



1st: Round table: Human Rights and International Humanitarian Law at crossroads

Missing Persons, Human Rights, Justice and Truth

- A ISSUE:** Missing persons in Cyprus as a case study
Human Rights violations under Articles 2 and 3 of the Convention
- B FACTS:** Missing persons, a humanitarian issue
Inter-communal clashes - Turkish military control as of July 1974
1508 G/C and 493 T/C missing
So far, only 569 G/C and 184 T/C have been identified
- C DILEMMA:** Justice or Truth?
Traditional justice or restorative justice?
- D LEGAL BASIS:** Right to truth for relatives – Obligation for the State to disclose
Right to life, Article 2, includes obligation to investigate
Prolonged delay for relatives, amounts to torture under Article 3
Strasbourg, caselaw
- E CMP:** Committee on Missing Persons – Terms of Reference 1981 (overleaf)
<http://www.cmp-cyprus.org/content/terms-reference-and-mandate>
1997 leaders agreement to exchange information
2006 exhumations – 939 G/C and 309 T/C still missing
Operates on de-facto immunity
- F TRUTH COMMISSION:** Need for additional information
Would a Truth Commission on the South African Model work?
<http://www.truthnowcyprus.org>
Obtain de jure criminal, civil and administrative immunity in exchange of information
Three step approach:
I Amend Terms of Reference – Access to whole island, establish facts but no individual attribution of responsibility
II Amend the Evidence Law CAP 9 so as to make evidence inadmissible
III Set internal rules for Truth Commission e.g. remorse and information
- G COMPENSATION:** Is there a need for compensation?
4th inter-State Cyprus v Turkey (12.5.14): €30million for 1,456 G/C, i.e. about €20,000 per family
The Cyprus Government should offer the same amount for the 493 T/C i.e. €10million
- H DISCUSSION:** Humanitarian issue, legal dimension, could there be a political solution within the Council of Europe?