 Protocol 1 and Article 10 of the Convention [...]"

Appendix to Interim Resolution CM/(2007)25

Information provided by the Government of Turkey during the examination of the case Cyprus against Turkey by the Committee of Ministers [...]"
Cyprus is presently conducted in conformity with the Council of Europe standards and that it has been relaxed and accelerated. The current simple and swift screening procedure is regulated by a decree adopted by the “TRNC Council of Ministers” on 8 November 2005.

With regard to secondary education, the Turkish authorities have announced earlier the opening, on 13 September 2004, of a school in Rizokarpaso providing initially for the first three years of secondary schooling. Since September 2005, this school provides for full secondary education for Greek Cypriot children. The school is now successfully pursuing its activities for the third year.

Furthermore, the Resolution adopted by the “Turkish Cypriot Council of Ministers” on 23 May 2005 and amended on 8 November 2005, provides a stable and lasting basis for the continued functioning of the Greek Cypriot school, ensuring full primary and secondary education in line with the requirements of the Convention. 

**Republic of Cyprus, 24 May 2007:**
"[...] On 4 August 2004, the United Nations informed the Government that the occupation regime had accepted its proposals regarding the reopening of the Gymnasium, under the same conditions as the Rizokarpaso elementary school. This development signaled the reopening of the first Turkish occupied Greek Cypriot Gymnasium in occupied Cyprus."

**UN General Assembly, 9 March 2007:**
"17. In relation to the right to education, four additional teachers were assigned for the Greek Cypriot secondary school in Rizokarpasso in the north, before the beginning of the academic year in September 2006. The Greek Cypriot authorities still object to textbooks being subjected to Turkish Cypriot “inspection”. It should be noted that the Turkish Cypriot side has revised its history books in accordance with the Council of Europe principles to remove any offensive references, while to date, the Greek Cypriot side has yet to do so."

**Council of Europe, 7 June 2005:**
"[...] Issues relating to education

Recalling that the Court condemned the excessive censorship of school textbooks for use in the primary school of Greek Cypriots living in northern Cyprus (violation of Article 10) and the absence of appropriate secondary education facilities in violation of the right to education of Greek Cypriots living in northern Cyprus (violation of Article 2 of Protocol No. 1);

Noting that the opening of the school in Rizokarpaso, to date providing for three of the six years of secondary education, constitutes an important development in order to remedy the violation found by the Court in this regard;

Noting the undertaking of the Turkish authorities that any screening procedure for schoolbooks will comply with the Convention standards, while considering that further clarifications are necessary;

INVITES Turkey to submit all relevant information regarding any screening procedure for schoolbooks, to ensure full secondary education for enclaved Greek Cypriot and Maronite children and to provide a stable and lasting basis for the functioning of the Rizokarpaso school, by legislative or other appropriate means [...]"

**UN Commission on Human Rights, 9 March 2005:**
"[...] With regard to the right to education, Turkish Cypriot authorities reversed their stand and allowed a secondary school to operate at Rizokarpazo for Greek Cypriot children where 12 pupils have been studying since September 2004 in the three secondary grades. Despite this positive development, Turkish Cypriot authorities refused to countenance a request to refurbish a facility
for the accommodation of teachers during that academic year. Similarly, Turkish Cypriot objection to certain content in textbooks led to the removal of pages from 13 of the 72 books intended for the secondary school [...]

Council of Europe, 23 November 2005:
"Violation of Article 10 (freedom of expression)"

28. The Court based its findings on those of the Commission (§§ 44 and 250), according to which school textbooks for use in the Greek-Cypriot primary school were subjected to a "vetting" procedure, characterised as "cumbersome", as a result of which the Turkish-Cypriot authorities had "censored or rejected the distribution of a considerable number of school-books on the ground that their content was capable of fostering hostility between the ethnic communities in northern Cyprus". According to the Commission, the books in question "concerned subjects such as Greek language, English, history, geography, religion, civics, science, mathematics and music".

29. On the basis of these facts, the Court confirmed (§ 252) the Commission’s finding that “there [had] been an interference with Article 10 on account of the practice adopted by the “TRNC” authorities of screening the contents of school-books before their distribution. It [observed] in this regard that, although the vetting procedure was designed to identify material which might pose a risk to inter-communal relations and was carried out in the context of confidence-building measures recommended by UNFICYP ..., the reality ... was that a large number of school-books, no matter how innocuous their content, were unilaterally censored or rejected by the authorities.” It further noted that, in the proceedings before the Commission, the respondent Government had “failed to provide any justification for this form of wide-ranging censorship”.

30. Consequently, the Court concluded that there had been a violation of Article 10 in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school had been subject to excessive measures of censorship (§ 254).

Information/observations submitted by the Turkish authorities

31. As concerns the reasons for censorship, the Turkish authorities have recalled that, according to the established practice and the principles of the United Nations, school-books should not contain material inciting hatred or animosity between Greek and Turkish Cypriots. With regard to the contents of Greek Cypriot school books, they have submitted extracts of a number of such books – as well as some original books – to demonstrate bias therein. They have also provided examples and evaluations of expressions used in the school books selected for the 2003-2004 and 2004-2005 school years by the Cypriot authorities and sent via the United Nations to primary schools in the Karpas region.12

32. Only one criterion is used nowadays for the screening of school books, which provides that books are liable to be censored only if they are used as a vehicle for hatred and contain material which is excessively offensive and engenders animosity, hostility or enmity between the two sides. The Turkish school books used in the “TRNC” are subject to the same criteria of censorship as the Greek Cypriot school books.

33. The Turkish authorities also provided a detailed description of the procedure:
- three months before the beginning of the school year, the competent authorities of the “TRNC” request from the relevant Greek Cypriot authorities one copy of all schoolbooks to be used in Greek schools through the “UN Humanitarian Office”;
- when received by the “TRNC Foreign Ministry”, the books are immediately passed on to three (or more, if necessary) official and qualified translators at the ‘information Department of the Prime Ministry”, who divide the books amongst them and note down the material or pages which
invoke hatred, are excessively offensive and engender animosity, hostility or enmity. A report of this is made and the Greek Cypriot authorities are asked to correct or remove the relevant texts; - the Turkish Cypriot authorities no longer correct or confiscate texts; the books that have previously been submitted and vetted are, as a matter of formality, noted and reported in the same way, if there has been no change since the first examination; - the report and the schoolbooks are sent back to the Greek Cypriot authorities through the UN; they are not sent to the Turkish Cypriot authorities, as was done in the past. - finally, following the report, the UN transmits the books from the Greek Cypriot authorities to the schools concerned. According to the Turkish authorities, this procedure can best be defined as a screening procedure to advise the Greek Cypriot authorities on possible offensive material contained in the books. The procedure usually takes two to three weeks. Thus, the books transmitted by the UN to the Turkish Cypriot authorities on 15/09/04, were delivered to the schools on 21/09/04. The books intended for the secondary school that opened on 13/09/04 were transmitted on 17/08/04 and returned to UNFICYP by the Turkish Cypriot authorities on 07/09/04.

34. Recalling that the censorship of schoolbooks in itself is considered as a measure of confidence-building in the meaning of the UNFICYP recommendations and the judgments of the European Court itself (§252 of the judgment), the Turkish authorities conclude that the procedure above described does not exceed the limits of such a measure anymore, and does not constitute a violation of Article 10 of the Convention, since: - the books are no longer censored, rejected or confiscated unilaterally by the Turkish Cypriot authorities: they are returned to the Greek Cypriot authorities who can deal with them, in the light of the recommendations in the report, at their own discretion; - the speed of the procedure provides for the possibility of guaranteeing the availability of the books at the beginning of the school year.

35. On 23 May 2005 the “Turkish Cypriot Council of Ministers” adopted a decree on schools for Greek Cypriot and Maronite children. This decree contains, among other things, a description of the screening procedure for schoolbooks. According to the decree, such books shall be reviewed by a commission composed of personnel from the “Ministry of National Education and Culture” and the “Foreign Ministry”, taking into consideration the criteria of the Council of Europe. The decree further states that, following this review, the United Nations shall be responsible to ensure that all schoolbooks are free of expressions which may injure inter-communal friendships, cooperation and solidarity, be contrary to human rights and fundamental freedoms, be based on all forms of discrimination on grounds of race, language, religion and gender and promote malice, hatred and animosity between the two communities. The United Nations is also responsible to deliver the books to the Greek Cypriot schools. The decree further provides for the entire procedure to be carried out within a period of 15 days.

36. Moreover, bearing in mind that the use of this particular measure is not in itself a solution to the problem, the Turkish authorities underline that they have repeatedly proposed establishing a committee responsible for the removal of all racist and provocative material from all schoolbooks in use throughout Cyprus. They have made a number of proposals to the Cypriot authorities for direct talks between their relevant authorities, departments or institutions, with a view to proposing positive action in the field of education. All of these proposals have been refused. Nonetheless, the Turkish authorities have reaffirmed their willingness to establish a co-operative relationship with the competent Cypriot authorities in order to discuss and resolve all aspects linked to education, which they see as constituting the only effective means for replacing the present screening measures. In this context, they also emphasised the work undertaken for the rewriting of the Turkish Cypriot history books with a view to eliminating material which may incite enmity and hatred between the two sides, and announced that the new textbooks were used in Turkish Cypriot secondary schools14.
37. The Turkish authorities have further stated, that the allegations made by the Cypriot authorities (see § 41 below), according to which the “TRNC authorities” tore pages from school books at the Rizokarpaso school itself, was caused by a misunderstanding on the part of an UNFICYP staff member. This staff member was under the impression that non-compliance with the recommendations in the review report concerning passages in schoolbooks, would jeopardize the functioning of the school. As a consequence, during a visit to the school, without authorization from the UNFICYP leadership, he tore out eight pages of six copies of the text book on Greek modern literature. UNFICYP has expressed deep regret over this issue and assured that this was not in accordance with its official policy. 

The Turkish authorities underlined that after inspection, the books in question are returned to the Greek Cypriot authorities, without any further follow-up by the Turkish Cypriots.

38. For the current school year (2005-2006), the books were received by the “TRNC authorities” on 15/07/05 and returned to UNFICYP on 09/09/05, along with a report detailing offensive material that could engender hostility towards Turkish Cypriots, but without any intervention on the books as such. The length of the screening procedure – exceeding the 15 days foreseen by the Decree (§ 35) - was due to certain personnel changes in the relevant ministry and should therefore not be considered a structural problem. According to a letter from UNFICYP to the “TRNC authorities”, provided to the Committee by the Turkish authorities during the 940th meeting (October 2005), UNFICYP delivered the books to the primary and secondary schools respectively on 22 and 29 September 2005.

Information/observations submitted by the Cypriot authorities

39. The Cypriot authorities have indicated that, in paragraphs 250, 252 and 254 of its judgment in this case, the Court upheld the claim of Cyprus that excessive censorship of school textbooks violated Greek Cypriots’ freedom to seek and receive information. They consider that excessive censorship of primary school textbooks is still rigorously enforced, with a view to eliminating references to Greek cultural and spiritual identity and most Greek history.

40. As regards the scope of censorship, the Cypriot authorities underline that, usually, more than 30% of the books are rejected because, for instance, they may show maps of Cyprus without the dividing line between the north and south. According to the Cypriot authorities, all books containing photographs of Greece, pictures of Greek cultural objects or the flags of Cyprus or even Greece, including a mathematics primer, have also been rejected. For the school year 2002-2003, among the 122 textbooks submitted to cover the needs of six classes of the elementary school, almost half of them, i.e. 53, were rejected on political grounds. In the school year 2004-2005, the “TRNC authorities” have censored 43 out of a total of 113 books to be used in elementary school (of which 8 in their entirety) and 17 out of a total of 65 books to be used in secondary school (of which 4 in their entirety). The censored books related mainly to Greek language, mathematics, history, geography, civics or religious knowledge, English and music.

41. Furthermore, the Cypriot authorities state that the criteria for censorship mentioned by the Turkish authorities are not sufficiently clear, precise and objective. In addition to this, as regards the censorship procedure, no effective remedy exists for teachers, parents, pupils or the governing school authorities. Consequently, according to the Cypriot authorities, the current procedure and practice lacks legal certainty and proportionality.

42. The Cypriot authorities assert that pages are still being torn from books submitted for inspection and that the “TRNC authorities” even visited the school in Rizokarpaso at the end of September 2004, and tore a total of 324 pages from various books in the presence of Greek Cypriot teachers and members of UNFICYP15. 

The Cypriot authorities provided the Secretariat with a letter from UNFICYP describing the above-mentioned incident at the school in Rizokarpaso. The letter states that “on 13 September 2004,
a Turkish Cypriot education official insisted on making sure that the books delivered by UNFICYP did not include any ‘non-cleared’ books. The textbook on Greek Modern Literature had originally been ‘cleared’, but UNFICYP was subsequently advised by the Turkish Cypriot side that it contained ‘objectionable contents’ and ‘cuts needed’ to be carried out. On 23 September 2004, as a result of this demand, an UNFICYP staff member asked for six copies of the ‘Greek modern Literature’ and took out eight pages in the privacy of a classroom. This decision was taken without authorization or knowledge of UNFICYP leadership. UNFICYP expresses deep regret over this whole issue, which was carried out in good faith by our staff, and only in the interest of the pupils and the smooth functioning of the school.”

43. Furthermore, the Cypriot authorities state that the proceeding of censorship takes longer than the two weeks claimed by the Turkish authorities. According to them, the list of secondary school textbooks, along with two copies of each book, was submitted to the “TRNC authorities” through UNFICYP on 09/08/2004 and was only returned on 07/09/2004. The list of elementary school textbooks was submitted on 17/06/2004 and was returned on 15/09/2004, nine days after the start of the school year16.

44. Lastly, the Cypriot authorities state that the description of the censorship procedure in the above-mentioned decree (see § 36) does not clarify the existing situation. According to them, it merely enables arbitrary and unnecessary censorship to continue.

Assessment

45. The information provided by the Turkish authorities on this issue is positive. The Secretariat recalls in particular the principles now governing the procedure for the screening of schoolbooks:

- Absence of censorship as such:
  As to the criticism formulated by the Cypriot authorities in the past regarding the extent of the censorship (§40 above), the Secretariat notes that, according to the information provided by the Turkish authorities:
  - No corrections or confiscations of books occur
  - A report containing recommendations is transmitted to the Cypriot authorities which have full discretion as to the consequences to be drawn

- A book (or a section of a book) is nowadays only subject to recommendations if it contains elements invoking hatred, animosity, hostility or enmity between the two communities.

- Conduct of the procedure:
  The description of the procedure provided by the Turkish authorities (§33 and 35) also seems satisfactory; the Secretariat recalls in particular that the decree adopted by the “TRNC authorities” limits the duration of the entire procedure to fifteen days.

46. According to the information provided by the Turkish authorities, the above principles have been applied in a satisfactory manner for the 2005 school year. The exceeding of the prescribed duration of the procedure was due to exceptional circumstances.

47. In a general manner, the measures taken by the “TRNC authorities” thus seem to have created a new practice able to remedy the violation found by the Court adequately.

Outstanding questions

48. Nevertheless, it has to be noted that the new procedure is based for the time being on a provision (article 6 of the Decree) that does not expressly embody all the fundamental principles referred to above (§45). It could thus be useful either to amend Article 6 of the Decree to include
those principles, or to postpone the examination of this issue to the beginning of the next school year to allow the Committee to note that a well established practice is now in place.

Violation of Article 2 of Protocol No. 1 (right to education)

49. The Court found that "children of Greek-Cypriot parents in northern Cyprus wishing to pursue a secondary education through the medium of the Greek language are obliged to transfer to schools in the south, this facility being unavailable in the “TRNC” ever since the decision of the Turkish-Cypriot authorities to abolish it” (§ 277).

50. Furthermore, the Court considered that “the option available to Greek-Cypriot parents to continue their children’s education in the north [where classes are conducted in Turkish or in English] is unrealistic in view of the fact that the children in question have already received their primary education in a Greek-Cypriot school there” (§ 278).

51. Finally, the Court stated that, “it [could not] be maintained that the provision of secondary education in the south in keeping with the linguistic tradition of the enclaved Greek Cypriots [sufficed] to fulfil the obligation laid down in Article 2 of Protocol No. 1, having regard to the impact of that option on family life” (§ 278). In this context, the Court referred first of all to the obligation to attend schools in the south (§ 277). It further found that “schoolchildren from northern Cyprus attending schools in the south were not allowed to return permanently to the north after having attained the age of 16 in the case of males and 18 in the case of females” and that “certain restrictions applied to the visits of those students to their parents in the north” (§ 292).

52. In view of the above, the Court considered that, “having assumed responsibility for the provision of Greek-language primary schooling, the failure of the “TRNC” authorities to make continuing provision for it at the secondary-school level must be considered in effect to be a denial of the substance of the right at issue” (§ 278) and that there had therefore been a violation of Article 2 of Protocol No. 1 in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them (§ 280).

Letter of the Chairman of the CM

Note 53. Following a request made at the 854th meeting (October 2003), the Chairman of the Committee of Ministers, the Minister for Foreign Affairs of Moldova, addressed a letter to his Turkish counterpart on 17 October 2003, expressing the Committee’s concerns “regarding the recent refusal to allow the opening of a secondary school in Rizokarpaso for Greek-Cypriot children”.

Information/observations submitted by the Turkish authorities

54. In the past, the Turkish authorities declared themselves against the opening of a secondary school in the Karpas region, putting forward the insufficient number of pupils concerned in relation with the minimum required by the relevant internal law, as well as the possibility for those children to attend a secondary school in the south of Cyprus17.

55. However, at the 885th meeting (June 2004), the Turkish authorities indicated that, on 21/05/04, the “TRNC Council of Ministers” took a decision which authorised the “Ministry of National Education and Culture” to work on the establishment and regulation of a schooling system, with a special status, for the children of Greek Cypriot, Maronite and Latin origin families living in the Karpas region. The operation and supervision of these schools would be under the control of the “Ministry of National Education of the TRNC”.
56. The secondary school of Rizokarpaso has opened on 13 September 2004, with 12 pupils and 15 teachers, while the legislative process in order to regulate schools with a special status is still ongoing.

57. As to the current functioning of the school of Rizokarpaso, the Turkish authorities provide the following clarifications:
- The number of students that attended the secondary school is currently 9, while the number of teachers employed is 18.
- Different supplies (furniture, computer equipment and electric supplies) have been provided by the “Ministry of Education of the TRNC”.
- An additional 3 teachers were appointed at the end of March 2005 following a request by the Greek Cypriots. It concerns a biology, a religious studies and a primary school teacher. In addition a replacement for the chemistry teacher was approved in January 2005. According to the Turkish authorities, no request was received for a physics teacher.
- Teachers are appointed by the Greek Cypriot authorities with the approval of the “TRNC authorities”. The nominations made by the Greek Cypriots are controlled to ensure that the selected teachers are not persons who engage in creating animosity and hatred between the two sides and that they are qualified to teach.
- Certain teachers travel from the south of Cyprus on the days they teach, others live in the region.
- The authorities of the “TRNC” do not interfere in any way with the functioning of the school.

58. At the 914th meeting (February 2005), the Turkish authorities stated that the draft law on the opening of Greek Cypriot schools had been amended. Due to an ongoing election process in the “TRNC”, this draft law had not yet been presented to the “Parliament” for adoption. The Turkish authorities further stated that the secondary school was still functioning as before and took part in social activities with Greek Cypriots from the south and Greeks from Greece.

59. As mentioned above (see § 36), the “Turkish Cypriot Council of Ministers” adopted a decree on 23 May 2005, on schools with special status, “with the aim to create opportunities for the introduction of schools to provide for the educational needs of the [Greek Cypriot and Maronite children], at primary, lower secondary and upper secondary levels […]”. This decree will remain in force until the law on schools with special status enters into force. It outlines certain principles and procedural aspects of the functioning of these schools, such as autonomy of the schools in respect of their administrative and academic practices and the equivalence of their diplomas with those of other schools in the “TRNC”. According to the Turkish authorities, this decree provides a stable and lasting basis for the functioning of the schools concerned and ensures a full, six-year, secondary education for Greek Cypriot and Maronite children.

60. In the current school year, the first three years of the secondary school opened on 12/09/05. The other three years opened one week later, on 19/09/05. There are currently a total of 51 children attending Greek Cypriot schools (maternal class, primary school and secondary school), which is 30 more than in the previous school year. There are currently more than 20 teachers at the schools. Several requests for the appointment of additional teachers at the Greek Cypriot schools have been approved and according to a letter of the Turkish delegation of 16/11/05, there are no more requests of that kind pending before the “TRNC authorities”.

Information/observations submitted by the Cypriot authorities

61. On the occasion of the opening of the school year in September 2005, the Cypriot authorities expressed their satisfaction concerning the opening of a full secondary education (6 years and not only 3 like for the past school year) in the Karpas region.
Nevertheless, with reference to the claims arisen by the functioning of the school in 2004-200520, notably concerning the extend of the control of the “TRNC authorities” and the appointment and working conditions of the teachers, the Cypriot delegation has stressed that these issues still need clarification and new measures to be taken. It considers indeed that certain matters affect the smooth running of the school, such as the late delivery of schoolbooks in the classes.

Assessment

63. The Secretariat notes that the work with a view to regulating the schooling system with a special status, announced by the Turkish authorities (see §§ 54 and 57) is still in progress but that a decree has been adopted setting out general principles for the functioning of the schools with special status (see § 58).

64. In the light of the information provided on the opening of the school year in September 2005, it would seem that this decree has enabled the secondary school of Rizokarpaso to function in a globally satisfactory manner (see also §§ 38 and 46 concerning the schoolbooks).

Outstanding questions

65. The Secretariat however recalls that to comply with the requirement of the Court’s judgment to provide for secondary education in Greek language in northern Cyprus (see § 52 above), it is important to provide the secondary school of Rizokarpaso, which is only in its second year of functioning since it was reopened, with a stable and lasting basis, as well as clearly established rules on its functioning, as underlined by the Committee in its Interim Resolution (2005) 44 adopted on 7 June 2005.

66. The Secretariat stresses in this respect that it is up to the respondent State to choose the appropriate means to obtain that result, which the Committee could then note. This could be achieved:
- either through the adoption of the legislation announced by the Turkish authorities to complement to the Decree in force,
- or through a satisfactory and continuing practice developed on the basis of the Decree."

Council of Europe, June 2003:
"According to the Council of Europe’s Commissioner for Human Rights, “During my stay in the island, I was also able to visit two villages where Greek Cypriots live in the Karpas peninsula region. At the end of last June, only a few families and some older persons were to be found there.

[...]

This is the case particularly where the secondary education of children in Rizokarpasso is concerned. Since the beginning of the current school year those having completed primary school have been denied a secondary education in Greek, even though the teachers can be sent by the Cypriot Government and premises are available. As a result, the pupils are obliged to move south with their younger brothers and sisters and with one or both of their parents. Thus, only the grandparents will remain in Rizokarpasso, which is being steadily drained of its last Greek Cypriot community members."
Education of Turkish Cypriots in southern Cyprus (2007)

- Turkish Cypriot Teacher's Union made an application to the court in southern Cyprus on right of Turkish Cypriots in the south to an education in their native language
- The government of the Republic of Cyprus has taken several measures to improve access of Turkish Cypriots to Turkish-language education, including an agreement to open a Turkish-language school in Limassol, though this school was still not operational in 2007

Turkish Cypriot Human Rights Foundation, 24 September 2007:
"The Turkish Cypriots living in Southern Cyprus, along with other matters, are being seriously confronted with discrimination in the field of education. While the Greek Cypriots living in the Karpas region in North Cyprus are receiving their education in their mother tongue and enjoying the right to choose their teachers and curriculum in primary and secondary schools, none of these amenities are recognised to the Turkish Cypriots living in the South even at primary school level. This is contrary to the Cyprus Constitution, Article 3 which foresees the official languages of the Republic to be Greek and Turkish and articles 20 and 87 which regulate the educational rights of the Turkish Cypriots. The said articles provide that the Turkish Cypriots will have the right to receive education in their mother tongue and administer their own schools. Despite these clear provisions of the Constitution of the Republic of Cyprus, the Greek Cypriot Administration continuously hindered the opening of a Turkish primary school and even alleged that there was no such a demand on the part of the Turkish Cypriots. In furtherance of this allegation, the Greek Cypriot Administration, through the Ministry of Education and Culture established, in violation of the Constitution, proceeded to solve the matter by opening, in a normal Greek Cypriot school in Limassol, where there is a concentration of Turkish Cypriots, a class in which a few lessons are conducted in Turkish. Furthermore, these lessons conducted in Turkish, are being given by people without the help of a textbook and whose profession is unrelated to elementary education. Thus, the Turkish Cypriots are being made to receive education, apart from a few hours, in the Greek language which they do not understand. By this arrangement, the Greek Cypriot Administration is preventing the Turkish Cypriot pupils from receiving education on the same standards as the Greek Cypriot pupils and thus, the Turkish Cypriot pupils are being faced with a lower standard of education."

UN Security Council, 4 June 2007:
"29. UNFICYP continued to follow the establishment of a Turkish language primary school in Limassol, to which the Greek Cypriot side had committed in March 2005. The school is not yet operational. At its request, UNFICYP met with the Turkish Cypriot Teachers’ Trade Union on this subject and other issues related to the education of Turkish Cypriot schoolchildren in the south. The formal proceedings of the lawsuit filed by the Turkish Cypriot Teachers’ Trade Union with the Supreme Court to guarantee Turkish Cypriots the right to an education in their mother tongue have been adjourned several times (see S/2006/931, para. 27). The next trial date is set for 7 June 2007. UNFICYP follows developments on this issue, pending the outcome of the judicial proceedings. At the same time, efforts continue to improve conditions for Turkish Cypriot children in a Greek Cypriot school in Limassol [...]"

UN General Assembly, 9 March 2007:
"[..] 19. Regarding the education of Turkish Cypriot children in the south, UNFICYP continued its discussions with the Greek Cypriot authorities, initiated in March 2005, regarding the establishment of a Turkish-language primary school in Limassol, which is not yet operational. The Greek Cypriot authorities committed themselves in March of 2005 (via a letter from the President’s office to the UNFICYP Chief of Mission), and again in September 2005 (in a public statement of the Permanent Representative in New York), to opening a school in the
Turkish-language medium for the Turkish Cypriot community in Limassol. Additionally, a Republic of Cyprus Council of Ministers decision in 2005 stipulated that a separate school be established for the Turkish Cypriot community in Limassol. This decision is still to be implemented. At its request, UNFICYP met with the Turkish Cypriot Teachers’ Trade Union on that subject and other issues related to the education of Turkish Cypriot schoolchildren in the south, including curricula and textbooks. The formal proceedings of a lawsuit filed by the Turkish Cypriot Teachers’ Trade Union with the Supreme Court to guarantee Turkish Cypriots the right to an education in their mother tongue began on 5 May 2006 and have been adjourned several times, most recently on 10 November 2006. A new trial date has been set for 6 February 2007.

US DOS, 6 March 2007:
“ [...] After complaining repeatedly about the lack of a Turkish-language school in Limassol, the Turkish Cypriot teachers’ union filed suit to guarantee the right of Turkish Cypriots residing in the government-controlled area to an education in their native language. The Supreme Court trial began on May 5 but was adjourned several times and was scheduled to recommence on February 6, 2007. The government stated that, according to surveys of Turkish Cypriots in the government-controlled area, none had requested a Turkish-language school [...]”

UN Security Council, 1 December 2006:
"27. UNFICYP continued its discussions with the Greek Cypriot side, initiated in March 2005, regarding the establishment of a Turkish language primary school in Limassol, which is not yet operational. At their request, UNFICYP met with the Turkish Cypriot Teachers’ Trade Union on that subject and other issues related to the education of Turkish Cypriot schoolchildren in the south, including curricula and textbooks. The formal proceedings of the lawsuit filed by the Turkish Cypriot Teachers’ Trade Union with the Supreme Court to guarantee Turkish Cypriots the right to an education in their mother tongue, mentioned in my previous report (S/2006/315, para. 20), began on May 5 and have been adjourned several times, most recently on 10 November. A new trial date has been set for 6 February 2007. UNFICYP continued to follow up developments on that issue with the Greek Cypriot side, pending the outcome of the judicial proceedings. UNFICYP facilitated the assignment of four additional teachers for the Greek Cypriot secondary school in Rizokarpaso in the north for the school year beginning in September 2006.”

COE, 27 October 2006:
“ [...] (2) It should also be noted that it is the policy of the Government of Cyprus to support Turkish Cypriots and promote and encourage activities which favour “rapprochement” of the two communities. Such activities include the following:
• Under the auspices of the Council of Europe, the Ministry of Education and Culture monitors and supports meetings of Greek and Turkish Cypriot teachers, in an effort to write supplementary material on cultural and social issues of the History of Cyprus.
• The “Agios Antonios” primary school in Limassol, attended by a majority of Turkish-Cypriot pupils, has been included in the scheme of “All-day” schools and 2 Turkish-Cypriot teachers have been employed to teach Turkish Cypriot pupils their culture.
• Turkish Cypriot children, whose families reside in the Government controlled area, are assisted by the State to attend private schools of their choice. The State covers part of the expenses of Turkish Cypriot pupils who attend private pre-primary and primary schools. The Government also provides financial aid to low-income Turkish Cypriot families for pupils’ transportation fees and school uniforms.
• After a written request from their parents or guardians, all pupils who are not Greek Orthodox are excluded from the teaching of the subject of Religious education. Where there is an adequate number, Turkish Cypriot pupils are taught Turkish as well as History and Religious education in their mother language (12 teaching periods per week).
• Free breakfast is provided to all Turkish speaking pupils who attend public pre-primary and primary schools. Moreover free breakfast is also provided to all pupils who attend schools which fall into the Educational Priority Zones. This measure involves 31 schools around the island and a total of 1745 pupils.
• Free lunch is provided to all Turkish speaking pupils who attend “All day” public primary schools, as well as to other children who have low socioeconomic status.
• The Adult Education Centers offer Turkish language and Greek language lessons to Turkish-Cypriot children and their parents free of charge.
• Turkish language is an optional language in the upper circle of Secondary Education. It is taught to adults at the State Institutes for Further Education and the Adult Education Centres free of charge.
• In the school year 2005-2006, Turkish Cypriot teachers were employed to teach Turkish language, History, Culture and Religious education to Turkish Cypriot pupils including Cypriot Gypsy pupils.
• As from the school year 2005-2006, two Greek Cypriot teachers of Turkish Language were employed to support Turkish Cypriot pupils.
• A review is being made of the report sheets and the leaving certificates so that personal data are not indicated. The suggestion will be implemented to delete such information as origin or faith.

COE, 16 May 2006:
"[...] The Cypriot authorities report that in schools attended by Turkish Cypriot children, education is also carried out in the Turkish language. In fact, the Cypriot authorities have reported that they have taken the decision in principle to establish a school in Limassol with Turkish as the language of instruction and that they have collected information from families of Turkish Cypriot children in the area as to their wish to have this school established. The Cypriot authorities have reported that the parents have stated their preference for their children to attend the state school of the area [...]"

Teaching of religion in schools in Cyprus is not compulsory. The vast majority of school children follow Greek-Orthodox religion courses. The authorities have reported, however, that teaching of Islam is also available for Muslim students. Children whose parents do not want them to attend religious education may ask for an exemption. It is reported to ECRI, however, that children who do not participate in Greek-Orthodox religion courses sometimes experience stigmatisation and rejection by their peers or in the school community [...]"

In addition, ECRI notes that the Cypriot authorities have taken measures to improve the position of Turkish Cypriots in a number of areas, including access to health care services, social security provision, including pensions, and education."

UN Commission on Human Rights, 9 March 2005:
"[...] Meanwhile, the Turkish Cypriot side sought the good offices of UNFICYP to set up a Turkish-medium primary school at Limassol where some 70 Turkish Cypriot children attend school in the Greek language. Further, an estimated 30 Roma Turkish Cypriot children do not attend school. UNFICYP supports education in the mother tongue and has accordingly recommended to the Government the opening of a Turkish-medium primary school at the earliest opportunity. At the Government's request, UNFICYP has begun interviewing the parents of the Turkish Cypriot pupils at Limassol to determine the extent of their need in this regard. Parents of a dozen pupils have already indicated to UNFICYP that they would prefer Turkish-language instruction for their children [...]"
Education of Latins, Armenians and Maronites in southern Cyprus (2006)

- The government of the Republic of Cyprus provides subsidies to Latin, Armenian and Maronite students to attend private primary and secondary schools
- Latin, Armenian and Maronite secondary school students can attend classes on their religion, culture, history, civilization and language
- A secondary school for Armenians was closed down in 2005

COE, 27 October 2006:
"(4) Furthermore, the Government Budget provides funds for tuition subsidies (primary and secondary education), for the purchase of books and for an annual grant of CYP 25,000 to the Maronite Church as well as for the payment of priests’ salaries. It should also be noted that CYP 500,000 was allocated for the repair and improvement of the houses of enclaved persons in the occupied area according to the State Budget for 2006.
(5) In relation to the Cypriot Maronite Arabic, the authorities will duly examine the Recommendation of the Committee of Experts under the European Charter of Regional or Minority Languages of 27 September 2007.
(6) On 1st June 2006, the Council of Ministers decided to increase the subsidies for Latin, Armenian and Maronite students attending their "national" private schools, as from the school year 2005-2006, and for a period of at least 5 school years, as follows:

Terra Santa Nicosia (Latins and Maronites):
- Kindergarten – The subsidy of CYP120 yearly per student remains the same.
- Primary School (1st-6th Class) - From CYP600 to CYP700 yearly per student.
- Secondary School (1st-8th Class) - From CYP1,000 to CYP1,600 yearly per student.

St. Mary’s School Limassol (Latins and Maronites):
- 1st-3rd Class - From CYP800 to CYP 900 yearly per student.
- 4th-5th Class - From CYP800 to CYP 1,000 yearly per student.
- 6th Class - From CYP800 to CYP 1,100 yearly per student.

(7) Other than the above private secondary schools, the subsidy of CYP 450 for Maronite, Armenian and Latin students attending private secondary schools (1st-6th Class) remained the same.
(8) It was also decided that as of 1.1.2007, the Maronite, Armenian and Latin students that attend secondary schools (private and public) shall be offered additional afternoon classes on their religion, culture, history, civilisation and language in specified public schools in each district.
(9) It should also be noted that the Melkonian Educational Institute, ("national" secondary education school for the Armenians), has closed down as from the academic year 2005-2006. The Government of Cyprus has decided to operate the Armenian Secondary School at the NAREG Armenian School (pending the Melkonian issue). As this will be done at stages, eleven Melkonian pupils who should attend the 2nd and 3rd forms enrolled in other private schools. On 31.8.2006, the Council of Ministers decided that the Government would undertake the cost of their education until their graduation.
(10) It has been standard practice to fully subsidize Turkish Cypriot pupils who reside at the Government controlled area, to attend the English School (a private secondary school with very high fees). For Turkish Cypriot pupils who reside in the territory that is not under the control of the Government and wish to attend this school, a lump sum of CYP 20,000 is allotted towards their fees. The subsidy is given regardless the financial status of the pupils’ parents."

Additional information on the education of Maronites in southern Cyprus could not be found within the time constraints of this profile update.
Public participation

Turkish Cypriots win right to vote in south (2006)

- The European Court of Human Rights ruled in 2004 that the Republic of Cyprus had violated the right of a Turkish Cypriot resident in southern Cyprus to stand and vote in an election
- In response, the Cypriot government enacted legislation in 2006 enabling Turkish Cypriots living in the south to stand and vote in elections in the south
- Greek Cypriots and Maronites living in the north can only participate in elections held in the south

US DOS, 6 March 2007:
"Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot "national" elections; they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled area to exercise that right. In December Greek Cypriot and Maronite communities in the area administered by Turkish Cypriots directly elected municipal officials for the first time; previously, the ROC appointed these representatives. The Turkish Cypriot authorities did not recognize these ROC officials."

Council of Europe, 27 October 2006:
"25. In the light of the Advisory Committee’s Opinion (under Article 4 and 15 of the Framework Convention) to afford Turkish Cypriots the right to vote, a bill was tabled before the House of Representatives. Following the finding, on 27 June 2004, by the European Court of Human Rights of a violation of the right to free elections safeguarded by Article 3 of Protocol No.1 to the European Convention for Human Rights, alone and in conjunction with Article 14, in that the applicant, a Turkish Cypriot living in the Government controlled area of the Republic, was precluded under the electoral laws and the Constitution from registering in the Electoral Roll and exercising the right to vote in the Parliamentary elections of 27 May 2001, the original bill was replaced by a bill prepared, on the advice of the Attorney-General, in execution of that judgment, which was enacted and came into force on 10.2.06 (The Exercise of the Right to Elect and Stand for Election of Members of the Turkish Community who have their Ordinary Residence in the Government controlled Area of the Republic (Temporary Provisions) Law, 2006 – Law 2(I)/2006). By virtue of this Law, Turkish Cypriot citizens, who have their ordinary residence in the Government controlled area, have the right to register in the Electoral Roll and participate in all elections, including parliamentary, presidential, municipal and other local elections. The Law covers the right to vote and also to stand as a candidate

36.(1) The issue of Turkish Cypriots’ voting rights in Parliamentary and Presidential elections has been regulated by the Law 2(I)/2006, which entered into force on 10.2.2006 so that it could be implemented for the purposes of the May 2006 Parliamentary elections. See under Article 4, (para. 25) above.
(2) According to Ministry of the Interior data, 266 Turkish-Cypriots who permanently reside in the Government controlled area of the Republic have registered in the Electoral Roll and 229 have exercised their voting rights in the Parliamentary elections of May 2006. For the local elections that are due in December 2006, the number of registered Turkish Cypriots voters has risen to 309.
(3) The application form for registration in the Electoral Roll with guidelines for its completion, exists, with identical content, in the Greek and Turkish languages. A specimen of the form in Turkish is posted on the website of the Ministry of the Interior. This appears in Appendix II.

37. As already explained in the Initial Report, the Armenian, Maronites and the Latins, as citizens of the Republic of Cyprus who opted to belong to the Greek Community, enjoy the right to vote, and the right to stand as candidates for the House of Representatives. A member of the religious groups elected as member of the House of Representative has the same legislative powers as any other member of the Greek Community elected to the House. The "Parliamentary Representative" is an additional right given to the religious groups, now regulated by Law 58/1970 as amended. The issue of improving the effective participation of the Representative on religious and educational issues could be discussed within the framework of the dialogue with the Coordinator at the Ministry of the Interior (see PART IV, paras 62-64, below). In fact, from information supplied by the Representatives of the three religious groups during consultations at the preparation stage of the present Report, it appears that discussion on the matter has began.”

European Court of Human Rights, 22 June 2004:

11. On 8 February 2001 the Ministry of the Interior refused to enrol the applicant. The Ministry specified that, by virtue of Article 63 of the Constitution, members of the Turkish-Cypriot community could not be registered on the Greek-Cypriot electoral roll. Furthermore, the Ministry informed the applicant that the matter was under consideration by the Attorney-General of the Republic and that he would be informed of any developments [...]"

29. In the present case, the Court notes that the irregular situation in Cyprus deteriorated following the occupation of northern Cyprus by Turkish troops and has continued for the last thirty years. It further observes that, despite the fact that the relevant constitutional provisions have been rendered ineffective, there is a manifest lack of legislation resolving the ensuing problems. Consequently, the applicant, as a member of the Turkish-Cypriot community living in the government-controlled area of Cyprus, was completely deprived of any opportunity to express his opinion in the choice of the members of the House of Representatives of the country of which he is a national and where he has always lived.

30. The Court considers that, in the light of the above circumstances, the very essence of the applicant's right to vote, as guaranteed by Article 3 of Protocol No. 1, was impaired. It follows that there has been a violation of that provision[...]

36. The Court considers that, in the instant case, the complaint under Article 14 of the Convention is not a mere restatement of the applicant's complaint under Article 3 of Protocol No. 1. The Court notes that the applicant is a Cypriot national, resident in the government-controlled area of Cyprus. It observes that the difference in treatment in the present case resulted from the very fact that the applicant was a Turkish Cypriot. It emanated from the constitutional provisions regulating the voting rights between members of the Greek-Cypriot and Turkish-Cypriot communities that had become impossible to implement in practice.

37. Although the Court takes note of the Government's arguments, it considers that they cannot justify this difference on reasonable and objective grounds, particularly in the light of the fact that Turkish Cypriots in the applicant's situation are prevented from voting at any parliamentary election.
38. Thus, the Court concludes that there is a clear inequality of treatment in the enjoyment of the right in question, which must be considered a fundamental aspect of the case. There has accordingly been a violation of Article 14 of the Convention taken in conjunction with Article 3 of Protocol No. 1 [...] 

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. Holds that there has been a violation of Article 3 of Protocol No.1;

2. Holds that there has been a violation of Article 14 of the Convention taken in conjunction with Article 3 of Protocol No. 1;

3. Holds that the finding of these violations constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant;

4. Holds

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, EUR 3,500 (three thousand five hundred euros) in respect of costs and expenses, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. Dismisses the remainder of the applicant's claim for just satisfaction."

Voting patterns of settlers from mainland Turkey in northern Cyprus (2005)

- Though mostly for conservative, immigrants from Turkey vote for different parties and candidates
- Political choices dependent on several factors, including class, origin, property ownership and ability to enter job market

PRIO, 12 August 2005:
"In previous chapters, it has been demonstrated that the voting pattern of the 'settlers' (to the extent that the 'settler villages' represent a general tendency among the 'settlers' in general) is not uniform. Though predominantly conservative, the 'settlers' tend to distribute their votes among many parties (and candidates in presidential elections), just like the rest of the electorate.

'Settlers' and the UBP [Ulusal Birlik Partisi (National Unity Party)]

At the beginning of their political journey in Cyprus (from 1981 to 1990), the 'settlers' tended to give less support to the UBP than the rest of the electorate. Later, the UBP increased its support among the 'settler villages', and it has since had a remarkably stable constituency of around 40%. Indeed, support for the UBP fluctuated much more in the 'native villages' and the rest of the population than it did in the 'settler villages'.

However, although the UBP had a stable and substantial following in the 'settler villages', it never achieved the kind of massive electoral victory in these villages that it did elsewhere, most notably
in the ‘native villages’. There was always a majority in the ‘settler villages’ that voted for parties other than the UBP. This was not the case in the ‘native villages’, which allocated a higher share of their votes to the UBP than the ‘settler villages’ in the following elections: 1981, 1985, 1990 and 1998. The highest percentage of support for the UBP in the ‘native villages’ occurred in the 1990 elections (55.8%). It was only in 1993 and after 2003, when the UBP lost ground in the ‘native villages’, that the UBP received a higher level of support in the 26 ‘settler villages’ than in the 53 ‘native’ ones.

Interviews conducted for this study indicate that class, origin, geographical segregation, property ownership and the ability to enter into both mainstream politics and the job market have played significant roles in determining the political alliances of the ‘settlers’.

Most ‘settlers’ came from a rural background. Their level of education was much lower than that of the average Turkish Cypriot (at least in the beginning), and it was difficult for them to obtain any of the privileged government jobs that were offered by the ruling party as part of the ‘patronage system’ set up after 1974.1 On the other hand, as one interviewee said, ‘It was true that we came to Cyprus as an agricultural labour force, but this did not mean that we intended to continue to pick oranges for the rest of our lives’.

The ‘discrimination’ they experienced and their inability to compete in the job market strongly influenced the voting patterns of the ‘settlers’. Interviews conducted for this study suggest that a main focus of discussion among the ‘settlers’ was the treatment meted out to them by the Turkish-Cypriot authorities. Some of them had close social networks. Within these networks, news and rumours of incidents involving an element of ‘discrimination’ would rapidly circulate, and would probably be exaggerated along the way. Such incidents again formed part of the background for the electoral behaviour of the ‘settlers’.

Time and time again, the political elites promised to grant title deeds to the ‘settlers’ for properties in their possession, yet it was only in 1995 that it became possible for ‘settlers’ to purchase or sell any of the property they had been allocated. Until then, they could not even rent it out without the permission of the village muhtar (headman). This uncertainty about property rights contributes to explaining much of the support among ‘settlers’ for the ‘settler parties’ (1981–90) and other opposition parties.

Despite the above-mentioned complaints, the fact that the support from the ‘settler villages’ for the UBP, the main representative of the established order in northern Cyprus, never dropped below 23% calls for some explanation. In general, the UBP has tended to identify with Turkey and with the concept of a larger Turkish nation that includes the ‘Turks in Cyprus’, while opposition parties have been more inclined towards a predominantly Cypriot identity. The ‘settlers’ may have found the idea of being part of a larger ‘Turkish community’ easier to swallow than the prospect of being integrated within a Cypriot or northern-Cypriot nation. This could help explain why a substantial part of the electorate in the ‘settler villages’ has always supported the UBP. After 1990, the UBP managed to increase its vote to around 40% and to sustain it at that level in the ‘settler villages’. One possible reason for this is the ‘involvement’ policy adopted by the UBP in relation to the ‘settlers’ since 1990. Under this policy, quotas were allocated to ‘settler’ candidates (or candidates likely to be favoured by this group) and policies were developed to help bring the ‘settlers’ into the ‘system’. It is true that the majority of the ‘settlers’ continued to complain about the way in which the UBP distributed favours, but a considerable number of them also benefited from such favours.

As for their continued support for the UBP in the 2003 and 2005 elections, this may partly be explained by the emergence of the Annan Plan. Most of the inhabitants of the ‘settler villages’ would have lost out as a result of implementation of the Plan, as they invariably inhabit Greek Cypriot properties that they would have had to evacuate or purchase back from the Property Board that was to be set up under the Plan to deal with affected properties.3 The ‘settlers’ are
mostly small farmers who could not afford to buy the land they are currently using, and they are cultivating land that would have had to have been returned to its pre-1974 owners or other purchasers [...]

The campaign conducted against the Annan Plan in northern Cyprus also probably played a big role in fostering suspicions among a large part of the ‘settler population’. Those who campaigned against the plan (and appeared regularly on national television) repeatedly stated that if the plan were implemented, a majority of the ‘settlers’ would be repatriated. Given that some of them had invested 30 years of their lives and their most productive years in Cyprus, it was only to be expected that this sort of information – or, more often, misinformation – would create negative feelings among them. The strong scepticism among the ‘settlers’ towards the Annan Plan undoubtedly contributed to the lower level of support for the opposition parties in the 2003 elections in places with large ‘settler’ populations. That scepticism was apparently partly dispelled by the time of the 24 April 2004 referendum, however, as demonstrated by the 44% ‘yes’ vote of the ‘settler villages’ [...]

‘Settlers’ and the Democratic Party

As a result of the merge of the New Birth Party (YDP) and the Democratic Party (DP) in the run-up to the 1993 elections, a considerable number of the votes from the ‘settler villages’ went to the DP (43.8%). As can be seen in Figure 10, the percentage of the votes for the DP in the 26 ‘settler villages’ is much higher than in the ‘native villages’ (almost double). It should also be noted that ‘settler’ support for the DP was not only due to loyalty to the ‘settler party’ – the YDP. The DP was created in order to oust the UBP from power, since the latter had allegedly become ‘authoritarian’ and ‘corrupt’. The DP also subscribed to the need for international recognition of Turkish-Cypriot sovereignty.

Given that the left-wing parties made hardly any effort (apart from in 1990) to take advantage of the disenchantment among the ‘settlers’ in order to overthrow the governing UBP, there was no difficulty in redirecting the traditional ‘settler’ opposition votes to the DP. However, since the 1998 general elections, support for the DP within the selected ‘settler villages’ has been in decline. In the last two elections, the support of the ‘settler villages’ for the DP was down to around 26%. Interestingly enough, in these elections the CTP substantially increased its support within the ‘settler villages’ to 22%. This could be described as a marked success, since in 1998 the CTP received only 3.6% of the votes in these villages, and in 2003 14% [...]

‘Settlers’ and the Left

As noted earlier, of the present Turkish-Cypriot parties, the CTP is the only one that existed before 1974. Founded as a left-wing party, it traditionally had a close relationship with the Greek-Cypriot AKEL. Like AKEL, the CTP was against the island’s use as a military base by the ‘imperialists’. The TKP, another left-wing party, was established in 1976. This party’s strongest support originally came from the Teachers Union (KTÖS), which was formed at the end of 1968 and which, together with the CTP, declared a ‘struggle’ against the Turkish-Cypriot administration in the early 1970s. The left-wing opposition’s criticism of the Turkish-Cypriot administration was reflected in the name they gave it: ‘the BEY’ – an acronym that stood for the Turkish words ‘Bayraktarlık’ (the authority that governed the Turkish Defence Organization, the TMT), ‘Elçilik’ (the Turkish embassy in Nicosia) and ‘Yönetim’ (the Turkish-Cypriot administration).

The ‘settlers’ who came to Cyprus after 1974 had no historical affiliation with these parties at all, and the latter made no efforts to win their support. Yet, the ‘settlers’ did include a number of socialists, though with different backgrounds. Significantly, in 1981, a substantial number of these left-wing ‘settlers’ supported the TKP, which consequently received 17% of the ‘settler’ vote. This support, however, was short-lived.
As for the relatively low level of support for the CTP in the early years (1981, 1985), this was partly due to the exclusion of the ‘settlers’ from the state-run labour market. Their inability to get into the ‘system’ also prevented them from fully participating in the trade union movement, which was mobilizing votes for the left-wing parties. On the one hand, the UBP controlled the state and was securing voter support by distributing ‘favourites’. On the other hand, it was creating its own opposition through its inability to prevent the strengthening of the unions and its failure to prevent the unions from mobilizing votes for the left-wing parties.

The other main reason for the initial low level of ‘settler’ support for the CTP must be seen in the light of the fact that the party has traditionally been among the most vocal critics of Turkish immigration. In particular, former leader of the party Özker Özgür was outspoken in his views on the issue. He made numerous statements criticizing the immigration taking place. For example, in an interview recorded in 1986, he claimed:

In the place of our people who flee abroad to earn their living, people come from Turkey under the name of ‘labour force’. This labour force is turned into a vote force for conservative, chauvinistically oriented politicians.... We are faced with the danger of becoming a minority in northern Cyprus ... foreigners in our own homeland.

It has been established in numerous studies that, in times of economic crisis, members of a country’s majority group are more likely to feel threatened by minorities, especially if the latter are foreign. The size of an immigrant group is an important determinant of the level of resentment directed at it: the larger the size of the immigrant grouping, the greater the perceived threat in terms of competition for existing jobs.

Another possible reason for the left-wing parties’ reluctance to embrace the ‘settlers’ was a lack of information concerning their numbers. However, rather than trying to establish the truth about the size of the ‘settler population’ in northern Cyprus, left-wing parties in the north were content to carry on doing politics based on grossly and deliberately exaggerated figures. Political parties often try to increase their constituency by demonizing their rivals. Once an electorate is convinced that the ruling party is being kept in power by a resented ‘other’, it can be easily convinced that the only way to overthrow the ruling party – which it now regards as the ‘agent’ of the resented group – is to support the party that has a clear stance against the ‘other’.

Interestingly, and perhaps temporarily, in 1990 ‘settlers’ were no longer perceived by the left-wing CTP and TKP as ‘agents’ of the incumbent regime, but rather as potential allies. This shift was triggered by increasing discontent among ‘settlers’ towards Denktas and the UBP – something further highlighted by the YDP’s continuous campaign against the status quo (beginning in 1987). In order to change the electoral system before the 1990 elections, the CTP and the TKP sought to form an alliance with the YDP, the ‘settler party’, and together formed the Democratic Struggle Party. A majority in the ‘settler villages’ supported this alliance (58%), which was created to overthrow the UBP. This time, it was a majority in the ‘native villages’ that voted to keep the UBP in power [...]

Examination of the voting patterns for selected ‘settler villages’ reveals that the ‘settlers’ were no more pro-UBP (until 2003) than ‘native voters’. The percentage of people in the ‘settler villages’ who have not voted for the former conservative ruling party, the UBP, is fairly high, ranging from 55% to 66%. It is important to note that the opposition to the UBP was not initially aligned with the CTP but rather with particular ‘settler parties’ or social-democratic parties (the TBP, the DHP and the TKP in 1981; the YDP and the DHP in 1985), and in 1990 the ‘settlers’ aligned themselves with the YDP, the TKP and the CTP under the umbrella party of the DMP, and later with other centrist or conservative parties (mainly the DP). Another important – even surprising – finding of this report is the growing level of support for the CTP among the selected ‘settler villages’ in the two most recent elections."
Turkish Cypriot concern with Annan Plan on voting (2005)

- Turkish Cypriots were concerned voting rights proposed in Annan plan would lead to political imbalance

*TESEV, 30 April 2005:*
"One Turkish Cypriot concern here was connected with political rights, particularly voting rights. In the federal state level elections all Cypriot citizens would vote for the constituent state they belong to, regardless of their place of residence. The exercise of voting rights at the constituent state and local levels was based on permanent residency rather than on constituent state citizenship. This provision caused some worry on the Turkish Cypriot side as the Greek Cypriots residing in the Turkish Cypriot State could vote at local and constituent state levels for Greek Cypriot candidates leading to political imbalance [...]"

Associations of displaced communities assert their right to return (2007)

- Petition for the return of Famagusta to its original residents signed by 9,600 people and sent to UN Security Council and other leaders that may be able to influence Cypriot leaders
- Association of communities in exile regroup residents of displaced villages or towns in Cyprus and abroad
- They sponsor cultural events and organize protest marches along the "green line"
- Several associations of displaced communities protest against the Turkish occupation and the presence of Turkish settlers
- Other activities suggest that displaced communities will remain in the south even if the right to return to the north is restored

*CYSO ISCHYS, 14 August 2007:*
"CYSO ISCHYS, the most influential youth NGO in Cyprus, ran the Global Campaign for the Return of Varosha to its Lawful Inhabitants, displaced by force in 1974, on this website. The Campaign ended on August 14, 2007, on the same day that in 1974 Famagusta/Varosha was taken by the Turkish troops in the second phase of their barbaric invasion on the island.

The Campaign gathered a total of 9,600 signatories supporting its claim, originating from thirty different countries and five continents. The signatories endorsed the following statement:


Who will be receiving the signatures and when?

The following will be receiving the above statement, along with the 9,600 signatures endorsing it before the end of this year:

The Heads of Government of the Five Permanent Members of the UN Security Council:

The President of the United States of America
The Prime Minister of the United Kingdom
The President of the French Republic
The President of the Russian Federation
The President of the People's Republic of China
and:

The Prime Minister of the Republic of Turkey
The Secretary-General of the United Nations
The President of the European Commission
The President of the Council of the EU
The President of the European Parliament
The above are all persons that by a positive action can create the momentum for our petition's goal. The Turkish Prime Minister, currently Mr. R.T. Erdogan, can virtually carry out the goal of our petition, as it is Turkey that has occupied the north part of Cyprus since 1974, including Famagusta.

Finally, the following will also receive the petition:

The Prime Minister of the Hellenic Republic
The President of the Republic of Cyprus
The leader of the Turkish Cypriot community


...5. Considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations..."

Neack December 2002, pp. 75-76:
"Within Cypriot civil society, the refugees maintain their identification through refugee associations. These associations keep track of members of the old towns and villages both in Cyprus and abroad in the expatriate communities located primarily in Britain, Australia, New Zealand, and to a lesser degree, the United States. The associations sponsor cultural and sporting events aimed at continuing old social networks and organize protest marches along the 'green line' dividing the capital city of Nicosia. The refugee associations also engage in some activities that suggest that they will maintain a more permanent presence in the south even if the right of return is guaranteed. For instance, the refugees of Ayios Epiktitos, a village in the valuable Kyrenia district in the occupied north, have built a church that replicates the one they left behind.

The refugee associations also engage in large public education campaigns, such as the Occupied Cyprus Project online. As part of this project, refugee associations and second-generation refugees display vivid testimonials to pre-invasion Cyprus, voice their demand for an end to the Turkish occupation, and maintain unwavering support for their right of return. More than two dozen village sites show and tell the same essential stories in pictures of missing men from 1974 as well as pictures of the webmasters' parents and grandparents in happier times. There are also pictures of home villages and towns before they were 'Turkified' by the 'barbarians.' One of the most consistent expressions of outrage concerns destruction by the Turks of Greek antiquities and religious buildings and shrines.

The refugee association Web sites are quick to blame Turks for the division of Cyprus and for the denial of Greek Cypriot rights, but much less is said about Turkish Cypriots. Indeed, the government and refugee groups say the 'Cyprus issue' was created by Turkey, and that the continued Turkish presence in the north is as harmful to Turkish as to Greek Cypriots.

The refugee associations insist that Turkish troops and settlers must leave Cyprus. The Lobby for Cyprus, an expat lobbying group in Britain, has proposed that a one-time payment be made to the
settlers to help them repatriate. Beyond this, they are adamant in their calls for the removal of the settlers.

But Turkish Cypriots are treated differently. News stories consistently feature statistics about the outmigration of Turkish Cypriots from the occupied territories."

See for instance Lobby for Cyprus

Greek Cypriots displaced to the south want titles for their current houses (2007)

- Greek Cypriots living in the south on abandoned Turkish Cypriot property want titles for their houses

Turkish Cypriot Human Rights Foundation, 25 October 2007:
"Greek Cypriot Refugees are now pressurizing their government to give them title deeds to the residences they have been occupying for over 30 years. The Greek Cypriot government has a dilemma in this matter in that if they do so, it would be a contradiction of their assertion that property rights across the island remain as at 1974."

Additional information on this topic could not be found within the time constraints of this profile update.
DOCUMENTATION NEEDS AND CITIZENSHIP

General

Turkish Cypriots receive Cypriot documentation, though some encounter difficulty (2007)

- Republic of Cyprus issued over 87,000 birth certificates, 71,000 identity cards and 43,000 passports to Turkish Cypriot citizens of the Republic of Cyprus
- However, some Turkish Cypriots living in the south face difficulty obtaining personal documentation
- UN assists Turkish Cypriots to receive such documentation

US DOS, 6 March 2007:
"[...] Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation [...]"

UN Security Council, 4 June 2007:
"UNFICYP continued to assist Turkish Cypriots living in the south in obtaining identity documents, housing, welfare services, medical care, employment and education [...]"

COE, 27 October 2006:
"(3) It should also be noted that as a consequence of Cyprus’ accession to the European Union on 1 May 2004 and the opening of the crossing points along the Green Line, a large number of Turkish Cypriots have applied to the Ministry of the Interior (District Administration Offices) to be issued with birth certificates, identity cards and passports of the Republic.

(4) The table below shows the number of the Turkish Cypriots who were holders of birth certificates, identity cards and passports before 1.5.2004 and the number of Turkish Cypriots who obtained the said documents since 1.5.2004.

Official Documents Issued to Turkish Cypriot Citizens of the Republic
(Birth Certificates, Identity Cards and Passports)

<table>
<thead>
<tr>
<th></th>
<th>Before Cyprus’ Accession to the EU</th>
<th>From 1.5.2004 - 27.9.2006</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth Certificates</td>
<td>51019</td>
<td>Birth Certificates 36,496</td>
<td>87,515</td>
</tr>
<tr>
<td>Identity Cards</td>
<td>36,759</td>
<td>Identity Cards 34,311</td>
<td>71,070</td>
</tr>
<tr>
<td>Passports</td>
<td>17,540</td>
<td>Passports 25,500</td>
<td>43,040</td>
</tr>
</tbody>
</table>

COE, 16 May 2006:
"[...] ECRI is pleased to note that the Cypriot authorities have provided some 35,000 Turkish Cypriot citizens with passports and have issued to them around 60,000 identity cards and 75,000 birth certificates [...]"
Discriminatory inheritance of 'refugee' status (2006)

- Children inherit 'refugee' status only from fathers with 'refugee' status, not from mothers with 'refugee' status
- Cypriot Ombudswoman views the legislation governing this inheritance as discriminatory

UN Convention on the Elimination of Discrimination against Women, 30 May 2006:
"31. The Committee is concerned about the particular circumstances of women belonging to different groups of vulnerable people, including refugees, asylumseekers, displaced persons and disabled people and notes that, despite de jure equality, women belonging to these groups are at risk of multiple discrimination and sometimes encounter significant discrimination because of stereotypical attitudes, as well as difficulties in accessing social services and obtaining employment commensurate with their education and skills.

32. The Committee encourages the State party to incorporate a gender perspective in all government policies that target these groups. It also encourages the State party to collect sex-disaggregated data and conduct indepth gender-sensitive research and to give a clearer picture of, and more visibility to the de facto situation of women belonging to these groups in the next periodic report. The Committee also urges the State party to eliminate the legal discrimination against children born to displaced mothers in acquiring the status of displaced person, particularly in light of the Ombudswoman's view that the existing legislation constitutes discrimination."

Mediterranean Institute of Gender Studies, 26 May 2006:
"The Mediterranean Institute of Gender Studies [MIGS] welcomes the efforts of the Committee for Refugees of the Cyprus Parliament and the Minister of Interior Neoclis Silikiotis to take measures to reduce the discrimination suffered by the children of displaced women. However, MIGS maintains that the recommended measures fallshort of eliminating this discrimination as the government is willing to recognize the children of displaced women as refugees in their own right but without bestowing upon them the right to housing and other benefits.

The measures proposed are only partly corrective, and continue to violate the principle of equality that is protected by the Cyprus Constitution as well as the UN Convention for the Elimination of All Forms of Discrimination against Women [CEDAW] of which Cyprus is a signatory. CEDAW, adopted by the UN in 1979, is one of the most highly ratified international human rights conventions, having the support of 182 countries."
During the 35th CEDAW Session on 26th May 2006, whereby the Cyprus government presented to the Committee the measures it has taken to identify and eliminate discrimination against women and bring about equality, the Committee stressed that “the situation of displaced women should not be an exception to the principle of gender equality, and that the provision that granted the status of displaced persons only to children of displaced fathers discriminated against both mothers and children.” In its Concluding Comments the Committee urged the Cyprus government to take appropriate measures “to eliminate the legal discrimination against children born to displaced mothers in acquiring the status of a displaced person, particularly in light of the Ombudswoman’s view that the existing legislation constitutes discrimination”. MIGS was also present during the 35th CEDAW Session and wrote the shadow report that can be found on www.medinstgenderstudies.org/?p=30.

The resulting monetary cost to the government cannot be considered a valid argument for the continuation of any form of discrimination. The recognition of the status of displaced person to children of displaced women without the ensuing benefits, effectively establishes two categories of displaced persons solely based on the gender of their displaced parent. Article 28 of the Cyprus Constitution that regulates equality and non-discrimination states that “All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby…Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex,….. or on any ground whatsoever, unless there is express provision to the contrary in this Constitution”.

Furthermore, the Commissioner for Administration, in her 2006 report on this issue, stated that “the recognition of the status of displaced persons, in consideration of the events of 1974, constitutes a primary ethical obligation of the state …” and continues to demonstrate that the solution does not lie in the appearance of equality without the associated benefits. The Commissioner stresses that “for the purpose of the acquisition of benefits, the government could adopt other more general and objective criteria that would not violate the principles of equality and non-discrimination. In this way, categorization would be considered favourable provided that the concept of refugee of 1974, that directly bore the effects of the invasion, is not identified to the full extent with the second and third generation refugee”.

The Mediterranean Institute of Gender Studies emphasizes that the present legal framework on the recognition of refugee status as well as in the acquisition of benefits from such recognition, establishes and perpetuates an unjustified and unacceptable gender-based discrimination. The Institute strongly urges the government to take the necessary measures to eliminate this discrimination against children of displaced mothers.”

*For additional women on the treatment of women in Cyprus generally, see The Mediterranean Institute of Gender Studies*’ Shadow Report for the UN Committee for the Elimination of Discrimination against Women.
ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

Family unity

Efforts to solve the issue of missing persons continue (2007)

- Some 1500 Greek Cypriots and 500 Turkish Cypriots are registered as missing persons as a result of inter-communal violence in 1960s and onward
- The Committee on Missing Persons in Cyprus (CMP) was set up in 1981, but after a long period of inactivity reconvened in 2004
- The Committee for Missing Persons launched its project on the exhumation, identification and return of remains of missing persons in 2006
- Towards the end of 2007, more than 200 remains had been exhumed on both sides of the buffer zone and more than 30 had been identified and were ready to be handed over to the concerned relatives

Background to the missing persons issue

BBC, 14 December 2006:
"Many Greek Cypriot and Turkish Cypriots who were killed in the fighting that went on from the 1960s, and particularly after the Turkish invasion of 1974, were hurriedly buried in mass graves where they fell. For years their relatives could not even visit these unmarked sites, lying as they did on the wrong side of the communal divide.

The UN plan is to firmly identify the missing. A committee, the first where Turkish and Greek Cypriots sit side by side, is in charge. They are opening up the mass graves, matching the bones against the DNA of relatives, and reburying them on "their" side of the border.

As the many responses to my diary last week eloquently display, there is a strong desire in both communities to identify the behaviour of the other side as the root cause of the trouble and to apportion blame for the past violence. The UN's purpose is quite the reverse, to help people to mourn their loss and perhaps to forgive."

BBC, 21 November 2006:
"[...] Some 1,500 Greek Cypriots and 500 Turkish Cypriots are officially registered as missing on Cyprus, never seen since fighting broke out between the two communities in the 1960s.

Marios was 10 years old when his own father disappeared. He still remembers very clearly how Turkish troops entered his village in August 1974 and separated the men from the women and children. Nikos Kouloumas was taken away and never returned.

"If we don't find a solution to this problem we can never live together as before," Marios believes.

"We always ask about the fate of our people and we will never stop. If the United Nations wants a solution on Cyprus, they have to find solution to this matter first. They have to close the wound."

The UN established a Committee on Missing Persons in 1981 to investigate the fate of the disappeared. In 25 years no family has received an explanation.
In a prefabricated laboratory built in the buffer zone that still divides the two communities, a team of scientists is finally searching for answers. Evidence is cross-checked with relatives before DNA testing begins.

They have begun excavating mass graves all over Cyprus, led there by those who actually saw what happened.

Some of the first bones to be recovered have been reassembled into partial skeletons, laid out on white tables in the laboratory.

"We are trying to gather as much information as possible to help identify the remains," explains scientist Oran Finnegan. "That is more complicated at some sites where bodies were thrown on top of one another.

"First we have to piece the bones together, like a jigsaw. Then if we have any information about an old fracture, or dental work - we can narrow down the work of the DNA lab."

Samples will soon be sent to a separate lab for DNA testing - the final stage of identification. But first any evidence that can be gleaned from the skeletons or the grave is cross-checked against data provided by relatives.

Some files are incredibly detailed, down to the brand of a watch or the colour of someone's socks.

The team carrying out this delicate task is a combination of Greek and Turkish Cypriot scientists, working alongside international experts. It is the only official joint project on the divided island that is actually working [...]

**Work of the Committee on Missing Persons**

**UN, 3 July 2006:**

"The third and final member of the Committee on Missing Persons in Cyprus today officially took up his duties at a ceremony in the United Nation Protected Area, part of an effort to resolve some of the consequences of the conflict between Greek Cypriots and Turkish Cypriots on the Mediterranean island.

Christophe Girod, the senior International Red Cross official in Washington, joins two Cypriot members on the Committee entrusted with the exhumation, identification and return of remains of missing persons from a dispute that spans more than four decades [...]

**UN, 12 July 2007:**

""The Committee shall look only into cases of persons reported missing in the inter-communal fighting as well as in the events of July 1974 and afterwards.” (Article 7, Terms of Reference of the Committee on Missing Persons in Cyprus).

As a result of the violence generated during those times, a total of 502 Turkish Cypriots and 1493 Greek Cypriots were officially reported as missing by both communities to the Committee on Missing Persons in Cyprus (CMP). Following a number of recent identifications, the total number of missing Greek Cypriots currently stands at 1468 [...]

The CMP is composed of a Member appointed by each of the two communities and a Third Member, selected by the International Committee of the Red Cross and appointed by the
Secretary-General of the United Nations. CMP decisions are taken by consensus. The chair is rotated monthly.

The mandate of the CMP is to establish the fate of missing persons. The Committee does not attempt to establish the cause of death or attribute responsibility for the death of missing persons (Article 11, CMP Terms of Reference).

The 31 July 1997 Agreement between the leaders of both communities, provides for the exchange of information regarding known burial sites and the return of remains of Greek Cypriot and Turkish Cypriot missing persons [...] 

The objective of this project is, within the framework of the mandate of the CMP, to exhume, identify and return remains of people listed as missing as a consequence of the tragic events of 1963-1964 and 1974. This will enable relatives of the victims to recover the remains of their loved ones, arrange for a proper burial and close a long period of anguish and uncertainty. It is hoped that the healing of old wounds will in turn favour the overall process of reconciliation between both communities. The latter will be further encouraged by the bi-communal nature of the project, which involves the important participation of bi-communal scientific teams at all its stages.

This project reflects the positive spirit which exists within the CMP since it resumed its activities in 2004, as well as its determination to investigate and establish the fate of some 2,000 missing persons – using various scientific disciplines – by locating, exhuming and finally identifying their remains.

The project includes an Archaeological Phase (Phase I), related to the exhumation of the remains of missing persons, an Anthropological Phase (Phase II), related to the analyses of the recovered remains in the CMP’s anthropological laboratory, and a Genetic Phase (Phase III), related to the comparison of blood samples collected from the victims’ families with samples from the remains, in order to identify them. It also provides for the Return of Remains (Phase IV), aiming at helping families of both communities cope with the difficult task of coming to terms with their loss.

The entire project is carried out by bi-communal teams of Greek Cypriot and Turkish Cypriot scientists.

Collecting blood from relatives of missing persons

The Turkish Cypriot laboratory (Dr. Burhan Nalbantoglu Hospital in Nicosia) involved in DNA extraction is about to finalise the collection of blood samples from relatives of the Turkish Cypriot missing persons for identification purposes.

The DNA profiles extracted from these blood samples were transferred to the Laboratory of Forensic Genetics at the CING, which is carrying out the DNA identification process.

The blood samples of the relatives of the Greek Cypriot missing persons were collected and completed a few years ago and are already at the CING.

Exhumation

To date, the remains of over 315 individuals have been exhumed from different burial sites located across the island.

Exhumations are carried out by a bi-communal team of twelve archaeologists and anthropologists who are working on both sides of the buffer zone under the general supervision and coordination of international experts from EAAF.
The CMP anthropological laboratory, located within the United Nations Protected Area (Old Nicosia Airport), has been operational since August 2006.

To date, the anthropological laboratory has analysed the remains of more than 210 individuals in an attempt to reach tentative identifications before bone samples are sent to the DNA laboratory.

**DNA analysis**

DNA profiles extracted from samples taken from skeletal remains are compared with the DNA profiles extracted from blood samples of the relatives of the missing persons.

The DNA identification process is being carried out by a bi-communal team of scientists in the Laboratory of Forensic Genetics at the Cyprus Institute of Neurology and Genetics (CING) in Nicosia. The process began at the beginning of April 2007 and yielded its first positive identifications at the end of June.

**Identification process**

The positive and formal identification of the remains of a missing person is reached when the DNA identification process is conclusive and corroborated by the anthropological analysis.

To date, 28 remains of individuals exhumed within the framework of the CMP project have been identified through this process.

**Return of Remains of Missing Persons**

The first positive identifications were reached at the end of June.

The families concerned were notified of the death of their missing relatives and the remains of the identified individuals were returned to them.

The funerals for the identified individuals are left to the family to organize, with the financial and, if need be, practical support of the CMP.

There is a team of psychologists from each community that provides psychosocial support to family members should they require or ask for it.

**Republic of Cyprus, 5 October 2007:**

"Identification process begins"

The CMP announced, on 3 April 2007, the launch of the genetic identification phase of its Project on the Exhumation, Identification and Return of Remains of missing persons and expressed hope that the first identified remains of missing persons would be returned to their relatives by the end of Spring 2007.

**Identified remains of 28 missing persons to be returned to relatives**

The Committee on Missing Persons in Cyprus (CMP) announced on 2 July 2007 that the remains of 28 missing persons, both Greek Cypriots and Turkish Cypriots, had been identified by the Laboratory of Forensic Genetics of the Cyprus Institute of Neurology and Genetics and the CMP Anthropological Laboratory. The work in both laboratories was carried out by bi-communal teams.
of scientists, read the announcement. The CMP further said that the families concerned, with whom all arrangements would be made regarding the eventual return of their loved ones, would be personally notified by the CMP members."

**UN General Assembly, 9 March 2007:**
"[...] 14. Political will has been demonstrated by all concerned with regard to the settlement of the issue of missing persons within the context of the Committee on Missing Persons (CMP), notably since its meeting of 3 July 2006. In its resolution 1728 (2006) of 15 December 2006, the Security Council, reiterating its call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness, welcomed progress made since the resumption of CMP activities and the appointment of a third member of the Committee, who officially took up his duties in July 2006.

15. CMP has now launched its project on the exhumation, identification and return of remains of missing persons, which is expected to last several years. As of 28 December 2006, 174 remains have been exhumed on both sides of the Green Line. Following the final DNA identification process, the first sets of remains are expected to be handed over to the concerned relatives during the first half of 2007.

16. In 2007 CMP will also resume its investigations into the fate of the missing persons beyond what the exhumation and identification process will yield. In the Cyprus v. Turkey case, in their 982nd meeting on 6 December 2006 regarding the issue of missing persons, the Committee of Ministers of the Council of Europe recalled the urgency of obtaining concrete and conclusive results, respecting the requirements of effective investigations stemming from the judgement of the Court both within the framework of the CMP work and by any other appropriate means and took note of the commitment by the Turkish authorities to keep them regularly informed of progress achieved. However, no information has been received regarding the additional measures required, since the present mandate of CMP does not allow it to address all the aspects of such "effective investigations"."

**UN Security Council, 1 December 2006:**
"37. In July, the new member of the Committee on Missing Persons in Cyprus Christophe Girod, officially took up his duties on the island. Following the Committee meeting of 3 July, which was attended by the leaders of both communities, favourable political will has been demonstrated by all concerned with regard to the issue of missing persons in Cyprus.

38. The Committee launched its project on the exhumation, identification and return of the remains of missing persons late in August. Intrinsic to the project is its bi-communal structure. Supported by a small team of international experts, both Greek Cypriot and Turkish Cypriot scientists are participating in exhumations and the identification process in the Committee’s anthropological laboratory located in the United Nations Protected Area in Nicosia. The final DNA identification phase, due to begin before the end of the year, will be carried out at a local forensic laboratory by another bi-communal team of scientists.

39. The project is currently financed by voluntary contributions from Cypriot and other sources, including Member States. The Committee is continuing its fundraising efforts."

**UN Security Council, 4 June 2007:**
"40. During the reporting period, the Committee on Missing Persons in Cyprus pursued its project on the exhumation, identification and return of remains in Cyprus, launched in August 2006. To date, the remains of over 250 individuals have been exhumed from sites on both sides of the buffer zone. Approximately 150 have undergone examination at the Committee’s anthropological laboratory in the United Nations Protected Area in Nicosia. At the beginning of April, the first bone
samples were sent to the DNA laboratory for formal identification. It is expected that the process of returning remains of missing individuals to their families will begin in June.

41. The project on the exhumation, identification and return of remains in Cyprus, which is entirely bicommunal in character, continues to benefit from broad political and public support. The above-mentioned opinion poll shows that almost all Greek Cypriots and a strong majority of Turkish Cypriots believe that the process of exhumation and identification of remains is essential to resolving the issue of missing persons [...]"

Financial Mirror, 28 September 2007:
"A bicommunal team of scientists is continuing the search for the remains of Turkish Cypriot missing persons, who disappeared in the 1964 period.

The team, working under the guidance of foreign specialists from the EAAF Argentinean group of scientists, is excavating a specific well in Parisinos area in Nicosia, where remains have already been found and are believed to belong to Turkish Cypriot missing persons.

The Greek Cypriot member of the Committee for Missing Persons (CMP) Elias Georgiades told CNA that excavations are also being carried out in Gerasa village and will continue in Palekythro village, while a new excavation will begin in Kyrenia area in early October.

Replying to questions, Georgiades said excavations in Parisinos area had resumed and "bones have already been found, probably belonging to Turkish Cypriots who disappeared in 1964."

Council of Europe, 4 April 2007:
"Issue of missing persons

Stressing that the Court noted in particular the continuing absence of effective investigations into the fate of missing Greek Cypriots, as well as the silence of the Turkish authorities in the face of the real concerns of the relatives of missing persons (continuing violation of Articles 2, 3 and 5 of the Convention);

Recalling in this respect that, after a long period of inactivity, the Committee on Missing Persons in Cyprus (CMP), set up in 1981 under the aegis of the United Nations, was reactivated at the end of August of 2004 and that a special information unit has been set up for families within the Office of the Turkish Cypriot member of the CMP;

Noting with satisfaction in this context that, in the framework of the Exhumation and Identification Programme, launched in August 2006 under the auspices of the CMP, exhumations have been performed all over Cyprus and anthropological analysis of remains found is being conducted in an anthropological laboratory established in the buffer zone, for purposes of identification of those remains;

Recalling however once again, that the Court found that “although the CMP’s procedures are undoubtedly useful for the humanitarian purpose for which they were established, they are not of themselves sufficient to meet the standard of an effective investigation required by Article 2 of the Convention, especially in view of the narrow scope of that body’s investigations” (§135 of the judgment) and its territorial jurisdiction, which is limited to the island of Cyprus (§27 of the judgment);

Noting that the CMP has the mandate to draw up an exhaustive list of missing persons of both communities, to determine whether they are alive or dead, and, in the latter case, determine the approximate date of their deaths;
Welcoming the concrete measures taken in the framework of this mandate, and in particular through the aforementioned Exhumation and Identification Programme, which clearly evidence a positive development in the execution of the present judgment;

Recalling however that additional measures are required in order to ensure full compliance with the Court’s judgment as regards the requirements of effective investigations, aimed at clarifying the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances or of whom there is an arguable claim that they were in custody when they disappeared, and regretting that, since the adoption of the first Interim Resolution in this case, Turkey has furnished no information in this respect;

Emphasising again the urgency of this issue,

WELCOMES the progress achieved in the work of the CMP, and in particular through the Exhumation and Identification Programme, and encourages the continuation of the efforts so far deployed;

CALLS UPON Turkey, however, to rapidly provide information on additional measures required to ensure the effective investigations called for by the Court’s judgment [...]
Noting that the CMP was created with the sole mandate to:

- draw up an exhaustive list of missing persons of both communities and
- determine whether they are alive or dead, and, in the latter case, determine the approximate date of their deaths;

Considering that concrete results obtained in the framework of this mandate can constitute a positive development in the execution of the present judgment, but that further measures are in any event required in order to comply fully with the requirements of the Convention concerning effective investigations, aimed at clarifying the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances or of whom there is an arguable claim that they were in custody when they disappeared;

Emphasising the urgency of this issue;

Noting with concern that the first exhumations conducted in northern Cyprus have not as yet yielded concrete results,

INVITES Turkey to ensure that its contribution to the work of the CMP facilitates the achievement of concrete and convincing results;

CONSiders that, should such results not be achieved in the near future, it will be incumbent on Turkey to take other measures to enable the fate of missing persons to be determined;

CAlls upon Turkey, in any event, to envisage the necessary further measures so that the effective investigations required by the Court's judgment can be conducted as soon as possible [...]

UN Commission on Human Rights, 9 March 2005:
"[...] 22. For the first time in nearly five years, the Committee on Missing Persons in Cyprus (CMP) convened on 30 August 2004 at the Ledra Palace. According to a press release issued by the Committee on 30 August 2004, the Greek Cypriot member of the CMP, Elias Georgiades, and the Turkish Cypriot Member, Rustem Tatar, reconfirmed their full commitment to the ultimate goal of resolving the humanitarian issue that equally affects the families in both communities.

23. From 24 September until the end of October 2004, the CMP continued to work intensively, meeting at least once or twice every week. At the end of its meeting on 25 October 2004, the Committee stated in a press release that "it reached an agreement in principle with the INFORCE Foundation, a non-profit forensic science organization based in the United Kingdom, to undertake exhumation work in Cyprus". The Committee "is currently preparing relevant information for submission to INFORCE to assist it in the detailed planning of the exhumation work to be undertaken", adding that "a comprehensive budget for the project is expected from this institution to enable the CMP to conclude its agreement with INFORCE". It concluded that "after finalization of the agreement with INFORCE, this foundation is expected to commence survey work on the burial sites, in preparation for exhumations and identification of Greek Cypriot and Turkish Cypriot missing persons in Cyprus"."

BBC, 3 July 2006:
"The President of Cyprus, Tassos Papadopoulos, has met Turkish Cypriot leader Mehmet Ali Talat for the first time in two years. The talks focused on the fate of some 1,500 people officially classed as missing on the divided island."
There has been no direct contact between the two leaders since Greek Cypriots rejected UN-backed proposals to reunite Cyprus in April 2004. Diplomats hope the talks might pave the way for further high-level contacts.

But Monday's encounter was brief - just over an hour - and no further meetings were announced. Mr Talat described the talks as "good and sincere".

Cyprus has been split into the Greek Cypriot-controlled south and the Turkish-occupied north since Turkey invaded in 1974, in the wake of an abortive coup by supporters of union with Greece.

Mr Papadopoulos and Mr Talat met at a UN compound in the divided capital Nicosia to mark the resumption of efforts to locate the remains of the people officially classed as missing.

Nearly all of them were killed either at the time of the Turkish invasion or in the sporadic outbreaks of ethnic violence that preceded it.

The two leaders say their initiative is solely humanitarian."

See also the May 2006 UN Secretary General's report on the UN operation in Cyprus.

See also existing agreements and resolutions on missing persons [Internet]

European Court of Human Rights confirms violation of human rights of missing persons and their relatives (May 2001)

- Authorities in northern Cyprus have failed to conduct an effective investigation into cases of Greek Cypriot missing persons, according to the European Court

ECHR, 10 May 2001:
"The Court, unanimously, found that there had been no violation of Article 2 by reason of an alleged violation of a substantive obligation under that Article in respect of any of the missing persons. The evidence before it did not substantiate to the required standard that any of the missing persons were killed in circumstances engaging the respondent State's liability.

On the other hand, the Court found, that by sixteen votes to one, that there had been a continuing violation of Article 2 on account of 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.

[...]

Although it found, unanimously, that it had not been established that, during the period under consideration, any of the missing persons were actually in detention, the Court ruled, by sixteen votes to one, that there had been a continuing violation of Article 5 by virtue of the failure of this authorities of the respondent State 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.

As to the relatives of the Greek-Cypriot missing persons, the Court held, by sixteen votes to one, that there had been a continuing violation of Article 2. In the Court's opinion, the silence of the authorities of the respondent State in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment."
Maintenance of religious and cultural items and sites of significance (2007)

- Communities on both sides of the buffer zone appeal to the UN for requests involving religious and cultural items and sites of significance
- The Maronite community in the south requested icons from a museum and church in the north
- Restoration of Greek Cypriot churches in the north still needed
- Republic of Cyprus government established a foundation for the protection of the cultural heritage of Cyprus and increased Turkish language programming on the national broadcasting corporation

UN Security Council, 4 June 2007:
"31. UNFICYP is facilitating a request by the Maronite community to return an icon from a museum in the north to the church in the Maronite village of Kormakitis. It has also been asked to facilitate the temporary relocation of 15 icons from the church in Kormakitis for restoration works in the south. These issues have been taken up with the Turkish Cypriot authorities.

32. UNFICYP continued to receive requests from both Cypriot communities in relation to the desecration of, access to and preservation of sites and items of cultural and religious significance. On 21 February, H.E. Chrysostomos II, Archbishop of Nova Justina and All Cyprus, and Ahmet Yönlüer, the head of religious affairs in the north, met under the auspices of the President of the Parliamentary Assembly of the Council of Europe, René van der Linden. They expressed their mutual commitment to contribute to an atmosphere of trust and tolerance in Cyprus and agreed "to take practical steps to promote respect, including efforts towards restoration, for sites of religious significance of the other community". As a first step, they planned to work towards the goal of enabling worship at the Hala Sultan Tekke Mosque in Larnaca and the Apostolos Andreas Monastery on the Karpas Peninsula. My Special Representative has since written to the two religious leaders to congratulate them on their meeting and encourage them to address specific issues of concern to both communities[...]
"

ICG, 8 March 2006:
"[...] the Turkish Cypriots could pursue further measures aimed at improving the conditions and rights of the Greek Cypriot community in the Karpas peninsula and the Maronite community. The Turkish Cypriot government has already opened a Greek Cypriot school in Karpas, returned properties to the Maronite community and allowed it to elect religious leaders. Further steps could include opening and restoring churches in the area (with the aid of international funding) and allowing normal religious services, as well as wider measures to protect the peninsula (for example by designating part of it as a demilitarised national park). These measures would, while bolstering inter-communal trust, add to the credibility and legitimacy of the Turkish Cypriot authorities and strengthen arguments for Karpas remaining under their control in a comprehensive settlement. Moreover, the Turkish Cypriots in coordination with pro-settlement forces in the south could begin planning creation of mixed population villages in cases where people are willing to move. The village of Pyla is an encouraging example of such coexistence[...]
"

Republic of Cyprus, 30 April 2003:
*CULTURAL HERITAGE

The Government adopts the proposal made by the Parliamentary Assembly of the Council of Europe (sub-committee on cultural heritage) for the establishment of an international foundation for the protection of the cultural heritage of Cyprus. The proposal is inspired by the need to protect the cultural heritage of the whole of Cyprus and provides for co-operation with the Turkish
Cypriot side. In this context, emphasis will be given to the maintenance of Turkish Cypriot sites (e.g. mosques, cemeteries) in the Government-controlled area and of churches, cemeteries and archaeological and other sites of the island’s cultural heritage in the occupied area.

UPGRADING OF TURKISH CYPRIOT PROGRAMMES OF THE CYPRUS BROADCASTING CORPORATION

The Cyprus Broadcasting Corporation’s Turkish programmes will be upgraded. There will be, among other things, more programmes with Turkish subtitles and longer Turkish news bulletins. The programmes entitled “Aktualite” and “Prisma” will also be extended in length and a new television programme will be created aimed at Turkish Cypriots which will foster a climate of confidence, mutual respect and peaceful co-existence between Greek and Turkish Cypriots [...]

Religion

Reciprocal visits to religious sites have been suspended since 2000

- These visits were originally agreed to in 1997
- Minorities are concerned with the preservation of their religious sites

UN Commission on Human Rights, 27 March 2006:
"20. With regard to freedom of movement and worship, the Greek Cypriots and Turkish Cypriots were able in 2005 to access places of worship and participate in religious events. UNFICYP facilitated the observance of a number of Greek Cypriot and Turkish Cypriot events of religious and historical importance on both sides of the island. For example, on 10 and 11 June, about 1,000 Greek Cypriots were able to make a pilgrimage to the Church of Saint Barnabas near Famagusta for the first time in 31 years. On 1 and 2 September, over 900 Greek Cypriots visited the St. Mamas Church in Morphou. In addition, around 30 Turkish Cypriots were able to visit Kokkina. However, access by the Maronite community to places of worship in the north, such as Ayia Marina, located in the confines of a military zone, has so far been denied for security reasons.
21. An arrangement, facilitated by UNFICYP, for the installation of a second priest in the Karpas region has not yet materialized due to disagreement on the nomination of a suitable candidate.
22. Concern persists about reports of alleged incidents of destruction or misuse of religious sites in the northern part of the island. The Department of Antiquities maintains a list of all reported incidents. However, to date, independent verification of these reports has not been possible [...]

UN General Assembly, 9 March 2007:
"20. With regard to freedom of movement and worship, the Greek Cypriots and Turkish Cypriots were able in 2006 to access places of worship and participate in pilgrimages and religious events. UNFICYP assisted in arranging six visits by Greek Cypriots and Maronites to the north, and a commemorative event by Turkish Cypriots inside and outside the buffer zone. On 10 and 11 June, in the northern part of the island, 800 Greek Cypriots attended services at Saint Barnabas Church near Famagusta, and on 23 July, for the first time since 1974, 300 Maronites visited the Prophet Elias Monastery in the village of Saint Marina. On 1 and 2 September, 900 Greek Cypriots attended the annual religious services at Saint Mamas. Church in Morphou. On 8 August, 429 Turkish Cypriots travelled for an annual visit to Kokkina in the western part of the
island. In the buffer zone, 773 Greek Cypriots visited Saint Marina Church in Dherynia on 17 July, and approximately 70 Greek Cypriots attended services at Ayios Neophytos Church in Troulli on 27 September."

**UN Security Council, 1 December 2006:**
"[...] On 10 and 11 June, in the northern part of the island, 800 Greek Cypriots attended services at Saint Barnabas Church near Famagusta, and on 23 July, for the first time since 1974, 300 Maronites visited the Prophet Elias Monastery in the village of Saint Marina. On 1 and 2 September, 900 Greek Cypriots attended the annual religious services at Saint Mamas Church in Morphou. On 8 August, 429 Turkish Cypriots travelled for an annual visit to Kokkina in the western part of the island. In the buffer zone, 773 Greek Cypriots visited Saint Marina Church in Dherynia on 17 July, and approximately 70 Greek Cypriots attended services at Ayios Neophytos Church in Troulli on 27 September [...]"

**UN Security Council, 4 June 2007:**
"30. UNFICYP assisted in arranging two pilgrimages by Greek Cypriots to churches in the buffer zone. On 9 April, approximately 100 Greek Cypriots visited the Varisha church to conduct annual religious services, and on 1 May, approximately 200 Greek Cypriots prayed at the Ayios Georgios Soleas church. In addition, on 6 May approximately 140 Armenian Cypriots visited the Saint Magar Armenian Monastery on the northern slopes of the Kyrenia mountain range for the first time since 1974 [...]"

"Greek Cypriot residents of Rizokarpaso may visit the Apostolos Andreas monastery without restriction, but others in the north must apply to the local authorities for permission. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north.

Reciprocal visits to religious sites, originally agreed to in 1997, have been suspended since 2000. In May 2001, the ECHR ruled that the Government of Turkey was responsible for restrictions imposed on Greek Cypriots resident in the north to their access to places of worship and participation in other areas of religious life. In April 2001, Turkish Cypriot authorities and the Government of Cyprus agreed to assign a second Orthodox priest to work in the north. A candidate was not identified by year's end.

[...]

The 1975 Vienna III Agreement remains the basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. Among other things, this agreement provides for facilities for religious worship. Greek Cypriots living in the north reported that vacant Orthodox churches there were vandalized and religious icons were removed. In August Turkish Cypriot police arrested a suspect for stealing icons from a church now used as an icon museum. Although Turkish Cypriots reported that unused mosques in the south also were vandalized, the Government routinely carried out maintenance and repair of mosques in the south." (U.S.DOS 31 March 2003, sect. 2c)
PROPERTY ISSUES

General

Current state of property ownership in Cyprus (2006)

- Greek Cypriots exercise property rights on 62% of land that they legally own
- Turkish Cypriots own 12% of the land of Cyprus, with almost equal amounts on both sides of the buffer zone
- The area under Turkish Cypriot administration is 35% of the total area of Cyprus

PRIO, 22 November 2006:
"Today, while private Greek Cypriots are legal owners of a total area of 3,982 thousand skales/donums of land, they can exercise their property rights on only 62% of it [...]"

Today there are approximately 2,415 thousand skales/donums of land in total to the North of the ceasefire line. This area represents around 35% of the total area of Cyprus [...]"

<table>
<thead>
<tr>
<th>Current ownership (000s skales/donums)</th>
<th>South of ceasefire line</th>
<th>Buffer zone</th>
<th>North of ceasefire line</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greek Cypriot</td>
<td>2470</td>
<td>107</td>
<td>1405</td>
<td>3982</td>
</tr>
<tr>
<td>Turkish Cypriot</td>
<td>401</td>
<td>25</td>
<td>391</td>
<td>818</td>
</tr>
<tr>
<td>Foreign</td>
<td>10</td>
<td>3</td>
<td>7</td>
<td>19</td>
</tr>
<tr>
<td>State</td>
<td>1165</td>
<td>40</td>
<td>551</td>
<td>1757</td>
</tr>
<tr>
<td>Church</td>
<td>73</td>
<td>5</td>
<td>58</td>
<td>136</td>
</tr>
<tr>
<td>Evkaf</td>
<td>12</td>
<td>0</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>4131</td>
<td>180</td>
<td>2415</td>
<td>6727</td>
</tr>
</tbody>
</table>

Note: 1 skala/donum = 0.33 acres, 0.133 hectares, 1,388 square metres."

New remedy in northern Cyprus for displaced Greek Cypriots (2007)

- European Court of Human Rights (2001) and the European Commission of Human Rights (June 1999) ruled that Turkey had violated displaced Greek Cypriots' right to remedy for refusal to allow their return and interference with their right to peaceful enjoyment of their possessions in northern Cyprus
- Turkish Cypriot authorities established an immovable property commission in 2005 to handle claims for abandoned property in northern Cyprus
- The European Court of Human Rights has yet to rule on the effectiveness of this remedy

"Turkish Republic of Northern Cyprus", 25 October 2007:
"The immovable Property Commission was established in December 2005. The immovable Property Commission administers the applications under TRNC Law 67/2005. The Commission has the authority to award to the Greek Cypriot applicants or their agents compensation, restitution and/or exchange in relation to property they had left in North Cyprus."
The Commission provides the most effective way to determine applications and abides with the recommendations of the European Court of Human Rights in the *Arestis Case*. The European Court of Human Rights is most likely to consider Commission and its decisions as appropriate and an effective domestic remedy.

The Commission when compensating Greek Cypriot applicants offers payment of the value of their immovable properties, loss of use since 1974 and non-pecuniary damages. Many applications have been made to the commission. Most of the cases that have been concluded have satisfied the Greek Cypriot applicants.

Total number of applications that have been made up to 18th October, 2007 is 268. The Immovable Property Commission has already concluded 26 of the cases which have been settled as below :

- Number of compensation : 17
- Number of restitution : 3
- Number of compensation and exchange : 1
- Number withdraw applications: 5

**European Court of Human Rights, 10 May 2001, paras. 193-194:**
"The Court notes that in the proceedings before the Commission the respondent Government pleaded that, pending the elaboration of an agreed political solution to the overall Cyprus problem, there could be no question of a right of displaced persons either to return to the homes and properties which they had left in northern Cyprus or to lay claim to any of their immovable property vested in the 'TRNC' authorities by virtue of 'Article 159 of the TRNC Constitution' and allocated to Turkish Cypriots with full title deeds in accordance with implementing 'Law no. 52/1995'. The respondent Government did not contend before the Commission that displaced persons could avail themselves of local remedies to contest this policy of interference with their rights. Indeed, the Court considers that it would be at variance with the declared policy to provide for any challenge to its application. The Court further recalls in this connection that, as regards the violations alleged under Article 8 of the Convention and Article 1 of Protocol No. 1, it concluded that no issue arose in respect of the exhaustion requirement. It refers to the reasons supporting those conclusions (see paragraphs 171-75 and 184-89 above).

For these reasons, the Court, like the Commission, concludes that there has been a violation of Article 13 of the Convention by reason of the respondent State’s failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1."

**European Commission of Human Rights, 4 June 1999, paras. 323-328:**
"The applicant Government [Cyprus] complained that in relation to the above complaints under Article 8 of the Convention (refusal to allow the return of displaced Greek Cypriots to their homes in northern Cyprus) and Article 1 of Protocol No 1 (interference with the right of Greek Cypriots to the peaceful enjoyment of their possessions in northern Cyprus) there are continuing violations of Article 13 of the Convention. They submit that the Greek Cypriots concerned cannot have an effective remedy because the ‘TRNC Constitution’ itself purports to legalise the very violations complained of so that the ‘courts’ operating under that ‘Constitution’ cannot give a remedy. Furthermore, the complaints concern administrative practices in respect of which there are by definition no effective remedies. Finally, they consider that it is impossible to seek a remedy for breach of a right under the Convention before the ‘courts’ of an entity which is not a State and not a High Contracting Party to the Convention."
The respondent Government [Turkey] have not made any submissions on the availability of remedies in respect of the above complaints under Article 8 of the Convention and Article 1 of Protocol No 1.

Article 13 of the Convention reads as follows:

'Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.'

The Commission first notes that the applicant Government’s above complaints under Article 13 of the Convention relate to administrative practices applied to displaced Greek Cypriots as regards their right to return to their homes in northern Cyprus (Article 8 of the Convention) and the exercise of their property rights in northern Cyprus (Article 1 of Protocol No. 1). These administrative practices are at least in part incorporated in 'legislation' of the 'TRNC'. In this respect, the Commission recalls that Article 13, as interpreted by the Convention organs, does not require remedies to be provided to contest legislation as such. In the Commission’s view this principle would also apply in the present case, notwithstanding the applicant Government’s position that, due to the unlawfulness of the ‘TRNC’, its ‘laws’ should not be recognised as 'legislation' within the meaning of the Convention.

However, in the present case the administrative practices concerned go beyond the enactment of the 'legislation' in question. In particular the relevant 'laws' do not regulate one of the crucial aspects of the interferences complained of, namely the physical exclusion of the Greek Cypriots from the territory of northern Cyprus which prevents the return to their homes and the access to their properties. In fact, no provision is made by the 'TRNC legislation' for any remedies which could be taken by the individuals concerned to contest this exclusion, nor can they in any way take remedies to at least ensure the correct application of the laws in relation to particular properties, such as are given to non-Greek Cypriot foreigners and Greek Cypriots residing in northern Cyprus.

Conclusion

The Commission concludes, unanimously, that there has been a violation of Article 13 of the Convention by reason of failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1."

See also Law 67/2005 for the compensation, exchange and restitution of immovable properties adopted by the Turkish Cypriot administration.

Difference of opinion on property ownership in Cyprus (2006)

- Disputes over property ownership in Cyprus have existed since the 1960s
- Greek and Turkish Cypriots do not agree on the amount of land each group owns, nor on the amount each group owned in 1974
- They also do not agree on how to resolve property issues as they concern persons displaced in the 1960s and 1970s
- Neither the Government of the Republic of Cyprus nor the Turkish Cypriot administration will allow an audit of land registration
PRIO, 31 December 2006:

“The property issue is perhaps the most complex and contentious aspect of the Cyprus problem, owing to numerous and diverse legal, economic and social complexities. Most important, however, is the political significance the two Cypriot sides attach to it. This is manifested in the way in which the issue is vitally linked with two basic parameters for any prospective settlement, namely, ‘bizonality’ in the case of Turkish Cypriots and ‘respect for human rights’ in the case of Greek Cypriots. Bizonality and respect for human rights are principles ostensibly agreed by both sides. However, as shown in this report, a common interpretation of these principles is seriously lacking, an important factor that makes the property issue very difficult to solve [...]”

“While the Greek Cypriot side estimates the 1974 figure for Greek Cypriot-owned land in the present Turkish Cypriot-controlled north at 78.5% of all privately owned land in that area, the Turkish Cypriot side estimates this at 63.8%. Similarly, the Turkish Cypriot estimates for Turkish Cypriot-owned private land in 1974 on both sides of the island (which are 33% of all private land in the north and 22% in the south) are considerably higher than those provided by the Greek Cypriot side (which are 21.1% in the north and 13.9% in the south).

The Greek Cypriots maintain that the property issue is essentially a matter of human rights violation, and therefore can only be resolved by implementing ‘the fundamental principle of respect for human rights’. They interpret this to mean giving all displaced persons unrestricted rights to repossess and return to their former homes and properties, irrespective, in particular, of any bizonal arrangements. The Turkish Cypriots, on the other hand, insist that this contradicts ‘the fundamental principle of bizonality’. While accepting the principle of respect for human rights, they demand restrictions on the exercise of rights to property and return by displaced persons insofar as is necessary to preserve and protect bizonality. This, in their view, entails preserving as much as possible the present pattern of settlement. Hence, the Turkish Cypriot preference for a ‘global exchange and compensation’ formula for settlement of property claims [...]”

“The Turkish Cypriots generally see the events of July 1974 as marking a turning point in the Cyprus problem and particularly in their struggle – from 1963 onwards – against being reduced to second-class citizens in a Greek-dominated state. They regard the present de facto situation as bizonality virtually realized. All that is needed is the return of some territory to the Greek Cypriot side. This division of the island is considered by the Turkish Cypriots as the only solution that guarantees their security – including economic security – and freedom in the face of an apparently unremitting Greek Cypriot determined to dominate the island. One factor has played a crucial role in justifying and strengthening the Turkish Cypriot conviction of what the established principle of bizonality stands for and how this principle affects the property issue: this is the Turkish Cypriot interpretation of the 1975 Vienna Agreement as an agreement for the population exchange of Greek Cypriots and Turkish Cypriots between the north and the south of the dividing line. We argue, in this report, that the Turkish Cypriot side’s reading of the agreement has been one-sided and misguided.

The Greek Cypriots, however, generally consider the events of 1974 as marking the beginning of the Cyprus problem, which they see as a problem of ‘invasion and occupation by Turkey of one-third of our country’. The Greek Cypriot side objects to the Turkish Cypriot understanding of bizonality, the key feature of which is the creation of a Turkish Cypriot zone in the northern part of the island. Most Greek Cypriots find this painful, because, among other things, they see it as the eradication in the north of all that is historically ‘Greek’ and believe it to be part of what they regard as Turkey’s ‘expansionist designs’ aimed ultimately at changing the primordially Greek character of Cyprus into a Turkish one. Therefore, the goal is a solution that will essentially reverse the faits accomplis resulting from this assumed Turkish strategy. This is the context in which Greek Cypriots demand absolute restoration of the fundamental principle of respect for human rights as the only possible way to settle the issue of displaced persons’ property claims and their return to ‘the ancestral lands’. This is a demand that goes beyond individual rights: it
Also crucially concerns collective rights, especially ‘the right of Cypriot Hellenism to the ancestral lands’. This has led many on the Greek Cypriot side inaccurately to perceive the European Court of Human Rights’ judgments on Cypriot property-related cases against Turkey as effective recognition of such a collective right [...] 

Serious disputes over property ownership have existed in Cyprus since at least the beginning of the Cyprus problem in the early 1960s. In 1972, Richard Patrick pointed out that ‘the matter of land ownership is most sensitive because of its significance in any future geopolitical settlement’. He also noted how, at that time, ‘current claims and counter claims are difficult to verify because [among other things] neither community is willing to open its land registration books to an impartial audit’. The controversy over land ownership, of course, has not only remained unresolved but, with the island’s division in 1974, grown dramatically in both scale and complexity.

The so-called property issue will be central to macro-level economic and social considerations in the event of reunification. More importantly, it has a crucial bearing on the whole question of the individual rights and interests of a large part of the population on both sides of the island. Most of the individuals whose rights and interests are involved are persons – or descendants of persons – who have been displaced and/or dispossessed of their properties as a result of the intercommunal clashes of 1963–64 or the subsequent de facto division of Cyprus in 1974 (when, in response to a Greek Cypriot military coup on 15 July 1974 aided and abetted by Greece, Turkey invoked the Treaty of Guarantee and militarily intervened on 20 July, taking control of the northern third of the island’s territory). Naturally, the passage of several decades without a political solution has complicated the property issue further, turning it into an immense technical and legal conundrum. With time, the number of individuals involved continues to multiply, as properties are transferred or change hands through inheritance or sale, or are transformed through development.

Beyond these complexities, however, there is another factor that is key to understanding why the property issue has become such a contentious – perhaps the most contentious – aspect of the Cyprus problem. This is the huge political significance that the Greek Cypriot and the Turkish Cypriot communities ascribe to it. How the question of displaced/dispossessed persons’ rights to their homes and properties should be resolved is seen by both Cypriot sides as crucially related to two accepted basic parameters for any Cyprus settlement, namely, ‘bizonality’ and ‘respect for human rights’.

Turkish Cypriots maintain that the property issue must be resolved in accordance with ‘the fundamental principle of bizonality’. For them, this means in effect preserving as much as possible the present pattern of settlement of the Turkish Cypriot and Greek Cypriot populations. They accept that ‘respect for human rights’ should be ensured, but they demand that the exercise of these rights be restricted insofar as is necessary to preserve and protect ‘bizonality’. This, they claim, has been the foundation agreed upon by the two sides since at least 1977.

Greek Cypriots, on the other hand, understand bizonality to entail nothing more than having two distinct zones, each under the administration of its own (Greek or Turkish) community. In particular, they strongly disagree that bizonality implies arrangements that will in any way exclude from the Turkish Cypriot zone any of its former Greek Cypriot inhabitants. They hold that the property issue must be resolved according to ‘the fundamental principle of respect for human rights’. In their view, this means that all displaced persons should have the right to repossess and return to their homes and properties, irrespective of any bizonal arrangements.

It is quite evident that although both Cypriot sides ostensibly agree that bizonality and respect for human rights are basic parameters for any prospective settlement, a common interpretation of
these principles is seriously lacking. In fact, this is undoubtedly a major reason why the property issue is so extremely difficult to solve.

As regards Greek Cypriot and Turkish Cypriot property ownership in these areas, there is no set of established figures that both sides accept. Turkish Cypriot researchers generally have disputed Greek Cypriot estimates of property ownership on grounds of the unreliability of the Greek Cypriot-controlled land registry records (since 1963). In addition, these researchers claim that there were usurpations of the Evkaf properties as well as miri lands14 in the past (especially prior to the establishment of the Republic of Cyprus in 1960) [...] 

According to Greek Cypriot estimates (Tables 1.5 and 1.6), 1,463,382 donums of land in the north belong to Greek Cypriots. This corresponds to 60.6% of the total land and 78.5% of all privately owned land in the north [...] 

Again, as one would expect, the Turkish Cypriot estimates of Turkish Cypriot-owned land on either side of the island are much higher than the Greek Cypriot estimates: 33.1% of privately owned land in the north, and 22.8% of privately owned land in the south (corresponding Greek Cypriot figures are 21.1% and 13.9%, respectively). What is more important is the percentage of Greek Cypriot private property in the north. The Turkish Cypriot side estimates this at 1,228,838 donums, which is equivalent to 63.8% of all privately owned land in the north. Although significantly lower than the corresponding Greek Cypriot estimate (1,463,382 donums or 78.5%), this is still a remarkably high percentage."

Property commission established in northern Cyprus in 2005 (2007)

- Turkish Cypriot authorities established an Immovable Property Commission in response to a European Court of Human Rights judgment
- The Commission has five to seven members, two of which are foreigners, and offers restitution, exchange and/or compensation for lost property
- The Commission began review of Greek Cypriot claims on property in the north in 2006
- As of 2007, the European Court of Human Rights had yet to rule on the adequacy and effectiveness of the remedy offered by the Commission
- Union of Greek Cypriot Refugees does not approve of Greek Cypriots lodging claims with the Commission
- The Turkish Cypriot authorities had established an Independent Judicial Commission in 2003 that offered only compensation for lost property

US DOS, 6 March 2007:
"In response to the ECHR's December 2005 ruling in the landmark Xenides-Arestis case that Turkey's "subordinate local authorities" in Cyprus had not provided an adequate local remedy, Turkish Cypriot authorities established a new "Property Commission" to handle claims by Greek Cypriots. The Property Commission began reviewing Greek Cypriot claims in May and reportedly received more than 80 applications. By year's end, three applicants had received outright restitution of their properties, while another seven had accepted compensation payments instead. In December the EHCR ruled that the commission had satisfied "in principle" the ECHR's requirement for an effective local remedy [...]"

ICG, 8 March 2006:
"In particular, while the new law does appear on its face to meet the ECHR's criteria that it should make provision for movable property and non-pecuniary damages, it is not very specific on these issues, leaving them to the Property Commission to decide. It clearly does meet two of the
Court’s other criticisms, in that those living in houses owned by, or built on property owned by Greek Cypriots are excluded from membership of the Commission, and there is provision for at least two members not from Cyprus or the guarantor powers. Some of its language is also borrowed from the Annan Plan. It appears to be a serious effort."

**ECHR, 7 December 2006:**
"11. The “Immovable Property Commission” (hereinafter “the Commission”), which was established under “Law no. 67/2005” for the purpose of examining applications made in respect of properties within the scope of the aforementioned law, is composed of five to seven members, two of whom are foreign members, Mr Hans-Christian Krüger and Mr Daniel Tarschys, and has the competence to decide on the restitution, exchange of properties or payment of compensation. A right of appeal lies to the “TRNC” High Administrative Court.

12. The Government submitted that a total of sixty applications had been lodged with the Commission and that the examination of nine of these had already been concluded. In six of these applications the applicants received a payment by way of compensation and, in the remaining applications, the Commission decided on the restitution of the properties in question [...]"

37. The Court welcomes the steps taken by the Government in an effort to provide redress for the violations of the applicant’s Convention rights as well in respect of all similar applications pending before it. The Court notes that the new compensation and restitution mechanism, in principle, has taken care of the requirements of the decision of the Court on admissibility of 14 March 2005 and the judgment on the merits of 22 December 2005. The Court points out that the parties failed to reach an agreement on the issue of just satisfaction where, like in the case of Broniowski v. Poland (friendly settlement and just satisfaction) ([GC], no. 31443/96, ECHR 2005-…), it would have been possible for the Court to address all the relevant issues of the effectiveness of this remedy in detail [...]"

**Cyprus Mail, 23 March 2006:**
"THE TURKISH Cypriot authorities yesterday announced the formation of a property commission that, if accepted as legitimate by the European Court of Human Rights (ECHR), could soon be handling Greek Cypriot applications for the reinstatement of properties in the north.

The establishment of the commission came after the ECHR last December handed the baton to Turkey to find a way of offering redress to Greek Cypriot Myra Xenides-Arestis, who lost her property in Varosha during the 1974 Turkish invasion. Turkey accepted the challenge and has in turn given the Turkish Cypriot authorities – as its ‘subordinate local authority’ – the task of delivering justice on Greek Cypriot property claims.

In making the ruling, the ECHR has effectively adjourned around 1,400 Greek Cypriot applications, pending a later decision on whether the Turkish Cypriot property commission truly fits the criteria spelled out by the ECHR.

"Any person who wants to get his or her property back, get compensation, or exchange his or her property for another property can come and apply. It [the property commission] is there, and it has started work," Turkish Cypriot legal expert Dr Kudret Ozersay told the Cyprus Mail yesterday.

He added that Greek Cypriots were welcome to either apply in person or through a legal representative to the commission’s office in central north Nicosia.

The seven-man commission, which includes foreign legal experts Hans Christian Kruger and Daniel Tarschys, will meet if and when applications from Greek Cypriots are forthcoming. It
remains to be seen whether or not this will happen and whether the Cypriot government will take legal measures to prevent their nationals from applying [...]"

**Cyprus Mail, 24 June 2007:**
"With no shortage of controversy, the north’s property commission was established in its current form after an ECHR ruling in December 2005 said Turkey should work to provide a local remedy to Myra Arestis’s loss of her property in Varosha.

It is said around 190 Greek Cypriots have applied to the commission either to gain resettlement in their properties, secure financial compensation, or to exchange their properties in the north with abandoned Turkish Cypriot properties in the south. To this date, 18 cases have been successfully resolved, with three applicants moving back to their properties in the north, and 15 accepting financial compensation.

The appeal of the property commission in the north, and now the refugee legal action in the south, is seen by many as a symptom of the lack of hope for a political settlement."

**Cyprus Mail, 10 June 2007:**
"[...]THE Union of Greek Cypriot Refugees said yesterday it did not approve of people making applications to the Turkish Cypriot property commission but could understand why in some cases they would.

Panos Ioannides, President of the Union, one of some 70 refugee organisations around the island, said his association was also against any legal action being taken against those who resorted to the commission, “even if they are co-operating with the invaders”.

“We strongly believe all of this is going to contribute to dividing the refugees into two categories; patriots and non-patriots,” said Ioannides. “This would be a huge mistake.”

He, like others, suggested the government improve the lot of the refugees, many of whom currently face serious financial problems.

“People are frustrated. They have needs which should be met and they are not,” he said. “We appreciate their needs. We do not excuse their actions but we appreciate why they do it.”

**UN, 9 March 2005:**
"An Independent Judicial Commission was established by the Turkish Cypriot authorities in June 2003 and is empowered to resolve property disputes that have arisen since 1974 in the northern part of the island. Accordingly, persons wishing to approach the Commission shall have unrestricted right of access to the northern part of the island for the purposes of the relevant procedure. It should be underlined that it is not within the Commission’s competence to provide redress to the owners of immovable property regarding the enjoyment of their property rights, but merely to deal with compensation. To date, no applications have been submitted to the Commission.”

**Work of the property commission in the north (2007)**

- As of October 2007, the Commission had received 268 applications and had issued decisions on 26 of them
- The Commission has offered compensation, restitution and exchange

**Turkish Republic of Northern Cyprus, 18 October 2007:**
"The Commission when compensating Greek Cypriot applicants offers payment of the value of their immovable properties, loss of use since 1974 and non-pecuniary damages. Many applications have been made to the commission. Most of the cases that have been concluded have satisfied the Greek Cypriot applicants. Total number of applications that have been made up to 18th October, 2007 is 268. The Immovable Property Commission has already concluded 26 of the cases which have been settled as below:

- Number of compensation: 17,
- Number of restitution: 3,
- Number of compensation and exchange: 1,
- Number withdraw applications: 5"

**Cyprus Observer, 6 June 2007:**
"The number of applications from Greek Cypriots to the IPC has reached 182 [...]"

A press release by the IPC to a Turkish Agency-Cyprus (TAK) reporter stated that the number of applications by Greek Cypriots received by the Commission over the 1½ years that it has been working now totals 182 with 22 having been discussed and concluded. Research into the rest of the cases continues and 3 properties out of the 22 were returned, 2 were exchanged the rest received compensation. The latter have been paid, but IPC officials declined to state amounts, only repeating that 2 of the returned properties were in Tatlisu and the other in Ziyamet [...]"

**Cyprus Mail, 17 July 2007:**
"So far, 220 Greek Cypriots have applied to the commission asking for reinstatement to their properties, financial compensation, or exchange with those abandoned by Turkish Cypriots in the south. Of that figure, 15 have received compensation, three have returned to their homes in the north, and two have opted for exchange [...]"

Erkman yesterday rejected these accusations, saying that any delays in processing Greek Cypriot applications were due, not to unwillingness on its part, but to the length of time it needed to process each application.

"We are going as fast as we can. In one year, we have processed 20 applications and completed them to the satisfaction of the applicants," she said, adding that a further 100 cases were currently being dealt with."

**Cyprus Mail, 6 December 2006:**
"[...] Around 80 Greek Cypriots have applied to the commission since its formation in March this year, seeking either financial compensation or restitution of the property rights they lost during Turkey’s invasion in 1974. Nine cases have so far been resolved, with six Greek Cypriot refugees accepting financial compensation, and a further three securing restitution."

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No ruling on the adequacy and effectiveness of property commission in the north (2006)

- The European Court of Human Rights has yet to rule on the adequacy and effectiveness of the property Commission established in the north
- A Greek Cypriot applicant to the European Court of Human Rights argued the property commission proposed by Turkey is an inadequate and ineffective remedy since it would not allow the majority of applicants to physically return to their homes in the north and the law
associated with the commission was vague and made applicants bear an unfair standard of proof

• The government of the Republic of Cyprus also contested the adequacy and effectiveness of the commission, questioning the impartiality of members of the commission and arguing that only a limited range of claims could be lodged at the commission, which would likely result in inadequate valuations due to limited compensation criteria

• For its part, the government of Turkey held that the new commission was an effective domestic remedy capable of providing sufficient redress to claimants

**ECHR, 7 December 2006:**

"[...] 20. In any event, the applicant contested the adequacy and effectiveness of the new remedy proposed by the respondent Government and raised a number of points in this respect. She argued that the respondent Government had failed to restore access, use and enjoyment to her of her home and property. The provisions of the Law fell short of the respondent Government's obligations to cease its wrongdoing by putting an end to the violations found by restoring displaced persons' peaceful enjoyment of their homes and properties and to offer the victims full reparation for its wrongdoing so as to wipe out the consequences of its wrongful conduct.

21. The applicant also emphasised that the Law was vague and plagued with substantive and procedural deficiencies and imposed an inappropriate and unfair standard of proof on applicants. In this connection, she noted that no provision was made by the new Law or other "TRNC legislation" for any remedies which could be resorted to by individuals concerned, such as the applicant, to contest the exclusion from their properties and home; the legality of the interference with the applicant's property and home was unassailable before the "TRNC" authorities, including the "TRNC" courts and the Commission. Although in cases, such as hers, there were preexisting findings of violations of Convention rights by the Court, in the vast majority of applications pending before the Court, no judgment on the merits had been yet delivered.

22. Furthermore, although the new Law purported to provide restitution in integrum to property owners, in reality it would fail to do so in the vast majority of cases due to the many limitations imposed. The applicant provided detailed submissions in this respect. She emphasised, inter alia, the non-mandatory nature of the restitution even when an immovable property was categorised as "returnable" and the risks inherent in a claim for restitution of immovable property which was categorised as "nonreturnable". She also pointed out that claims were determined with reference to political questions, in particular to "the comprehensive settlement of the Cyprus Problem" despite the fact that the Law was supposed to provide a legal remedy and regardless of the Court's jurisprudence on this matter. Furthermore, the fenced up area of Famagusta (Varosha), where the applicant's home and property were located, was an area under the direct control of the Turkish army to which no one was allowed access apart from military personnel. Consequently, as a military area, it fell within one of the excluded categories of properties in the Law. The applicant thus argued that the purported remedy was not applicable to her case since she was not eligible to apply. In addition, she noted that a recent judgment of the "TRNC Famagusta District Court" declared that the area of Famagusta belonged to the muslim religious trust (the Evkaf) and not to displaced Greek-Cypriot persons: (1) Vaqf organisation and the Department for Religious Affairs, as the Trusted Advisor and Representative of the Abdullah Pasha Vaqf, Nicosia (2) Vaqf organisation and the Department for Religious Affairs, Nicosia v. the Attorney-General of the TRNC, Nicosia, dated 27 December 2005.

23. As regards the issue of property exchange, the applicant considered that the "TRNC" authorities did not have the lawful authority to compromise Turkish Cypriots' rights by purporting to exchange their properties in southern Cyprus. Finally, the applicant maintained that no provision was made in the Law in respect of default interest or costs and expenses incurred in the process of seeking a remedy before the Commission and/or the "TRNC courts".
24. Finally, the applicant considered that in view, inter alia, of the prevailing legal and political context, the practical effectiveness and accessibility of the proposed remedy and the delay in the processing of such cases before the Court, Greek Cypriots, including the applicant, could not be required to apply to the Commission.

(b) The Government

25. The Government submitted that the new mechanism which had been set up via “Law no. 67/2005”, subsequent to and on the basis of the principal judgment, constituted an effective domestic remedy in line with that judgment and was capable of providing sufficient redress to the present applicant and other persons who had similar applications pending before the Court. They explained that under the new Law it was open to the applicant to lodge an application with the Commission in order to claim compensation for the damage she had allegedly sustained. In this regard, they noted that under the Law persons who had applied to the Court before the entry into force of the law, claiming that their right of ownership of movable and immovable properties were infringed, could apply to the Commission. The Law also provided for a right to appeal to “TRNC” High Administrative Court and, subsequently, to the Court.

26. In this connection, the Government noted that the applicant had rejected the Commission's invitation to consider her claims. In view of this, the Commission had proceeded to examine ex officio the applicant's claims. In its opinion the Commission concluded that, judging on an equitable basis, the pecuniary damages to be awarded to the applicant amounted to CYP 466,289. This amount included CYP 246,289 for loss of use and CYP 220,000 in respect of the value of the applicant's share in the property. In reaching these amounts the Commission took into consideration the interest rates of the Central Bank of Cyprus between 1974 and 2005 and assessed the annual income that the properties would have yielded on the basis of the valuation method adopted by the applicant. The value of the share in the relevant properties was calculated by applying interest rates on the market value of the properties in 1974 for the period 1 January 1990 until 1 December 2005. The Commission estimated that in August 1974 the market value of the applicant's share in the first property was CYP 8,872 and in the second property CYP 10,072. Furthermore a residents' tax of 10% was added onto the interest. Moreover, in its opinion the Commission stated that, as regards compensation for loss of use, it had collected data from the Land Registry and Surveys Department on the 1973-74 purchase prices for comparable properties in Famagusta.

27. In the alternative, the Commission noted that it would be entitled to take a decision to restore the property in question which would take effect after the settlement of the Cyprus problem and that this implied that, as from the date of the announced decision of the Commission on restitution, no construction would be permitted on the immovable property that would be restored after the settlement of the Cyprus problem. Such property could not be improved, purchased or sold. As a last alternative, the Commission proposed to offer the applicant a Turkish-Cypriot property located in the south of the buffer zone of equal value to her property. The Government considered that the proposals made by the Commission concerning the applicant's property claims constituted an effective redress in line with the principal judgment.

28. With regard to the new remedy, the Government also noted that the new Law provided for restitution of properties within the ambit of Article 159 (1) (b) of the “TRNC Constitution”, in addition to the means of redress provided by the previous law. The Law provided three alternative solutions, restitution of the immovable property being one of them. In particular, under the above section, restitution was possible where firstly, the ownership or use of the property has not been transferred to any real person or to any legal person other than the State; secondly, the restitution of such property, having regard to the location and the physical condition of the property, shall not endanger national security and public order; thirdly, such property is not taken for public interest
reasons; and finally, that the immovable property is outside the military areas or military installations. In cases where restitution could not be provided, the decision for restitution could be implemented after the settlement of the Cyprus issue. The Law set out certain rules in this respect. Furthermore, should restitution not be possible under the terms of the Law, neither immediately nor after the settlement of the Cyprus issue, other forms of redress such as exchange or compensation may be offered to an applicant.

29. Furthermore, the Turkish Government submitted that under "Law no. 67/2005" compensation was available for non-pecuniary damages in respect of the loss of enjoyment of the right to respect for home, for loss of use and further, in respect of movable properties which belonged to applicants before 13 February 1975 and had to be abandoned for reasons beyond their control.

30. Finally, in accordance with "Law no. 67/2005", any person, directly or indirectly, deriving any benefit from the immovable properties on which rights were claimed by those who had to move from northern Cyprus in 1974, could not be appointed as members of the Commission. The Government submitted that the Commission had two "international" members and, further, that the Turkish-Cypriot members of the Commission had provided signed and sworn statements with regard to a possible conflict of interest.

(c) The Cypriot Government

31. The Cypriot Government made lengthy observations similar to those of the applicant, contesting the lawfulness of the proposed remedy in view of the Court's jurisprudence and, in the alternative, the effectiveness and adequacy of the remedy. They raised certain additional points with regard to the latter. Amongst other things, they pointed out that the effect of Article 159 (1) (b) of the "TRNC" Constitution was to vest in the "TRNC" by amending entries in the Land Registry Records, the title to all immovable property referred to in that part of the article. And 159 (2) permitted the transfer of this property to "physical and legal" persons. Such purported transfers had been and were still being carried out by the illegal sale of Greek-Cypriot property by Turkish/"TRNC" citizens to tourists and other foreign nationals.

32. The Cypriot Government stressed that the Law permitted only a very limited range of claims to be brought before the applicant and restricted the scope of applicants that could have recourse to it; the criteria according to which compensation was to be awarded were unfairly and unduly limited and were not based on the principles set out by the Court in its judgments in the case of Loizidou v. Turkey (Article 50) (judgment of 29 July 1998, Reports 1998-I) nor on international valuation standards. In this connection, they argued that there were inadequacies and ambiguities in the calculation of compensation, the manner of valuation of properties and concerning the exchange of properties. The provisions of the Law ignored the practical reality of the position of Greek-Cypriot property owners who had to flee in 1974 and did not have the time or the chance to collect all their documents.

33. They noted that the Law expressly prohibited the pursuit of rights of ownership upon receipt of exchange/compensation under no condition and that it treated Greek-Cypriot owners less favourably than "TRNC" citizens on the basis of Article 36 of the "TRNC Constitution", contrary to Article 14 of the Convention, whilst Greek Cypriots living in enclaves in the Karpas peninsula and the Kyrenia district who had to abandon their property after 13 February 1975, were excluded from lodging claims.

34. The Cypriot Government challenged the impartiality of the Commission. In this respect, they noted, inter alia, the restrictions on the appointment of the members of the Commission, its composition and the fact that close relatives of some of the members of the Commission lived in houses owned by or built on property owned by Greek Cypriots. In this connection, they also
alleged that three members of the “High Administrative Court” of the “TRNC”, to which appeals could be lodged against decisions of the Commission were benefiting from Greek-Cypriot owned properties. The Cypriot Government provided documentation that included, inter alia, details from “TRNC” telephone directories, title deeds, maps and photographs in support of their arguments. Furthermore, they noted that any independent or impartial influence of the two foreign members of the Commission would be negated by the fact that the Commission reached its decision by a simple majority of a quorum of two-thirds of the total number of members.

35. Finally, they questioned the Turkish Government’s observations concerning the applications pending or dealt with by the Commission, in particular those in which it is claimed that restitution had been allegedly offered. The Cypriot Government claims that the Commission failed to award the applicants in these applications any damages for loss of use of their properties."

Possible land swap between Cypriots in north and south (2007)

- A Greek Cypriot and the Immovable Property Commission in the north have agreed on property exchange
- If the European Court of Human Rights deems that the exchange deal was voluntary and genuine, then the Greek Cypriot may be able to swap property with a Turkish Cypriot

Cyprus Mail, 25 September 2007:
"PRESIDENT Papadopoulos has conceded that a land-swap deal between a Greek and Turkish Cypriot through the European courts is an adverse development, though not the end of the road as far as the property issue is concerned.

The case of Greek Cypriot refugee Mike Tymvios, who is seeking to swap land with a Turkish Cypriot, has got the Greek Cypriot side on the defensive.

According to reports, Mike Tymvios, a chemist by profession, stands to get $1.2 million in cash from the deal, plus a large tract of land located near Palm Beach, Larnaca. There are concerns the ECHR may accept the deal made through the north’s controversial property commission as an adequate domestic remedy. This could likely result in thousands of ECHR applications by Greek Cypriot refugees being forwarded to the property commission for settlement.

Moreover, it could put the spot on the Guardian of Turkish Cypriot Properties, which is part of the Cyprus government, and is the only recognised authority endowed with the power to return land to Turkish Cypriots. This can only take place if the applicant has been residing in the Republic for six months or more.

Assuming the ECHR gave the go-ahead for the land swap, not only would that legitimise the property commission, it might put the Guardianship in a bind because the Greek Cypriot refugee would be claiming Turkish Cypriot land not legally returned by the Guardian. So far, around 200 Greek Cypriots are believed to have filed applications with the north’s compensation commission.

“Certainly this is an adverse development, but I hope everyone realises that we cannot influence the court [the ECHR],” Papadopoulos said of the land swap. Nevertheless, he warned against jumping the gun, noting that it was too early to speak of a debacle.
“The wording [of the decision] has yet to be finalised, nor do we know if the court shall issue a ruling or merely allow the application to be withdrawn due to a friendly settlement between the parties,” said Papadopoulos.

“So I think that on the one hand it is somewhat premature for people to jump to conclusions and voice these to the media, whether they are informed on legal procedures or not; and on the other hand, the fears heard that this spells the end of the property issue in Cyprus are exaggerated.

“It does not mean that at all. This is a standalone case, and it does not necessarily follow that it will set a precedent.””


Violation of property rights of Greek Cypriots (2007)

- In 2001, the European Court for Human Rights (ECHR) concluded that Turkey violated the property rights of the Greek Cypriots living in northern Cyprus
- Since then the Council of Europe’s Committee of Ministers has been monitoring Turkey’s compliance with the judgment and as of 2007 was still examining property issues
- Property of Greek Cypriots in the north cannot be passed on to heirs who are not resident in the north
- Greek Cypriots view ECHR judgments as confirmation that property issues on the island are a result of human rights violations and right to return and repossess homes cannot be restricted

Council of Europe, 4 April 2007:

"Issues relating to home and property of displaced persons

Recalling that the Court found violations by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus (continuing violation of Article 8), by the fact they 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 (continuing violation of Article 1 of Protocol No. 1) and by reason of the absence of a remedy to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1 (violation of Article 13);

Taking note of the information submitted by the Turkish authorities on the adoption of the “Law for the Compensation, Exchange and Restitution of Immovable Properties” (“Law no. 67/2005”), which entered into force on 22 December 2005, and on the establishment and functioning of the “Immovable Property Commission”;

Noting the assessment of this mechanism made by the Third Chamber of Court in its judgment regarding just satisfaction in the case of Xenides-Arestis of 7 December 2006, but underlining the fact that the judgment in question has not become final yet since the applicant party and the Government of the respondent state made requests for the referral of the case to the Grand Chamber;
Reiterating the necessity not to interfere with the current ongoing judicial process before the Court in the Xenides-Arestis case and not to pre-empt or influence in any way the assessment the Court will be called on to make in that context;

Recalling further that detailed and concrete information on changes and transfers of property at issue in the judgment and on the measures taken or envisaged regarding this situation has been regularly requested since June 2006 (966th meeting), in particular in the light of the ongoing property developments in northern Cyprus, and noting in this respect that the information provided in response does not yet clarify this issue;

URGES the Turkish authorities to provide without delay such information, as well as information on measures taken to safeguard the property rights of the displaced persons as these have been recognised in the judgment of the European Court, without prejudging the redress required by the Convention, be it restitution, compensation, exchange or otherwise [...]

As regards the issue of home and property of displaced persons, the Turkish authorities have provided information on the new “Law for the Compensation, Exchange and Restitution of Immovable Properties” adopted in response to the Court’s judgment in the case of Xenides-Arestis."

PRIO, 31 December 2006:
"The Greek Cypriot Interpretation of ECHR Judgments

The defining moment of the Greek Cypriot efforts at the ECHR came when – in the now famous case of Loizidou v. Turkey – the Court found Turkey in breach of the Human Rights Convention and ruled to maintain Greek Cypriot applicant Ms Loizidou’s right to her property. This was described by Clerides, the Greek Cypriot president at the time, as a ‘great success’ that ‘will have immense effects on the Cyprus problem’.

The Court decision was hailed by many Greek Cypriots as a solid affirmation of their view that the property issue was a matter of rectifying an ‘illegal situation’ (rather than a political matter), and that it was entirely a question of human rights violations in the north brought about by the division in 1974. Since the judgment, the idea that through enforcement of existing international law the property issue can be resolved in a way compatible with Greek Cypriot concerns and expectations has gained ground on the Greek Cypriot side. This is the way that will ensure ‘proper’ reunification of the island – by guaranteeing, without qualification or prescription, displaced persons’ right to return to and regain their properties [...]

The judgment is generally taken as a definitive recognition by the Court that displaced persons’ right to repossess and return to their properties cannot be restricted in any way. In other words, this is a right that is not negotiable. Having thus chosen to attach a broader meaning to the decision of the Court, the Greek Cypriot side appears to take little notice of views expressed by international law experts, such as: ‘when actually made part of a lasting legal agreement to settle the Cyprus situation, the property regime for a bizonal Cyprus, including a regulated right to return could well receive the Court’s approval’. Accordingly, the Greek Cypriot side tends to ignore various alternative solutions to property disputes in conflict circumstances, which often qualify the exercise of property rights either to allow for protection of other rights, or to accommodate other important concerns such as public benefit or civil and international peace.”

Council of Europe, 23 November 2005:
"Continuing violation of Article 1 of Protocol No. 1

67. 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 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 (§ 269 of the judgment).

68. 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 southern Cyprus in connection with the property in northern Cyprus of deceased Greek-Cypriot relatives were not recognised. Three findings led it to reach this conclusion:

- first, “the property of Greek Cypriots in the north cannot be bequeathed by them on death and … it passes to the authorities as “abandoned” property”;
- next, 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”;
- and finally, “heirs living in the south would in fact be prevented from having physical access to any property which they inherited”.

Information/observations submitted by the Turkish authorities

Applicable legislation

69. According to the legislation previously applicable to Greek Cypriots and Maronites residing in northern Cyprus, as to any foreigner, the situation was as follows:

- in cases of permanent departure from northern Cyprus, the ownership of immovable property passed to the “TRNC” authorities;
- upon death, the ownership of immovable property also passed to the “TRNC” authorities unless an immediate application was lodged by the heirs of the deceased for the inheritance formalities to be processed and completed.

This situation arose from the fact that, although the relevant legislation provided for the right of “TRNC” citizens to keep possession of immovable property in cases of permanent departure or to transfer ownership to their legal heirs upon death, there was no specific clause governing the application of this legislation to foreigners.

70. The revised legislation currently in force has corrected this situation:

- Any foreigner, including Greek Cypriots and Maronites residing in northern Cyprus, can, if they leave northern Cyprus permanently, transfer the ownership of their immovable property to a person they designate; however, the relevant legal procedures must be started within one year of the date of departure.
- Upon the death of a Greek Cypriot or Maronite residing in northern Cyprus, their heirs can exercise their inheritance rights without any restrictions, provided that they start the procedures for the administration of their estate within one year of the date of death of their relative.

In this context, the Turkish authorities emphasise that, given that there is now no hindrance to crossings, there is no obstacle to Greek Cypriots residing in southern Cyprus undertaking any legal proceedings in northern Cyprus.

Other information
71. As well as seeking the return of property/compensation, any person may also apply for an interim order restricting any interference with property rights under Civil Procedure Law Chapter 6 and under the Courts of Justice law 9/76, Article 40, which contains provisions as to when an interim order can be granted. In one such application before Famagusta District Court (Case No. 912/2002), a Greek Cypriot sued for unlawful division and distribution of his property, asked the court to find interference with his ownership rights and the use of his property by the relevant authorities to be void and for the return of this property into his name or compensation. The Court granted an interim order to the applicant on 18 February 2002 to prevent any further proceedings on his property pending the outcome of the case. The case is still pending.

72. 38 applications to “TRNC” courts by Greek Cypriots for inheritance claims from 1979 to the present day have been registered in the Famagusta District Court Probate Register. Examples are:

(i) Probate Application no. 187/2001 where letters of Probate were granted to the wife of a Greek Cypriot who had died intestate,

It is worth noting in conclusion that Greek Cypriots can also, under Immovable Property Acquisitions (Aliens) Law Chapter 109 of the Laws of Cyprus, apply for permission to the Council of Ministers to buy property in the “TRNC”. In this respect, the Council of Ministers exercises its power under Public Instruments 79/80, 259/89 and 473/2002.

Information/observations submitted by the Cypriot authorities

73. According to the Cypriot authorities, 22 Greek Cypriots and Maronites residing in the northern part of Cyprus are not permitted to bequeath their property even to their next of kin unless their heirs also reside in the northern part of the island.

74. The Cypriot authorities also recalled that, until late 1998, the property of Greek Cypriots or Maronites deceased or having left the area for more than six months was seized by the “TRNC” police and made available to Turkish settlers. Since the easing of restrictions, their property was “placed in the custody of the authorities”. However, as the Secretary General of the United Nations had pointed out in one of his reports: “Greek Cypriots and Maronites residing in the north are still precluded effectively from bequeathing immovable property to Greek Cypriot or Maronite heirs who are resident elsewhere”.

75. As an example, the Cypriot authorities indicated that, in December 2002, the “TRNC” authorities informed two enclaved persons living in Ayia Trias that their property was to be expropriated for the amount of 9000 pounds sterling. These persons refused, but the matter had not yet been resolved.

Other relevant information

76. Further information can be obtained in paragraph 19 of the Parliamentary Assembly’s Report (Rights and fundamental freedoms of Greek Cypriots and Maronites living in the northern part of Cyprus) and paragraph 36 of the Parliamentary Assembly’s Report of 2 May 2003 (Colonisation by Turkish settlers of the occupied part of Cyprus).

77. In a memo submitted on 9 March 2005 to the Commission on Human Rights, the Secretary General of the United Nations notes that “in the northern part of the island, the Turkish Cypriot
authorities continue to restrict the possibility for Greek Cypriots to bequeath real estate to heirs who do not reside in the north."

Assessment

78. The Turkish authorities have indicated that, under the legislation currently in force, Greek Cypriots residing in the north can, upon permanent departure, transfer the ownership of immovable property to a person they designate. However, in so far as this situation imposes on such persons an obligation to transfer their property rights to another person, there remains an important interference in the right at issue.

79. As regards the inheritance of Greek Cypriots who have died while residing in the north, the Turkish authorities consider that all the obstacles encountered by heirs residing in the south have now been removed. However, "Article 36.1 of the TRNC Constitution" provides that only citizens have the right to ownership, which would appear to affect the legal capacity to bequeath property to persons residing in the south.

Outstanding questions

80. In the present state of the information submitted by the Turkish authorities, further information is necessary as to the grounds on which the interference in the property rights of Greek Cypriots living in the north, who are obliged, upon permanent departure, to transfer their property rights to another person, may be justified.

81. With respect to inheritance, clarification is required as to the scope of the legal capacity to bequeath property to persons residing in the south. How can heirs residing in the south retain the right that they inherit? Are they not in the same position as that mentioned in the preceding paragraph?

82. Moreover, the time-limit of one year that starts running, for inheritance matters, from the date of death, may pose problems, in so far as it may prove difficult to inform the relevant beneficiaries of the death, since they will not necessarily be close relatives of the deceased. It would therefore seem advisable for this time-limit to start running from the date on which the beneficiary is informed of the death."

US DOS, 6 March 2007:
"Greek Cypriots and Maronites in the area administered by Turkish Cypriots alleged that they were subject to surveillance, although less so than in previous years, and representatives of both communities complained that their telephones were tapped. Unlike in previous years, neither community reported the authorities breaking into their homes.

Under the Vienna III agreement, the UN Force in Cyprus visited the enclaved Greek Cypriots weekly and the Maronites twice a month; any additional visits had to be preapproved by the authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, the authorities only permitted care provided by registered Turkish Cypriot doctors; enclaved persons also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were still unable to leave any of their properties to heirs residing in the government-controlled area. The authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the
Freedom House, 30 September 2006:
"The status of property in the north formerly owned by Greek Cypriots is considered a major point of contention in possible future reunification talks. A March 2005 law in the south increased the penalties for people holding "illegal" property; the TRNC announced that it would ignore the law. The European Court of Human Rights ruled in April that the Turkish Cypriot regime must institute more effective remedies to address Greek Cypriot property claims in the north. A commission that had been established for this purpose was judged to be biased. The ruling will affect hundreds of other pending cases."

Freedom House, 29 September 2006:
"The status of property abandoned by those moving to either side of the Green Line beginning in 1974 has increasingly been seen as the major point of contention in reunification negotiations. New legislation passed in March 2005 increased the penalties for people holding "illegal" property. The increase means that the EU-wide European arrest warrant can be applied. It is unclear whether the arrest warrant will now be used against those who own formerly Greek Cypriot properties in the north, some of whom are vacationers from mainland Europe. A 1991 law states that property left by "Turkish Cypriots" belongs to the state."

European Court of Human Rights, 10 May 2001, paras. 269-270:
"31. The Commission noted with reference to its earlier findings in its 1976 and 1983 reports that there was no essential change in the situation obtaining at the time of the introduction of the instant application. Accordingly, and this was not disputed either by the respondent Government, displaced Greek Cypriots had no possibility of returning to their homes in northern Cyprus and were physically prevented from crossing into the northern part on account of the fact that it was sealed off by the Turkish army. The arrangements introduced by the "TRNC" authorities in 1998 to allow Greek Cypriots and Maronites to cross into northern Cyprus for the purposes of family visits or, as regards Greek Cypriots, visits to the Apostolos Andreas Monastery, did not affect this conclusion.

32. Nor did the respondent Government dispute the fact that Greek-Cypriot owners of property in northern Cyprus continued to be prevented from having access to, controlling, using and enjoying their property. As to the fate of that property, the Commission found it established that up until 1989 there was an administrative practice of the Turkish-Cypriot authorities to leave the official Land Register unaffected and to register separately the "abandoned" property and its allocation. The beneficiaries of allocations were issued with "possessory certificates" but not "deeds of title" to the properties concerned. However, as from June 1989 the practice changed and thereafter "title deeds" were issued and the relevant entries concerning the change of ownership were made in the Land Register. The Commission found it established that, at least since June 1989, the Turkish-Cypriot authorities no longer recognised any ownership rights of Greek Cypriots in respect of their properties in northern Cyprus. The Commission found confirmation for this finding in the provisions of "Article 159 § 1 (b) of the TRNC Constitution" of 7 May 1985 and "Law no. 52/1995" purporting to give effect to that provision.

33. Although the respondent Government pointed out in their submissions to the Commission that the issue of the right of displaced Greek Cypriots to return to their homes was a matter to be determined within the framework of the inter-communal talks sponsored by the Secretary-General of the United Nations (see paragraph 16 above), the Commission found that there had been no significant progress in recent years in the discussion of issues such as freedom of settlement, payment of compensation to Greek Cypriots for the interference with their property rights, or restitution of Greek-Cypriot property in the Varosha district [...]"
40. In a further conclusion, the Commission found that there was no evidence of continuing wrongful allocation of properties of resident Greek Cypriots to other persons during the period under consideration. However, the Commission did find it established that there was a continuing practice of the “TRNC” authorities to allocate to Turkish-Cypriots or immigrants the property of Greek Cypriots who had died or left northern Cyprus [...]

172. The Court observes that the official policy of the “TRNC” authorities to deny the right of the displaced persons to return to their homes is reinforced by the very tight restrictions operated by the same authorities on visits to the north by Greek Cypriots living in the south. Accordingly, not only are displaced persons unable to apply to the authorities to reoccupy the homes which they left behind, they are physically prevented from even visiting them.

173. The Court further notes that the situation impugned by the applicant Government has obtained since the events of 1974 in northern Cyprus. It would appear that it has never been reflected in “legislation” and is enforced as a matter of policy in furtherance of a bi-zonal arrangement designed, it is claimed, to minimise the risk of conflict which the intermingling of the Greek and Turkish-Cypriot communities in the north might engender. That bi-zonal arrangement is being pursued within the framework of the inter-communal talks sponsored by the United Nations Secretary-General (see paragraph 16 above).

174. The Court would make the following observations in this connection: firstly, the complete denial of the right of displaced persons to respect for their homes has no basis in law within the meaning of Article 8 § 2 of the Convention (see paragraph 173 above); secondly, the inter-communal talks cannot be invoked in order to legitimate a violation of the Convention; thirdly, the violation at issue has endured as a matter of policy since 1974 and must be considered continuing.

175. In view of these considerations, the Court concludes that there has been a continuing violation of Article 8 of the Convention by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus [...]

184. The Court agrees with the Commission’s analysis. It observes that the Commission found it established on the evidence that at least since June 1989 the “TRNC” authorities no longer recognised any ownership rights of Greek Cypriots in respect of their properties in northern Cyprus (see paragraph 32 above). This purported deprivation of the property at issue was embodied in a constitutional provision, “Article 159 of the TRNC Constitution”, and given practical effect in “Law no. 52/1995”. It would appear that the legality of the interference with the displaced persons’ property is unassailable before the “TRNC” courts. Accordingly, there is no requirement for the persons concerned to use domestic remedies to secure redress for their complaints.

185. The Court would further observe that the essence of the applicant Government’s complaints is not that there has been a formal and unlawful expropriation of the property of the displaced persons but that these persons, because of the continuing denial of access to their property, have lost all control over, as well as possibilities to enjoy, their land. As the Court has noted previously (see paragraphs 172-73 above), the physical exclusion of Greek-Cypriot persons from the territory of northern Cyprus is enforced as a matter of “TRNC” policy or practice. The exhaustion requirement does not accordingly apply in these circumstances.

186. The Court recalls its finding in the Loizidou judgment (merits) that that particular applicant could not be deemed to have lost title to her property by operation of “Article 159 of the TRNC Constitution”, a provision which it held to be invalid for the purposes of the Convention (p. 2231, § 44). This conclusion is unaffected by the operation of “Law no. 52/1995”. It adds that, although
the latter was not invoked before the Court in the Loizidou case, it cannot be attributed any more legal validity than its parent "Article 159" which it purports to implement.

187. The Court is persuaded that both its reasoning and its conclusion in the Loizidou judgment (merits) apply with equal force to displaced Greek Cypriots who, like Mrs Loizidou, are unable to have access to their property in northern Cyprus by reason of the restrictions placed by the "TRNC" authorities on their physical access to that property. The continuing and total denial of access to their property is a clear interference with the right of the displaced Greek Cypriots to the peaceful enjoyment of possessions within the meaning of the first sentence of Article 1 of Protocol No. 1. It further notes that, as regards the purported expropriation, no compensation has been paid to the displaced persons in respect of the interferences which they have suffered and continue to suffer in respect of their property rights.

188. The Court notes that the respondent Government, in the proceedings before the Commission, sought to justify the interference with reference to the inter-communal talks and to the need to rehouse displaced Turkish-Cypriot refugees. However, similar pleas were advanced by the respondent Government in the Loizidou case and were rejected in the judgment on the merits (pp. 2237-38, § 64). The Court sees no reason in the instant case to reconsider those justifications.

189. For the above reasons the Court concludes that there has 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 [...]

The Court notes from the facts established by the Commission 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'.

For the Court, these facts disclose a continuing violation of Article 1 of Protocol No. 1 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.

The Court further observes that the evidence taken in respect of this complaint also strongly suggests that the property of Greek Cypriots in the north cannot be bequeathed by them on death and that it passes to the authorities as 'abandoned' property. It notes that the respondent Government contended before the Commission that a court remedy could be invoked by an heir in order to assert inheritance rights to the property of a deceased Greek-Cypriot relative. The Court, like the Commission, is not persuaded that legal proceedings would hold out any prospects of success, having regard to the respondent Government’s view in the proceedings before the Commission that the property of deceased Greek Cypriots devolves on the authorities in accordance with the notion of 'abandoned' property. It further notes that heirs living in the south would in fact be prevented from having physical access to any property which they inherited."

Accordingly, Article 1 of Protocol No. 1 has also been breached in this respect, given that the inheritance rights of persons living in southern Cyprus in connection with the property in northern Cyprus of deceased Greek-Cypriot relatives were not recognised."
Greek Cypriot properties in north used for construction and housing for settlers (2007)

- Greek Cypriot houses in the north are being demolished without their consent
- In recent years there has been a construction boom on Greek Cypriot land in the north
- Settlers from Turkey took possession of abandoned Greek Cypriot property in the north

Republic of Cyprus, 26 September 2007:
"[...] It [Turkish Cypriot administration] has carried out unauthorised demolitions of Greek Cypriot houses in the areas it occupies and it continues to destroy cultural and religious heritage. It has intensified the large-scale illegal exploitation of Greek Cypriot properties in the occupied part of Cyprus, not least because this will skew the terms of a future settlement."

UN Security Council, 4 June 2007:
"[...] 28. The trend towards increased construction on the Turkish Cypriot side continues to be a cause of concern, as it may complicate efforts towards a comprehensive settlement. UNFICYP received complaints from the Greek Cypriot side that uninhabited houses in Rizokarpaso belonging to Greek Cypriots were being demolished. UNFICYP confirmed that and protested to the Turkish Cypriot side the practice of demolishing houses without the owners’ consent [...]"

Turkish Daily News, 12 April 2007:
"[...] Nobody can deny that the arrival of settlers was marked by the illegal looting and theft of Greek Cypriot owned properties. It transpired after a harrowing civil war, the memories of which are still fresh and the consequences devastating. I do not propose that true property owners remain dispossessed, in fact every effort should be made to restore their rights where possible, but feeding the masses improbable notions of restoring a past pre-1974 Cyprus and offering false hopes of repatriating 30 year settlers is deceptive and without purpose [...]"

ICG, 8 March 2006:
"In the last few years there has indeed been a construction boom in the northern part of the island. In a considerable number of cases this construction work is taking place on land which is owned by Greek Cypriots who fled to the south in 1974. The Turkish Cypriot authorities should cease all construction work on disputed property, as this complicates matters still further. The important point, however, is that the possibility of an adequate domestic remedy, by which displaced Greek Cypriots would have to apply to and accept the rulings of a Turkish Cypriot official institution, is not merely accepted but in fact demanded by the ECHR."

Republic of Cyprus, 31 August 2005:
"The northern area of the Republic of Cyprus, under military occupation by Turkey since 1974, has been experiencing an unprecedented construction and "property sale" boom. The vast majority of the properties affected by this boom are owned by Greek Cypriots who were forcibly expelled from their homes due to the Turkish invasion. These displaced people are to this day prevented by the Turkish Armed Forces from returning and repossessing their homes and properties. A recent development is that the occupied area has become a haven for corrupt and unscrupulous businessmen out to make a quick profit from the illegal "sale" of Greek Cypriot property [...]"

Cyprus Mail, 16 March 2007:
"The top legal chief in Cyprus has instructed police to investigate “sparingly” claims of exploitation of Greek Cypriot properties in the north. According to yesterday’s Politis, Attorney-general Petros Clerides sent a letter to the police force and legal services, telling them to pursue such cases only “in very special circumstances chosen using strict criteria”.

A police source yesterday confirmed that the force had received such instructions from the legal chief. The police officer responsible then relayed these instructions to the House Refugee Committee. Clerides, however, was unavailable for comment.

The decision to ease off cases of Greek Cypriot property exploitation comes as a surprise, given the general push among policy-makers and politicians for Greek Cypriots to seek legal remedies against occupants of their land either locally or in the European Court of Human Rights.

Politis claims the sudden about-turn has come about as a result of the thousands of applications made by Greek Cypriot refugees to the European Court, which resulted in the inundated court seeking ways to legitimate the Compensation Commission in the north. This, plus the result of the Orams’ case in the UK, which went their way, has led the Attorney-general to limit the number of prosecutions in Cypriot courts.

In the last two years, 22 Greek Cypriot land owners have made charges against illegal exploitation of their lands in the north. From those, only one has resulted in a criminal prosecution against a Turkish Cypriot architect, while two cases of illegal construction in Klepini are still under investigation by the police. The remainder have been filed, under the instructions of the Attorney-general, said the paper [...]"

Inheritance of property in the north (2006)

- Greek Cypriots living in the north can pass on their property to their heirs only if their heirs are resident in the north
- Maronites, on the other hand, can pass on their property to their heirs even if they are living in the south

Turkish Cypriot Human Rights Foundation, 25 October 2007:
"According to the TRNC legal system everyone both citizens and foreigners have the right to inherit property. However the rights of foreigners may be restricted but may only be restricted by the Law in accordance with international law (art 13 of the TRNC Constitution) and in such cases compensation should be paid for the restriction.

As regards property abandoned in 1974 after the conflict, these properties are taken over by the TRNC and are then dealt with under law 67/2005. This law enables application by the owners at 1974 as well as their legal heirs."

UN Commission on Human Rights, 27 March 2006:
"11. In the northern part of the island, while Greek Cypriots are still restricted from bequeathing their property if their heirs are not resident in the north, Maronites are now able to bequeath their property to heirs living in the south."

UN Commission on Human Rights, 9 March 2005:
"13. In the northern part of the island, Turkish Cypriot authorities reportedly continued to restrict Greek Cypriots from bequeathing their property if their heirs are not resident in the north. Since the easing of restrictions on movement, property of enclaved Greek Cypriots having left for the south has been placed in the “custody” of the Turkish Cypriot authorities, while
previously property had been confiscated."

Dispute over land ownership in northern Cyprus complicated by foreigners’ ownership (2007)

- Foreigners have bought property in northern Cyprus that was abandoned by Greek Cypriots during the 1970s
- A Cypriot court ruled in 2005 that a British couple demolish a house they built on the land of a Greek Cypriot in the north
- After they refused to act on this ruling, the Greek Cypriot took the couple to court in the United Kingdom
- The UK court ruled that the couple could remain on the property in 2006
- Russian woman arrested and tried for unknowingly buying abandoned Greek Cypriot land in the north
- Some foreign purchasers cancelled their purchase agreements, reportedly due to Republic of Cyprus laws
- Sales of abandoned Greek Cypriot properties in northern Cyprus increased in 2006

The Guardian, 7 September 2006:

"A British couple who built their dream villa on disputed land in the Turkish republic of northern Cyprus won a high court victory yesterday protecting their UK home from having to be sold to compensate the dispossessed Greek Cypriot landowner.

David and Linda Orams’s legal battle has become a cause celebre in Cyprus, where thousands of expatriates have bought bargain-priced property in the northern part of the island, much of it once occupied by Greek Cypriots who fled after the Turkish army invaded in 1974.

Ruling in their favour yesterday, Mr Justice Jack said the case had “an importance which extends far beyond the parties”. An estimated 6,000 Britons own property in northern Cyprus, although not all the titles are disputed.

Meletios Apostolides, a Greek Cypriot architect, won two judgments from the district court in Nicosia ordering the couple to demolish their villa, vacate the land and pay him damages. The judgments could not be enforced in the Turkish republic of northern Cyprus (TRNC), so he registered them at the high court in London under rules providing for courts in EU member states to enforce judgments obtained in other member states.

But the couple appealed and yesterday the judge ruled that the judgments were unenforceable in England because, although Cyprus was now a member of the EU, the application of EU laws to the northern part of the island had been suspended pending a settlement between the Greek and Turkish communities [...]"

Republic of Cyprus, 7 February 2007:

"Turkish Cypriot daily KIBRIS newspaper (07.02.07), in its front page under the title “They cancelled the agreements”, reports that as a result of laws and decrees that have been put into effect in the “TRNC” and in the Republic of Cyprus, some buyers – foreign nationals and Turks - who have signed purchase agreements for houses or plots of land in the occupied areas of the Republic of Cyprus have cancelled them. It is reported that some British and Jewish nationals have cancelled the purchase agreements. The Chairman of the real estate agents’ union, Hasan Sungur, confirmed the cancellation of the agreements."
The paper reports also that although there was an increase in the construction sector in the occupied areas of the Republic of Cyprus following a British court’s decision in the Orams case, new problems have arisen recently. Foreign buyers have started to cancel their purchase agreements for houses or plots due to the Republic of Cyprus laws that foresee imprisonment of up to seven years for anyone convicted of building on Greek Cypriot property, buying or selling Greek Cypriot property or living in a Greek Cypriot house in the occupied areas of the Republic of Cyprus. Another deterrent factor for buyers is the new amendment to Article 159 of “TRNC Constitution”, as well as the new decree, which will limit the purchase of land in the occupied areas of Kyrenia and Bogazi in order to protect the environment. These areas are preferred most by foreign buyers.

Cyprus Mail, 7 September 2006:

“A BRITISH couple who built their retirement home on Greek Cypriot land in the occupied areas have won the right – for the time being at least – to remain on the property after a London High Court judge ruled yesterday that British, Cypriot and other EU courts held no jurisdiction over the north.

In a ruling that could set a new precedent for thousands of disputed properties on the island, Linda and David Orams from East Sussex appeared to have scored a significant victory over their Greek Cypriot landowner Meletis Apostolides. Although Apostolides claims ownership of the Lapithos lands from which he and his family fled ahead of Turkish invasion forces in 1974, the judge ruled there was nothing the British courts could do to remove the British couple from the property.

“It is a substantial victory in a battle by them [the couple] to maintain and retain their retirement home and their home in England," a press statement on behalf of the couple said yesterday. It added ominously: “The judgment allows others in the same position to invest in the TRNC without the threat of enforcement of judgments rendered in the Republic of Cyprus in the EU.”

Apostolides took the couple, Linda and David Orams, to court in the UK after they refused to act on a 2005 ruling by a Cypriot court in Nicosia that they demolish the £160,000 sterling house they built on his lands. The ruling also insisted on the return of his property and the payment of financial compensation. When the Orams couple ignored the ruling, Apostolides requested the case be transferred to a British court in the hope that the court could seize the Orams’ family home in East Sussex if they refused to comply […]"

Cyprus Mail, 8 March 2007:

"THE PLENUM will today begin discussions on the highly sensitive subject of Greek and Turkish Cypriot properties lost following the 1974 invasion.

Following a closed meeting yesterday, the House Refugee Committee wrapped up talks on the matter and prepared the long-awaited report.

Committee members expressed their concern over what they called the “pure robbery” of Greek Cypriot properties in the north. The chairman of the Committee, Aristofanis Georgiou of AKEL, said that once the report had been examined, “serious conclusions and decisions will be made, which will also be used by the Republic of Cyprus in the actions it needs to take and possibly in amending legislation, but also in its moves abroad, so we can stop the purchase of our properties in the occupied north by foreigners.”

Georgiou stressed that any activities made on Turkish Cypriot land in the south were conducted with the consent of the Guardian of Turkish Cypriot Properties, “who is the relevant authority to
authorise or allow any developments”. He added that it was always done “for the benefit of the public”.

It’s a different story in the north, however, according to the committee head: “What is happening in the occupied areas is the thieving exploitation of Greek Cypriot properties that were forcefully abandoned, by the pseudostate, but also by private company owners and not just Turks and Turkish Cypriots, but also foreigners.”

The committee discussed matters concerning Turkish Cypriot properties in the free areas, the sale and purchase of Turkish and Greek Cypriot properties and the alleged business activities of Greek Cypriots in the north.

Deputies also addressed the selling of Greek Cypriot properties to foreigners, as well as the increase in development on Greek Cypriot land in the north.

"We have finished the last Committee meeting before the matter of properties is discussed at the Plenum,” Georgiou informed reporters after the meeting.

“You understand that this is a discussion that, on this scale, is going to be discussed at Parliament for the first time since the invasion,” he added.

According to Georgiou, there had been an increase in sales of Greek Cypriot properties in the north during 2006. "Based on the latest data we have been given, [sales] are showing increasing tendencies.”

Asked to comment on the Turkish Cypriot side’s claims that their properties were also being exploited by Greek Cypriots and the government, the committee head said “no illegal action has been made by the Cypriot government”.

Georgiou said the Committee had asked to be informed by Attorney-general Petros Clerides on appeals by Turkish Cypriots wishing to claim their properties in the south.

“It seems that there are various categories of such appeals in our courts; there are some where they are requesting compensation, others requesting lost profits and others requesting the return of land; so they are being dealt with”.

He added that the recent appeal made straight to the European Court of Human Rights was also being handled with the necessary care.

Regarding the implication of Greek Cypriots in property sales in the north, Georgiou said “there have been claims, but unfortunately this meeting was unable to cross-check the information”.

DISY’S Lefteris Christoforou expressed his party’s “deep concern” at the increase in sales of Greek Cypriot properties in the north, as well as the land development, “which aims at attracting illegal tourism to the occupied areas”.

“The Republic of Cyprus must exhaust all the means it has, and a correct measure would be to discuss with other countries – or those that are implicated with the pure theft of properties and all those who buy properties in the north – and issue instructions, calling on their citizens to avoid these transactions,” said Christoforou.

He also suggested the publication of instructions for tourists visiting Cyprus, “calling on them to not travel to the illegal north, which is under the control of occupying forces”.

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DIKO deputy Antigoni Papadopoulou agreed. “The fact that many foreigners are encouraged, unfortunately, by the implication of Greek Cypriots, in selling and buying our land, this – and as a Morphou refugee – saddens me deeply; as I am also saddened by a reference in a report by the American Secretary of State that 80 Greek Cypriots have turned to the occupied north, to this illegal committee, to seek their rights.”

According to data submitted to the committee, 90 plots of land have been sold in Kyrenia since 1998 from Greek Cypriots to Greek Cypriots, while there were 379 such incidents in the Famagusta district, again between Greek Cypriots.

**Cyprus Mail, 16 December 2006:**

“A RUSSIAN woman buying a property in the north did not know it was actually owned by Greek Cypriots, a Nicosia court heard yesterday.

The trial of Elena Mirkushova, 30, accused of illegally purchasing a house built on land belonging to Greek Cypriot refugees, yesterday began with the investigator of the case taking the stand.

Yesterday’s proceedings were followed by Theodora Antonis Polycarpou, Marios Antonis Polycarpou and Andreas Antonis Polycarpou, the Greek Cypriot owners of the land sold to the woman by Turkish Cypriot estate agents.

Mirkushova was arrested at the Ledra Palace checkpoint in Nicosia on November 18, along with a Latvian friend of hers, after customs officers discovered a contract of purchase for a property in occupied Lapithos, as well as advertising pamphlets for properties in the occupied areas, in her bag.

Addressing the court, CID Constable Costas Costa said he had taken a statement from Mirkushova who confessed to buying the property in the north.

“However, when asked if she knew that the property originally belonged to Greek Cypriots, she said she was conned by the Turkish Cypriot estate agents because they never told her who were the original owners of the land she was buying.”

**See also** “Lawyer files appeal over Orams ruling,” Cyprus Mail, 13 October 2006, “Opening a Pandora’s box over property,” Cyprus Mail, 8 May 2005.

**Turkish Cypriots seek remedy with courts in the south for loss of property (2007)**

- In the south, there is no law for property restitution, compensation or exchange; disposessed Turkish Cypriots in principle continue to be regarded as the owners of the properties
- The Minister of Interior is ‘custodian’ of all abandoned Turkish Cypriot properties in the south
- Turkish Cypriots must reside in south Cyprus for 6 months before being able to start legal proceedings
- Turkish Cypriots resident in the north cannot lodge complaints with courts in the south
- Several Turkish Cypriots have applied to the courts in the south, with most cases solved out of court through ‘friendly settlements’
- Other cases have gone through the courts; most have been decided against Turkish Cypriots
- Some Turkish Cypriots have taken their cases to the European Court of Human Rights
In 2006, one Turkish Cypriot won the right to return to his property in south Cyprus, which had been allocated to displaced Greek Cypriots; the Greek Cypriots were given alternative accommodation.

**PRIIO, 31 December 2006:**
"[...] the Greek Cypriot policy concerning Turkish Cypriot properties in the south differs from the Turkish Cypriot policy vis-à-vis Greek Cypriot properties in the north in one important respect: here, dispossessed Turkish Cypriots in principle continue to be regarded as the owners of the properties. For the first 15 years following the 1974–75 displacement, a couple of administrative orders applied to Turkish Cypriot properties. In 1991, however, a law was passed to regulate their use and management. The law describes these properties as ‘abandoned as a result of the massive removal of the Turkish Cypriot population, due to Turkish invasion, to the areas under the occupation of the Turkish invasion forces and the fact that this population is banned from moving to the areas of the Republic of Cyprus’.

According to the legislation, the Minister of the Interior is appointed as ‘custodian’ of all Turkish Cypriot properties (in the south). His function is ‘to protect these properties and also to allocate them on a rational basis in order to serve the basic housing needs and reactivate [sic] the thousands of Greek-Cypriot Refugees’. Due compensation resulting from these operations is to be paid to the owners after an overall settlement, and until that time will be kept in the ‘Turkish Cypriot Properties Fund’, also managed by the custodian.

The position that displaced persons’ rights to repossess their properties and to return to their original areas must be uncompromisingly defended generally receives vast support among the Greek Cypriot community, for adopting any other position, they believe, would amount to condoning Turkey for its ‘crimes’ in Cyprus. Moreover, it would also mean endorsing the Turkish Cypriot idea of bizonality, and accepting the de facto situation on the island, which was brought about by ‘illegal use of armed force’ [...]"

A crucial factor sustaining this position is that Greek Cypriots generally think of the Cyprus problem as having started in July 1974. This, of course, is very different from the Turkish Cypriots’ understanding of the problem, which they regard as having started in earnest in 1963 with the breakdown of the bicommutal ROC government. The Greek Cypriot side tends to overlook the conflict that existed between the two communities and the dire situation of the Turkish Cypriots before 1974, as well as the Greek/Greek Cypriot coup and enosis bid that preceded and precipitated the Turkish military operation. Ignoring all this, Greek Cypriots cast the problem as one of an arbitrary ‘invasion and occupation by the Turkish forces of substantial territory of the Republic of Cyprus’ [...]"

**Turkish Cypriot Human Rights Foundation, 25 October 2007:**
"There is no law for property restitution, compensation and/or exchange in South Cyprus. There is a Law of the “Republic of Cyprus” No: 139/1991 concerning the Administration of the Turkish Cypriot Properties in the Republic & Other Related Matters. Law No 193/1991 vests the administration of the all the Turkish Cypriot Properties in the Minister of Interior as “Custodian”. The residence requirement in this law denotes that any Turkish Cypriot who resides in Northern Cyprus or abroad cannot exercise any proprietary rights in respect of their possessions in South Cyprus. Turkish Cypriots who are non-resident in Southern Cyprus have to fulfill a residence requirement of 6 months before they can even commence any legal proceedings in Southern Cyprus. Therefore the majority of Turkish Cypriot owners have no domestic remedy.

Section 9 of 1991 Law expressly forbids the Custodian from making any payment owed to a Turkish Cypriot during the situation existing in the Republic [...]"
Our NGO has observed that especially since 2003 but also earlier, several Turkish Cypriots have sought their property rights in the courts in South Cyprus. Most of these have been resolved through "out of court friendly settlements" where the government has made special effort to satisfy the applicant before a judgment of the court rather than oblige the court to produce a precedent decision. This is why it is difficult to obtain reliable figures.

A few cases have been decided, nearly all against Turkish Cypriot property rights. Of the known cases: Ali Kemal & Others v The Minister of Interior as the Guardian of Turkish Cypriot Properties (Case No: 133/2005) the Supreme Court in South Cyprus dismissed the claim of a Turkish Cypriot family, who expressed their wish to take over the responsibility of their properties, by merely stating that the Turkish Cypriot properties were considered "abandoned" since the family continued to reside in Northern Cyprus. Even when the Turkish Cypriot applicants meet the requirement of residing in South Cyprus they face difficulties. For example in the case of Arif Moustafa v Ministry of Interior (Case No: 125/2004) the applicant had residence qualifications and was successful in the first instance, but the Attorney-General appealed. Pressure was then exerted on the applicant and as a result he had to submit to compromise. Therefore it seems that there is no effective domestic remedy that the Turkish Cypriot people can pursue in South Cyprus.

As a result, to our knowledge there are at least 4 or 5 cases pending in the ECHR where Turkish Cypriots have applied directly because for them, there is no effective remedy in the legal regime in the south [...]  

Turkish Cypriots cannot sell or rent their properties located in South Cyprus, due to the Law No 139/1991 of South Cyprus. Some have been able to transfer title to their children despite many obstacles in the bureaucracy. 

**Cyprus Mail, 22 May 2007:**

"THE SUPREME Court yesterday rejected an appeal from a Turkish Cypriot requesting his land back in the south, because he was still living in the occupied north of the island.

It is not the first time that a court has turned down such a request.

Ahmet Mulla Suleyman had sent a letter to the Guardian of Turkish Cypriot Properties on October 10, 2004 requesting that his property, situated in the Limassol district, be given back to him. Suleyman was also demanding £3,680 in compensation because part of property had been used to build a road by the government.

When his request was denied, he hired a Greek Cypriot lawyer and decided to take the matter to court.

The appellant had fled to the north after the 1974 Turkish invasion and his property had been handed to the Guardian of Turkish Cypriot Properties but is now claiming back the property because the borders of the island have since reopened.

Cypriot law stipulates that Turkish Cypriots who fled to the north after the invasion may claim back their properties if they live and reside in the south.

The government states that Turkish Cypriot properties will remain under the Guardian of Turkish Cypriot Properties until a settlement on the island’s division has been reached [...]

Last January, the Supreme Court had turned down a similar request from Ali Kiamil who lived in the north and was requesting the property of his deceased father situated in Kato Polemidia.
On February 13 last year, Turkish Cypriot Arif Mustafa, who moved to the south of the island to reclaim his property in Episkopi, won the right to move into his old home after the government withdrew its appeal against the decision.

The development meant that two Greek Cypriot refugee families from Ayia Irini near Kyrenia, living on the property since the Turkish invasion, had to move out.

UN Commission on Human Rights, 9 March 2005:
"[...] On the other hand, Turkish Cypriots who have settled in the northern part of the island still legally own their assets in the south, and are not entitled to dispose of them. The partial opening of the “Green Line” did not fundamentally alter the situation concerning property rights [...]"

Turkish Cypriot property in areas under the control of the Government of Cyprus is administered by the Directorate for Turkish Cypriot property management under the Ministry of the Interior. In principle, Turkish Cypriots settling in the southern part of the island or having emigrated abroad prior to 1974 are entitled to recover their property (although some unwarranted delays in the processing of reinstatement applications have been noted by the Ombudsman)[...]

15. In a landmark decision of September 2004, the Supreme Court, of the Republic of Cyprus ordered the return of Turkish Cypriot property in Episkopi that had been granted to two Greek Cypriot women refugees since the 1974 Turkish intervention. According to the facts of the case, the Turkish Cypriot applicant went to the south in September 2002 where he had lived prior to the 1974 intervention. In a letter to the Ministry of the Interior, the applicant requested that his property be returned to his possession. However, this request was turned down by the Ministry, stating that "[d]ue to the Turkish invasion of 1974 and the displacement of population, all Turkish Cypriot properties have come under the protection of the Interior Minister in a law passed in 1991, pending resolution of the Cyprus problem". In its ruling, the Supreme Court found no plausible explanation as to why there should be discrimination between the members of the then Turkish Cypriot community who had their usual place of residence in the areas controlled by the Republic on 1 July 1991 when the law took effect, and those who did not. Further, the Court found that such a distinction could not stand, as it would constitute an acceptance of the partition of the population imposed by the Turkish invasion and occupation forces and a refusal to recognize the property rights of those members of the Turkish community who, in opposition to the segregation of the population, desired to return to their homes and properties in the areas controlled by the Republic. In this connection, Cyprus President Tassos Papadopoulos stated that the Government would not leave Greek Cypriot “refugees” exposed, following this decision of the Supreme Court."

COE, 16 May 2006:
"ECRI notes that Turkish Cypriots also face serious difficulties in having their property in the government-controlled part of Cyprus reinstated or in being compensated for loss of such property. ECRI notes that, in a property reinstatement case filed by a Turkish Cypriot citizen who had moved to the government-controlled part of Cyprus, the Supreme Court ordered in February 2004 the reinstatement of the applicant's property and stated that failure to do so would constitute discrimination on grounds of the applicant's belonging to the Turkish Cypriot community. An appeal was filed and is currently pending before the Supreme Court."

UN Commission on Human Rights, 27 March 2006:
"12. In September 2004, the Supreme Court of the Republic of Cyprus ordered the return of Turkish Cypriot property in Episkopi that had been granted to two Greek Cypriot women refugees since the 1974 Turkish intervention. The appeal by the Government and the Greek Cypriot refugee occupants is expected to be heard in January 2006 [...] Both appeals were withdrawn at the Supreme Court hearing in February 2006 and the property
was subsequently reinstated to its original owner."

Turkish Daily News, 4 January 2007:
"An application by four Turkish Cypriot siblings to the Strasbourg-based European Court of Human Rights for property claims is meaningful because it proves that property cases impact not only the Greek Cypriots but also the Turkish Cypriots, according to a spokesman for the Turkish Cypriot Presidency.

“This application shows the property dispute on Cyprus is not a problem that affects only the Greek Cypriots,” Hasan Erçakica told the Turkish Daily News.

Hasan Hüseyin Çakartas, Nejla Çagis, Mümün Çakartas and Gökçen Bayer’s lawyer, Asli Aksu, have applied to the European court, seeking compensation and return of their property they left in the south after the 1974 Turkish military intervention on the island. The four will file a compensation case demanding at least 7 million euros at the European court in the event the court finds the application acceptable [...]"

Property disputes are one of the most complicated issues of the decades-long Cyprus problem. Some 200,000 Greek Cypriots are believed to have left their property in the north after the 1974 intervention. Thousands of Greek Cypriots have applied to the European court demanding restitution for their property and compensation from Turkey for blocking access to the property they left in the north of the island.

In comments on the property claims, Turkish Cypriot international law expert at the Eastern Mediterranean University, Assistant Professor Kudret Özays, speaking with the Turkish Daily News, said the current application and future property cases filed by Turkish Cypriots at the European court could pave the way for transformation of the domestic remedy system in Greek Cyprus.

“I believe the [property] law in Greek Cyprus is so meaningless that it does not allow any domestic remedies. The European court, therefore, could urge the Greek Cypriot administration to review and transform its legislation concerning the control of Turkish Cypriot property in the south,” Özays said, in apparent reference to the European court’s 2005 ruling that called on Turkey and Turkish Cyprus to introduce an effective domestic remedy for Greek Cypriot property complaints."

Cyprus Mail, 19 March 2006:
""WE HAVE been shouting and protesting for 30 years because the Turkish Cypriots have been building on our property. But the legitimate government (of Cyprus) gave us money to build houses on the properties of the Turkish Cypriots. And at the time they lied to us, telling us that they had given us state land. This was what was written on the documents we signed."

I retained these words, uttered by a frustrated citizen in a television news story about a noisy protest held last Tuesday in Polemidia by hundreds of displaced persons who had built houses on plots given to them by the Spyros Kyprianou government some 30 years ago.

In the same report, a woman, who was visibly angry, said: “We were fooled. They brought us here, gave us land belonging to the Turkish Cypriots and, through a life of hard toil, we built our houses on it, married, brought up our children and now they are telling us to leave and that they will give us a plot somewhere else. In other words, we have to start from the beginning again. We will never leave. We will stay here and if they dare, they can come and kick us out [...]"

Cyprus Mail, 8 December 2006:
A SUPREME Court judge yesterday ruled that Turkish Cypriot refugees, who moved to the north of the island after 1974, are entitled to compensation for land that was expropriated by the government.

Kiazim Halit, Ayla Halit, Dogan Halit, Alev Nezihe Kavas (Halit) and Zeki Halit had appealed to the Supreme Court through their lawyer Christos Klerides, upon discovering that houses, electricity pylons and stores were being built on their land in the Paphos district village of Mandria.

All the appellants had claimed the government had not informed them of the changes that were being made on their property and that they had not been compensated for the land that was taken by the expropriating authority of the Ministry of Interior.

In response to the appeal, the Ministry of Interior had argued that the expropriation plans of the property in question had been officially announced in the government gazette on January 25, 2002 and that their appeal to the land alterations was “delayed”.

The Ministry also claimed, in contrast to the complaint from the Turkish Cypriots, that all the appropriate steps had been taken with regards to the refugee status of the owners prior to the constructions on the property.

But according to Supreme Court Judge Myron Nicolatos, the appeal was not delayed, stating in his court decision: “Given the fact that the appellants did not have access to the government gazette, the fact that they did not have access to the property until September 2004, that they immediately instructed a lawyer to investigate the matter after seeing all the construction on their property without their consent and the fact that a letter of inquiry was sent on October 25, 2004, it is my belief that they have responded within the 75-day time limit for their appeal.”

With regards to the status of the land owners, the judge ruled that “the expropriating authority was obliged to examine all elements concerned with the expropriation of the property – something which needs to be fully researched.”

Ruling on the final decision, Judge Nicolatos concluded, “The appeal of the appellants has been successful” adding that compensation for the property be paid to the Turkish Cypriots.”

Violation of property rights of Turkish Cypriots (2006)

- Turkish Cypriot properties have been expropriated in the south for construction and other uses with no compensation
- Cypriot Roma have progressively moved from the north to the south of Cyprus to improve their lives
- Approximately 650 Cypriot Roma live in Limassol and Pafos districts
- In Limassol district, most Cypriot Roma live in abandoned Turkish Cypriot houses
- The government of the Republic of Cyprus repairs these homes

Turkish Cypriot Human Rights Foundation, 25 October 2007:
"There has been widespread uncompensated expropriation of Turkish Cypriot properties in the south. The property is being used extensively for all forms of infrastructure (roads, bridges, dams, electricity power stations) as well as other private and general use such as refugee housing estates, industrial estates, parking areas, parks and football stadiums. Records of numerous complaints to our NGO reveal a pattern of discrimination against Turkish Cypriot
owned land by the state in these expropriations. The reason for this appears to be that, although under law 139/91 the compensation should be paid to the “custodian” on behalf of the Turkish Cypriots and the “custodian” is responsible for ensuring that this is done, in reality the state is not making such payments.

**COE, 27 October 2006:**
"(3) In recent years, Cypriot Gypsies, accompanied by their families have crossed to the Government controlled areas in search of better living conditions, job opportunities, and, as asserted, to escape discrimination to which they are subjected in the occupied part populated nowadays in majority by settlers from mainland Turkey and Turkish Cypriots constitute a minority. (4) Cypriot Gypsies are afforded by the State welfare benefits to which they are entitled to as Cypriot citizens, such as, basic housing, health care, schooling for the children and a monthly allowance to care for their basic needs until employed. (5) Although precise figures are not available, it is estimated that 620-650 Cypriot Gypsies reside in the Government controlled area: 83 Gypsy families (360 persons) reside in the Limassol District and 73 Gypsy families (259 persons) reside in the Pafos District. (6) In the Limassol District the vast majority of Cypriot Gypsies reside in Turkish Cypriot houses. In the Pafos District the vast majority of Cypriot Gypsies reside in Makounta, Stavrokonnou and Chrysochou villages. (7) In 2005 the repairs/improvements for 20 Turkish Cypriot houses inhabited by Cypriot Gypsies in the Limassol District cost CYP80,000."

**Inheritance of property in the south (2007)**

- Although there are no legal barriers to inheritance of Turkish Cypriot properties in the south, Turkish Cypriots encounter bureaucratic obstacles in obtaining a title in the name of the heir.

**Turkish Cypriot Human Rights Foundation, 25 October 2007:**
"We have observed that there is no legal or direct prohibition of Turkish Cypriots applying for probate and settling estates as heirs [in the south]. However it is widely complained that the authorities create endless obstacles to finally issuing title deeds in the name of Turkish Cypriot heirs. One such complaint has been taken to the ECHR by a family named “Halit”"

**European Court of Human Rights rulings for the period 2005 to 2007 (2007)**

- Only one case relating to property issues of displaced Cypriots was decided at the European Court of Human Rights (ECHR) during the period 2005 to 2007. 
- ECHR ruled in 2005 that there had been a continuing violation of a Greek Cypriot’s right to access and enjoy her home and property in the north, and held that she was still the legal owner of her home and property in the north. 
- The ECHR ordered Turkey to compensate the applicant for these violations.

**ECHR, 7 December 2006:**
"1. The case originated in an application (no. 46347/99) against the Republic of Turkey lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Cypriot national, Mrs Myra Xenides-Arestis (“the applicant”), on 4 November 1998. 

2. In a judgment delivered on 22 December 2005 (“the principal judgment”), the Court dismissed the objection on the applicant’s victim status and found continuing violations of Article 8 of the..."
Convention by reason of the complete denial of the applicant’s right to respect for her home and of Article 1 of Protocol No. 1 by virtue of the fact that the applicant was denied access to and control, use and enjoyment of her property and any compensation for the interference with her property rights. Furthermore, it found that it was not necessary to carry out a separate examination of the applicant’s complaint under Article 14 in conjunction with the above provisions (Xenides-Arestis v. Turkey, no. 46347/99, §§ 22, 32 and 36 and points 1-4 of the operative provisions).

3. Under Article 41 of the Convention, the applicant sought just satisfaction of 587,399 Cyprus pounds (CYP) by way of pecuniary damage concerning the period between 28 January 1987, the date of the acceptance by Turkey of the compulsory jurisdiction of the Court, and the end of 2005. Two valuation reports, setting out the basis for the calculation of the applicant's loss, were appended to the applicant’s observations. Furthermore, the applicant claimed CYP 160,000 in respect of nonpecuniary damage and CYP 131,867.97 for costs and expenses incurred before the Court [...]

5. The Court had examined the implementation of the preceding compensation law, the “Law on Compensation for Immovable Properties Located within the Boundaries of the Turkish Republic of Northern Cyprus” (“Law no. 49/2003”), in the present case, at the admissibility stage and had ruled that the remedy proposed under the above law did not satisfy the requirements under Article 35 § 1 of the Convention in that it could not be regarded as an “effective” or “adequate” means for redressing the applicant’s complaints (see Xenides-Arestis v. Turkey (dec.), no. 46347/99, decision of 14 March 2005, § 50).

6. The Court, in the principal judgment, further held that “the respondent State must introduce a remedy which secures genuinely effective redress for the Convention violations identified in the instant judgment in relation to the present applicant as well as in respect of all similar applications pending before it, in accordance with the principles for the protection of the rights laid down in Article 8 of the Convention and Article 1 of Protocol No. 1 and in line with its admissibility decision of 14 March 2005. Such a remedy should be available within three months from the date on which the present judgment is delivered and redress should be afforded three months thereafter” (§ 40). Furthermore, the parties were invited to submit, within three months, from the date on which the judgment became final in accordance with Article 44 § 2 of the Convention, their written observations on the issue of pecuniary and non-pecuniary damage and, in particular, to notify the Court of any agreement they might reach (ibid., § 50, and point 6 of the operative provisions). Pending the implementation of the relevant general measures by the Government, the Court adjourned its consideration of all applications deriving from the same general cause (ibid., § 50) [...]

10. Subsequent to the adoption of the principal judgment in the instant case, the authorities of the “Turkish Republic of Northern Cyprus” (“TRNC”) enacted the new compensation law, the “Law for the Compensation, Exchange and Restitution of Immovable Properties” (“Law no. 67/2005”) which entered into force on 22 December 2005 and the “By- Law made under Sections 8 (2) (A) and 22 of the Law for the Compensation, Exchange and Restitution of Immovable Properties which are within the scope of sub-paragraph (b) of paragraph 1 of Article 159 of the Constitution” (“Law no. 67/2005”) which entered into force on 20 March 2006.

11. The “Immovable Property Commission” (hereinafter “the Commission”), which was established under “Law no. 67/2005” for the purpose of examining applications made in respect of properties within the scope of the aforementioned law, is composed of five to seven members, two of whom are foreign members, Mr Hans-Christian Krüger and Mr Daniel Tarschys, and has the competence to decide on the restitution, exchange of properties or payment of compensation. A right of appeal lies to the “TRNC” High Administrative Court [...]

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36. The Court recalls that in its principal judgment it held that there had been a continuing violation of the applicant’s rights guaranteed by Articles 8 of the Convention and Article 1 of Protocol No. 1 by reason of the complete denial of the rights of the applicant with respect to her home and the peaceful enjoyment of her property in northern Cyprus (§§ 22 and 32 of the principal judgment). It further held that the applicant was still the legal owner in part of two properties situated in the area of Famagusta (§ 28 of the principal judgment) and that its finding of a violation of Article 1 of Protocol No. 1 was based on the fact that, as a consequence of being continuously denied access to her land, she had effectively lost control as well as the possibility to use and enjoy her property (§ 32 of the principal judgment) [...]

38. The Court will therefore proceed to determine the compensation the applicant is entitled to in respect of losses emanating from the denial of access and loss of control, use, and enjoyment of her property between 22 January 1990, the date of Turkey’s acceptance of the compulsory jurisdiction of the Court, and the present time (Loizidou (Article 50), judgment of 29 July 1998, cited above, p. 1817, § 31)."

For commentary on the Arestis ruling, see "Good or bad? Jury out on Aresti ruling," Cyprus Mail, 9 December 2006, "Both sides claim victory in key property ruling," Cyprus Mail, 8 December 2006, "ECHR awards damages to Greek Cypriot refugee," Financial Mirror, 7 December 2006 and "Historic decision by ECHR," Zaman, 8 December 2006.

"Annan Plan" provided guarantees for the displaced to recover their property (2006)

- The "Annan Plan" attempted to find a solution through establishing a balance between competing legitimate interests and individual human rights, while respecting the principle of bi-zonality and international law
- The plan limited property restitution and allowed permanent settlement by persons from the other community to be limited to the extent that the majority status of Turkish Cypriots in their own zone would not be threatened
- Within the "Annan Plan" about one-third of the Turkish Cypriots would have had to relocate, but the majority of Turkish Cypriots voted "yes" to the plan since they accepted it as a compromise
- Turkish Cypriots also feared that without a solution, judgments from the European Court of Human Rights on Greek Cypriots’ claims to property would reverse the property situation as it stood now
- Greek Cypriots believe the right to return and right to property are non-negotiable, and disagreed with limited property restitution in the plan

PRIO, 31 December 2006:
"[...] Turkish Cypriot Reactions

Although Turkish Cypriots approved the Annan Plan in the April 2004 referendum by a majority of two-thirds, they were distinctly ambivalent about the Plan’s property regime. There were worries within the community about the potential social and economic impact of this regime, not least because a large number of Turkish Cypriots (around 70,000 or one-third of the Turkish Cypriot community) would have had to be relocated owing either to territorial adjustment or to reinstatement of properties to dispossessed Greek Cypriot owners. More crucially, many Turkish Cypriots were opposed to the Plan because it contained arrangements (e.g. reinstatement) that were incompatible with their preferred global exchange and compensation scheme and, hence, their idea of bizonality.
The Turkish Cypriot ‘yes’ vote cannot be seen to indicate a change in the Turkish Cypriot stance on the property issue. Rather, one might say that – in the light of a number of other important factors, including the prospect of EU membership, the general Turkish Cypriot desire to join the system of international law, and not least Turkey’s explicit support for the Plan – the Turkish Cypriots accepted the proposed settlement as a compromise, especially as regards property.

Also, at that time Turkish Cypriots had another serious concern: the matter of ECHR judgments in property-related cases brought by Greek Cypriots against Turkey. It was feared that, without an overall solution, the implementation of these judgments would lead to a complete reversal of the property situation back to what it was before 1974. The Plan’s provisions for both property and residency – restricting restitution and allowing permanent settlement by persons from the other community to be limited to the extent that the majority status of Turkish Cypriots in their own zone would not be threatened – clearly represented a better alternative to such an eventuality. This was undoubtedly a significant factor that persuaded a great number of Turkish Cypriots to view the Plan’s property regime as a ‘lesser evil’ and accept it as a necessary compromise.

Greek Cypriot Reactions
The Greek Cypriots were also unhappy with the Annan Plan property regime, but of course for different reasons. Economics were also a concern for this side, and many Greek Cypriots warned that the impact of the regime on the island’s property market would be disastrous. However, a more critical objection concerned the issue of ‘respect for human rights’.

As we mentioned earlier, it has been the general understanding on the Greek Cypriot side that the ‘right of return’ and the ‘right to property’ are non-negotiable, sacrosanct human rights that have to be fully respected notwithstanding any other concerns. Thus, the proposed property arrangements, which provided for certain qualifications to the exercise of displaced persons’ property rights (e.g. limited restitution), were viewed by the majority of Greek Cypriots as rejecting displaced persons’ ‘inalienable right to full and unqualified restitution’. They saw the Plan’s property regime as a set of shameless provisions that were in violation of the norms of international law, European conventions and the EU acquis communautaire. Most Greek Cypriots felt that their stance on property had repeatedly and clearly been shown to be the ‘correct’ one by the numerous ECHR judgments on property-related cases against Turkey.

Moreover, Cyprus – run by a wholly Greek Cypriot administration – would soon accede to the European Union. Once there, the struggle to get Turkey to respect the Greek Cypriot basic human right to properties in the north could be continued under much better conditions, especially given Turkey’s own EU membership aspirations. Not surprisingly, all this helped to enhance the Greek Cypriot belief that a settlement closer to its ideal solution was now a real possibility, much more than ever before [...]"

TESEV, 30 April 2005:
“As it has often been claimed, the Cyprus problem throughout the history had always been a problem closely related to property. The part dealing with properties affected since 1963 is therefore the most sensitive section of the Plan, with a vital impact on the daily life of almost every resident on the island.

The solution offered by the Annan Plan is a compromise between the Greek Cypriot side’s demand to unlimited exercise of property rights, meaning that all displaced persons would have the right to have their property reinstated, and the Turkish Cypriot side’s demand to settle the problem through global exchange, meaning that no displaced person from either side would have their property reinstated, but rather such persons would receive a financial compensation instead.
The plan attempted to find a solution through establishing a balance between competing legitimate interests and individual human rights, while respecting the principle of bi-zonality and international law. The property regime proposed in the plan was a temporary regime. It dealt only with the properties affected by the events between 1963 and the coming into force of the Foundation Agreement. Dealings with any other property would be regulated by municipal law of the constituent state where the property is located.

The scheme set out by the plan for the exercise of property rights distinguished between a) the affected properties in the area subject to territorial adjustment and b) the properties located outside this area. In both areas the system was based on individual claims. The Turkish Cypriots and the Greek Cypriots, who were dispossessed of their properties, would need to submit to the Property Board individual claims for the recognition of their rights to the property. The affected properties located in the area subject to territorial adjustment would be generally reinstated to dispossessed owners. For affected property located within the territory of the other constituent state, property rights would be exercised either by way of reinstatement, or compensation, or sale, or long-term lease (20 years or longer), or exchange. The Property Board would take its decision regarding the form through which property rights might be exercised according to certain criteria, which include the circumstances of current users and the degree of investment in the affected property.

If after a consideration of these criteria an affected property were declared as eligible for the reinstatement, it would be reinstated provided that quotas for reinstatement had not already been filled up. In case agreed levels of reinstatement were reached then the dispossessed owner would receive effective compensation. If the dispossessed owner was an institution, it could only seek compensation. On the other hand, properties owned by the Churches and Evkaf141, and used, as religious sites in 1963 or 1974, were all eligible for reinstatement, though they had an option to claim compensation instead.

Generally, priority was given to the claims of current users who had themselves been displaced and dispossessed of their properties. The rules allowed them to receive title to the property in their use in exchange for renouncing their title to property in the other constituent state. This would apply also to their successors in title. (The burden of evidence lied on the dispossessed owner; he would be the one to establish a title to property.) Similarly, anyone who had significantly improved a property (a degree of required investment is specified in details by the plan) would be able to obtain a title to such a property provided he/she would pay for the value of the property in its original state. In these cases a current user would have the right of first choice regarding the destiny of the property.

Under Annan III there are certain limitations on reinstatement. Within a constituent state borders no more than 10 per cent, and at the same time in any given municipality no more than 20 per cent of the total land area and the number of residences could be reinstated to persons hailing from the other constituent state. Moreover, properties, which were vacant, could be reinstated three years after the Foundation Agreement entered into force. The moratorium in all other cases was declared for five years.

The estimated impact on the ground

Although the provisions of the Annan plan were valid for both the Greek Cypriots and Turkish Cypriots, it was clear that the Turkish Cypriot population would be affected more substantially both by the territorial arrangements and the property regime alike. According to the UN Secretary General’s report, once property rights were exercised on the basis of his plan, a maximum of 15,000-18,000 current users of affected properties located in the territory to be administered by the Turkish Cypriot State would be affected. Together with those located in the area of territorial
A Turkish Cypriot expert, Tahir Çelik, in his report on the Financial Cost to the Turkish Cypriots of the Solution Based on the Annan Plan figures out approximately the same number. According to his calculation, the Turkish Cypriot population affected by the territorial adjustment would be 46,569, and those who would have to evacuate properties to be reinstated would be around 21,595. Therefore, the total number of Turkish Cypriots who might be affected and might have to be evacuated from their present location should not be more than 68,164 persons. He considers this number as the maximum number of persons that would need to be resettled during the first 15 years, after the signing of the plan [...]

**European Court of Human Rights holds Turkey responsible for the violation of home and property rights of the displaced (2001-2003)**

- In its judgment, the European Court of Human Rights held Turkey responsible for the policies and actions of the authorities in the north
- The Court also found the refusal to allow any Greek-Cypriot displaced persons to return to their homes in northern Cyprus violated the European Convention on Human Rights (ECHR)
- The Court also held that the denial of access and use of their properties to the Greek-Cypriot owners as well as the denial of any compensation constituted a violation of ECHR
- The Court concluded that Turkey failed to provide Greek Cypriots not residing in northern Cyprus with remedies to contest interferences with their rights
- The Court recalled its finding in the Loizidou judgment (1996) that the deprivation of property titles under Article 159 of the TRNC Constitution and other legal provisions was not valid

**European Court of Human Rights, 31 October 2003, Case of Demades v. Turkey:**

> “3. The applicant alleged a violation of Articles 8 and 13 of the Convention and of Article 1 of Protocol No. 1 [...]”

10. The applicant is a Cypriot national of Greek-Cypriot origin, born in 1929 and living in Nicosia.

11. The applicant states that he is the registered owner of a plot of land (Registration number: 1071, Sheet / Plan: XII/20 E, Plot 122) situated on the sea front in the district of Kyrenia in northern Cyprus. He also maintains that he is the owner of a two-storey house, which he built on the above-mentioned plot of land. He submits that the house was fully furnished and equipped and that it was used by him and his family on a regular basis not only for weekend and holiday purposes but also as a home.

12. The applicant states that since 1974 he has been prevented by the Turkish armed forces from having access to his property, using and enjoying possession of it as well as developing it. In addition, he claims that according to evidence his home is currently occupied by officers and/or other members of the Turkish armed forces [...]

37. The Court sees no reason in the instant case to depart from the above reasoning and findings in the case of Cyprus v. Turkey (op. cit.). Accordingly, it concludes that there has been a continuing violation of Article 8 of the Convention by reason of the complete denial of the right of the applicant to respect for his home [...]

46. The Court sees no reason in the instant case to depart from the conclusions which it reached in the Loizidou and Cyprus v. Turkey cases (op. cit.). Accordingly, it concludes that there has
been and continues to be a violation of Article 1 of Protocol No. 1 to the Convention by virtue of the fact that the applicant is denied access to and control, use and enjoyment of his property as well as any compensation for the interference with his property rights [...]

54. In the circumstances of the case, the Court considers that the question of the application of Article 41 in respect of pecuniary and non-pecuniary damage is not ready for decision. The question must accordingly be reserved and the subsequent procedure fixed with due regard to any agreement which might be reached between the respondent Government and the applicant (Rule 75 § 1) [...]

57. The Court considers that the amounts claimed up until this stage of the procedure (see paragraph 45 above) can be considered to have been reasonably and necessarily incurred and are reasonable as to quantum (see Iatridis v. Greece, just satisfaction, [GC], no. 31107/96, § 54, ECHR 2000-XI). It awards the amount claimed in full [...]

FOR THESE REASONS, THE COURT
1. Dismisses by six votes to one the Government's preliminary objections;

2. Holds by six votes to one that there has been a violation of Article 8 of the Convention;

3. Holds by six votes to one that there has been a violation of Article 1 of Protocol No. 1;

4. Holds unanimously that it is not necessary to examine the applicant's complaint under Article 13 of the Convention;

5. Holds six votes to one
(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment on the merits becomes final according to Article 44 § 2 of the Convention, EUR 2,875 (two thousand eight hundred and seventy five euros) in respect of costs and expenses plus any tax that may be chargeable, to be converted into Cypriot pounds at the rate applicable on the date of settlement;
(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. Holds unanimously that the question of the application of Article 41 is not ready for decision in respect of pecuniary and non-pecuniary damage;
   accordingly,
   (a) reserves the said question in that respect;
   (b) invites the Government and the applicant to notify the Court of any agreement that they may reach;
   (c) reserves the further procedure and delegates to the President of the Chamber the power to fix the same if need be."

ECHR, 31 October 2003, Case of Eugenia Michaelidou Developments Ltd and Michael Tymvios v. Turkey:

"3. The applicants alleged a violation of Articles 1, 8 and 14 of the Convention, Article 1 of Protocol No. 1 and Articles 2 and 3 of Protocol no. 4. They maintained in this connection that the authorities of the respondent Government prevented them from having access to, use and enjoyment of their property situated in northern Cyprus [...]

13. The applicants state that they are prevented by the Turkish armed forces from having access to their property and using and enjoying possession of it [...]

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31. The Court sees no reason in the instant case to depart from the conclusions which it reached in the Loizidou and Cyprus v. Turkey cases. Accordingly, it concludes that there has been and continues to be a violation of Article 1 of Protocol No. 1 by virtue of the fact that the applicant is denied access to and control, use and enjoyment of his property as well as any compensation for the interference with his property rights [...] 

42. The Court has found the respondent Government to be in breach of Article 1 of Protocol No. 1. In so doing, it has reaffirmed Turkey's responsibility under the Convention for that breach under Article 1 of the Convention. The applicant's separate complaint under that Article adds nothing to the breach established, it being recalled in any event that Article 1 is a framework provision that cannot be breached on its own (see Ireland v. the United Kingdom, judgment of 18 January 1978, Series A no. 25, p. 90, § 238) [...] 

47. In the circumstances of the case, the Court considers that the question of the application of Article 41 in respect of pecuniary and non-pecuniary damage is not ready for decision. The question must accordingly be reserved and the subsequent procedure fixed with due regard to any agreement which might be reached between the respondent Government and the applicant (Rule 75 § 1) [...] 

FOR THESE REASONS, THE COURT
1. Declares inadmissible unanimously the applicant's complaints under Protocol No. 4 as being incompatible ratione personae with that Protocol;

2. Dismisses by six votes to one the remainder of the Government's preliminary objections;

3. Holds by six votes to one that there has been a violation of Article 1 of Protocol No. 1;

4. Holds unanimously that it is not necessary to examine the applicant's complaint under Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1;

5. Holds unanimously that it is not necessary to examine the applicant's complaint under Article 8 of the Convention;

6. Holds unanimously that it is not necessary to examine the applicant's complaint under Article 1 of the Convention;

7. Holds by six votes to one
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment on the merits becomes final according to Article 44 § 2 of the Convention, EUR 8,480 (eight thousand four hundred and eighty euros) in respect of costs and expenses plus any tax that may be chargeable, to be converted into Cypriot pounds for the costs and expenses of the applicant's Cypriot lawyer and in pounds sterling for the fees of his British lawyer, at the rate applicable on the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

8. Holds unanimously that the question of the application of Article 41 of the Convention is not ready for decision in respect of pecuniary and non-pecuniary damage; accordingly,
   (a) reserves the said question in that respect;
   (b) invites the Government and the applicant to notify the Court of any agreement that they may reach;
(c) reserves the further procedure and delegates to the President of the Chamber the power to fix the same if need be."

**European Court of Human Rights, 10 May 2001:**

"As to Turkey’s denial of liability under the Convention for the allegations made against it, the Court held, by sixteen votes to one, that the facts complained of in the application fell within the 'jurisdiction' of Turkey within the meaning of Article 1 of the Convention and therefore entailed the respondent State’s responsibility under the Convention. In reaching this conclusion, the Court noted that such a finding was consistent with its earlier statements in its Loizidou v. Turkey (merits) judgment. In that judgment, the Court had noted that Turkey exercised effective overall control of northern Cyprus through its military presence there, with the result that its responsibility under the Convention was engaged for the policies and actions of the 'TRNC' authorities. In the instant case, the Court stressed that Turkey’s responsibility under the Convention could not be confined to the acts of its own soldiers and officials operating in northern Cyprus but was also engaged by virtue of the acts of the local administration ('the TRNC'), which survived by virtue of Turkish military and other support.

 […]

Home and property of displaced persons

The Court held, by sixteen votes to one, that there had been a continuing violation of Article 8 by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus. Having regard to that conclusion, the Court found, unanimously, that it was not necessary to examine whether there had been a further violation of that Article by reason of the alleged manipulation of the demographic and cultural environment of the Greek-Cypriot displaced persons’ homes in northern Cyprus. As to the applicant Government’s complaint under Article 8 concerning the interference with the right to respect for family life on account of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus, the Court held, unanimously, that this complaint fell to be considered in the context of their allegations in respect of the living conditions of the Karpas Greek Cypriots.

Furthermore, the Court held, by sixteen votes to one, 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 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.

The Court also held, by sixteen votes to one, that there had been a violation of Article 13 by reason of 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. It did not find it necessary (unanimously) to examine whether in this case there had been a violation of Article 14 taken in conjunction with Articles 8 and 13 and Article 1 of Protocol No. 1, or whether the alleged discriminatory treatment of Greek-Cypriot displaced persons also gave rise to a breach of Article 3. It was also of the unanimous view that it was not necessary to examine separately the applicant Government’s complaints under Articles 17 and 18, having regard to its findings under Articles 8 and 13 and Article 1 of Protocol No. 1."

**European Court of Human Rights, 10 May 2001, paras. 184-189:**

"The Court agrees with the Commission’s analysis. It observes that the Commission found it established on the evidence that at least since June 1989 the 'TRNC' authorities no longer recognised any ownership rights of Greek Cypriots in respect of their properties in northern Cyprus (see paragraph 32 above). This purported deprivation of the property at issue was embodied in a constitutional provision, 'Article 159 of the TRNC Constitution', and given practical
effect in 'Law no. 52/1995'. It would appear that the legality of the interference with the displaced persons’ property is unassailable before the 'TRNC' courts. Accordingly, there is no requirement for the persons concerned to use domestic remedies to secure redress for their complaints.

The Court would further observe that the essence of the applicant Government's complaints is not that there has been a formal and unlawful expropriation of the property of the displaced persons but that these persons, because of the continuing denial of access to their property, have lost all control over, as well as possibilities to enjoy, their land. As the Court has noted previously (see paragraphs 172-73 above), the physical exclusion of Greek-Cypriot persons from the territory of northern Cyprus is enforced as a matter of 'TRNC' policy or practice. The exhaustion requirement does not accordingly apply in these circumstances.

The Court recalls its finding in the Loizidou judgment (merits) that that particular applicant could not be deemed to have lost title to her property by operation of 'Article 159 of the TRNC Constitution', a provision which it held to be invalid for the purposes of the Convention (p. 2231, § 44). This conclusion is unaffected by the operation of 'Law no. 52/1995'. It adds that, although the latter was not invoked before the Court in the Loizidou case, it cannot be attributed any more legal validity than its parent 'Article 159' which it purports to implement.

The Court is persuaded that both its reasoning and its conclusion in the Loizidou judgment (merits) apply with equal force to displaced Greek Cypriots who, like Mrs Loizidou, are unable to have access to their property in northern Cyprus by reason of the restrictions placed by the 'TRNC' authorities on their physical access to that property. The continuing and total denial of access to their property is a clear interference with the right of the displaced Greek Cypriots to the peaceful enjoyment of possessions within the meaning of the first sentence of Article 1 of Protocol No. 1. It further notes that, as regards the purported expropriation, no compensation has been paid to the displaced persons in respect of the interferences which they have suffered and continue to suffer in respect of their property rights.

The Court notes that the respondent Government, in the proceedings before the Commission, sought to justify the interference with reference to the inter-communal talks and to the need to rehouse displaced Turkish-Cypriot refugees. However, similar pleas were advanced by the respondent Government in the Loizidou case and were rejected in the judgment on the merits (pp. 2237-38, § 64). The Court sees no reason in the instant case to reconsider those justifications.

For the above reasons the Court concludes that there has 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."
PATTERNS OF RETURN AND RESETTLEMENT

General

Turkish Cypriot wins right to return to house in south (2006)

- A Turkish Cypriot who left his home in Episkopi in the south in the 1970s won the right to return to his house in 2006
- Residents of Episkopi have mixed opinions about his return: some who moved into Turkish Cypriot homes worry they may be displaced again, while others who were not displaced do not mind living with Turkish Cypriots

Cyprus Mail, 19 February 2006:
“THE Tuesday return of Arif Mustafa to his Episkopi home has prompted fears amongst Greek Cypriot refugees throughout the island that they might be ordered out of the Turkish Cypriot houses that they are occupying and - in a worst case scenario – be left without a home.

In a landmark court decision on Monday, Turkish Cypriot Mustafa won the right to go back to his home after the government withdrew its appeal against a September 2004 Supreme Court ruling that gave him the right to return.

Before the 1974 invasion, Episkopi was mostly Turkish Cypriot, but after the invasion, Greek Cypriots were moved into abandoned Turkish Cypriot and they now make up the majority in the village.

One Episkopi resident told the Sunday Mail that she was “very much against the decision to let Mustafa return to his home.”

“If all the Turks [Turkish-Cypriots] come back, what are we going to do? Where will the government put all of us? Are they all just going to come in here with their keys?”

Almost all of the refugees now living in Episkopi moved into Turkish Cypriot homes as opposed to building new homes on Turkish Cypriot land, but with the help of government subsidies this woman had built her house on Turkish Cypriot land.

The Turkish invasion led to the displacement of roughly 180,000 Greek Cypriots who were living in the north of the island and about 70,000 Turkish Cypriots - over half of them - who were living in the south.

“They [Turkey] took that half of the island and they are going to take this half also now” she added.

The woman said that a Turkish Cypriot woman was presently occupying her home in Famagusta and using it “only as a vacation home twice a year”, although she then conceded that it was better that someone was living in the house than for it to remain uninhabited and deteriorate.

Another Greek Cypriot refugee who lives in a Turkish Cypriot home said that she could understand the desire on the part of Turkish Cypriots to return, but still did not consider it fair to make them refugees a second time around.
“Just as we want our homes back, so too do they,” she said. “I don’t have anything against Mustafa personally, but is it fair that he and the other Turkish Cypriots should get everything back while we get nothing?”

Another refugee was more militant about his position. “I’m not moving out of here until I get my property back. They’ll have to come and get it over my dead body.”

But not all the Episkopi residents were opposed to Mustafa’s return. At the Curium Episkopi Football Club, where about two-dozen men were playing cards and backgammon in a haze of smoke, Leonidas Christoforou told the Sunday Mail that he was not opposed to Mustafa returning since he was the legal owner of his Episkopi home.

“Sure, most of the refugees don’t want them to start coming back,” said 65-year old Christoforou, who grew up in Episkopi. “And they’re justified. You can’t say that they’re not justified. Where are they going to go? But me, as a local, I don’t mind.”

Christoforou said that pre-1974 there were always about one or two hundred more Turkish Cypriots than Greek Cypriots. “If there were 800 Greek Cypriots, then there were about 1,000 Turkish Cypriots.

“Life was very good with the Turkish Cypriots. We went to their weddings and they came to ours,” Christoforou said.

A man sitting pensively over his coffee at the same table leaned forward. “I could even tell you that life was better with them than with the refugees. We didn’t have any problems at all. And I don’t have any problems with Mustafa moving back.”

“Moving back? Yeah right, he’s sold it already,” said another man beside him without looking up as he tossed a pair of backgammon die. “5-1. You think he’s actually going to live there?” he said, slamming the pieces down.

But Arif Mustafa told the Sunday Mail that there was no chance he was selling the house and that he was even planning to build his daughter a house on the property. He did not anticipate other Turkish Cypriots would want to return to Episkopi. “As with Greek Cypriots, many have now lived for over 30 years in another place and have raised families. Not many would want to return.”

Mustafa said that he had other property in the Cyprus Republic aside from the home and orchard that he recently won back. But he did not plan to take any more legal action.

“For my other property I will wait for a solution.”

**Some Greek Cypriots and Maronites want to return to the north (2007)**

- Greek Cypriots and Maronites who were displaced to the south would like to return to their villages in the north
- In many cases their parents stayed behind and they would like to return and care for them in their old age

UN Security Council, 4 June 2007:
"[...] 27. During the reporting period, UNFICYP conducted 60 humanitarian convoys and humanitarian visits in support of the 384 Greek Cypriots and 142 Maronites living in the north. An increasing number of Maronite and Greek Cypriot persons are expressing an interest in returning permanently to their villages in the north, often to look after parents who stayed behind and are now growing too old to look after themselves [...]"

**BBC, 14 December 2006:**

"Doctor Andreas Stavrides still feels his memories are ungrounded. I hear his story sitting in his spacious villa in the south of Nicosia. It is very much the family home, the large sitting room lovingly decorated with paintings, the dining room full of portraits of his daughters, wife and son. But he insists this is all just temporary, that his real home is a flat about some shops in the high street of Kyrenia.

The house is now used as the headquarters of a political party

He was 23, studying to be a paediatrician in London, when the Turkish armed forces came to that part of the island, and his family, like many Greek Cypriot families, fled south. He says he left behind his medical library, his coin and stamp collection, and with them the house where he was brought up.

The doctor shows me an oil painting hanging above the sideboard of the picturesque seafront at Kyrenia, pointing out this and that - where his football club was, where people used to meet.

To add insult to injury, the house is now the headquarters of the party of North Cyprus' president, draped in flags and banners. Its glory has certainly faded. Even in its heyday I can't believe it was half so grand or as comfortable as the doctor's current home. But that of course is not the point.

He says: "Everybody can enjoy Kyrenia except those who are its rightful heirs. I am bitter that I can't show my kids where I grew up and relive my very fond childhood memories. Houses you can replace, but you cannot replace memories."

He won't go back. He concedes he is making a political point. He doesn't think he should have to cross borders and show passports to go to his own home in his own country. But he adds sadly, "I would be overcome, I would die."

**Greek Cypriots run campaign for return to Famagusta (2007)**

- The displaced organized a petition for their return to Famagusta, which is currently called Varosha
- This group sent the petition to the European Parliament, which responded that it is for all sides concerned to agree on the return to Famagusta

**Financial Mirror, 20 April 2007:**

"Mayor of the Turkish occupied town of Famagusta, Alexis Galanos, has expressed satisfaction with the "mass and touching" response of his fellow citizens to the campaign to collect signatures demanding the return to the fenced off town to its legal inhabitants.

Speaking at a press conference, four days before the end of the campaign, he said he was sure that there will not be a refugee from Famagusta who will not sign the petition in Cyprus and abroad, where the campaign will continue until the beginning of May [...]"
Under the slogan "Let's give voice to our city", the refugee Municipality of Famagusta began April 14 a campaign to collect signatures by Famagusta refugees demanding that they be allowed to return to the fenced off town."

**European Parliament, 22 June 2005:**
"The above organisation, representing over 30 000 EU citizens forced to flee from Famagusta following the Turkish occupation in August 1974, is seeking the assistance of the European Parliament to ensure that the Commission's initiatives to stimulate the economic development of northern Cyprus include the return of the closed area of Famagusta, referring in this connection to the Council proposal for a regulation for the creation of an instrument to stimulate the economic development of the Turkish Cypriot community.

2. Admissibility

"The Commission would like to remark the following:
1. The Commission proposed the comprehensive package of aid and trade measures, to which the petition refers, on 7 July 2004. The package aims to put an end to the isolation of the Turkish Cypriot community. It was proposed in response to the invitation of the Council of 26 April 2004 following the outcome of the referenda on the Annan Plan. However, there is a stalemate in the Council over the Commission's proposals. The aid regulation received a positive vote in the European Parliament in October 2004. The proposed trade regulation does not require formal involvement of the European Parliament.

2. The package could be implemented without the return of Varosha (a former hotel area south of Famagusta, which is fenced-off and under direct control of the Turkish military).

3. In August 2004, President Papadopoulos proposed the re-opening of the port of Famagusta under the control of the Commission combined with the "return" of Varosha.

4. It is however for all sides concerned to agree on the return of Varosha.

5. It should be noted that Varosha would have been returned to the Greek Cypriot side according to the Annan Plan.

Conclusion
The return of Varosha is part of the Cyprus problem and can only be solved by an agreement of all sides concerned. It is to be noted that, at several occasions, it has been considered as a possible confidence building measure."

**Cyprus News Agency, 7 August 2005:**
"Greek Cypriot refugees from the Turkish occupied town of Famagusta marched yesterday to the checkpoint leading to their town, reiterating their wish and determination to return back to their ancestral homes.

In an annual anti-occupation ceremony entitled "solution - reunification - peace", the refugees dislocated from their hometown during the 1974 Turkish invasion on the island, gathered at Dherynia village square from where they marched to the checkpoint, where they released 31 pigeons to mark the 31 years of occupation of their hometown. The march ended up at Famagusta's Cultural Centre, where a ceremony took place.

The event was organized by the Famagusta Municipality. Present at the event were Cyprus House President Demetris Christofias, political party leaders, deputies, thousands of refugees from Famagusta, an inter-parliamentary delegation from Greece, as well as British MP and honorary citizen on Famagusta Eddie O'Hara and British former MP and honourary citizen of Famagusta Tom Cox."
Chistofias, who was the main speaker at the event, reiterated the will for a solution of the Cyprus problem the soonest possible.

He added that the demand for the return of the fenced-off city of Famagusta to its lawful inhabitants and the broader implementation of confidence building measures are not the main target of the Greek Cypriots, but aim at fostering a climate that will contribute to a settlement of the Cyprus problem."
NATIONAL AND INTERNATIONAL RESPONSES

National response

Government of the Republic of Cyprus' programmes for the displaced (2006)

- IDPs received 'refugee' identity card, accommodation and in-kind allowances from the government
- By 1995, over 74,000 families had been given housing assistance by the government
- The government of the Republic of Cyprus established a custodian to manage abandoned Turkish Cypriot property in the south
- Children of displaced fathers can inherit 'refugee' status

Cyprus Mail, 7 December 2006:

"A CABINET decision yesterday promised to halve the time taken to assess loan applications for housing schemes for refugees and those affected by the events of 1974, effective from the beginning of next year.

The Finance Ministry’s Permanent Secretary, Christos Patsalides, yesterday informed the House Refugee Committee that the Cabinet had approved the Committee’s suggestion for the subsidisation of interests on loans for those who are entitled to the body's housing schemes and who have properties in the occupied north.

The committee, which was discussing annual budget of the financial body for refugee loans, had previously asked the Co-op Central Bank and the Housing Finance Cooperation to lend a helping hand to loan-applicants for housing schemes, so that repayment time of the loans is extended and payments are reduced.

The spokesman for the Housing Finance Cooperation told deputies that the organisation had accepted the suggestion, but the bank’s spokesman had not been able to attend yesterday's meeting and submit its official response.

The president of the Financial Body for Refugees, Akis Pouros, expressed his satisfaction over the government's assistance in the past few years, saying the Body's state funding had increased from £25 million to £35 million [...]"
1978 each destitute displaced family was provided with assistance in kind and allowances according to the size and the needs of the family."

Republic of Cyprus, 1999:
"...as a result of the 1974 Turkish invasion and the subsequent occupation of approximately 37% of the territory of Cyprus, 45,000 families were evicted from their homes and became homeless overnight. In the face of that dramatic situation, the Government of Cyprus has made every effort and gives high priority to the temporary accommodation of displaced families under acceptable living conditions.

In order to promote the objective of improving housing conditions for displaced persons, the Government has adopted the following programmes:

(i) Low-Cost Housing Programme, mainly in urban areas, which provides for the construction of houses in comprehensively designed housing estates, suitable for the temporary accommodation of displaced families and for future use as housing estates for low income families. Under this programme, between 1975-1995 about 14,000 housing units were completed by the Government.

(ii) Self-Help Housing Programme on Government Land, mainly in periurban and rural areas, provides serviced building plots in approved areas as well as a grant-in-aid to displaced families for the purchase of building materials for the construction of their own house, according to the architectural plans provided by the Government. Under this programme, 12,000 units were completed during 1975-1995.

(iii) Self-Help Housing Programme on Private Land, mainly in urban areas, for the displaced families who own a building plot and want to build their own house by themselves. The Government provides a grant-in-aid for the purchase of building materials only. Under this programme, between 1975-1995 about 19,500 houses were completed by displaced families.

(iv) Purchase of a House or Apartment Programme, mainly in urban areas, which provides for grants-in-aid to displaced families who wish to buy a house or an apartment from the private sector, provided they meet established criteria.

(v) Repair and Rehabilitation of Old or Abandoned Turkish Houses Programme, in urban and rural areas. Under this scheme, the Government undertakes the repair and maintenance of existing old Turkish Cypriot houses and after they have been improved to acceptable standards in terms of structural fitness and amenities, they are handed over to refugee families for temporary accommodation until they are returned to their legal owners. Between the years 1975-1995, about 5,500 houses were provided to an equal number of displaced families through this programme.

(vi) Rebuilding and Rehabilitation Programme, in central parts of the towns. Under this programme the Government undertakes to renovate and rehabilitate small areas in central parts of towns which are in a very bad state, by the restoration of worthwhile existing buildings and building in the empty sites new houses which would be in harmony with the existing structure and character of the old town. Through this programme the area is rehabilitated and revitalized and people in urgent need of housing are accommodated under proper housing conditions.

Great efforts have been made during the last 20 years towards the accommodation of displaced families under proper housing conditions and about 74,000 such families have been provided with shelter or assisted to acquire a new house, at a total cost of CYP305,000,000."
“Property of Turkish Cypriots in the area under the control of the Government of Cyprus is administered by the Directorate for Turkish Cypriot property management, an authority coming under the Minister of the Interior. In principle, Turkish Cypriots settling in the south or having emigrated abroad before 1974 are entitled to recover their property (although some unwarranted delays have been noted by the Ombudsman in the processing of reinstatement applications). Things do not work like that for the displaced Turkish Cypriots who have settled in the northern part of the island. They still legally own their assets but are not entitled to dispose of them.”

Republic of Cyprus, 26 July 2002:

“Population-data Archives Law, 141 (I)/2002 Chapter VIII
Part I – Refugee Identity Card

119. Displaced person - Displaced person means a person whose –

(a) the permanent domicile is in the occupied (by the Turkish troops) areas and it is not reachable;

(b) the permanent domicile is in the neutral zone, which is controlled by the Peace Force (of the United Nations), or, if it was vacated, is used for the needs of the National Guard:

Provided, that children descending from a displaced father are considered to have their permanent residence in the occupied areas and, therefore, for the purposes of this Law, they are considered to be displaced persons from the same place where their father comes from;

It is further provided, that persons who, before and until the (Turkish) invasion, had their usual residence in the free areas, because of their profession, but their domicile and/or immovable property is in the occupied areas, are considered as displaced persons for the purposes of this Law:

It is also further provided, that persons who, before and until the (Turkish) invasion, had their temporary residence abroad and they were not immigrants, out their domicile and/or immovable property was in the occupied areas, are considered as displaced persons for the purposes of this Law.

120. Use of refugee identity card by non-entitled persons - Any person who, not being a displaced person, uses a refugee identity card, is committing a criminal offence and, in case of being convicted, is liable to a penalty of imprisonment up to six months or to a monetary penalty (fine) not exceeding five hundred (Cyprus) pounds and/or to both such penalties,

121. Issue of refugee identity card - Issue of refugee identity card - Notwithstanding the provisions of any other Law, the provisions of sections 59, 60, 61, 62, 63 and 64 of Chapter III (Parts I and II) of this Law apply, mutatis mutandis, to any matter in relation to the examination of any application submitted for the issue and granting and/or replacement of a refugee identity card.

122. Regulations - The Council of Ministers may issue Regulations to be submitted to the House of Representatives for approval and publication in the Official Gazette of the Republic (of Cyprus), for regulating any other matter for the better application of the provisions of this Law and, especially, for the form of applications and of the refugee identity cards and/or for the manner and the procedure of examining the application for issuing and/or replacing of refugee identity cards.”

Note: This is an unofficial translation of the Law. Words in brackets are not part of the original text in Greek.
Turkish Cypriot administration programmes for the displaced

- In 2005, the Turkish Cypriot administration established a commission to deal with property claims by those who abandoned their homes in the north
- The Turkish Cypriot administration considers that as a result of its efforts people displaced to the north have been resettled and rehabilitated

Turkish Republic of Northern Cyprus, 25 October 2007:
“The immovable Property Commission was established in December 2005. The immovable Property Commission administers the applications under TRNC Law 67/2005. The Commission has the authority to award to the Greek Cypriot applicants or their agents compensation, restitution and/or exchange in relation to property they had left in North Cyprus.

The Commission provides the most effective way to determine applications and abides with the recommendations of the European Court of Human Rights in the *Arestis Case*. The European Court of Human Rights is most likely to consider Commission and its decisions as appropriate and an effective domestic remedy [..].”

Turkish Republic of Northern Cyprus, 18 October 2007:
“[...] The two parties in Cyprus have been separated by a “green line” since 1963 and by a ceasefire arrangement since 1974 reached under the auspices of the United Nations. An internationally recognized buffer zone under the control of UNFICYP, has been established between the respective territories of the Turkish Republic of Northern Cyprus and the Greek Cypriot administration. Both governments have since tackled their own refugee problem internally and have successfully resettled and rehabilitated their displaced people.”

Council of Europe, June 2003:
“In 2003, the TRNC adopted regulation and set up a commission with authority to examine the claims of the pre-1974 owners of buildings or their heirs. According to the law, persons wishing to approach the commission shall have an unrestricted right of access to the northern part of the island for the purposes of the relevant procedure. However, the regulation only contemplates the award of compensation for loss of ownership and use, and does not enable claimants to recover possession and enjoyment of their property.”

International response

UNFICYP in Cyprus: peacekeeping and humanitarian activities (2007)

- The UN has been present in Cyprus since 1964
- The UN Peacekeeping Force in Cyprus (UNFICYP) conducts many activities in Cyprus, including humanitarian visits to Greek Cypriots and Maronites in the north, and assisting Turkish Cypriots in the south to obtain access to services, benefits and documentation
- However, the international community is increasingly questioning the added value of UNFICYP
- UNFICYP commissioned a public survey to determine the perception of UN activities in Cyprus, the results of which were released in 2007

Today's Zaman, 10 March 2007:
"UNFICYP was set up in 1964 to prevent fighting between the Greek Cypriot and Turkish Cypriot communities. After the hostilities of 1974, the mission's responsibilities were expanded. UNFICYP remains on the island to supervise ceasefire lines, maintain a buffer zone and undertake humanitarian activities [...]"

More than 800 military personnel from 12 different countries currently work alongside 69 police officers and 150 locally and internationally-recruited civilians. It is UNFICYP's task to maintain peace and stability in the buffer zone and ensure there is no alteration of the status quo along the two ceasefire lines drawn on August 16, 1974. The UN-patrolled buffer zone is 180 kilometres long and covers around three per cent of the island's surface area. It varies in width from less than four meters in Nicosia to some seven kilometers near Athienou [...]"

Office of the UNHCR Chargé de Mission in Cyprus, 11 January 2001:
"UNHCR opened an office in Cyprus in 1974 to act as the coordinator of humanitarian assistance to the displaced from both communities. This function was intended to be bi-communal and aimed at promoting projects which would benefit all Cypriots.

Starting 1987, UNHCR implemented "bi-communal" projects and activities in an attempt to forge greater cooperation between Turkish and Greek internally displaced Cypriots. UNHCR withdrew as the projects evolved into a developmental phase in mid-1997, and in consultations with UNDP, it was decided that those activities would be handed over to UNOPS, the United Nations Office for Project Services."

UN, 4 June 2007:
"22. UNFICYP continued to work with its United Nations partners and local actors to facilitate projects of common benefit for Turkish Cypriots and Greek Cypriots in and outside the buffer zone and to promote confidence-building measures between them. In addition, UNFICYP continued to carry out its functions with regard to the maintenance of law and order[...]

25. UNFICYP facilitated 37 bicommunal events with the participation of approximately 2,000 people from both sides [...] UNFICYP also supported a United Nations Development Programme-led international civil society fair from 3 to 5 May at the Ledra Palace Hotel crossing with about 1,500 participants[...]

27. During the reporting period, UNFICYP conducted 60 humanitarian convoys and humanitarian visits in support of the 384 Greek Cypriots and 142 Maronites living in the north [...] UNFICYP continued to assist Turkish Cypriots living in the south in obtaining identity documents, housing, welfare services, medical care, employment and education[...]

29. UNFICYP continued to follow the establishment of a Turkish language primary school in Limassol, to which the Greek Cypriot side had committed in March 2005. The school is not yet operational. At its request, UNFICYP met with the Turkish Cypriot Teachers' Trade Union on this subject and other issues related to the education of Turkish Cypriot schoolchildren in the south[...]

30. UNFICYP assisted in arranging two pilgrimages by Greek Cypriots to churches in the buffer zone[...]

31. UNFICYP is facilitating a request by the Maronite community to return an icon from a museum in the north to the church in the Maronite village of Kormakitis[...]

32. UNFICYP continued to receive requests from both Cypriot communities in relation to the desecration of, access to and preservation of sites and items of cultural and religious significance [...]"
35. UNFICYP facilitated anti-malaria spraying activities in the buffer zone, carried out by the health services of both sides, until the last week of December 2006 [..]

37. UNFICYP continued liaising with the two sides on law enforcement and issues related to crossings [..]

39. UNFICYP continued to coordinate and facilitate activities on gender-related issues on the island, such as the Cypriot Women’s Policy Group [..]

48. In the absence of a comprehensive settlement, UNFICYP has played an important role in maintaining peace and security in Cyprus. Nonetheless, the continued involvement of the international community in Cyprus, through UNFICYP, at least in its current form, should not be taken for granted. After 43 years of presence in Cyprus, the value added of UNFICYP, particularly in the absence of significant progress on the political process, is increasingly being questioned by various actors in the international community.”

UNFICYP, 24 April 2007:

“UNFICYP decided to commission the survey to get a feel for how Cypriots view its presence after 43 years on the island and how they evaluate its effectiveness. The survey comprised face-to-face, detailed interviews with 1,000 Greek Cypriots and 1,000 Turkish Cypriots in their respective languages. An additional sample of 350 was selected from among UN buffer zone residents to help determine attitudes to UN activities in that area [..]”

For more information, visit the UNFICYP website.

UN supports 2006 agreement between Turkish Cypriot and Greek Cypriot leaders (2007)

- UN expresses support to latest agreement between Turkish and Greek Cypriot leaders in resolution
- UN is also facilitating implementation of the agreement through meetings with the leaders and their representatives, as well as government officials of Greece and Turkey

UN Security Council, 4 June 2007:

“[..] 3. On 15 December, the Security Council adopted resolution 1728 (2006), by which, inter alia, it expressed full support for the process agreed upon by the Greek Cypriot leader, Tassos Papadopoulos, and the Turkish Cypriot leader, Mehmet Ali Talat, on 8 July 2006, and encouraged active participation in bicomunal discussions as described in the letter dated 15 November 2006 from the then Under-Secretary-General Ibrahim Gambari, to which both leaders had responded positively, under the auspices of my Special Representative. The Security Council called for the early completion of the preparatory phase so that a fully fledged good offices process might resume as soon as possible. At the same time, the Council regretted the continued lack of trust between the parties, which had prevented the implementation of the 8 July agreement.

4. Over the past six months, my Special Representative has continued efforts aimed at facilitating the implementation of the 8 July agreement (see S/2006/572) through intensive discussions with the two leaders and their representatives. Thus far, 14 meetings of the Coordination Committee, comprising the advisers of the two leaders and my Special Representative, have been convened, in addition to a number of bilateral meetings between the Special Representative and each side. The main objective of the Coordination Committee has been to agree on the modalities for the
launching of the bicommunal working groups, which will deal with substantive issues, and the bicommunal technical committees, which will discuss issues affecting the day-to-day life of the people. There is a broad consensus on the way forward, based on procedural clarifications and agreements, including preliminary agreement on the list of issues for the technical committees and the working groups. However, differences remain concerning the interpretation of the agreement, most notably on what constitutes a day-to-day matter, and the mechanism for resolving disagreements. Although an understanding ad referendum was reached at the Coordination Committee meetings on 9 and 10 March, it foundered on the above points. Despite the commitment of the two leaders in July to ensuring that the “right atmosphere” prevail for the process to be successful, including by putting an end to the so-called blame game, the two sides continued to engage in mutual recriminations throughout the reporting period.

5. On 27 March, in a statement to the press, the members of the Security Council urged both communities to work with the United Nations to implement the 8 July agreement, in particular through the immediate creation of bicommunal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive settlement.

6. On 9 February, I met the Minister for Foreign Affairs of Turkey, Abdullah Gül, in New York and stressed the need for both sides to implement the 8 July agreement without delay. Mr. Gül promised that Turkey would be supportive in seeking a lasting solution under the auspices of my good offices mission. He expressed the hope that the 8 July agreement would lead to a meaningful dialogue.

7. In a meeting on 20 March in New York, the Minister for Foreign Affairs of Greece, Dora Bakoyannis, stressed to me the need for the 8 July agreement to be implemented, and stated that discussion of all issues, including contentious ones such as property should be allowed. She also emphasized the importance of adhering to the agreed framework, stating that the leaders should meet one week after the formal launch of the process, as suggested by the Under-Secretary-General for Political Affairs last November. I reiterated to the Minister the need for both sides to implement the 8 July agreement.

8. On 29 March, I met the Prime Minister of Turkey, Recep Tayyip Erdogan, in Riyadh. Expressing his gratitude to the United Nations for its efforts in the search for a comprehensive settlement, the Prime Minister stressed the importance of planning the next phase. He recalled that my predecessor’s report of 28 May 2004 to the Security Council (S/2004/437) had not been acted upon yet. In that connection, he reiterated that the isolation of the Turkish Cypriots should be lifted. I stated to the Prime Minister that all concerned needed to be encouraged to engage in the 8 July agreement process.

9. Early in April, Mr. Talat shared with me his misgivings over the direction in which the process appeared to be moving. Nonetheless, his adviser assured my Special Representative and the Under-Secretary-General for Political Affairs of the continuing commitment of the Turkish Cypriot side to the 8 July agreement process. In the meantime, the Greek Cypriot side also reconfirmed its commitment to the process. In the light of these developments, my Special Representative has continued his efforts with both sides [...]"


- The United Nations issues a report on the activities of its operation in Cyprus twice annually, after which the Security Council decides whether to extend the mandate of the operation

**UN, 15 June 2007:**
"1. Welcomes the observations in the Secretary-General’s report;

2. Expresses full support for the 8 July process, notes with concern the lack of progress, and calls upon all parties to immediately engage constructively with the United Nations efforts, as described in Under-Secretary-General Gambari’s letter of 15 November 2006, to demonstrate measurable progress in order to allow fullyfledged negotiations to begin, and to cease mutual recriminations;

3. Reaffirms all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

4. Reaffirms that the status quo is unacceptable, that time is not on the side of a settlement, and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long;

5. Expresses its full support for UNFICYP and decides to extend its mandate for a further period ending 15 December 2007;

6. Calls on both sides to engage, as a matter of urgency and while respecting UNFICYP’s mandate, in consultations with UNFICYP on the demarcation of the buffer zone, in particular in relation to the Ledra Street crossing point, with a view to reaching agreement on the United Nations 1989 aide-memoire;

7. Calls on the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

8. Requests the Secretary-General to submit a report on implementation of this resolution by 1 December 2007;

9. Welcomes the efforts being undertaken by UNFICYP to implement the Secretary-General’s zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

10. Decides to remain seized of the matter."

UN, 4 June 2007:

“47. During the last six months, the situation along the ceasefire lines has remained generally calm and stable. The opposing forces extended cooperation to UNFICYP and generally refrained from actions that could disrupt efforts to resume political negotiations. However, safety and stability in the buffer zone continued to be negatively affected by members of the civilian population seeking to exercise their property rights in the buffer zone in disregard of security considerations. In this connection, UNFICYP will continue to support civilian activities in the buffer zone in full respect of ownership rights. However, such activities will not be allowed at the expense of stability and security for which the United Nations bears direct responsibility. Moreover, I firmly believe that the situation would improve further if both sides accepted the 1989 aide-memoire used by the United Nations to regulate activities in the buffer zone for the past 18 years. I call on both sides to accept it without delay.
48. In the absence of a comprehensive settlement, UNFICYP has played an important role in maintaining peace and security in Cyprus. Nonetheless, the continued involvement of the international community in Cyprus, through UNFICYP, at least in its current form, should not be taken for granted. After 43 years of presence in Cyprus, the value added of UNFICYP, particularly in the absence of significant progress on the political process, is increasingly being questioned by various actors in the international community.

49. Despite the absence of significant progress, the parties have taken small but incremental steps in the right direction. There has been a sustained dialogue between the representatives of the two leaders on the modalities for the launching of the bicomunal working groups and the bicomunal technical committees. While the 8 July agreement is yet to be implemented, it should be noted that the two sides have come close, on several occasions, to reaching agreement on the start of the process.

50. A sustained dialogue between the two sides is itself no small achievement, in the light of the continuing mistrust between the Greek Cypriots and the Turkish Cypriots, especially since the 2004 referendums. The time has come, however, to move from talks about procedure to substance. The work of the last 16 months should be brought to fruition, with the implementation of the 8 July agreement. In this regard, the parties are once again reminded of the repeated calls by the Security Council for its implementation. It is high time that the considerable convergence of positions be translated into action. In this regard, and in order to build trust between the sides, I urge both leaders to honour their written commitment and bring to an end the ongoing mutual recriminations, which only serve to undermine the process.

51. I regret to be unable to report any meaningful improvement in the atmosphere in which Cypriots of both sides are allowed to engage in bicomunal contacts. Unhindered interaction aimed at building trust between the communities is in line with the spirit and letter of the July agreement. In addition, I believe that an active and flourishing civil society could provide critical support to the political process. In this regard, I encourage all Cypriots to become more involved in the debate on the future of their country.

52. It is my firm belief that the responsibility of finding a solution lies first and foremost with the Cypriots themselves. The United Nations remains committed to supporting a political process and facilitating reconciliation. It is essential that the parties demonstrate their readiness to match words with deeds through sincere efforts to reach a comprehensive settlement. It should also be clear to all that there is a considerable body of work and basic agreements relating to the established parameters for a solution, which may be drawn on in the search for a future settlement.

53. I note with regret that no further progress has been achieved during the reporting period on demining. I urge the Turkish Forces and the Turkish Cypriot side to re-engage with UNFICYP to renew the agreement in order to allow for the completion of mine clearing in the buffer zone.

54. I am gratified that the Committee on Missing Persons has maintained the momentum and advanced towards resolving one of the most painful aspects of the Cyprus problem. I sincerely hope that this bicomunal endeavour will not only address a burning humanitarian question, but will also reflect positively on both communities’ broader efforts towards reconciliation.

55. I am grateful for the strong support received both in New York and on the island from the members of the Security Council, as well as other Member States, for United Nations efforts.
56. In the absence of a comprehensive settlement, the presence of UNFICYP on the island remains important. I therefore recommend that the Security Council extend the mandate of the Force by a further period of six months, until 15 December 2007. At the same time, there may be a need for a further review of the operation at an appropriate juncture."

For the full text of the resolutions, please go to:

Resolution 1758 (2007)
Resolution 1728 (2006)
Resolution 1687 (2006)
Resolution 1642 (2005)
Resolution 1604 (2005)

For the full text of the reports of the Secretary-General on the United Nations Operation in Cyprus, please go to:

Report of 4 June 2007
Report of 1 December 2006
Report of 23 May 2006
Report of 29 November 2005
Report of 27 May 2005

EU assistance to Cyprus (2007)

- In 2006, the EU approved 259 million euros for the economic development of the Turkish Cypriot community in north Cyprus
- However, part of it will be allocated to the projects fostering reconciliation and confidence building measures
- The EU had already granted funding to Cyprus for de-mining, infrastructure and business support, among other activities

UN, 4 June 2007:
"11. The European Union aid package for the Turkish Cypriot community has begun to be implemented. The purpose of this assistance is to help reduce the socioeconomic disparities between the sides, and it should therefore be considered as a positive step towards lifting the isolation of the Turkish Cypriots, as called for by my predecessor in his report of 28 May 2004, by which I stand. On 11 December 2006, the presidency of the European Union expressed its full support for the resumption of the negotiations for a comprehensive settlement of the Cyprus problem under the auspices of the Secretary-General [...]"

In December 2006, the European Union confirmed that an additional €4 million would be made available for mine action, bringing the total amount of European Union funding to €9 million."
EU, 29 November 2007:

"Cyprus acceded to the EU on 1 May 2004 as a de facto divided island. There is an urgent need for a solution to the Cyprus problem and the end of a conflict on European soil that is now more than 40 years old. The EU is committed to a speedy resumption of negotiations on a comprehensive settlement under UN auspices and the re-unification of the island. The Commission stands ready to support this process in view of the EU-dimension of a future settlement.

The whole of the island is considered to be part of the EU. However, in the northern part of the island, in the areas in which the Government of Cyprus does not exercise effective control, EU legislation is suspended in line with Protocol 10 of the Accession Treaty 2003. This means for example that these areas are outside the customs and fiscal territory of the EU. However, the suspension does not affect the personal rights of Turkish Cypriots as EU citizens. They are citizens of a Member State, the Republic of Cyprus, even though they may live in the areas not under government control.

DG Enlargement has set up a Taskforce "Turkish Cypriot Community" to deal with the consequences of this unique and complex situation.

In order to manage the "Green Line" that separates the government-controlled areas from the rest of the island the Council approved the Green Line Regulation (Council Regulation No 866/2004) on 29 April 2004. The Regulation deals with the movement of persons and goods across the line. While the number of persons moving across the Green Line is significant, trade remains very limited, amounting to approximately € 300.000 per month. The Regulation is managed by the DG Enlargement Taskforce which prepares a report each year that is adopted by the Commission and sent to the Council (see Annual report on the implementation of the Green Line Regulation (2007))

The policy of the EU with regard to the Turkish Cypriot community was set out by the General Affairs Council on 26 April 2004, just before Cyprus joined the EU:

"The Turkish Cypriot community have expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU."

In addition to the Green Line regulation and following the Council's invitation, the Commission proposed on 7 July 2004 a package of aid and trade measures to encourage the economic development of the Turkish Cypriot community: The regulation on establishing a legal instrument for encouraging the economic development of the Turkish Cypriot community (" Aid Regulation") and the regulation on special conditions for trade with those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control (" Direct Trade Regulation").

The trade regulation remains with the Council for consideration. However, the Council has approved the aid regulation on 27 February 2006. The financial resources allocated to this programme amount to €259 million [...] 

Part I of the aid programme for the Turkish Cypriot community committing €38.1 million out of the overall total of €259 million was approved on 27 October 2006. It focuses on three main objectives, i.e. developing physical infrastructure, promoting economic and social development and bringing the Turkish Cypriot closer to the European Union [...]
Part II committing €197,550,000 was approved on 15 December 2006 (Commission Decision C/2006/6533). It focuses on five main objectives, i.e. 1) developing and restructuring of infrastructure, 2) promoting social and social development, 3) fostering reconciliation, confidence building measures, and support to civil society, 4) bringing the Turkish Cypriot community closer to the European Union; 5) Preparing the Turkish Cypriot community to introduce and implement the acquis communautaire. Additionally, the programme comprises an Unallocated Technical Assistance and Programme Reserve Facility […]

The European Commission has already provided in the past some limited financial assistance to the Turkish Cypriot community focused on the following main areas of activity:

Infrastructure work in the three main cities of Nicosia, Famagusta and Kyrenia; (urban renovation and infrastructure work mainly in the field of environment)
Business support;
Institution Building and approximation to the acquis via the TAIEX instrument;
De-mining
Feasibility studies

Most of the above activities were carried out on behalf of the European Commission by the United Nations Development Programme (UNDP) through a dedicated office on the ground, the Partnership for the Future team (PFF)."

Council of Europe continues to monitor Cyprus (2007)

- The Council of Europe's Committee of Ministers monitors compliance with the judgment of the European Court of Human Rights of 2001 in the case of Cyprus versus Turkey
- In 2007 the Committee closed examination of issues relating to education and freedom of religion, but will continue to monitor the issues of missing persons and property of IDPs
- The Council of Europe's European Commission against Racism and Intolerance (ECRI) analyses the situation as regards racism and intolerance in the areas under effective control of the government of the Republic of Cyprus
- In its latest analysis on Cyprus ECRI found that the position of Turkish Cypriots has been improved, but that dialogue and reconciliation between Greek and Turkish Cypriots could be improved

Council of Europe, 4 April 2007:

"Issue of missing persons [...]"

WELCOMES the progress achieved in the work of the CMP [Committee on Missing Persons], and in particular through the Exhumation and Identification Programme, and encourages the continuation of the efforts so far deployed;

CALLS UPON Turkey, however, to rapidly provide information on additional measures required to ensure the effective investigations called for by the Court's judgment;

Issues relating to education [...]"

DECIDES to close the examination of the issues relating to the violations found under Article 2 Protocol 1 and Article 10 of the Convention;
Issues relating to the freedom of religion [...] 

DECADES to close the examination of the issues relating to the violations found under Article 9 of the Convention; 

Issues relating to home and property of displaced persons [...] 

URGES the Turkish authorities to provide without delay such information, as well as information on measures taken to safeguard the property rights of the displaced persons as these have been recognised in the judgment of the European Court, without prejudging the redress required by the Convention, be it restitution, compensation, exchange or otherwise. 

Other outstanding issues 

Recalling that additional issues remain outstanding regarding further aspects of the living conditions of Greek Cypriots in northern Cyprus, notably those related to their property rights and their right to effective remedies; 

Taking note of the fact that the Turkish authorities have recently submitted further information regarding these issues which remains to be assessed; 

* * * * * 

Welcomes the progress achieved in the execution of this judgment since the first interim resolution, which now allows the Committee to also close its examination of the violations established in relation to the issues of education and freedom of religion, 

Requests Turkey to rapidly take all the additional measures required to ensure the full and complete execution of the judgment [...]" 

Council of Europe, 16 May 2006: 

"A number of important measures, including issuing of passports and other personal documents, have been taken to improve the position of the members of the Turkish Cypriot community, who, following the partial lifting of the restrictions to freedom of movement across the Green Line in April 2003, live and work in increasing numbers in the government-controlled part of Cyprus. The legal and institutional framework for the examination of international protection needs is now in place. Police monitoring of racist incidents has been introduced. 

However, a number of recommendations made in ECRI’s second report have not been implemented, or have only been partially implemented. The continuing lack of a comprehensive immigration and integration policy has resulted in a particular vulnerability of immigrants, including domestic and other foreign workers, to human rights violations, exploitation and discrimination. Closely connected to this area of policy, asylum seekers experience very similar problems and are confronted with serious difficulties in exercising their rights. The extensive use of detention under immigration powers in respect of both immigrants and asylum seekers and the conduct of law enforcement officials, which has included alleged cases of ill treatment, vis-à-vis these and other minority groups remain a matter of concern for ECRI in Cyprus. New opportunities for actively promoting dialogue and reconciliation between the members of the Greek and Turkish Cypriot communities still remain to be seized. This is important in order to both reduce the negative impact of the continuing division of the island on the relations between these communities and gain further support from the population as a whole for a solution to this division. Manifestations of prejudice and discrimination affecting Turkish Cypriots still need to be adequately recognised and dealt with. The position of other groups vulnerable to disadvantage,
racism and racial discrimination, such as Roma and Pontian Greeks, also needs to be addressed more effectively.

In this report, ECRI recommends that the Cypriot authorities take further action in a number of areas, including the urgent need to adopt a comprehensive immigration and integration policy respectful of the human rights of immigrants and the need to ensure that the rights of asylum seekers are thoroughly respected. ECRI also recommends that the Cypriot authorities raise awareness and improve the implementation and monitoring of the legal framework in force against racism and racial discrimination, including by providing adequate support to the Commissioner for Administration. Furthermore, in this report ECRI addresses the need for a more proactive approach to developing contacts and good relations between the Greek and Turkish Cypriot communities and the need for education at all levels to increasingly reflect the needs of a culturally and ethnically diverse society. The need to fully recognise and address the problems with which groups vulnerable to discrimination in Cyprus are faced is also addressed in this report.

As it makes recommendations to the Government of Cyprus, this report only covers the situation in the part of Cyprus presently under the effective control of this government [...]

Financial Mirror, 3 November 2006:
"Referring to the Titina Loizidou case, Davis said "the Committee of Ministers continues to examine the compliance with the judgment in the Loizidou case, but only with regard to individual measures, because the general question of property rights of displaced Greek Cypriots is followed up in the context of the Xenides Arestis case."

"On the whole, I would say that there we have had some progress on this file, but a number of issues remain outstanding." Davis noted.

Asked about Cyprus' 4th Interstate Appeal against Turkey, Davis said "the Committee of Ministers has regularly examined this case since the judgment was delivered in May 2001," adding that "it has noted progress on several points, especially related to the abolition of the excessive powers of the military courts and improvements in the rights to freedom of religion and of education."

To a question regarding mainly the living conditions of those enclaved in the Turkish-occupied areas of the Republic, Davis said "several other issues, notably regarding the property rights of the Greek Cypriots living in enclave settlements in the northern part of Cyprus, are also being examined by the Committee of Ministers."

"An interim Resolution (2005)44 noted positive developments in this regard, and the Committee of Ministers plans to re-assess the situation in the near future," he added.

Regarding the issue of missing persons in Cyprus, he said there has been progress, mainly due to the fact that the Committee on Missing Persons has resumed its work, as well as in the case of Titina Loizidou vs Turkey, although there are still some pending issues.

Asked how the immediate implementation of ECHR decisions by the Council of Europe member states is secured, Davis said "justice delayed is justice denied" and noted that this "also applies to the European Court of Human Rights."

UN, 9 March 2007:
"12. Meanwhile, the implementation of the judgement in the Loizidou v. Turkey (1996) case, in which the European Court of Human Rights ruled that Ms. Loizidou, and consequently all other refugees, have the right to return to their former properties, has been regularly examined by"
the Committee of Ministers, and the measures to be taken are still being discussed [...]"

Recommendations from non-governmental organisations on how to solve the Cyprus problem (2006)

- All of the recommendations cited here were formulated before the signing of the latest agreement in 2006
- The International Crisis Group recommends various measures for the EU, US, UN, Greek Cypriots, Turkish Cypriots, Greece and Turkey
- Turkish Economic and Social Studies Foundation recommends a settlement based on the Annan plan and the UN should continue to facilitate negotiations, not the EU

ICG, 8 March 2006:
"[...] RECOMMENDATIONS

To EU Institutions and Member States:

1. Accept that ending the isolation of northern Cyprus is a strategic imperative for the European Union, pending the unification of the island.

2. Continue to work on, and press Cyprus to accept:
   (a) committing the Union to proceed on the trade regulation under a specified timeframe and implementing the aid regulation for northern Cyprus, with provision for acquis harmonisation, reform of the civil service, refurbishment of Famagusta port and financing of a census;
   (b) establishing a subordinate branch of the Commission’s delegation in the north to coordinate the delivery of funds and acquis harmonisation;
   (c) ensuring that Turkish Cypriots are fairly represented within EU institutions; and
   (d) revising the current proposals for direct trade to include the incorporation of northern Cyprus into the EU customs union with Turkey, the amendment of the Green Line regulation and the joint management of Famagusta port by the Turkish Cypriots and the Commission.

3. For individual member states, establish bilateral links where appropriate with the authorities and civil society in northern Cyprus.

4. In the case of the UK, maintain the commitment under the Annan plan to give up substantial parts of the British sovereign base territory on Cyprus to a post-settlement state.

To the United States:

5. Upgrade the consular office in northern Cyprus to a branch of the U.S. Embassy in Nicosia.

6. Increase contacts at all levels with officials and civil society in northern Cyprus.

To the UN:

7. Adopt the conclusions of the May 2004 Secretary-General's Report on Cyprus as a Security Council resolution to strengthen the UN’s calls to end the isolation of northern Cyprus.
8. Be ready to engage actively in the preparation of further negotiations, should the Greek Cypriots indicate their concerns with the Annan Plan in a form which offers some hope for a negotiated settlement.

9. Proceed with the creation of a UNDP Trust Fund for Northern Cyprus.

To Greek Cypriots:

10. In the case of the government, at the very least reengage with the UN-sponsored settlement process by submitting a prioritised list of concerns with the Annan Plan to the Secretary-General (as he has requested).

11. In the case of the opposition, moderates on all political sides, and civil society leaders: (a) initiate a new debate over the future of the island, and the advantages of implementing the bizonality and bicommunality principles, supporting in that context a review of the Greek Cypriot historical narrative of the conflict, particularly through the education system and the media; (b) support a positive approach to the economic development of northern Cyprus, measures to reduce its isolation and visa-free access for those Turkish settlers who would have gained citizenship under the Annan Plan; and (c) work to reformulate the Greek Cypriot debate on EU-Turkey relations, emphasising the security gains that would derive from Turkey’s EU accession.

To Greece:

12. Proactively support pro-settlement voices among Greek Cypriot politicians and civil society and actively support reopening the negotiations based on the Annan Plan.

13. Suspend the Joint Defence Space doctrine, cease joint military activities with the Greek Cypriots and stop participating in the operations and staffing of the Cypriot National Guard.

To Turkish Cypriots:

14. Ensure that the Turkish Cypriot property commission’s procedures are compatible with the European Convention on Human Rights and reinstate Greek Cypriot property in a refurbished Varosha under Turkish Cypriot administration.

15. Proceed immediately on EU acquis harmonisation in areas like trade and public sector reform and embark in other areas on preparatory work to raise public awareness and to determine the necessary transition periods.


17. Pursue confidence building measures, such as an (EU-monitored) census in the north, strengthening the rights of the Orthodox communities in the Karpas peninsula (including designating part of the peninsula as a demilitarised national park), opening more border crossings, actively supporting international demining efforts, and taking an initiative for the preservation of cultural monuments.
18. Continue to engage with the Committee on Missing Persons to resolve the 2,500 cases of Greek and Turkish Cypriots still not accounted for as a result of the events of the 1960s and the military operation of 1974.

19. Cease any construction work on property owned by Greek Cypriots.

20. Begin planning the creation of mixed population villages in cases where people are willing to move.

To Turkey:

21. Implement the Customs Union with all twenty-five member states of the EU as committed.

22. Begin a limited withdrawal of Turkish troops from the north of the island.

23. Commit to repatriating a number of settlers back to Turkey [...]"

**TESEV, 30 April 2005:**

"1. The Annan Plan should be kept on the table. The Plan represents the climax of all international attempts to find a solution to the Cyprus problem. It does not completely satisfy all the parties, but it reflects a compromise solution. It is the most comprehensive and detailed plan ever produced. Enormous effort has been invested for its design. If nothing else, it would be diplomatically extravagant and politically imprudent to set it aside. It is still possible to fine-tune the plan without destroying the fragile and comprehensive balance in it.

2. The negotiations should continue within the framework of the UN. Even though, the negotiations are carried out between the two sides in Cyprus and are sponsored by the respective motherlands, namely Turkey and Greece; it would be prudent to maintain the UN Secretary-General's role for finalizing the comprehensive settlement. For, it would be highly unlikely for the parties to complete such as a compromise by themselves due to decades longseated differences.

3. The EU cannot be a mediator in the Cyprus problem, as it is now in fact a party to the problem. Yet EU involvement cannot be ruled out completely. First, any settlement agreement will eventually become a part of EU primary law. Second, the EU has an important role to play in the implementation of any settlement to be approved by treating both sides on an equal footing. EU membership asks for solidarity and mutual respect. Concurrently, the Greek Cypriot side is expected to live up to the norms and standards of the EU membership in treating their Turkish Cypriot partners.

4. In order to avoid endless rounds of negotiations, there is definitely a need for a time frame within which an agreement can be reached. On the other hand, care must be taken not to set artificial dates for finalising the settlement.

5. Before submitting the renegotiated final settlement to public vote again, the approval of each side’s leadership should be sought. Moreover, measures must be devised and incorporated into the procedure such that, in the event of rejection of the settlement by either side, any further uncertainty as to the status of the accepting party should be precluded.

6. In order to complete a new process successfully, any change in the Plan needs to be limited and should not alter the comprehensive balance to the detriment of the either side. It is evident that piecemeal approach employed by the Greek Cypriot side to obtain one-sided concessions from the Turkish Cypriot side should not be allowed to gain ground.
7. Confidence-building measures should not be considered as a substitute for, or even as an instrument to reach a settlement. Confidence-building measures have never led anywhere except to a major diversion of negotiating energy and more friction.

8. The international community should fulfill the promises it made to the Turkish Cypriots concerning the elimination of 'unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots.'
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