



LELLOS P. DEMETRIADES LAW OFFICE LLC

Human Rights in relation to the Property Issue in Cyprus Latest Developments

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Achilleas Demetriades
Advocate



INTRODUCTION

- Only legal analysis



Loizidou v. Turkey

- Effective control by Turkey
- Subordinate local administration
- Recognition of title deeds of Republic of Cyprus (RoC)



ECtHR

- Right of Individual Petition: Art. 35 ECHR
- Exhaustion of domestic remedies
- Demopoulos v. Turkey, 2010 Judgment on admissibility
- Immovable Property Commission (IPC) not incompatible with ECHR
- Effectiveness issue, still open
- Xenides – Aresti Group. Judgments about €50 mil.



IPC

- Accepts certificates of RoC
- Remedies: Restitution, Exchange, Compensation
- Joannou v. Turkey: 2 Properties Restitution, 3 Properties Compensation £215.000 (Pending)
- Skourides, Larnacas tis Lapithou: Restitution
- Awards: £300 mil. Compensation paid, only £200 mil.
- Procedure still ineffective



ECtHR Cases

- Fenced up area of Famagusta (16/12/19 Turkish Deadline)
 - (a) EVKAF
 - (b) (i) Restitution (ii) Compensation for loss of use
- Occupied Nicosia (17/12/19 Turkish Deadline)
- Why is RoC participating only in one?



Dr. Ramon

- ECtHR Judgment 2010 www.drramon.eu
- Execution – Assets of the EU Commission



CJEU

- Garnishee proceedings in Cyprus (26/6/19)
- Pre-accession assistance to Turkey
- Court of Justice of the European Union (CJEU)
- Set aside immunity of EU Commission
- Any future in this?



Thank you!

Achilleas Demetriades