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Property claims by Cypriots in the fenced-up area of Famagusta An update on Human Rights

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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.



Turkish IPC

- Accepts certificates of RoC
- Remedies: Restitution, Exchange, Compensation
- Awards: £300 mil. Compensation paid, only £200 mil.
- Procedure still ineffective



EVCAF

- Religious foundations – 450 years
- Administer properties
- Colonial times – Properties sold
- 1944 Law: £2230 p.a. compensation
- 1960 – Settlement £1.5 mil.
- Claim Varosha belongs to Evcaf!



VAROSHA

- Special status since 1974
- UNSC Resolutions 550/84 and 789/92
- July 2021, 3.5% allegedly open



ECtHR Cases

- Test case on Varosha
- Claim for restitution and loss of use
- Admitted as interested party by the IPC
- Evcaf does not have a valid claim



Discussion



Thank you!

Achilleas Demetriades