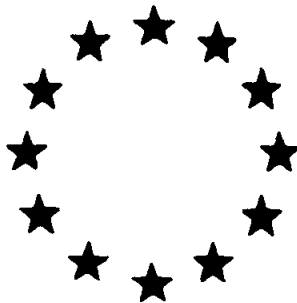


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EUROPEAN COMMISSION
OF HUMAN RIGHTS

APPLICATIONS Nos. 6780/74 AND 6950/75

CYPRUS

AGAINST

TURKEY

REPORT OF THE COMMISSION

(Adopted on 10 July 1976)

VOLUME II
(APPENDICES I - XIV)

This page is part of the file "Cyprus against Turkey (Application Nos 6780/74 and 6950/75 before the European Commission of Human Rights). This file comprises the following documents: a) Report of the European Commission of Human Rights (Volumes I and II) adopted on 10 July 1976; b) Memorandum of the Government of the Republic of Turkey on the question of Human Rights in Cyprus (Doc. CM (77) 117 of 24 May 1977 and corrigenda); c) Observations of the Government of Cyprus on the document of the Turkish Government entitled "Memorandum of the Government of the Republic of Turkey on the question of Human Rights in Cyprus" (Document CM (77) 150 of 20 June 1977); d) Resolution DH (79) 1 adopted by the Committee of Ministers of the Council of Europe on 20 January 1979. By virtue of the above-mentioned Resolution DH (79) 1 this documentation is declassified as from 31 August 1979.

STRASBOURG

SECRET

Applications Nos. 6780/74 and 6950/75

CYPRUS v. TURKEY

REPORT OF THE COMMISSION

(Adopted on 10 July 1976)

VOLUME II

APPENDICES I to XIV

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Appendix I

DECISION OF THE COMMISSION AS TO THE ADMISSIBILITY

of Applications Nos. 6780/74 and 6950/75 by CYPRUS against TURKEY

The European Commission of Human Rights sitting in private on 26 May 1975, the following members being present:

MM. J.E.S. FAWCETT, President
G. SPERDUTI, Vice-President
F. ERMACORA
F. WELTER
E. BUSUTTIL (1)
L. KELLBERG
B. DAVER (2)
T. OPSAHL
K. MANGAN
C.A. NØRGAARD
C.H.F. POLAK
J.A. FROWEIN
G. JÖRUNDSSON
R.J. DUPUY
G. TENEKIDES
S. TRECHSEL

Mr. A.B. McNULTY, Secretary to the Commission,
assisted by MM. K. ROGGE and W. PEUKERT

Having regard to Art. 24 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the first application, introduced on 19 September 1974 by the Government of Cyprus against the Government of Turkey and registered on the same day under file No. 6780/74, and to the following proceedings concerning this application:

- the order made by the President on 19 September 1974 requesting the Secretary General of the Council of Europe to give notice of the application to the Government of Turkey and to invite the Government to submit before 23 November 1974 their observations in writing on the admissibility of the application;

-
- (1) Mr. Busuttill abstained on the ground that he had not been present at the hearing of the Parties.
 - (2) Mr. Daver abstained on the ground that, in accordance with the practice of the Commission, he had not been permitted to attach his separate opinion to the Commission's decision.

- the telex communication of 29 September 1975 from the Cyprus Foreign Minister confirming that the application, which had been filed by the Deputy Permanent Representative of Cyprus, had been brought on his instructions;
- the Commission's decision of 1 October 1974 that the applicant Government should be invited to submit further details of the application as soon as possible and, in the meanwhile, to indicate the date by which they would be in a position to provide them;
- the applicant Government's "Particulars of the Application" dated 15 November which were filed on 22 November 1974;
- the respondent Government's observations of 21 November on the admissibility of the application which were filed on 22 November 1974;
- the Commission's decision of 14 December 1974 that the respondent Government should be invited to submit before 25 January 1975 any further observations which they might wish to make on the admissibility of the application and that the applicant Government should be invited to submit their reply by 28 February 1975;
- the respondent Government's further observations of 22 January 1975;
- the applicant Government's reply of 27 February 1975;
- the Commission's decision of 20 March that a hearing of the Parties on the admissibility of the application should be held on 22 and 23 May 1975;
- the respondent Government's request of 29 April 1975 for an adjournment of the hearing;
- the applicant Government's comments of 1 May 1975 on this request;
- the President's decision of 6 May 1975, taken after consultation of the other members of the Commission, that the hearing should be maintained;
- the applicant Government's request of 13 May 1975 for an adjournment of the hearing;
- the respondent Government's comments of 16 May 1975 on this request;
- the President's decision of 16 May that the hearing should be maintained, subject to the Commission's decision at the opening of its session on 21 May 1975;

Having regard to the second application, announced by letter of 18 March, introduced on 21 March 1975 by the Government of Cyprus against the Government of Turkey and registered on the same day under file No. 6950/75, and to the following proceedings concerning this application:

- the Commission's decision of 21 March requesting the Secretary General to give notice of the application to the Government of Turkey and to invite the Government to submit before 25 April 1975 their written observations on the admissibility of the application;
- the respondent Government's observations of 24 April 1975;
- the President's order of 28 April that the applicant Government should be invited to submit before 17 May 1975 their observations in reply;
- the applicant Government's observations of 10 May 1975;

Having regard to the Commission's decisions of 21 May 1975:

- that the two applications should be joined;
- that the hearing, which had been fixed to open on 22 May 1975, should be maintained and that the Parties should be invited to make oral submissions on the admissibility of both applications;

Having regard to:

- the applicant Government's request of 21 May that the hearing, which had been fixed to open in the morning of 22 May 1975, should be adjourned until the afternoon of that day;
- the Commission's decision of 21 May 1975 refusing this request;

Having regard to:

- the respondent Government's request of 22 May 1975 that the hearing should be adjourned until the following day;
- the Commission's decision of 22 May 1975 refusing this request;

Having regard to the oral submissions made by the Parties at the hearing before the Commission on 22 and 23 May 1975 on the admissibility of both applications (1);

Having deliberated on 23, 24 and 26 May 1975;

Decides as follows:

./.

(1) A list of the Parties' representatives at this hearing is given in the Annex to this decision.

THE FACTS

I. The applications

1. Application No. 6780/74

a) Original submissions

On 19 September 1974 the applicant Government submitted this application to the Commission in the following terms:

"1. The Republic of Cyprus contends that the Republic of Turkey has committed and continues to commit, in the course of the events outlined hereinafter, both in Cyprus and Turkey, breaches of Arts. 1, 2, 3, 4, 5, 6, 8, 13 and 17 of the Convention and Art. 1 of the First Protocol and of Art. 14 of the Convention in conjunction with all the aforementioned Articles.

2. On 20 July 1974 Turkey, without prior declaration of war, has invaded Cyprus and commenced military operations in its territory, by means of land, sea and air forces, and until 30 July 1974 has occupied a sizeable area in the northern part of Cyprus.

3. On 14 August 1974 by further military operations Turkey extended its occupation to about 40 percent of the territory of the Republic of Cyprus, and continues to remain in occupation of such territory.

3. In the course of the said military operations and occupation, Turkish armed forces have, by way of systematic conduct and adopted practice, caused deprivation of life, including indiscriminate killing of civilians, have subjected persons of both sexes and all ages to torture, inhuman and degrading treatment and punishment, including commission of rapes and detention under inhuman conditions, have arrested and are detaining in Cyprus and Turkey hundreds of persons arbitrarily and with no lawful authority, are subjecting the said persons to forced labour under conditions amounting to slavery or servitude, have caused through the aforesaid detention, as well as by displacement of thousands of persons from their places of residence and refusal to all of them to return thereto, separations of families and other interferences with private life, have caused destruction of property and obstruction of free enjoyment of property, and all the above acts have been directed against Greek Cypriots only, due, inter alia, to their national origin, race and religion.

4. Full details will be available in due course.
....."

./.

b) Further submissions

The applicant Government gave further particulars of the above allegations in their written submission of 15 November 1974 (entitled: "Particulars of the Application") and at the oral hearing before the Commission on 22 and 23 May 1975.

2. Application No. 6950/75

a) Original submissions

On 21 March 1975 the applicant Government submitted this application to the Commission in the following terms:

"1. The Republic of Cyprus contends that the Republic of Turkey has committed and continues to commit, since 19 September 1974 when Application No. 6780/74 was filed, in the areas occupied by the Turkish army in Cyprus, under the actual and exclusive authority and control of Turkey (as per Paras. 12, 18 and 19 of the Particulars of Application No. 6780/74 pending before the Commission of Human Rights) breaches of Arts. 1, 2, 3, 4, 5, 6, 8, 13 and 17 of the Convention and Art. 1 of the First Protocol and of Art. 14 of the Convention in conjunction with all the aforementioned Articles.

2. Turkey, since 19 September 1974, continues to occupy 40% of the territory of the Republic of Cyprus, seized as described in the Particulars of the said Application ...

3. In the said Turkish occupied areas the following atrocities and crimes were committed by way of systematic conduct by Turkey's state organs in flagrant violation of the obligations of Turkey under the European Convention on Human Rights during the period from 19 September 1974 until the filing of the present Application:

- (a) Murders in cold blood of civilians including women and old men. Also about 3,000 persons (many of them civilians), who were in the Turkish occupied areas, are still missing and it is feared that they were murdered by the Turkish army.
- (b) Wholesale and repeated rapes. Even women of ages up to 80 were savagely raped by members of the Turkish forces. In some areas forced prostitution of Greek Cypriot girls continues to be practised. Many women who remained in the Turkish occupied areas became pregnant as a result of the rapes committed by the Turkish troops.
- (c) Forcible eviction from homes and land. The Greek Cypriots who were forcibly expelled by the Turkish army from their homes (about 200,000), as per Para. 20 C of (the Particulars of) Application No. 6780/74, are still being prevented by

the Turkish army to return to their homes in the Turkish occupied areas and are refugees in their own country living in open camps under inhuman conditions. Moreover, the Turkish military authorities continue to expel forcibly from their homes the remaining Greek Cypriot inhabitants in the Turkish occupied areas most of whom are forcibly transferred to concentration camps. They are not even allowed to take with them their basic belongings. Their homes and properties have been distributed amongst the Turkish Cypriots who were shifted from the southern part of Cyprus into the Turkish occupied areas as well as amongst many Turks who were illegally brought from Turkey in an attempt to change the demographic pattern in the Island.

- (d) Looting by members of the Turkish army of houses and business premises belonging to Greek Cypriots continues to be extensively practised.
- (e) Robbery of the agriculture produce and livestock, housing units, stocks in stores, in factories and shops owned by Greek Cypriots and of jewellery and other valuables found on Greek Cypriots arrested by the Turkish army continues uninterrupted. The agricultural produce belonging to Greek Cypriots continues to be collected and exported directly or indirectly to markets in several European countries. Nothing belonging to the Greek Cypriots in the Turkish occupied areas has been returned and no compensation was paid or offered in respect thereof.
- (f) The seizure, appropriation, exploitation and distribution of land, houses, enterprises and industries belonging to Greek Cypriots, as described in Para. 20 F of the Particulars of Application No. 6780/74 continues.
- (g) Thousands of Greek Cypriot civilians of all ages and both sexes are arbitrarily detained by the Turkish military authorities in the Turkish occupied areas under miserable conditions. For this purpose additional concentration camps were established. The report mentioned in ... the observations of the Cyprus Government on the admissibility of Application No. 6780/74 describes the conditions of some cases of such detention. The situation of most of the detainees is desperate.
- (h) Greek Cypriot detainees and inhabitants in the Turkish occupied areas, including children, women and elderly people continue to be the victims of systematic tortures and of other inhuman and degrading treatment, e.g. wounding, beating, electric shocks, lack of food and medical treatment, etc.

- (i) Forced labour. A great number of persons detained by the Turkish army, including women, were and still are made during their detention, to perform forced and compulsory labour.
 - (j) Wanton destruction of properties belonging to Greek Cypriots including religious items found in the Greek Orthodox Churches.
 - (k) Forced expatriation of a number of Greek Cypriots living in the Turkish occupied areas, to Turkey.
 - (l) Separation of families. Many families are still separated as a result of some of the crimes described above such as detention and forcible eviction.
4. All the above atrocities were entirely unconnected with... any military operations. They were all committed at a time when no military operations or any fighting whatsoever was taking place.
5. The aforementioned atrocities and criminal acts were directed against Greek Cypriots because of their ethnic origin, race and religion. The object was to destroy and eradicate the Greek population of the Turkish occupied areas so as to move therein Turks, thus creating by artificial means a Turkish populated area in furtherance of Turkey's policy for the formation of the so-called 'Turkish Cypriot Federated State'. In pursuance of this policy the members of the Turkish army who took part in the invasion (about 40,000) and their families have been recently declared as subjects of the illegally and unilaterally proclaimed 'Turkish Cypriot Federated State', i.e. the Turkish occupied areas of Cyprus, with the official blessing of Turkey and have occupied the properties belonging to the Greek Cypriots.
6. No remedy in the Turkish Courts was under the circumstances likely to be effective and adequate for the atrocities and crimes in question. In any case all the above atrocities and crimes were committed under such circumstances which excuse the failure to resort to any domestic remedy for the purposes of Art. 26 of the Convention.
7. The situation resulting from Turkey's occupation of the areas in question affected also the rights and freedoms of the Turkish Cypriots in those areas including those who, in furtherance of Turkey's political aims, were shifted thereto from the southern part of Cyprus where they have their homes and properties.

8. All the above atrocities and criminal acts can be proved by evidence including evidence of eye witnesses. Other sources of evidence as to the above matters are international organisations like the United Nations and the International Red Cross.

9. Further particulars of the above violations of human rights, including statements by witnesses, will be made available as soon as possible.

10. It should be mentioned that it was not possible until now to ascertain in full the magnitude of the savage crimes perpetrated by Turkey in the Turkish controlled areas as these areas are still sealed off and the Turkish military authorities do not allow free access to them even by UNFICYP and humanitarian organisations.

....."
b) Further submissions

The applicant Government gave further particulars of the above allegations at the oral hearing before the Commission on 12 and 23 May 1975.

II. Submissions of the Parties as to the admissibility of the applications

1. The respondent Government's written observations

a. In their observations of 21 November 1974 on the admissibility of the first application (No. 6780/74) the respondent Government maintained that this application was inadmissible on the following grounds: non-existence of a properly constituted representation of the Republic of Cyprus; failure to exhaust domestic remedies; lack of Commission's jurisdiction *ratione loci*; and abusive nature of the application. They submitted in particular:

aa. The applicant Government were not the Government of Cyprus, but only the leaders of the Greek Cypriot community, and therefore not entitled to represent the State of Cyprus before the Commission. This State was established by the Zurich and London Agreements of 1959, which provided for its joint administration by the Greek and Turkish communities; the Constitution of Cyprus of 1960 also took account of the bi-communal nature of the Republic, and Art. 1 of the Treaty of Guarantee of 1960 obliged the Republic to respect the minorities.

The leaders of the Greek Cypriot community attempted since 1963 by attacks directed against the Turkish community to put an end to the bi-communal nature of the State and set up a de facto authority in certain parts of the island. In order to secure its continued existence the Turkish community was forced to withdraw into a number of scattered enclaves where it also set up a de facto authority. The existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community, had been recognised both by the three guaranteeing powers (Greece, United Kingdom and Turkey) in the Geneva Declaration of 30 July 1974 and by the General Assembly of the United Nations in its Resolution 3212 (XXIX) of 1 November 1974. The mission of the United Nations force in Cyprus since 1964 and the negotiations held since 1968 between the two de facto administrations also proved this fact.

The respondent Government concluded: the leaders of the Greek Cypriot community who had taken the administration of the State into their hands in violation of the international agreements which established the Republic of Cyprus and of the Cyprus Constitution which was part of those agreements were not entitled to represent this State: neither of the two autonomous Cypriot administrations (Turkish and Greek) was by itself entitled to do so. Moreover, under international law an administration which had illegally seized control of the government machinery but had only succeeded in extending its authority over a part of the territory and a part of the population was not entitled to represent the State concerned.

The respondent Government further contended that the applicant Government acted unconstitutionally in bringing the application: in the absence of a Council of Ministers composed of seven Greek and three Turkish Ministers appointed by the President and Vice-President of the Republic respectively, in accordance with Art. 46 and 57(c) of the Constitution of Cyprus, the decision to seize the Commission was not taken by the organ competent under Art. 54 of the Constitution. Moreover, this decision was not approved by the Vice President, as required by Arts. 54, 57 and 50 of the Constitution (in this respect the respondent Government referred to two letters of 24 September and 30 October 1974 from the Vice-President to the Commission which were transmitted by the Permanent Representative of Turkey). Lastly, the agents who lodged the application were not appointed in accordance with the Constitution: with regard to the person who signed the application, his appointment as Deputy Permanent Representative had not been submitted to the Vice-President for approval under Art. 50, and the person who, as "Minister of Foreign Affairs", confirmed the application had not been appointed Minister in accordance with Art. 47.

bb The respondent Government further maintained that the application was inadmissible under Arts. 26 and 27 (3) of the Convention for non-exhaustion of domestic remedies. The Convention constituted an integral part of Turkish law and.

under Art. 114 of the Constitution, an appeal lay to a court against every act or decision of the administration. However, the respondent Government had no knowledge of any action brought before the Turkish courts in this matter and the applicant Government had failed to comply with Rule 38 (2) of the Commission's Rules of Procedure which stated that the applicant shall "provide information enabling it to be shown that the conditions laid down in Art. 26 of the Convention have been satisfied".

cc The respondent Government further referred to Arts. 1, 19 and 63 of the Convention and argued that the Commission had no jurisdiction *ratione loci* to examine the application as Cyprus did not fall under Turkish jurisdiction. Turkey had not extended her jurisdiction to the island of Cyprus since she had neither annexed a part of the island nor established a military or civil government there. The administration of the Turkish Cypriot community had absolute jurisdiction over part of the island. Moreover, Turkey could not be held liable under Art. 63 of the Convention since she was not responsible for the international relations of either the whole or a part of Cyprus.

dd The respondent Government finally referred to the Commission's decision on the admissibility of certain new allegations in the first Greek Case (Yearbook of the European Convention on Human Rights, Vol. 8, pp. 158-169) and submitted that the present application constituted an abuse of the procedure provided for by the Convention: it was unsubstantiated and contained accusations of a political nature, such as references to the "invasion" and "occupation" of Cyprus by Turkey, which had nothing to do with the purpose of the Convention and could only be intended to foster a campaign of political propaganda against Turkey.

b) In their further observations of 22 January 1975 on the admissibility of the first application the respondent Government maintained the position adopted in their above observations of 21 November 1974.

c) In their observations of 24 April 1975 on the admissibility of the second application (No. 6950/75) the respondent Government admitted that the grounds for inadmissibility set out in their observations of 21 November 1974 with regard to the first application applied also to the second. They requested the Commission to order the joinder of the two applications under Rule 29 and to declare them inadmissible on the above grounds, in particular on that of the non-existence of a properly constituted representation of the Republic of Cyprus.

./.

2. The applicant Government's written observations

a) In their observations of 27 February 1975 on the admissibility of the first application (No. 6780/74) the applicant Government contested the four grounds of inadmissibility, advanced in the respondent Government's observations of 21 November 1974, and submitted in particular:

aa The objection that there existed no properly constituted representation of the Republic of Cyprus had been raised by Turkey in various international forums, including the United Nations, and been consistently rejected. The applicant Government, recognised as the lawful Government of the Republic by the overwhelming majority of its people, had always been so recognised in international relations. Thus, during the 29th session of the United Nations General Assembly which adopted Resolution 3212 (XXIX) referred to in the respondent Government's observations, Cyprus was represented through the applicant Government and the credentials of this Government's representation were accepted as in the past, all efforts by Turkey to dispute them having failed, and the Minister of Foreign Affairs who signed those credentials was the one who authorised the filing of the present application to the Commission; furthermore, the resolution of the Security Council concerning the United Nations Peace-Keeping Force in Cyprus expressly noted the consent of "the Government of Cyprus", i.e. the applicant Government in the present proceedings. The Committee of Ministers of the Council of Europe has also always recognised the applicant Government as the lawful Government of Cyprus and its appointed representatives as duly representing this Republic; the applicant Government's Minister of Foreign Affairs, who authorised the filing of the present application, acted as Chairman at the Committee's meeting in November 1974, in spite of Turkey's objection.

The applicant Government further submitted that the constitutional irregularities alleged by the respondent Government did not in the circumstances affect the applicant Government's capacity to represent the Republic of Cyprus internationally. In any event, where an application under Art. 24 of the Convention had been referred to the Commission by the Secretary General of the Council of Europe, the Commission had no competence to examine the status of the Government bringing this application.

Without prejudice to the above arguments the applicant Government further contended that they were in all respects a lawful Government. The State of Cyprus was established in 1960 and the Constitution continued to function until 21 December 1963 in spite of obstruction by the Turkish Cypriots. The troubles which broke out on that day, following a mere proposal by the President to amend the Constitution, amounted to an armed

anti-state action on the part of the Turkish Cypriots who refused to co-operate in the Government; instead, they pursued a policy of partition, first by withdrawing into a number of enclaves over which the Government were prevented to exercise their powers (4.86% of the territory of the Republic) and, following the Turkish invasion, by the formation of a "Turkish Federated State" in Cyprus. This was in line with the expansionist policy pursued by Turkey both before and after the establishment of the Republic of Cyprus, as borne out by various statements of members of the Turkish Government.

In view of the persistent non-participation of the Turkish Cypriots in the Government of the State, the remaining (Greek Cypriot) members of the Government, in accordance with the principle "Salus populi est suprema lex", deviated from the strict letter of the Constitution in order to keep the essential services of the State in operation. The law of necessity thus applied was in 1964 recognised by the Supreme Court of Cyprus (in the case of the Attorney General of the Republic v. M. Ibrahim and others) as forming part of the Constitution. The Turkish Cypriot judges, who had resumed their functions in 1964 and stayed in office until 1966, followed the Supreme Court's judgment in their own decisions and thereby recognised the lawful existence and functioning of the Government.

The leaders of the coup of 15 July 1974 were not supported by the people of Cyprus nor recognised by any other country, including Turkey. The coup failed and the present Government continued to exercise their functions, recognised internationally and supported by the overwhelming majority of the people. The invasion, and occupation of a part of the territory by Turkey did not, under international law, affect the lawfulness of the Government.

The respondent Government's reference to Mr. Denktash's disapproval of the present proceedings, and of the nomination of the Republic's representatives, constituted a contradiction in terms because, on the one hand, they disputed the existence of a Government of Cyprus and, on the other hand, they invoked constitutional rights of the Vice-President of such Government. In any case, Mr. Denktash abstained from exercising his functions in the Government.

Lastly, as stated by the Commission in its decision on the admissibility of Application No. 788/60 (Austria v. Italy, Paragraph 4, pp. 115, 140), a High Contracting Party, when it reports an alleged breach of the Convention to the Commission in violation of the Convention, "is not to be regarded as exercising a right of action for the purpose of enforcing its rights, but rather as bringing before the Commission an alleged violation of the public order of Europe".

./.

bb In reply to the respondent Government's objection that domestic remedies had not been exhausted, the applicant Government maintained that the respondent Government had failed to indicate any domestic remedy which in the circumstances could be exercised by the victims of the atrocities committed by the Turkish army and other State organs of Turkey, as described in the Particulars of the Application, and that they had also failed to show that such remedy would be effective and adequate in the circumstances.

One could not expect the Greek Cypriot victims of the atrocities committed by the Turkish army, in consequence of a hostile operation ordered by Turkey and directed against the Greek Cypriot community, to visit the enemy country, or to engage lawyers there, in order to raise their complaints in Turkish courts. The surviving victims of these atrocities had either been expelled from the Turkish occupied area or were living in that area, which was sealed off, under continuous insecurity and restriction of movement. Those detained in concentration camps in the occupied area, or in prisons in Turkey, were not during their detention given the chance to seize a court and, in any case, precluded from doing so by the conditions of their detention.

Remedies could moreover not be exercised for fear of repercussions: the life, liberty, honour and property of surviving victims in the occupied area or in Turkey were already under the direct threat of vindictive action by the Turkish authorities and there was a fear of further expansion of the occupation and, possibly, an occupation of the whole island by Turkey.

The atrocities complained of were part of a government policy. No action in a Turkish court could therefore be regarded as an effective remedy.

Furthermore most of these atrocities could not be considered as "acts or decisions of the administration", within the meaning of Art. 114 of the Turkish Constitution, against which an appeal lies to a court.

In the circumstances under which the atrocities were committed no information as to the identity of the perpetrators could be obtained apart from the fact that they were members of the Turkish army. This made it impossible to exercise the judicial remedy in question.

Lastly, no Turkish courts existed in the Turkish occupied area of Cyprus where most of the alleged violations of human rights took place.

./.

cc The applicant Government further submitted that the Commission was competent *ratione loci* to examine the application.

Under Art. 19 of the Convention the Commission was competent to ensure the observance of the engagements undertaken by the High Contracting Parties, the principal engagement being the one set out in Art. 1.

It was clear from the language and object of Art. 1 and from the purpose of the Convention as a whole that the High Contracting Parties were bound to secure the rights and freedoms defined in the Convention to all persons under their actual and exclusive authority, whether that authority was exercised within their own territory or abroad. The application related to violations of human rights committed by Turkey in areas over which she exercised actual authority to the exclusion of any other Government: in the Turkish occupied part of Cyprus, on Turkish vessels and in Turkey.

In the occupied part of Cyprus the actual and exclusive authority was exercised by the Turkish army under the direction of the Turkish Government; indeed, through various official statements and activities Turkey was treating this area as being under her control and supervision. The Turkish Cypriot community had neither legal nor actual authority over the area.

The operation of the Convention in the occupied part of Cyprus would become ineffective if one accepted the respondent Government's submission that alleged violations of the Convention in that area could not be examined by the Commission. It followed from Art. 17 that the Convention did not allow such a vacuum in the protection of its rights and freedoms.

Art. 63 of the Convention, referred to in the respondent Government's observations, had not been invoked by the applicant Government and was irrelevant to the issue.

dd The applicant Government finally maintained that the application was not abusive, as submitted by the respondent Government. Its only object was to ensure the observance of the Convention by Turkey. The applicant Government alleged specific violations of human rights and had produced evidence of particular instances including statements of witnesses. Expressions like "invasion" or "occupation" had to be used in order to describe the actual conditions under which these violations were committed.

In conclusion the applicant Government requested the Commission to declare the application admissible.

b) In their observations of 10 May 1975 in reply to the respondent Government's observations of 24 April on the admissibility of the second application (No. 6950/75) the applicant Government referred to their above observations of 27 February on the admissibility of the first application as being equally applicable to the second.

3. Oral submissions of the Parties at the hearing
on 22 and 23 May 1975

The Parties' above observations on the admissibility of the applications were further developed at the hearing before the Commission on 22 and 23 May 1975.

a) Submissions of the respondent Government

The respondent Government, replying to the applicant Government's observations of 27 February 1975, submitted in particular:

aa The general rule that a government, which had been recognised by a number of other States and international organisations, could be considered as a lawful government was not applicable in the case of Cyprus, whose special international status had to be respected. Since 1963 there were two de facto Governments in Cyprus, each controlling only a part of the territory, and no "law of necessity" could justify the usurpation of State powers by one of them. The bi-communal nature of the Republic was also respected by the Consultative Assembly of the Council of Europe which since 1964 refused to admit a Cypriot delegation without Turkish Cypriot members.

The non-existence of a lawful Government of Cyprus had prevented Turkey from raising the sufferings of the Turkish Cypriots before the Commission. The Greek Cypriot community, by its policy of Enosis, intended to destroy the independence of Cyprus; the proposed constitutional amendments served this purpose. In 1974 Turkey finally had to intervene, but this was not done in order to divide the island.

It was true that an objection to the validity of a treaty could under Art. 46 of the Vienna Convention on the Law of Treaties only be raised by the State whose constitution had not been respected but, in the special case of Cyprus, a violation of the Constitution was at the same time a violation of international agreements and could consequently be raised by Turkey, as a Party to these agreements.

bb The respondent Government did not consider that, under Art. 26 of the Convention, they were obliged to show the existence of effective domestic remedies as long as no action had been taken by any of the alleged victims in order to test these remedies. Various remedies were actually available although the Government could not say that the inhabitants of the northern part of Cyprus had by an official announcement been informed of their existence.

Thus, under Art. 114 of the Turkish Constitution anyone could seize an ordinary, administrative or military court. The acts complained of in the applications were criminal offences under the Penal Code and any alleged victim could lay a criminal charge - in writing or orally and, if necessary, with the help of an interpreter - and become a private party in criminal proceedings at the instance of such charges; however, no criminal charges had been brought. The Public Prosecutor also acted ex officio when otherwise informed of a criminal offence but no such proceedings had been instituted on the basis of the applicant Government's allegations.

With regard to any criminal offences committed by Turkish soldiers in Cyprus, Turkish military tribunals, instituted under Art. 138 of the Turkish Constitution and composed of independent judges, were competent. Administrative acts could under Art. 114 of the Constitution be attacked before the Conseil d'Etat and there was also a higher administrative military tribunal concerning military staff and organisations (Art. 140 in fine of the Constitution).

b) Submissions of the applicant Government

82 With regard to their ius standi the applicant Government, referring to their earlier submissions, further observed that no objection was raised by Turkey when they signed and ratified Protocols Nos. 2, 3 and 5 to the Convention in the name of Cyprus. Under international law no distinction was made between constitutional and unconstitutional governments: the title to rule was determined by the fact of actual governing. The applicant Government were recognised by the family of nations and the Commission, in dealing with the issue of representation, should have regard to this practice as reflected, inter alia, in the proceedings of the Committee of Ministers of the Council of Europe.

The fact that, as a result of the Turkish occupation, the applicant Government were prevented from exercising their authority over the whole of the territory of the Republic of Cyprus did not under international law affect their right to represent this Republic.

83 The applicant Government further maintained that under Art. 26 of the Convention the victim of a violation of the Convention was not obliged to exhaust remedies which were not available in the territory where the violation occurred. Furthermore, as stated by the Commission in Application No. 712/60 (Retimag v. Federal Republic of Germany, Yearbook 4, pp. 38, 40), "remedies which, although theoretically of a nature to constitute a remedy, do not in reality offer any chance of redressing the damage alleged need not be exhausted".

The multiple violations complained of in the present case constituted an "administrative practice" in the sense of the Commission's case-law, they formed part of a government policy and any appeal to a higher authority was bound to be ineffective in the circumstances.

cc The applicant Government finally observed with regard to the interpretation of Art. 1 of the Convention that this provision did not speak of "territory". This term had been contained in the original draft of the Consultative Assembly of the Council of Europe but later been replaced by the term "jurisdiction" which could be defined as an aspect of sovereignty comprising judicial, legislative and administrative competence.

THE LAW

1. The Commission has considered the respondent Government's four objections to admissibility in the following order:

- I. the objection concerning the locus standi of the applicant Government;
- II. the objection concerning the Commission's competence *ratione loci*;
- III. the objection that domestic remedies have not been exhausted; and
- IV. the objection that the applications are abusive.

I. As to the locus standi of the applicant Government

2. The present applications have been introduced under Art. 24 of the European Convention on Human Rights which provides that any High Contracting Party may refer to the Commission any alleged breach of the Convention by another High Contracting Party.

The Commission has first considered *ex officio* whether the applications, which were lodged in the name of the Republic of Cyprus, were brought on behalf of Cyprus as a "High Contracting Party", that is to say, whether Cyprus has been, at the time of the introduction of the applications, and continues to be such a Party.

In this connection the Commission has noted the respondent Government's reference to para. 5 of the Geneva Declaration of 30 July 1974 in which Greece, Turkey and the United Kingdom recognised the existence in practice "in the Republic of Cyprus" of "two autonomous administrations", namely that of the Greek Cypriot community and that of the Turkish Cypriot Community.

The Commission further notes that the Vice-President of the Republic of Cyprus, Mr. Rauf Denktash, has on 13 February 1975 proclaimed a "Turkish Federated State" in Cyprus.

It is clear, however, from the terms of the above declarations that, whatever may have been their legal significance in other respects, they did not affect, and were not intended to affect, the continuing existence of Cyprus as a State and High Contracting Party to the European Convention on Human Rights. The Commission is satisfied that this is not disputed by Turkey or any other Party to the Convention.

It follows that the applications cannot be rejected on the ground that they have not been brought in the name of Cyprus as a "High Contracting Party" within the meaning of Art. 24.

3. The respondent Government submit, however, that the applicant Government are not the Government of Cyprus but only the leaders of the Greek Cypriot Community who in 1963 have taken the administration of the State into their hands in violation of the London and Zurich Agreements of 1959, the Treaty of Guarantee of 1960, and the Constitution of Cyprus which is a part of those agreements. Under international law the applicant Government are therefore not entitled to represent the Republic of Cyprus.

The Commission, in its examination of this preliminary objection concerning the ius standi of the applicant Government in proceedings under Art. 24 of the Convention, notes that this Government have nevertheless been and continue to be recognised internationally as the Government of the Republic of Cyprus and that their acts are accepted accordingly in a number of contexts of diplomatic and treaty relations and of the working of international organisations. In this respect the Commission observes in particular:

- that the Security Council of the United Nations, in Resolution 364 (1974) of 13 December 1974 concerning the prolongation of service of the United Nations Peace-keeping Force in Cyprus, expressly noted the agreement of "the Government of Cyprus" - that is to say, the applicant Government in the present proceedings - and that this Government's consent was similarly recorded in a number of earlier resolutions of the Security Council since 1964 concerning the same matter;
- that representatives of the Republic of Cyprus, appointed by the applicant Government, have continued fully to participate in the Committee of Ministers of the Council of Europe, consistently with Arts. 14 and 16 of its Statute, and that the present applications were signed

by the then Deputy Permanent Representative (No. 6780/74) and the present Permanent Representative (No. 6950/75) respectively;

- that no objection was raised by any other Party to the Convention, including Turkey, when the applicant Government, acting in the name of the Republic of Cyprus, ratified in 1969 Protocols Nos. 2, 3 and 5 to the Convention and that the applicant Government, as the Government of Cyprus, similarly ratified a number of other international agreements including the European Social Charter.

The Commission therefore concludes that the applicant Government, as constituted at and since the time of lodging the present applications, are to be considered as representing the Republic of Cyprus also for the purpose of proceedings under Art. 24, and any subsequent proceedings under Art. 28, of the Convention.

4. The respondent Government further contend that the applicant Government acted unconstitutionally in bringing the present applications: in the absence of a Council of Ministers constituted in conformity with Art. 46, the decision to seize the Commission has not been taken by the organ competent under Art. 54 of the Constitution; moreover, this decision has not been approved by the Vice-President, as required by Arts. 49 and 57 of the Constitution (in this respect the respondent Government refer to two letters of 24 September and 30 October 1974 from the Vice-President to the Commission which were transmitted by the Permanent Representative of Turkey); lastly, the agents who lodged the applications were not appointed in accordance with Arts. 47 and 50 of the Constitution.

The Commission, even assuming that an inconsistency with the Constitution of Cyprus of 1960 as alleged by the respondent Government could be relevant for the validity of the applications, finds that regard must be had not only to the text of this Constitution but also to the practice under it, especially since 1963. In this respect the Commission notes that a number of international legal acts and instruments, which were drafted in the course of the above practice and presented on behalf of the Republic of Cyprus, have, as stated above, been recognised in diplomatic and treaty relations, both by Governments of other States and by organs of international organisations including the Council of Europe.

5. The Commission also considers that regard must be had to the purpose of Art. 24 of the present Convention and that the protection of the rights and freedoms of the people of Cyprus under the Convention should consequently not be impaired by any constitutional defect of its Government.

6. The Commission therefore concludes that the present applications have been validly introduced on behalf of the Republic of Cyprus.

II. As to the Commission's competence *ratione loci*

7. The respondent Government further contend that the Commission has no jurisdiction *ratione loci* to examine the applications, insofar as they relate to alleged violations of the Convention in the island of Cyprus. They submit that, under Art. 1 of the Convention, the Commission's competence *ratione loci* is limited to the examination of acts alleged to have been committed in the national territory of the High Contracting Party concerned; Turkey has not extended her jurisdiction to Cyprus or any part thereof, nor can she be held liable, under Art. 63 of the Convention, for any acts committed there.

8. In Art. 1 of the Convention, the High Contracting Parties undertake to secure the rights and freedoms defined in Section 1 to everyone "within their jurisdiction" (in the French text: "relevant de leur juridiction"). The Commission finds that this term is not, as submitted by the respondent Government, equivalent to or limited to the national territory of the High Contracting Party concerned. It is clear from the language, in particular of the French text, and the object of this Article, and from the purpose of the Convention as a whole, that the High Contracting Parties are bound to secure the said rights and freedoms to all persons under their actual authority and responsibility, whether that authority is exercised within their own territory or abroad. The Commission refers in this respect to its decision on the admissibility of Application No. 1611/62 - X. v. Federal Republic of Germany - Yearbook of the European Convention on Human Rights, Vol. 8, pp. 158-169 (at pp. 168-169).

The Commission further observes that nationals of a State, including registered ships and aircraft, are partly within its jurisdiction wherever they may be, and that authorised agents of a State, including diplomatic or consular agents and armed forces, not only remain under its jurisdiction when abroad but bring any other persons or property "within the jurisdiction" of that State, to the extent that they exercise authority over such persons or property. Insofar as, by their acts or omissions, they affect such persons or property, the responsibility of the State is engaged.

9. The Commission does not find that Art. 63 of the Convention, providing for the extension of the Convention to other than metropolitan territories of High Contracting Parties, can be interpreted as limiting the scope of the term "jurisdiction" in Art. 1 to such metropolitan territories. The purpose of

Art. 63 is not only the territorial extension of the Convention but its adaptation to the measure of self-government attained in particular non-metropolitan territories and to the cultural and social differences in such territories; Art. 63 (3) confirms this interpretation. This does not mean that the territories to which Art. 63 applies are not within the "jurisdiction" within the meaning of Art. 1.

10. It follows from the above interpretation of Art. 1 that the Commission's competence to examine the applications, insofar as they concern alleged violations of the Convention in Cyprus, cannot be excluded on the grounds that Turkey, the respondent Party in the present case, has neither annexed any part of Cyprus nor, according to the respondent Government, established either military or civil government there.

It remains to be examined whether Turkey's responsibility under the Convention is otherwise engaged because persons or property in Cyprus have in the course of her military action come under her actual authority and responsibility at the material times. In this respect it is not contested by the respondent Government that Turkish armed forces have entered the island of Cyprus, operating solely under the direction of the Turkish Government and under established rules governing the structure and command of these armed forces including the establishment of military courts. It follows that these armed forces are authorised agents of Turkey and that they bring any other persons or property in Cyprus "within the jurisdiction" of Turkey, in the sense of Art. 1 of the Convention, to the extent that they exercise control over such persons or property. Therefore, insofar as these armed forces, by their acts or omissions, affect such persons' rights or freedoms under the Convention, the responsibility of Turkey is engaged.

III. As to the exhaustion of domestic remedies

11. Under Art. 26 of the Convention the Commission may only deal with a case after all domestic remedies have been exhausted, according to the generally recognised rules of international law. This rule applies not only in individual applications lodged under Art. 25 but also in cases brought by States under Art. 24 of the Convention (cf. the Commission's constant case-law and, in particular, its decision on the admissibility of Application No. 788/60 - Austria v. Italy - Yearbook 4, pp. 116-183 (at pp. 148-153)).

The rule requiring the exhaustion of domestic remedies means in principle that remedies, which are shown to exist within the legal system of the responsible State, must be used and exhausted in the normal way before the Commission is seized of a case; on the other hand, remedies which do not offer a

possibility of redressing the alleged injury or damage cannot be regarded as effective or sufficient and need not, therefore, be exhausted (cf. the Commission's decision on the admissibility of Application No. 712/60 - Retimag v. Federal Republic of Germany - Yearbook 4, pp. 384, 400).

12. The respondent Government submit that, under Turkish law, a number of effective remedies are available in criminal, civil, disciplinary and administrative proceedings to persons claiming to be the victims of violations by Turkish authorities of individual rights and freedoms as alleged in the present applications; such remedies can be brought either before the competent judicial authorities in Turkey or before the military courts of the Turkish forces in Cyprus.

13. With regard to the question whether the remedies indicated by the respondent Government can in the circumstances of the present case be considered as effective, the Commission notes that the applicant Government's allegations of large-scale violations of human rights by Turkish authorities in Cyprus relate to a military action by a foreign power and to the period immediately following it. It is clear that this action has deeply and seriously affected the life of the population in Cyprus and, in particular, that of the Greek Cypriots who were living in the northern part of the Republic where the Turkish Troops operated. This is especially shown by the very great number of refugees who are at present in the south of the island.

14. In these circumstances the Commission finds that remedies which, according to the respondent Government, are available in domestic courts in Turkey or before Turkish military courts in Cyprus could only be considered as effective "domestic" remedies under Art. 26 of the Convention with regard to complaints by inhabitants of Cyprus if it were shown that such remedies are both practicable and normally functioning in such cases. This, however, has not been established by the respondent Government. In particular, the Government have not shown how Art. 114 of the Constitution of Turkey can extend to all the alleged complaints or how any proceedings could be effectively handled given the very large number of these complaints.

15. The Commission therefore does not find that, in the particular situation prevailing in Cyprus since the beginning of the Turkish military action on 20 July 1974, the remedies indicated by the respondent Government can be considered as effective and sufficient "domestic remedies" within the meaning of Art. 26 of the Convention. It follows that the applications cannot be rejected for non-exhaustion of domestic remedies in accordance with Arts. 26 and 27 (3).

IV. As to whether the applications are abusive

16. The respondent Government finally submit that the applications constitute an abuse of the procedure provided for by the Convention in that they are unsubstantiated and contain accusations of a political nature, such as references to the "invasion" and "occupation" of Cyprus by Turkey.

17. The Commission has already held in a previous case (decision on the admissibility of certain new allegations in the First Greek Case, Yearbook 11, pp. 730, 764) that the provision of Art. 27 (2), requiring the Commission to declare inadmissible any application that it considers abusive, is confined to individual petitions under Art. 25 and therefore inapplicable to inter-State applications under Art. 24 of the Convention. It follows that the present applications cannot be rejected under the said provision.

18. The Commission notes, however, that the respondent Government, by inviting the Commission to reject the applications as abusive, invoke a general principle according to which the right to bring proceedings before an international instance must not be abused. They consider that such a principle has been recognised in the Commission's above decision in the First Greek Case.

In that decision the Commission, "assuming that such a general principle exists and is applicable to the institution of proceedings within the framework of the Convention", found that "the alleged political element of the new allegations, even if established, is not such as to render them 'abusive' in the general sense of the word" (loc. cit.).

As regards the present applications the Commission does not accept either of the contentions of the respondent Government that they are an abuse of the Convention process. The Commission, even assuming that it is empowered on general principle to make such a finding, considers that the applicant Government have, at this stage of the proceedings, provided sufficient particularised information of alleged breaches of the Convention for the purpose of Art. 24. The Commission further considers that the terms in which the applicant Government have characterised the Turkish intervention in Cyprus cannot be regarded as "abusive" in the general sense of the word.

6780/74 and
6950/75

- 24 -

Now therefore the Commission,
without prejudging the merits of the case,
DECLARES THE APPLICATIONS ADMISSIBLE.

Secretary to the Commission

President of the Commission

(A.B. McNULTY)

(J.E.S. FAWCETT)

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A N N E X

Parties' representatives at the hearing before the
Commission on 22 and 23 May 1975

Applicant Government

Mr. Criton G. Tornaritis	Q.C., Attorney General
Mr. Constantinos Pilavachi	Permanent Representative to the Council of Europe
Mr. Loukis Loukaides	Senior Counsel, Agent of the applicant Government

Respondent Government

Prof. Dr. Ilhan Unat	Professor of International Private Law, University of Ankara, Agent of the respondent Government
Prof. Dr. Bülent Nuri Esen	Professor of Constitutional Law and Human Rights, University of Ankara
Prof. Dr. Mahmut Belik	Professor of International Law, University of Istanbul
Prof. Dr. Edip Çelik	Professor of International Law, University of Istanbul
Prof. Dr. Feyyaz Gölcüklü	Professor of Penal Law and Legal Procedure, University of Ankara
Prof. Dr. Seref Gözübüyük	Professor of Administrative Law, University of Ankara
Mr. Sabri Yirmibesoglu	Adviser
Mr. Nejat Aydın	Minister Plenipotentiary, Head of the Council of Europe Department, Ministry of Foreign Affairs
Mr. Ecmel Barutçu	Minister Plenipotentiary, Head of the Cyprus and Greece Department, Ministry of Foreign Affairs
Mr. Erdil K. Akay	Counsellor of Embassy, Deputy Permanent Representative to the Council of Europe
Mr. Erdim Tüzel	Head of Section, Department of Council of Europe, Ministry of Foreign Affairs
Mr. Hüseyin Pazarci	Associate Professor of International Law, University of Ankara

Appendix II

COMMUNICATION OF 27 NOVEMBER 1975 FROM THE RESPONDENT GOVERNMENT (1)

Sir,

Ambassador Semih Günver, Permanent Representative of Turkey to the Council of Europe, has informed you that a communication from me would be presented to the Commission of Human Rights by 30 November 1975.

The communication set out below is made by order of my Government:

The Turkish Government has studied with all the attention it merits the decision on admissibility made public by the European Commission of Human Rights on 26 May 1975. The Turkish Government is still unable to recognise the Greek Cypriot administration as being empowered to represent the Republic of Cyprus alone, and is firmly convinced that in the case in question Turkey cannot be required to accept the Greek Cypriot administration as applicant, since there is no authority which can properly require the Turkish Government to recognise against its will the legitimacy of a government which has usurped the powers of the State in violation of the Constitution of which Turkey is a guarantor.

It follows that the function which is the Commission's principal task under Art. 28 of the Convention on Human Rights, namely placing itself at the disposal of the parties with a view to securing a friendly settlement, cannot be discharged, for the simple reason that the Turkish Government cannot agree to enter into talks with the representatives of an administration which is entirely unable to recognise as a legal authority empowered to represent the Republic of Cyprus.

My Government is therefore regretfully, but quite definitely, unable to take part in the proceedings on the merits before the Commission. Since the press communiqué publishing the Commission's decision on admissibility was issued, the Turkish Government has in fact categorically refused to participate in any of the Commission's activities. In this connection, it should be emphasised that the remarks made by Ambassador Günver, the new Permanent Representative of Turkey to the Council of Europe, during a conversation which he paid to the President of the Commission, and which were included in the case file in the form of a note prepared by the Commission, can in no way be interpreted as participation by my Government in the Commission's examination of the merits of the case.

(1) Original French. English translation by the Council of Europe.

Similarly, there can be no question of my Government's submitting to the Commission its comments on the records of the hearings held in Nicosia in September, to which reference is made in your letter of 10 October 1975.

I would request you kindly to bring the foregoing to the notice of the Commission, and remain, Sir,

Yours truly

Professor Dr. Ilhan Unat
Agent of the Turkish Government

Appendix III

TREATY OF GUARANTEE OF 16 AUGUST 1960

The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland of the other part,

I. Considering that the recognition and maintenance of the independence, territorial integrity and security of the Republic of Cyprus, as established and regulated by the Basic Articles of the Constitution, are in their common interest,

II. Desiring to co-operate to ensure respect for the state of affairs created by that Constitution,

Have agreed as follows:

Article I

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.

Article II

Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

Article III

The Republic of Cyprus, Greece and Turkey undertake to respect the integrity of the areas retained under United Kingdom sovereignty at the time of the establishment of the Republic of

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Cyprus, and guarantee the use and enjoyment by the United Kingdom of the rights to be secured to it by the Republic of Cyprus in accordance with the Treaty concerning the Establishment of the Republic of Cyprus signed at Nicosia on today's date.

Article IV

In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.

Article V

The present Treaty shall enter into force on the date of signature. The original texts of the present Treaty shall be deposited at Nicosia.

The High Contracting Parties shall proceed as soon as possible to the registration of the present Treaty with the Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned have signed the present Treaty.

DONE at Nicosia this sixteenth day of August, 1960, in English and French, both texts being equally authoritative.

Appendix IV

GENEVA DECLARATION OF 30 JULY 1974

1. The Foreign Ministers of Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland held negotiations in Geneva from July 25-30, 1974. They recognised the importance of setting in train, as a matter of urgency, measures to adjust and to regularise within a reasonable period of time the situation in the Republic of Cyprus on a lasting basis, having regard to the international agreements signed at Nicosia on August 16, 1960 and to Resolution 353 of the Security Council of the United Nations. They were, however, agreed on the need to decide first on certain immediate measures.

2. The three Foreign Ministers declared that in order to stabilize the situation, the areas in the Republic of Cyprus controlled by opposing armed forces on July 30, 1974 (2200 hours Geneva time) should not be extended. They called on all forces, including irregular forces, to desist from all offensive or hostile activities.

3. The three Foreign Ministers also concluded that the following measures should be put into immediate effect.

(A) A security zone of sizes to be determined by representatives of Greece, Turkey and the United Kingdom in consultation with the United Nations peacekeeping force in Cyprus (Unficyp) should be established at the limit of the areas occupied by the Turkish armed forces at the time specified in paragraph two above. This zone should be entered by no forces other than those of Unficyp, which should supervise the prohibition of entry. Pending the determination of the size and character of the security zone, the existing area between the two forces should be entered by no forces.

(B) All the Turkish enclaves occupied by Greek or Greek Cypriot forces should be immediately evacuated. These enclaves will continue to be protected by Unficyp and to have their previous security arrangements. Other Turkish enclaves outside the area controlled by the Turkish armed forces shall continue to be protected by an Unficyp security zone and may, as before, maintain their own police and security forces.

(C) In mixed villages the functions of security and police will be carried out by Unficyp.

(D) Military personnel and civilians detained as a result of the recent hostilities shall be either exchanged or released under the supervision of the international committee of the Red Cross within the shortest possible time.

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4. The three Foreign Ministers, reaffirming that Resolution 353 of the Security Council should be implemented in the shortest possible time, agreed that within the framework of a just and lasting solution acceptable to all the parties concerned and as peace, security and mutual confidence are established in the Republic of Cyprus, measures should be elaborated which will lead to the timely and phased reduction of the number of armed forces and the amounts of armaments, munitions and other war material in the Republic of Cyprus.

5. Deeply conscious of their responsibilities as regards the maintenance of the independence, territorial integrity and security of the Republic of Cyprus, the three Foreign Ministers agreed that negotiations, as provided for in Resolution 353 of the Security Council, should be carried on with the least possible delay to secure (a) the restoration of peace in the area and (b) the re-establishment of constitutional government in Cyprus.

To this end they agreed that further talks should begin on August 8, 1974, at Geneva. They also agreed that representatives of the Greek Cypriot and Turkish Cypriot communities should, at an early stage, participate in the talks relating to the constitution. Among the constitutional questions to be discussed should be that of an immediate return to constitutional legitimacy, the Vice-President assuming the functions provided for under the 1960 Constitution. The Ministers noted the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek-Cypriot community and that of the Turkish-Cypriot community. Without any prejudice to the conclusions to be drawn from this situation, the Ministers agreed to consider at their next meeting the problems raised by their existence.

6. The three Foreign Ministers agreed to convey the contents of this declaration to the Secretary General of the United Nations and to invite him to take appropriate action in the light of it. They also expressed their conviction of the necessity that the fullest co-operation should be extended by all concerned in the Republic of Cyprus in carrying out its terms.

Appendix V

RESOLUTION 353 (1974)

Adopted by the United Nations Security Council
at its 1781st meeting on 20 July 1974

The Security Council,

Having considered the report of the Secretary-General at its 1779th meeting about the recent developments in Cyprus,

Having heard the statement made by the President of the Republic of Cyprus and the statements by the representatives of Cyprus, Turkey, Greece and other member countries,

Having considered at its present meeting further developments in the island,

Deeply deploring the outbreak of violence and continuing bloodshed,

Gravely concerned about the situation which led to a serious threat to international peace and security and which created a most explosive situation in the whole Eastern Mediterranean area,

Equally concerned about the necessity to restore the constitutional structure of the Republic of Cyprus, established and guaranteed by international agreements,

Recalling Security Council resolution 186 (1964) of 4 March 1964 and subsequent resolutions of the Security Council on this matter,

Conscious of its primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter of the United Nations,

1. Calls upon all States to respect the sovereignty, independence and territorial integrity of Cyprus;
2. Calls upon all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation,
3. Demands an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of operative paragraph 1,
4. Requests the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter of 2 July 1974;

5. Calls on Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

6. Calls on all parties to co-operate fully with UNFICYP to enable it to carry out its mandate;

7. Decides to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.

Appendix VI

RESOLUTION 360 (1974)

Adopted by the United Nations Security Council
at its 1794th meeting on 16 August 1974

The Security Council

Recalling its resolutions 353 (1974), 354 (1974), 355(1974), 357(1974) and 358(1974),

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of the Republic of Cyprus,

Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which constituted a most serious threat to peace and security in the Eastern Mediterranean area,

1. Records its formal disapproval of the unilateral military actions undertaken against the Republic of Cyprus;
2. Urges the parties to comply with all the provisions of previous resolutions of the Security Council, including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements;
3. Urges the parties to resume without delay, in an atmosphere of constructive co-operation, the negotiations called for in resolution 353 (1974) whose outcome should not be impeded or prejudged by the acquisition of advantages resulting from military operations;
4. Requests the Secretary-General to report to it as necessary with a view to the possible adoption of further measures designed to promote the restoration of peaceful conditions;
5. Decides to remain permanently seized of the question and to meet at any time to consider measures which may be required in the light of the developing situation.

Appendix VII

RESOLUTION 361 (1974)

Adopted by the United Nations Security Council
at its 1795th meeting on 30 August 1974

The Security Council

Conscious of its special responsibilities under the United Nations Charter,

Recalling its resolutions 186 (1964), 353 (1974), 354 (1974), 355 (1974), 357 (1974), 358 (1974) 359 (1974) and 360 (1974),

Noting that a large number of people on the island have been displaced, and are in dire need of humanitarian assistance,

Mindful of the fact that it is one of the foremost purposes of the United Nations to lend humanitarian assistance in situations such as the one currently prevailing in Cyprus,

Noting also that the United Nations High Commissioner for Refugees has already been appointed as Co-ordinator of United Nations Humanitarian Assistance for Cyprus with the task of co-ordinating relief assistance to be provided by United Nations programmes and agencies and from other sources,

Having considered the report of the Secretary-General contained in document S/11473,

1. Expresses its appreciation to the Secretary-General for the part he has played in bringing about talks between the leaders of the two communities in Cyprus;
2. Warmly welcomes this development and calls upon those concerned in them to pursue the talks actively with the help of the Secretary-General and in the interests of the Cypriot people as a whole;
3. Calls upon all parties to do everything in their power to alleviate human suffering, to ensure the respect of fundamental human rights for every person and to refrain from all action likely to aggravate the situation;
4. Expresses its grave concern at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urges the parties concerned in conjunction with the Secretary-General, to search for peaceful solutions of the problems of refugees, and take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety;

5. Requests the Secretary-General to submit at the earliest possible opportunity a full report on the situation of the refugees and other persons referred to in paragraph 4 of this resolution and decides to keep that situation under constant review;
6. Further requests the Secretary-General to continue to provide emergency United Nations humanitarian assistance to all parts of the population of the island in need of such assistance;
7. Calls upon all parties, as a demonstration of good faith, to take, both individually and in co-operation with each other, all steps which may promote comprehensive and successful negotiations;
8. Reiterates its call to all parties to co-operate fully with UNFICYP in carrying out its task;
9. Expresses the conviction that the speedy implementation of the provisions of this resolution will assist the achievement of a satisfactory settlement in Cyprus.

Appendix VIII

RESOLUTION 3212 (XXIX) OF THE UNITED NATIONS GENERAL ASSEMBLY

(adopted on 1 November 1975)*

The General Assembly,

Having considered the question of Cyprus,

Gravely concerned about the continuation of the Cyprus crisis, which constitutes a threat to international peace and security,

Mindful of the need to solve this crisis without delay by peaceful means, in accordance with the purposes and principles of the United Nations,

Having heard the statements in the debate and taking note of the Report of the Special Political Committee on the question of Cyprus,

1. Calls upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and to refrain from all acts and interventions directed against it;
2. Urges the speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus and the cessation of all foreign interference in its affairs;
3. Considers that the constitutional system of the Republic of Cyprus concerns the Greek Cypriot and Turkish Cypriot communities;
4. Commends the contacts and negotiations taking place on an equal footing, with the good offices of the Secretary-General between the representatives of the two communities, and calls for their continuation with a view to reaching freely a mutually acceptable political settlement, based on their fundamental and legitimate rights;
5. Considers that all the refugees should return to their homes in safety and calls upon the parties concerned to undertake urgent measures to that end;
6. Expresses the hope that, if necessary, further efforts including negotiations can take place, within the framework of the United Nations, for the purpose of implementing the provisions of the present resolution, thus ensuring to the Republic of Cyprus its fundamental right to independence, sovereignty and territorial integrity;

In the plenary the resolution was adopted by roll call, with 117 votes in favour, none against, and with no abstention.

7. Requests the Secretary-General to continue to provide United Nations humanitarian assistance to all parts of the population of Cyprus and calls upon all states to contribute to that effort,
8. Calls upon all parties to continue to cooperate fully with the United Nations Peace-Keeping force in Cyprus, which may be strengthened if necessary;
9. Requests the Secretary-General to continue to lend his good offices to the parties concerned;
10. Further requests the Secretary-General to bring the present resolution to the attention of the Security Council.

Appendix IX

RESOLUTION 3395 (XXX) OF THE UNITED NATIONS GENERAL ASSEMBLY

(adopted on 20 November 1975)*

The General Assembly,

Having considered the question of Cyprus,

Having heard the statements in the debate and taking note of the report of the Special Political Committee,

Noting with concern that four rounds of talks between the representatives of the two communities in pursuance of Security Council resolution 367 (1975) of 12 March 1975 have not yet led to a mutually acceptable settlement,

Deeply concerned at the continuation of the crisis in Cyprus,

Mindful of the need to solve the Cyprus crisis without further delay by peaceful means in accordance with the purposes and principles of the United Nations,

1. Reaffirms the urgent need for continued efforts for the effective implementation in all its parts of General Assembly resolution 3212 (XXIX) of 1 November 1974 endorsed by the Security Council in its resolution 365 (1974) of 13 December 1974 and to that end,
2. Calls once again upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and to refrain from all acts and interventions directed against it;
3. Demands the withdrawal without further delay of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus, and the cessation of all foreign interference in its affairs;
4. Calls upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees to their homes in safety and to settle all other aspects of the refugee problem;
5. Calls for the immediate resumption in a meaningful and constructive manner of negotiations between the representatives of the two communities, under the auspices of the Secretary-General, to be conducted freely on an equal footing with a view to reaching a mutually acceptable agreement based on their fundamental and legitimate rights;

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The roll call was 117 in favour, one against (Turkey) and 9 abstentions.

6. Urges all parties to refrain from unilateral actions in contravention of resolution 3212 (XXIX), including changes in the demographic structure of Cyprus;
7. Requests the Secretary-General to continue his role in the negotiations between the representatives of the two communities;
8. Also requests the Secretary-General to bring the present resolution to the attention of the Security Council and to report on its implementation as soon as appropriate and not later than 31 March 1976;
9. Calls upon all parties to continue to co-operate fully with the United Nations Peace-keeping Force in Cyprus;
10. Decides to remain seized of this question.

Appendix X

RESOLUTION 3450 (XXX) OF THE UNITED NATIONS GENERAL ASSEMBLY

(adopted on 9 December 1975)*

The General Assembly,

Recalling its resolution 3212 (XXIX) of 1 November 1974,

Noting resolution 4 (XXXI) adopted by the Commission on Human Rights on 13 February 1975,

Gravely concerned about the fate of a considerable number of Cypriots who are missing as a result of armed conflict in Cyprus,

Appreciating the work of the International Committee of the Red Cross in this field,

Reaffirming the basic human need of families in Cyprus to be informed about missing relatives,

1. Requests the Secretary-General to exert every effort, in close co-operation with the International Committee of the Red Cross, to assist in the tracing and accounting for persons missing as a result of armed conflict in Cyprus;
2. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-second session with information relevant to the implementation of the present resolution.

The vote was 106 in favour, none against and 26 abstentions.

Appendix XI

RESOLUTION 4 (XXXI) OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

(adopted on 13 February 1975)

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations,

Mindful of the Universal Declaration of Human Rights and the relevant international instruments, in particular the provisions of the Geneva Conventions of August 1949,

Bearing in mind General Assembly resolution 3212 (XXIX),

Alarmed by the continuation of the Cyprus crisis,

Gravely concerned by the continuation of human suffering in Cyprus,

Expressing the hope that negotiation now under way in Cyprus and referred to in paragraph 4 of General Assembly resolution 3213 (XXIX) will also help to alleviate human suffering in the island,

1. Calls upon all parties concerned to adhere strictly to the principles of the United Nations Charter, international instruments in the field of human rights, and the relevant resolutions of the General Assembly and the Security Council and to work towards the full restoration of human rights to the population of Cyprus and to undertake urgent measures for the return of all refugees to their homes in safety;
2. Calls for the intensification of efforts aimed at tracing and accounting for missing persons;
3. Expresses its support for the General Assembly's request to the Secretary-General to continue to lend his good offices to the parties concerned and to provide United Nations humanitarian assistance to all parts of the population in Cyprus;
4. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-second session with the information relevant to the implementation of the present resolution.

Appendix XII

RESOLUTION 4 (XXXII) OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

(adopted on 27 February 1976)

The Commission on Human Rights

Guided by the purposes and principles of the United Nations,

Mindful of the Universal Declaration of Human Rights and the relevant international instruments, in particular the provisions of the Geneva Conventions of 12 August 1949,

Noting General Assembly resolutions 3395 (XXX) and 3450 (XXX),

Reaffirming its resolution 4 (XXXI) and deeply concerned by the lack of progress in its implementation,

Recalling resolution 1 (XXVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned by the continuation of the Cyprus crisis and the continuing plight of the displaced persons in Cyprus,

Mindful of the need to solve the humanitarian problems and restore human rights in Cyprus without further delay,

Recommending to the two communities to do their utmost to find a just and lasting peaceful solution to the Cyprus problem based on respect of the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus, which solution will also guarantee the full enjoyment in mutual confidence by the whole population of Cyprus of all human rights and fundamental freedoms,

Noting the report of the Secretary-General under General Assembly resolution 3450 (XXX) and its own resolution 4 (XXXI) and expressing appreciation therefor,

Appreciating the fact that the time factor has not enabled the Secretary-General to complete his task under General Assembly resolution 3450 (XXX),

1. Renews its call upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees and displaced persons to their homes in safety and to settle all other aspects of the refugee problem;

2. Urges all parties to refrain from unilateral actions in contravention of the relevant United Nations resolutions, including changes in the demographic structure of Cyprus;
3. Requests the Secretary-General to continue and intensify his efforts under General Assembly resolution 3450 (XXX) in respect of missing persons in Cyprus and calls upon the parties concerned to co-operate with the Secretary-General in the fulfilment of his task;
4. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-third session with the information relevant to the implementation of the present resolution;
5. Decides to consider the question of human rights in Cyprus at its thirty-third session.

Appendix XIII

SCHEDULE OF THE PROCEEDINGS BEFORE THE COMMISSION

<u>Item</u>	<u>Date</u>	<u>Note</u>
A. <u>Examination of Admissibility</u>		
Introduction, by the Deputy Permanent Representative of Cyprus, and registration of <u>Application No. 6780/74.</u>	19 September 1974	
Communication of the application to the respondent Government for observations on admissibility.	20 September 1974	
Receipt of telex communication from the Minister of Foreign Affairs of the Republic of Cyprus.	29 September 1974	Confirmation that the application was filed on his instructions.
Commission considers the application and decides to invite the applicant Government to submit further details of the application as soon as possible.	30 September and 1 October 1974	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Ermacora M.A. Triantafyllides E. Busuttill L. Kellberg B. Daver T. Opsahl K. Mangan J. Custers C.A. Nørgaard C.H.F. Polak G. Järundsson
Receipt of the Particulars of the application (dated 15 November).	22 November 1974	

Item	Date	Note
Receipt of respondent Government's observations of 21 November on the admissibility of the application.	22 November 1974	
Commission deliberates and decides: - to invite the respondent Government to submit before 25 January 1975 any further observations which they might wish to make on the admissibility in the light of the Particulars filed by the applicant Government; - to invite the applicant Government to submit their observations in reply before 1 March 1975.	13 and 14 December 1974	MEM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Ermacora M.A. Triantafyllides F. Welter E. Busuttill L. Kellberg B. Daver K. Mangan J. Custers C.A. Nørgaard C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy (on 13 Dec.)
Receipt of respondent Government's further observations of 22 January 1975.	22 January 1975	
Telex communication from applicant Government.	24 February 1975	Request for extension, until 5 March 1975, of time-limit for submission of observations in reply.
Order by the Vice-President (acting under Rule 7, 1).	24 February 1975	Request granted.

Item	Date	Note
Commission deliberates and decides to hold an oral hearing on the admissibility of the application on 22 and 23 May 1975.	20 March 1975	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President M.A. Triantafyllides E. Busuttil L. Kellberg B. Daver T. Opsahl K. Mangan J. Custers C.A. Nørgaard C.H.F. Polak J.A. Frowein G. Jörundsson G. Tenekides S. Trechsel
Introduction, by the Permanent Representative of Cyprus, and registration of <u>Application No. 6950/75.</u>	21 March 1975	
Commission deliberates and decides to give notice of this application to the respondent Government and to invite the Government to submit, before 25 April 1975, their observations in writing on the admissibility.	21 March 1975	MM. J.E.S. Fawcett, President F. Welter E. Busuttil L. Kellberg K. Mangan C.A. Nørgaard C.H.F. Polak G. Jörundsson G. Tenekides S. Trechsel
Receipt of respondent Government's observations of 24 April 1975 on the admissibility.	24 April 1975	
Order by the President.	28 April 1975	To invite the applicant Government to submit their reply before 17 May 1975.

Item	Date	Note
Receipt of letter of 29 April 1975 from respondent Government.	30 April 1975	Request for adjournment of hearing on admissibility.
Telex communication from applicant Government.	1 May 1975	Comments on the above request for adjournment.
Decision by the President.	6 May 1975	Dates of hearing maintained.
Receipt of applicant Government's reply of 10 May to respondent Government's observations of 24 April 1975 (Application No. 6950/75)	14 May 1975	
Submission by applicant Government of documentary evidence.	13 May 1975	
Telex communication from applicant Government.	14 May 1975	Request for adjournment of oral hearing.
Receipt of communication of 16 May 1975 from respondent Government.	16 May 1975	Comments on the above request for adjournment.
Decision by the President.	16 May 1975	Dates of hearing maintained.
Receipt of communication from applicant Government	21 May 1975	Request that hearing fixed to open in the morning of 22 May 1976 should be adjourned until the afternoon of that day.

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Item	Date	Note
Commission deliberates and decides: - to maintain the dates of the hearing; - to join Applications Nos. 6780/74 and 6950/75.	21 May 1975	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Welter L. Kellberg R. Daver T. Opsahl K. Mangan C.A. Nørgaard C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel
Receipt of communication from respondent Government	22 May 1975	Request for adjournment of hearing by one day.
1. Commission deliberates and decides to maintain dates of hearing. 2. Oral hearing on admissibility. 3. Commission's deliberations on admissibility.	22 and 23 May 1975	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Ermacora F. Welter E. Busuttli (on 23 May) L. Kellberg B. Daver T. Opsahl K. Mangan C.A. Nørgaard C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel

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Item	Date	Note
Commission's deliberations.	24 May 1975	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Ermacora F. Welter E. Busuttil L. Kellberg B. Daver T. Opsahl K. Mangan C.A. Nørgaard C.H.F. Polak G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel
Commission's decision on the admissibility - applications declared admissible.	26 May 1975	MM. J.E.S. Fawcett, President G. Sperduti, Vice-President F. Ermacora F. Welter E. Busuttil L. Kellberg B. Daver T. Opsahl K. Mangan C.A. Nørgaard C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel
Commission adopts text of decision on admissibility.	12 July 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Welter E. Busuttil L. Kellberg B. Daver T. Opsahl C.H.F. Polak J.A. Frowein R.J. Dupuy G. Tenekides S. Trechsel

Item	Date	Note
<u>B. Examination of the merits</u>		
Commission sets up a Delegation comprised of the President and MM. Ermacora, Busuttil, Frowein, Jörundsson and Trechsel.	28 May 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora F. Welter E. Busuttil L. Kellberg B. Daver T. Opsahl K. Mangan C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel
Delegation adopts its provisional programme and decides to hold a meeting with the Parties in June.	30 May 1975	MM. J.E.S. Fawcett, Principal Delegate F. Ermacora } J.A. Frowein } Delegates G. Jörundsson } S. Trechsel }
Communications from Secretary to Parties.	4 June 1975	Stating that Delegation proposes to hold meeting on 19/20 June 1975.
Letters by Secretary to Parties' representatives.	6 June 1975	Enclosing Delegation's suggested programme for proceedings under Art. 28 (a) of the Convention.
Receipt of communication of 6 June from respondent Government.	6 June 1975	Stating that, in the Government's opinion, proceedings could not start before they had the possibility of studying the full text of the Commission's decision on admissibility.

Item	Date	Note
Receipt of telex communication from applicant Government.	9 June 1975	Confirming that representatives will be available for meeting on 19 and 20 June 1975.
Decision by the President.	10 June 1975	Dates of meeting maintained.
Receipt of letter of 16 June from respondent Government.	17 June 1975	Maintaining position stated in letter of 6 June 1975.
Meeting of the Delegation with the representatives of the applicant Government, and deliberations of the Delegation (decision to visit Cyprus in September in order to begin investigation).	19 June 1975	MM. J.E.S. Farcett, Principal Delegate . E. Ermacora) Dele- S. Trechsel) gates The applicant Government submits a list of persons who could be heard as representative witnesses of the alleged violations in view of their capacity
Letter from Secretary to respondent Government	20 June 1975	Concerning Delegation's decision to maintain meeting.
Letters from Secretary to the Parties.	23 June 1975	Concerning the Delegation's proceedings.
Receipt of telex communication from applicant Government.	26 June 1975	Complaining of further violations of the Convention and requesting the Delegation to consider the possibility of arranging an earlier visit to Cyprus.
Decision by the President.	27 June 1975	Date of visit to Cyprus maintained.
Letter from Secretary to respondent Government.	27 June 1975	Communicating applicant Government's telex of 26 June.

Item	Date	Note
Telex communication from applicant Government.	2 July 1975	Alleging further violations of the Convention.
Letter from Secretary to respondent Government.	4 July 1975	Communicating applicant Government's telex communication of 2 July.
Telex communication from applicant Government.	8 July 1975	Indicating subject-matter of proposed evidence of witnesses.
Delegation's deliberations.	11 July 1975	MM. J.E.S. Fawcett, Principal Delegate D. Busuttil) J.A. Frowein) Dele- S. Trechsel) gates
		MM. M.A. Triantafyllides and B. Daver were also present.
Commission's deliberations.	12 July 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President M.A. Triantafyllides F. Welter E. Busuttil L. Kellberg B. Daver T. Opsahl J. Custers C.H.F. Polak J.A. Frowein G. Tenekides S. Trechsel

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Item	Date	Note
Letters from Secretary to the Parties.	16 July 1975	Proposing a meeting with the Delegation in Strasbourg before 16 August 1975, requesting reply before 5 August.
Telex from applicant Government.	24 July 1975	Stating that, at the proposed meeting, the applicant Government would be represented by their Attorney General.
Receipt of Particulars of Application No. 6950/75 (dated 14 July 1975).	1 August 1975	
Decision by the President.	6 August 1975	Proposed meeting will not take place (respondent Government did not reply to invitation).
Letter from Secretary to respondent Government.	7 August 1975	The Government are invited to indicate whether they will be represented at the hearing of witnesses in Cyprus.
Letters from Secretary to Parties.	19 August 1975	Communicating draft timetable of the Delegation's visit to Cyprus (1 to 9 September 1975).
Telex from applicant Government.	29 August 1975	Indicating Government's representatives at the hearing of witnesses.

Item	Date	Note
Delegation decides to hold hearing of witnesses in the absence of the Parties.	1 September 1975	MM. J.E.S. Fawcett, Principal Delegate F. Ermacora } Delegates E. Busuttill } G. Jörundsson } S. Trechsel }
Delegation takes evidence in Cyprus.	2 - 6 September 1975	
Letter from Secretary to respondent Government.	11 September 1975	Communicating evidence of witness heard in Cyprus concerning his deportation to Adana and inviting Government to provide facilities for visit by Delegation to Adana.
Receipt of letter of 11 September from applicant Government.	17 September 1975	Enclosing dossier entitled "Undeclared Greek Cypriot prisoners-of-war and missing persons" prepared by the Pancypriot Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons.
Delegation's deliberations.	30 September 1975	MM. J.E.S. Fawcett, Principal Delegate F. Ermacora } Delegates E. Busuttill } G. Jörundsson } S. Trechsel }
Receipt of further Particulars (dated 29 September) of Application No. 6950/75.	3 October 1975	

Item	Date	Note
Commission's deliberations (examination of the applications in the light of the evidence obtained in Cyprus).	6 October 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora M.A. Triantafyllides E. Busuttil L. Kellberg B. Daver T. Opsahl J. Custers C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel B.J. Kiernan N. Klecker
Meeting between the Permanent Representative of Turkey and the President and Vice-Presidents of the Commission.	6 October 1975	
Commission deliberates and decides: - to invite the Parties' comments on the evidence obtained; - to request them to indicate whether they wish to propose further evidence and to make final submissions on the merits of the applications at a hearing before the Commission.	8 October 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora M.A. Triantafyllides E. Busuttil L. Kellberg B. Daver T. Opsahl J. Custers J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel B.J. Kiernan N. Klecker

Item	Date	Note
Telex communication from applicant Government.	22 October 1975	Complaining that Turks from the mainland are moved into the northern area of Cyprus.
Telex communication from applicant Government.	10 November 1975	Stating that they do not intend to make further submissions.
Receipt of communication of 27 November from respondent Government.	28 November 1975	Stating that they are unable to participate in proceedings under Art. 28 (a).
Telex communication from applicant Government.	10 December 1975	Comments on respondent Government's communication of 27 November.
Commission deliberates and decides: - to terminate its investigation; - to draft a report under Art. 31 of the Convention.	18 - 19 December 1975	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President M.A. Triantafyllides L. Busuttil L. Kellberg (on 18 December) B. Daver T. Opsahl (on 18 December) J. Custers C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides (on 18 December) S. Trechsel B.J. Kiernan N. Klecker

Item	Date	Note
Commission deliberates (consideration of parts of draft Report) and decides to invite the Parties to submit before 17 April 1976 such observations as they might wish to make on the applicability of the Convention to a situation of military action as in the present case, bearing in mind, in particular, Art. 15.	10 - 12 March 1976	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora (absent on 12 March) M.A. Triantafyllides L. Kellberg B. Daver T. Opsahl J. Custers C.H.F. Polak J.A. Frowein G. Jörundsson R.J. Dupuy G. Tenekides S. Trechsel B.J. Kiernan K. Klecker (absent on 10 March)
Communication from respondent Government.	16 April 1976	Request for extension of the above time-limit.
Decision by the President.	20 April 1976	Time-limit extended until 27 April 1976.
Receipt of applicant Government's observations of 15 April.	20 April 1976	
Receipt of respondent Government's communication of 15 April.	27 April 1976	
Commission deliberates (further consideration of draft Report) and decides not to hold a hearing on the applicability of the Convention, as requested by the applicant Government.	14 - 15, 17 - 18 May 1976	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora (absent on 17 - 18 May) M.A. Triantafyllides L. Kellberg

(continued)

Item	Date	Note
		MM. B. Daver T. Opsahl (absent on 14 May) J. Custers J.A. Frowein G. Jörundsson (absent on 14 - 15 May) R.J. Dupuy G. Tenekides S. Trechsel B.J. Kiernan N. Klecker
Commission's deliberations (further consideration and adoption of the Report).	8 - 10 July 1976	MM. J.E.S. Fawcett, President G. Sperduti, 1st Vice-President C.A. Nørgaard, 2nd Vice-President F. Ermacora M.A. Trianta- fyllides E. Busuttil L. Kellberg B. Daver T. Opsahl (absent on 9 July) J. Custers C.H.F. Polak J.A. Frowein R.J. Dupuy (absent on 10 July) G. Tenekides S. Trechsel B.J. Kiernan N. Klecker

Appendix XIV

NOTE ON A MEETING BETWEEN THE TURKISH PERMANENT
REPRESENTATIVE AND THE PRESIDENT AND VICE-PRESIDENTS
OF THE COMMISSION ON 6 OCTOBER 1975

Ambassador Günver paid a courtesy visit to the President on 6 October 1975, as the new Permanent Representative of Turkey to the Council of Europe. The two Vice-Presidents were also present.

During this visit the President referred to the Delegation's letter of 11 September 1975 to which no reply had yet been received.

Ambassador Günver said that his Government, while fully respecting the Commission, found it impossible to accept any procedure which implied recognition of the "Greek Cypriot Administration". He further said that the testimony which was forwarded to his Government was totally false and did not correspond to realities and had given rise to serious reaction in Ankara. Therefore his Government could not provide facilities for an enquiry at Adana.