



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 46744/07
Despina CHARALAMBOUS and Others against Turkey
and 28 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on
3 April 2012 as a Chamber composed of:

Lech Garlicki, *President*,
David Thór Björgvinsson,
Päivi Hirvelä,
Ledi Bianku,
Zdravka Kalaydjieva,
Işıl Karakaş,
Nebojša Vučinić, *judges*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having regard to the above applications lodged on the dates set out in the
Annex;

Having regard to the partial decision of 1 June 2010,

Having regard to the observations submitted by the respondent
Government and the observations in reply submitted by the applicants,

Having regard to the comments submitted by the Government of Cyprus,

Having deliberated, decides as follows:

THE FACTS

1. The applicants are Cypriot nationals. Their names, dates of birth and
places of residence are set out in the Annex. They are represented by
Mr Christos M. Triantafyllides, Mr Andreas Angelides, Mr Achilleas

Demetriades, Mr Achilles Emilianides, Mr Christos Clerides, Ms Kallistheni Demetriou Stivarou, Mr Constantinos Tambourlas and Mr Loukis Loucaides, lawyers practising in Cyprus.

2. The facts of the case may be summarised as follows.

1. Concerning the discovery of remains

3. The applicants stated that they are relatives of 29 Greek-Cypriot men, both civilians and army personnel, who went missing in July-August 1974 following the invasion of northern Cyprus by Turkish armed forces. These men were listed as missing persons, the information being given to the Red Cross and the United Nations.

4. The respondent Government stated that the relatives of Christakis Contementiotis had already known that he had died at the time of the events in 1974 but that his body could not be recovered due to the conflict. They pointed out that his name was not submitted to the authorities as one of the men who had gone missing.

5. The remains of the missing men have been found during exhumations carried out by the United Nations Committee for Missing Persons ("CMP") between 2005-9. Further details are set out in the Annex.

2. Concerning an incident involving one of the applicants' lawyers

6. On 19 March 2011 the lawyer for the applicants in the group of applications ((nos. 7048/08, 4584/10, 5281/08, 4649/10, 5189/10, 6081/10, 7839/10, 4852/05 and 5210/08) landed from Athens at Istanbul international airport for a two-day business and private trip as he had done before. At passport control, he was held up for two hours and then confined to the airport terminal. In the afternoon, after seven hours, his passport was returned and he was put on a plane back to Athens. He was questioned by the Greek police on arrival as the Turkish authorities had described him to the airline and Greek authorities as "unwanted".

COMPLAINTS

7. The applicants complained under Article 2 of the Convention that the respondent Government failed to carry out an effective investigation into the disappearance and killings of their relatives even though all necessary information had been provided to their authorities.

8. The applicants complained under Article 3 of the Convention of the continued and serious trauma and anguish which they suffer following the discovery of the remains and the lack of any serious efforts to hold to account those responsible for the deaths of their relatives.

Applications nos. 7048/08, 4584/10, 5281/08, 4649/10, 5189/10, 6081/10, 7839/10, 4852/05 and 5210/08

9. The applicants complained under Article 34 of the Convention that their lawyer was not allowed to enter Turkey due to his work as a lawyer in human rights cases against Turkey over the last 22 years and this was an attempt by the Government to have a “chilling effect” on his activities.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

10. The applicants complained that there had been no effective investigation into the deaths of their relatives who had gone missing in 1974 and whose remains had been exhumed in the last few years. They invoked Article 2 of the Convention, which reads as relevant:

“1. Everyone’s right to life shall be protected by law.”

A. Submissions before the Court

1. The respondent Government

11. The Government submitted that the finding of the bodies during the exhumation project of the CMP confirmed the fate of the applicants’ relatives which due to the passage of time should have been known or presumed. They acknowledged that the identification of the remains sparked an obligation to investigate further the circumstances of the deaths, in order to secure the effective application of domestic laws which protect the right to life, to determine whether death has been caused by unlawful acts involving State responsibility, to identify the perpetrators and to ensure their accountability. They disputed that an obligation to investigate arose merely because the remains of unknown individuals belonging to the category of missing persons are exhumed by the CMP. They noted that the deceased Christakis Contementiotis was not officially listed as a missing person; his name and file had not been submitted to the CMP.

12. The Government submitted that the process before the CMP differed from the ordinary case of finding remains; it was a specific procedure. The police and authorities could not obtain the remains from the CMP in order to conduct the identification and investigation; it was the CMP which carried out the scientific analyses. The situation changed however once the remains were identified and the Attorney-General gained knowledge of the

new fact that an identified person reported missing had been discovered to be dead. The obligation was triggered by the knowledge of the discovery and the identification, either by way of a complaint filed with the authorities or upon communication of the information through the process of the CMP. They disputed that publication of information in the media about the discovery of the remains sufficed.

13. The applicants had not in this case applied to the authorities with a request for a further investigation; there has thus been no decision refusing such an investigation. The problem concerned missing Turkish Cypriots as well as Greek Cypriots.

14. Since August 2004 when the scope of duty of the CMP was enlarged, it had identified 235 remains (184 Greek Cypriot, 51 Turkish Cypriot). The procedure was this: the families received oral information when the identification of the remains was made; the CMP returned the remains from which the families could clearly see injuries such as bullet wounds and this helped them understand the cause of death; the families could invite a forensic expert to determine the cause of death. The process relied on confidentiality as the burial sites were located as the result of information given by eyewitnesses who only came forward if able to trust the CMP to adhere to confidentiality. The CMP also returned the effects and provided the relatives with scientific information about the remains. This information was not given to the domestic authorities. The Government stated that it was not correct that the Turkish-Cypriot member of the CMP passed on information beforehand about the identities of the deceased; confidentiality was at the heart of the procedure. The website did not disclose the identities of the bodies found.

15. The practice of the relatives has been, instead of passing this information to the authorities in the "TRNC", to take the bodies to the Republic of Cyprus. Thus, the files contained post-mortem reports from the relevant examining officer in that jurisdiction; the burials took place there.

16. The respondent Government were only alerted to the applicants' insistence on further investigation on receipt of the communications from the Court. There was no practice at the time of informing the Turkish-Cypriot authorities of the identification of any Greek-Cypriot remains. The President of the "TRNC" has since informed the Attorney-General of the present applications and requested that an investigation be carried out into the circumstances of the death, to ascertain whether death occurred due to unlawful acts and, if so, to identify and punish the perpetrators. The Attorney-General has instructed the police authorities to carry out the necessary investigation.

17. As an initial step, the police tried to contact the applicants: they considered this an important step not least due to the difficulty of assembling eye-witness evidence after all these years. The police made the contact in Greek and also through the applicants' legal representatives. All

but three applicants declined to attend. Of these three, two applicants in *Hadjinicolaou* (no. 7048/08) gave statements to the police, the investigating officers asking for information which they deemed crucial and eliciting the name of two additional Turkish-Cypriot witnesses. The name of a Greek Cypriot whose name did not appear in the CMP files was also given and an applicant undertook to find names of other villagers and forward them to the police. The applicant, Constantinos Theocarides, attended with another person whose relative had been found in the same grave. The police duly opened an investigation in regard to this missing person also. The police had so far questioned all the Turkish Cypriots who were still alive and resided in the “TRNC”, whose names had been mentioned in the applications and in interview. The police had discovered that a number of those named in the documents had died.

18. The police also requested and received the files kept by the CMP; they sought information from the CMP as to the process leading to the finding of the remains, maps, photographs, transcripts etc. The CMP however advised the police to contact the relatives as regarded maps, photographs, details of personal items; the other information was regarded by the CMP as confidential within its terms of reference. The investigations were ongoing.

19. The co-operation of the applicants with the police was crucial; however the lawyers had been advising their clients not to attend interviews. The police had also made efforts to meet with members of the family and had handed over statements; there was no requirement that the families should have access to the police files or obtain copies of all documents. There had been no culpable disregard, discernable bad faith or lack of will on the part of the authorities.

20. The Government refuted the argument that the investigations were ineffective due to the “unlawfulness” of the regime, submitting that the Court’s case-law indicated that the authorities’ actions were recognised as having a legal basis for day-to-day civil, criminal and administrative law purposes (see e.g. *Foka v. Turkey*, no. 28940/95, § 84, 24 June 2008). Nor was it an obstacle that the investigations were taking place in the north. Independence of the investigations was guaranteed by legislative provisions, *inter alia*, the independence of the office of the Attorney-General (guaranteed in the Constitution). Article 7 of the Agreement between Turkey and the “TRNC” concerning justice and internal affairs dated 30 September 2002 required the parties to enter into comprehensive co-operation for the prevention, investigation and punishment of crimes, including extradition, mutual enforcement of judgments and judicial co-operation (as regulated by “TRNC” law no. 43/88). This international obligation, superior to domestic law, ensured that statements could be taken from witnesses in Turkey.

21. As regarded Christakis Contementiotis, the Government argued that this application should be struck out. He had never been acknowledged by the authorities of either side as a “missing person”; the absence of his name from the list, presumably scrutinised with care by the Greek-Cypriot authorities and submitted to the CMP, meant that he died under different circumstances and was not a missing person under the responsibility of Turkey. They submitted that the relatives knew how and under what circumstances he died. His body could not be transferred south at the time and was buried at random with others. His remains were discovered by chance and for humanitarian reasons handed over to the relatives. The Turkish or Turkish-Cypriot forces had not been involved in the killing of this person; no responsibility of Turkey arose.

(a) Concerning the six-month rule

22. This ran from the date on which each of the applicants’ relatives came to know, or were informed, of the identification of the remains of their relatives. The Government reserved the right to comment further on this.

(b) Concerning the standing of the applicant in no. 77839/10 *Akhniotou*

23. The Government submitted that the applicant, as fiancée of the deceased, was not a family member and had no legal standing to introduce a complaint. An engagement was a mere promise to marry, breach of which could in certain circumstances give rise to a claim for damages. No other rights arose, as shown by inheritance and compensation for wrongful death provisions. This situation was distinguishable from the case in which a “common law wife” was accepted as being a victim, the Court taking into consideration other factors, such as the fact that the “wife” had lodged her complaints along with other members of the deceased’s family who accepted and recognised her status. In the present case, no other member of the family had been mentioned; none had supported her status as fiancée. An engagement photograph was insufficient proof of family ties.

2. The applicants

(a) Charalambous and Others (46744/07) and three others (45656/08, 29673/08, 16622/08)

24. The finding of the bodies disclosed new and conclusive evidence as to the fate of the missing relatives and led to an obligation to investigate, *inter alia* whether the death was caused by unlawful acts, the identification of the perpetrators and their punishment. The Government had not complied with this obligation. They had done nothing since 1974 and until the present applications were lodged, since which date, following a request, the applicants furnished affidavits to the persons apparently acting as an

investigating officer. It was not relevant that the remains were delivered to the relatives in the south; the relatives hardly had any other option. Nor was it valid to argue that the CMP procedure's confidentiality hindered any investigation; the CMP's report and its experts were at the Government's disposal.

(b) Strongylos and Others (no. 5247/08) and three others (5270/08, 5277/08, 37368/08)

25. A specific obligation has arisen in a concrete manner following the identification of the relatives' remains. Disappearance and death were two separate facts. The investigation requires that the authorities act of their own motion, that the investigators be independent and impartial, and that the investigation be capable of leading to the assessment of whether the force used was justified and to the identification and punishment of those responsible.

26. The claim by the respondent Government that the relatives did not pass information to them was made in bad faith, as it was common knowledge that the reality was that the CMP's Turkish representative passed on all information that the applicants had. The CMP required a permit from the authorities to carry out exhumations and the authorities were well aware of the discovery of the graves and could have easily secured the names of the persons found. The directions for investigations sent out by the so-called President and Attorney-General of a non-recognised puppet regime did not show that an independent, effective or adequate investigation had been instigated or in any way diminished the respondent Government's responsibilities in the matter. The applicants did not respond to the invitation to attend interviews in the occupied area as all the information which they possessed had already been passed on. The files and logs of the Turkish army should be released and made public as well as interviews with army personnel or others from organised groups or individuals who had been acting in concert with the army.

27. The applicants appeared to argue that the failure to provide an explanation for the deaths disclosed a substantive breach of Article 2. They also claimed that the discovery of the deaths created new continuing obligations to which at least initially the six month rule did not apply or did not apply with full force. No unreasonable delay had been shown in bringing the cases to Strasbourg and any duty of reasonable expedition in that regard had been complied with.

(c) Hadjinicolaou and eight other cases (nos. 7048/08, 4584/10, 5281/08, 4649/10, 5189/10, 6081/10, 7839/10, 4852/05 and 5210/08)

28. The finding of their relatives' remains revived the obligation under Article 2 to provide an effective investigation into the circumstances of the

deaths. The respondent Government had not carried out such an investigation.

29. They submitted that the facts of the disappearances were well-known to the respondent Government. The victims found in Yialousa (nos. 5210/08, 5277/08, 4852/05, 7048/08, 16622/08 concern this grave) were mentioned in the Court's *Varnava* judgment; two applicants in no. 7048/08 gave statements to the respondent Government in 6 January 2011 and heard nothing further. On the advice of their lawyers, other applicants did not give statements. This procedure was simply adding insult to injury; the respondent Government were not serious about carrying out an effective investigation.

30. In any event, the investigation carried out by the subordinate police authorities could not be effective as it had no authority over the Turkish military forces which enjoyed immunity from suit. Investigators were not able to secure information from military records or compel military personnel to give evidence. There was no independence as the military controlled the police and they were implicated in the events. Further, there was a lack of promptness and lack of access of families to the investigation.

31. The applicants submitted that there was no requirement that they should request an investigation; the respondent Government had continuously failed to provide one even after the inter-State case had required one.

32. The applicants considered that the situation revealed a systemic failure to provide effective investigations into the fate of the missing persons and that a pilot judgment procedure should be adopted in respect of the first of this group of applicants. It was for this reason the applicants in *Hadjinicolaou* agreed to give statements; the other applicants should not have to undergo such a futile procedure.

(d) Theocarides (7068/08)

33. Until the applicant's relative's body was found, the applicant could not be sure that he had died. The finding of the body led to an obligation to investigate his death. The Government knew of the identification of the body through the Turkish-Cypriot member of the CMP, the newspapers and the public funerals, as well as being in general aware of the discovery of the mass graves in question. It was inconceivable that the applicants be expected to have recourse to organs controlled by the Turkish military

34. The remains of the applicant's brother were identified in November 2007; the only time the applicant heard anything about an investigation was receipt by his lawyer of a letter dated 31 January 2011, calling him to appear as a witness. This alleged investigation was clearly fake, aiming to trick the Court into rejecting the application. The investigation was too late and too deficient. Nothing indicated that there was a real investigation; no special investigative body or terms of reference had been set up and nothing

suggested that an investigation by the subordinate authorities could provide effective or adequate redress.

(e) Danezis (7512/08)

35. The discovery of a mass grave and a bullet wound to the head cried out for explanation, and investigation. The “TRNC” police had written to the applicants’ lawyer on 31 January 2011 asking the applicant and his lawyer to appear to give a witness statement in the “TRNC”. This belated attempt fell short of the requirements of Article 2. All the material was in the hands of the respondent Government, in their military records or the occupied area; statements from the applicant could offer nothing more than what was said in the application.

(f) Rossides (59490/09)

36. The procedural obligation revived with the finding of the bodies. The work of the CMP in exhumation could not be taken into account. The Turkish authorities should have acted of their own motion once the matter had come to their attention, not relying on the initiative of the next-of-kin. It was submitted that while the workings of the CMP were confidential, a Turkish-Cypriot member participated and it was inconceivable that he had not informed Turkey or its subordinate authorities of the names of those found and identified. The work of the CMP was also published in a progress report on the internet and then names of persons were published in the press and funerals publicly held. Huge publicity was given to the funeral in this case. The authorities were thus aware of the finding of bodies at the location within its control and could, without difficulty, have informed themselves of the names of the victims. Nor could it be expected that the relatives should file a complaint with the authorities, given the lack of lawfulness of the “pseudo-state” and the fact that these organs were controlled by the Turkish military.

The remains were found in 2006 and no investigation has taken place. No-one had contacted the relatives in this case; in any event all the information was in the respondent Government’s hands, not theirs.

(g) Fivou Constantinou and seven others (60676/08, 60678/08, 60688/08, 60696/08, 60719, 60734/08, 60742/08 and 60771/08)

37. The remains were found in the occupied area under Turkish control; there was a duty on the respondent Government to investigate into the circumstances of the deaths. The materials were in the hands of the Government. No investigations had occurred. Instead repeated, oppressive annoying and intimidating telephone calls had been made by so-called police officers from the “TRNC”, asking the applicants to make statements.

Letters were also received to this effect.¹ However the “police” had no control over the army; the steps were purely political, ineffective and a mockery. The respondent Government should have recruited independent judicial officers with powers to investigate members of the armed forces and which were accountable to an impartial judicial authority.

38. They submitted that they had complied with the six month rule as they all initiated an application within six months of being informed by the CMP of the identification of the remains of their relative. In *Rossides*, they were informed informally on 9 April 2009, and lodged their application within six months on 8 October 2009.

39. The applicants’ submissions made no reply to the Government’s assertion that the deceased Contemeniotis had not been declared as one of the missing persons and that his death, and its cause, had been known at the time.

(h) Concerning the standing of the applicant in no. 7839/10 Akhniotou

40. The applicant as the missing person’s fiancée had status to bring the case. It was irrelevant that she was not the legal heir; it was the closeness of the ties with the deceased that was relevant. She and the deceased had started living as husband and wife after their engagement on 23 January 1973 before a priest, living together in her parents’ house. They obtained permission to build a house and intended to marry once it was completed. The invasion however intervened and he was called up as a reservist. For thirty-five years she waited for his return, never remarrying; her suffering was indescribable. Religious engagement and betrothal did provide legal status to a couple; only the church could dissolve it. The applicant referred to the recognition by the Court of a common-law wife as having standing to bring a case (*Ilasova and Others v Russia*, no. 27001/06)

3. The intervening Government

41. The Cyprus Government relied on the principles set out in *Brecknell v. the United Kingdom* (no. 32457/04, 27 November 2007), asserting that the finding of the bodies of the applicants’ relatives disclosed new evidence or information raising an obligation to provide an effective investigation. It was not however the mere discovery of the remains of unknown individuals that triggered the obligation but the identification of the remains. Discovery of remains by itself may not engage the Convention, as, for example, it may not yet be known that they are human. The Convention did not cover

¹ Letters dated 21 January 2011 from the TRNC Police Headquarters in Nicosia invited the applicants in five of these cases to attend the headquarters in the capacity of witnesses concerning an inquiry into the deaths of their relatives. The applicants’ lawyer replied on 11 March 2011 stating inter alia that the “TRNC” was not a lawful regime, that the police had no power over the Turkish army or to access their records and that all the information known to the applicants was contained in their applications to the Court.

general complaints about the level of or approach to policing or elementary responsibilities for the maintenance of law and order. However, where the remains are human, not deposited in the requisite and lawful place, the place was under the control of the authorities at the time the remains were deposited and a government was responsible for occurrences in that location, that government was under a duty to investigate once it had been brought to its attention that the remains of the applicants' relatives had been found.

42. This information should be communicated to the authorities by way of a complaint by the relatives or upon communication of information obtained through the process of the CMP.

43. As concerned the finding of the remains in the *Contemeniotis* case 60771/08, the Cyprus Government asserted that it was not decisive that he had not been included on the list of missing persons officially submitted to the CMP. The body had been found in a mass grave in the occupied area under the direct control of the Turkish army at the relevant time; the finding of the body sufficed to trigger the obligation to take further investigative steps. No precondition of inclusion in a list existed.

44. As to the extent of the obligation, the Cyprus Government argued that the respondent Government had failed to carry out an effective investigation. They could not merely rely on the process of the CMP in finding the bodies and identifying them. They also asserted that the TRNC police authorities lacked the requisite degree of independence and impartiality necessary for an effective investigation, as it was likely agents of the regime were implicated, as might be the police officers, family and friends in the area. Such investigation on behalf of an illegitimate regime was intimidating and not accessible to the relatives' families. Nor had the response of the authorities been prompt. Particular vigour in the investigation was also required as the circumstances indicated the attacks were ethnically motivated.

45. As concerned the standing of the applicant in no. 7839/10 *Akhniotou* as fiancée of the missing person, they submitted that having regard to village realities (the couple had been betrothed and taken up life together) and modern day attitudes it was inhumane and cynical to assume that a fiancée could not endure suffering of a dimension and character sufficient to claim victim status. They submitted expert opinions (judicial and ecclesiastical) showing that in certain circumstances fiancées or cohabitantes could have legal claims and that the betrothal was regarded as a binding commitment in some respects.

46. As to the six month rule, they considered the period ran from the official notification to the relatives that the remains had been identified as the missing member of their family.

B. Admissibility*1. Preliminary matters*

47. The Government have raised points of standing concerning two applicants.

48. Firstly as regards the applicant in 7839/10 *Akhniotou*, it is submitted that as the fiancée of the deceased, she has no standing to bring the complaints. Secondly, that as regards the application brought concerning Christakis Contementiotis (no. 60771/08) it is asserted that the relatives had never listed the deceased as a missing person and had always been aware how and when he had died, rendering their complaints misconceived.

49. Taking the last point first, the Court notes that the Government have not supported their assertion with any details of how or when the deceased died. Nor, regrettably, has the applicants' lawyer elucidated matters further by providing any information or comment in response to the Government's assertion. However, it is a fact that the body of the deceased was found in a mass grave and that the remains bear signs of violence. Whether or not the deceased was reported missing or not, his body has now been discovered and arguably new evidence arises capable of casting light on how he died and leading to identification of the perpetrator of any unlawful violence. The Court is therefore not persuaded that the omission of the deceased's name from the official list of the missing during the intervening years has any decisive bearing on the issues in the case and it will continue to examine the application along with the others in this group.

50. Returning to the first point, the Court takes cognisance of the submissions indicating that a fiancée who has gone through a religious betrothal ceremony and lived, even if briefly, with her intended husband, has some limited status in domestic terms. Nonetheless, it is evident that a fiancée has no standing as heir or next-of-kin. In this case, there is no element of family links through children or through a relationship akin to a common-law marriage lasting over a considerable time. However it is not necessary to rule on the point definitively for the reasons and conclusion set out below.

2. Six months

51. The Court put a question to the parties as to whether the applicants had complied with Article 35 § 1 of the Convention by introducing their complaints within the six month time-limit. Their view was that the time-limit ran from the date of notification to the families of the identification of the remains of their relatives.

52. The purpose of the six month rule is to prevent stale claims and preserve legal certainty and security. Where there are effective domestic remedies, it runs from the final decision taken in that process; where there

are none, the applicant must take care to introduce his complaints within six months of becoming aware of the matters at stake in the application; or of becoming aware that apparent remedies were not effective. In situations of disappearances which often by their nature are plagued by uncertainty, doubt and lack of information, the cut-off date may be less clear; in any event, the applicant must act with due expedition in bringing the complaint to Strasbourg (see *Varnava and Others v. Turkey* [GC], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, §§ 156-172, 18 September 2009 ...).

53. In the present cases, the Court has already rejected as outside its temporal competence substantive complaints about the disappearance in 1974 of the applicants' relatives, and as out of time, procedural complaints about a lack of effective investigation into those disappearances. The only live issues remaining in the cases are the existence, and extent, of any fresh obligation to investigate arising out of the discovery of the bodies of the missing persons between 2005-8. The state of the remains and their location give disturbing signs of the apparent use of unlawful violence; the cases have therefore ceased to be about disappearance but about suspicious or unlawful deaths. In normal circumstances, the six month time-limit would run from the final decision in any process of domestic remedies applicable to the process of investigation and eventual trial of any perpetrators; or from the moment when the applicant should reasonably be aware that the investigation is ineffective or that no investigation at all is likely to be forthcoming (*Bulut and Yavuz v. Turkey* 73065/01, (dec.) 28 May 2002; *Bayram and Yıldırım v. Turkey*, 38587/97, January 29, 2001).

54. It appears that investigations have been launched in these cases. The applicants have submitted that these are sham and ineffective. In all cases, the applicants have all introduced their applications within six months of the date of the formal identification report which identified the remains as belonging to their relative. Therefore, even on the assumption that there is no prospect of any effective investigative response to the discovery of the remains, the applicants must be regarded as having brought their cases with due expedition and within the requisite time-limit.

3. *Applicability and scope of the procedural obligation under Article 2*

55. Where an investigation into a death has long ended or the incident is far in the past, it is possible that new developments occur such that a fresh obligation to investigate arises, for example, newly-discovered evidence casting doubt on the results of an earlier investigation or trial, or information purportedly casting new light on the circumstances of a death. Such a fresh obligation arose in *Brecknell v. the United Kingdom* (no. 32457/04, §§ 73-75, 27 November 2007) where, years after the original investigation ended, a witness came forward making plausible allegations about security force collusion in a sectarian killing; in *Hackett v the United*

Kingdom (no. 4698/04, (dec.) May 10, 2005) where the person convicted of a murder made revelations years after his trial alleging his confession had been false, seeking to protect the real killer; and in *Gasyak and Others v. Turkey* (no. 27872/03, 13 October 2009) where the family brought to the attention of the authorities new evidence of the perpetrators of a killing. In contrast, no new obligation to investigate arose where an applicant merely applied to the authorities which prodded them into some belated activity after a lull of more than seven years (see *Finozhenok v Russia*, 3025/06, (dec.) May 31, 2011; see also *Nasirkhayeva v Russia*, no. 1721/07, (dec.) 31 May 2011 – six years' gap in activity by the authorities).

56. The scope of the fresh obligation to investigate will vary according to the nature of the purported new evidence or information. It may be restricted to verifying the reliability of the new evidence and the authorities can legitimately take into account the prospects of launching a new prosecution at such a late stage. Due to the lapse of time, the level of urgency may have diminished; the immediacy of required investigative steps in the aftermath of an incident is likely to be absent. Thus in *Brecknell* (cited above, paras. 79-81), where the new information had come to light in 1999 and inquiries had lasted to 2007, the Court found no lack of expedition, given the lack of concrete leads and difficulties in obtaining the co-operation of a witness outside the jurisdiction as well as the considerable number of other historical crime cases that were being reviewed at the time. In *Hackett*, the lack of apparent progress or outcome two-three years after the publication of apparent new information was not sufficient to disclose a lack of expedition in the circumstances. The standard of expedition in such historic cases is much different from the standard applicable in recent incidents where time is often of the essence in preserving vital evidence at the scene and questioning witnesses when their memories are fresh and detailed.

57. The extent to which the other requirements of an adequate investigation -effectiveness, independence, accessibility to the family and sufficient public scrutiny- apply will again depend on the particular circumstances of the case (for a general statement of principle on the requirements of Article 2 under its procedural head, see, for example, *Finucane v. the United Kingdom*, no. 29178/95, §§67-71, ECHR 2003-VIII). While what reasonably can be expected by way of investigative measures may well be influenced by the passage of time as stated above, the criterion of independence will, generally, remain unchanged (see, for the importance of this criterion from the very earliest stage of the procedure, *Ramsahai and Others v. the Netherlands* [GC], no. 52391/99, §§. 325, 333-341, ECHR 2007-..).

58. Applying those principles to the present cases, the Court considers that the discovery of the remains bearing signs of violence and buried in circumstances highly suggestive of extra-judicial execution or murder

triggered an obligation on the authorities to take investigative steps to identify the remains, the likely cause and circumstances of death and the identity of the perpetrators of any unlawful violence. Even though the disappearance of the persons concerned has been known since 1974, their actual fate was uncertain. The finding of the bodies in a particular location, bearing signs from which the cause of death may be ascertained and allowing the pursuit of leads that might possibly lead to identification of those responsible for the killings must be regarded as crucial evidence casting new light on the case. A procedural obligation under Article 2 therefore arises requiring an investigative response by the authorities.

59. The parties have disputed the moment at which the obligation to investigate arose. The respondent Government argued that it was only the identification of the bodies, not their discovery, which triggered the obligation to investigate. Until a body has been identified, the Court observes that in practical terms it would be difficult for the next-of-kin to introduce a complaint; it is that moment of identification at which the Convention mechanism, in its aspect of individual petition, will generally become operational. It cannot be the case however that on discovery of mass graves of victims of violence the authorities could remain inactive and claim that no Article 2 obligations arose as the identities of the victims were unknown. That would be a bizarre result. Such inaction could arguably found complaints of an inter-State nature; or complaints from a group of families who could claim a real possibility that some of their relatives might be amongst the victims. The point would have to be decided in the future according to the specific circumstances. In any event, it has no decisive import in the present case for the reasons set out below.

60. The bodies in these cases have been identified; the next-of-kin have applied to the Court. The time taken between discovery and identification, and the process of identification, may in the Court's view be taken into account in assessing the compliance of the authorities with any obligation to carry out an effective investigation into the fate of the victims concerned. In the context of Cyprus, the task of locating and identifying remains has been delegated by both sides of the conflict to the United Nations Committee on Missing Persons ("CMP"). Since 2006, that body has been making appreciable progress in locating mass graves, carrying out exhumations and identifying the remains through DNA analysis. State authorities are not exempted from their obligation for this part of the investigation but may take the benefit of the work done by the CMP in this respect. There is no indication of any failings or undue delay, nor any complaint of such by the applicants, as regards the CMP's fulfilment of these functions. The bodies having been identified, it falls to the authorities to uncover, as far as may be practicable and reasonable in the circumstances, the facts surrounding the death and the identities of any persons involved in unlawful acts in that regard with a view to holding them to account.

61. The parties have made various submissions as to when the authorities should have commenced this next stage of the investigation. The Government stated that they only became aware of the identities of the discovered victims on communication by the Court of these applications in June 2010. The applicants were of the view that the authorities must have been aware of the discovery of the remains, pointing to the publicity surrounding these events and stating that the activities of the CMP were well-known to officialdom north and south of the buffer-zone. The Court notes that, in the cases concerning the identification of the remains of Turkish-Cypriot missing persons (see *Emin and Others v. Cyprus*, 59623/08 *et al*), the Government of Cyprus have also submitted that they were not officially informed of the identification of particular victims and associated details. It would therefore indeed appear that there was no formal channel of communication between the CMP, the relatives who were informed by the CMP of the identification of the remains and the governmental authorities on either side. While the authorities in this case could perhaps not be regarded as sufficiently put on notice of the necessary factual details by the appearance of newspaper reports, the Court considers that the authorities must have been well aware of the activities of the CMP both in exhuming bodies on the territory under their control and on the other side of the buffer zone. Thus, even if the families and the CMP were not forwarding information directly to the authorities, a pro-active response by the authorities in seeking information which would have readily been made available or confirmed and the organisation of a channel for passing such information to the appropriate investigating body could reasonably have been expected. The Court finds the lapse of time before the instigation of an investigation shows a certain lack of initiative and regrettable tardiness but considers that in a case concerning deaths which took place decades before it cannot be said that it undermines any subsequent steps or offends against the requirement of expedition.

62. There are allegations that, in any event, the investigation is pro forma, without any real inquiries being pursued and that the applicants, as the families, have not been informed properly about the investigation. The Court notes that the applicants' lawyers have confirmed that the police have contacted them and that some of the applicants have gone to give statements. The Government have provided information that these inquiries have led to the identification of additional witnesses who were to be contacted for statements. It cannot be said therefore at this stage that the investigation is inactive or not pursuing leads.

63. There are also submissions that the contacts by the police with the applicants are intimidatory and objectionable. The Court has seen copies of the letter from the police inviting applicants to give statements and finds nothing untoward in their phrasing or tone. While the applicants may well take the view that they have nothing to add to their original statements, this

does not render the invitation by the police improper or oppressive. On the Government's account, in two instances the interviews with applicants gave rise to additional information to their original statements. Insofar as the applicants objected to giving any recognition to the role of the "TRNC" police in conducting investigations and contested the validity of such investigations, the Court regards these concerns as without substance. The overall control exercised by Turkey over the territory of northern Cyprus entails her responsibility for the policies and actions of the "TRNC" and it would not be consistent with such responsibility under the Convention if the adoption by the authorities of the "TRNC" of civil, administrative or criminal law measures, or their application or enforcement within that territory, were to be denied any validity or regarded as having no "lawful" basis in terms of the Convention. This conclusion does not in any way put in doubt either the view adopted by the international community regarding the establishment of the "TRNC" or the fact that the government of the Republic of Cyprus remains the sole legitimate government of Cyprus (*Foka*, cited above, §§83-84). Nor is there any evidence to support the allegations, expressed in general terms, that the "TRNC" police conducting the investigation were implicated themselves in the past events or that they did not have the necessary attributes for conducting an Article 2 - compliant investigation.

64. As concerns accessibility of the investigations to the families and the existence of sufficient public scrutiny, the Court notes that this aspect of the procedural obligation does not require applicants to have access to police files, or copies of all documents during an ongoing inquiry, or for them to be consulted or informed about every step (*McKerr v. the United Kingdom*, no. 28883/95, ECHR 2001-III, § 121; *Green v. the United Kingdom*, no. 28079/04, (dec.) 19 May 2005; *Hackett v. the United Kingdom*, cited above). While it appears little or no information about the investigation has been transmitted to the families at this stage, it is not apparent that this flowed from any obstructiveness or obfuscation rather than a lack of anything significant to report from the initial steps which have been taken. The Court is not persuaded at this stage that any of the applicants have been excluded from the investigative process to such a degree as would infringe the minimum standard under Article 2.

65. In conclusion, the Court finds that the investigations have been underway since late 2010 and although some investigative steps have been taken, no, or little, concrete progress appears to have been made. This does not in itself disclose any lack of good faith or will on the part of the authorities. In the circumstances, it is premature to impugn the response of the authorities as ineffective. The Court would not under-estimate the difficulties of finding witnesses who are still alive after this lapse of time and who are able to recall, and willing to give evidence about, past events. However, it would emphasise that the authorities must take reasonable steps

to find the available evidence and pursue the practicable leads open to them at this time to discover the perpetrators of any unlawful violence; that in due course an assessment will have to be made as to whether the evidence gathered is sufficient to justify a prosecution; and that the families should be kept informed of any key factual conclusions and procedural developments and any reasoned decisions in this regard. But it is too early for the Court as a supervisory international jurisdiction to reach any findings that the authorities' actions are a mere sham or that there is bad faith, wilful footdragging and calculated prevarication involved. Prolonged inactivity and silence by the authorities over a more significant period of time might eventually render such a conclusion possible, but not yet.

66. It follows that at the present stage the applicants' complaints under the procedural aspect of Article 2 are premature and must be rejected as manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

67. The applicants complained of a violation of Article 3 of the Convention which provides:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

68. The applicants submitted that the continuous silence of the respondent Government disclosed inhuman treatment. No independent unbiased body of investigators had been set up; indifference and disregard to human feelings continued. Contacts by “TRNC” officials seeking statements from applicants were farcical ploys, only causing further distress. The necessary information lay within the hands of the respondent Government which continued to refuse to resolve the decades of uncertainty. The applicant in no. 7986/08 submitted that the finding of the body after 33 years' anguish itself inflicted treatment contrary to Article 3.

69. The Government contested that argument. They noted that there had been no decision refusing to investigate the deaths and that the process of exhumation and return of remains was conducted with due respect. There was no treatment disclosing inhuman or degrading treatment.

70. The intervening Government considered that the wholly inadequate and intimidating response by those acting for the “TRNC” authorities caused suffering in breach of this provision.

71. The Court recalls that the complaints concerning the uncertainty flowing from the disappearance of the victims were rejected as out of time. It is only concerned with complaints as to the response of the authorities following the discovery of the remains of the applicants' relatives. It notes its findings above that the investigations launched into the discovery of the

remains do not show a lack of effectiveness or expedition at this stage. Nor is there any indication at the current time of obstructiveness or callous indifference on the part of the investigating authorities towards the families such as might as to disclose treatment contrary to Article 3 of the Convention.

72. It follows that this part of the application must be rejected as manifestly ill-founded pursuant to Article 35 §§ 3(a) and 4 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 34 OF THE CONVENTION

73. The applicants' lawyer in application nos. 7048/08, 4584/10, 5281/08, 4649/10, 5189/10, 6081/10, 7839/10, 4852/05 and 5210/08 complained that he had been stopped at passport control at Istanbul airport and prevented from entering Turkey. He invoked Article 34 of the Convention, which provides:

“The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.”

The applicants' lawyer submitted that this incident must be regarded as an attempt to hinder his activities as a lawyer in bringing applications such as the present.

74. The Court notes that the lawyer has given no details of the incident which would support his interpretation of events. No official made any reference to him about his activities, nor made any negative comment or remark that might be regarded as an attempt to intimidate him in respect of these applications. The Court is not persuaded that there is sufficient basis on which to find any hindrance of the right of individual petition in these cases and decides not to pursue the matter.

For these reasons, the Court unanimously

Decides to join the applications;

Declares the remainder of the applications inadmissible;

Decides not to pursue the complaints raised under Article 34 of the Convention.

Fatoş Aracı
Deputy Registrar

Lech Garlicki
President

ANNEX

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of disappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
A. Eptakomi village cases								
1.	46744/07	16/10/2007	Despina Charalambous 20/07/1935 Limassol Charalambos Charalambous 26/09/1956 London Gregoris Demetriou 28/12/1958 Enfield Katerina Pounna 19/03/1953 Oal	Christos M. Triantafyllides	Demetrios Koutras Charalambous (civilian)	Last seen on 20 August 1974 in Galatia (Mehmetçi) in the district of Karpasia by his two sons and his wife's nephew. They had all been arrested in their village of Eptakomi that had come under the control of the Turkish forces and taken to Galatia where they had been detained in the village association. He was seen taken away by Turkish soldiers.	Remains found on 16 October 2006 in a grave near the village of Galatia (with 10 other remains); the applicants were notified in July 2007 that the remains had been found.	The medical certificate for the cause of death dated 17 July 2007 indicated two bullet wounds to the skull; wounds to the pelvis and wounds to the ribs on both sides.
2.	29673/08	03/06/2008	Ioannis Kashouris 25/01/1944 Nicosia Olympiada Neophytou Kashouri 29/05/1949 Nicosia Maria Kashouri 01/12/1951 Athens Christalleni Kashouri 02/01/1955 Nicosia Sotiris Kashouris 29/05/1949 Nicosia	Christos M. Triantafyllides	Georgios Kashouris (civilian)	Last seen on 20 August 1974 in his village Eptakomi. The village had come under the control of the Turkish forces on 15 August and the applicant had been detained with other men in a house in the village.	Remains found on 19 September 2006 in a grave in the locality of Livadia (Sazlıköy) (the grave contained the remains of 12 individuals); remains given to the family on 1 March 2008; formal letter of discovery and identification 28 March 2008.	The medical certificate for the cause of death dated 26 February 2008 indicated a bullet wound to the head.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
3.	45656/08	27/08/2008	Katina Christophi 11/06/1930 Limassol Christos Christophi 22/10/1955 Larnaca Militsa Panayi 18/01/1958 Dromolaksia Maria Tsangaridou 29/01/1960 Limassol Spyros Christophi 11/12/1972 Limassol Androulla Kalli 06/09/1965 Limassol	Christos M. Triantafyllides	Leondios Christophi (civilian)	Last seen in the morning of 21 August 1974 in his village Eptakomi which had come under the control of the Turkish forces. The applicant had been detained with other men in a house in the village and was taken away by Turkish soldiers or persons under their command that morning.	Remains found on 19 September 2006 in a grave in the locality of Livadia (Sazliköy) (with 11 other remains); letter by CMP informing relatives of discovery and identification of remains dated 28 March 2008.	The medical certificate for the cause of death dated 20 March 2008 indicated a bullet wound to the head and bullet wound to the lower jaw.
B. Yiallousa village cases								
4.	5210/08	18/01/2008	Lysimachi Elia 18/05/1947 Nicosia Elena Elia 17/10/1974 Nicosia Andreas Elia 27/07/1968 Nicosia Elias Elia 22/09/1966 Nicosia	Andreas Angelides	Odysseas Elia (civilian)	Last seen on 19 August 1974 in the village of Yiallousa after being put on a bus with another 8 men from the village by Turkish soldiers (and/or their agents). Representatives of the International Red Cross visited Pavlides Garage in the Turkish-occupied sector of Nicosia and on 28 August 1974 recorded the names of 20 Greek Cypriots held there, including Mr Odysseas Elia (document EZY284D).	Remains found on 16 October 2006 in a grave near the village of Galatia in the district of Karpasia (the grave contained the remains of 11 individuals); remains given to family on 24 July 2007; letter by CMP informing relatives of discovery and identification of remains dated 17 December 2007.	The medical certificate for the cause of death dated 20 July 2007 indicated head wounds, a wound to the spinal cord and to the right leg/foot (πόδι).

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
5.	5277/08	10/01/2008	Evagoras Hadjidemetri 19/08/1970 Nicosia Agni Hadjidemetri Iosif 01/02/1972 Nicosia Maria Glyki 28/06/1950 Nicosia Maria Evagorou 15/06/1925 Nicosia	Andreas Angelides	Pavlos Hadjidemetri (civilian)	As above..	As above.	The medical certificate for the cause of death dated 12 July 2007 indicated wound to the skull and a wound to the left tibia.
6.	4852/05	07/10/2004	Keti Cosma 10/05/1942 Nicosia Elena Cosma 02/12/1966 Limassol Christina Cosma 06/03/1964 Nicosia	Andreas Angelides	Christos Cosmas (civilian)	As above.	As above.	The medical certificate for the cause of death dated 20 July 2007 indicated a bullet wound to the head and a wound to the pelvis.
7.	7048/08	19/01/2008	Agni Hadjinicolaou 22/03/1935 Nicosia Christos Hadjinicolaou 11/04/1939 Cyprus Panos Hadjinicolaou 15/10/1968 Nicosia Spyros Hadjinicolaou 10/09/1969 Nicosia	Achilleas Demetriades	Christos Hadjinicolaou (civilian)	As above	As above.	The medical certificate for the cause of death dated 20 July 2007 indicated wounds to the head, a wound to the pelvis and a wound to the left hand.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
8.	16622/08	13/03/2008	Maria Savvidou 22/02/1949 Larnaca Neophytos Savvides 13/07/1969 Lower Dudley Phanoula Savvides 21/08/1970 Larnaca Fokas Savvides 16/10/1974 Nicosia	Christos M. Triantafyllides	Stelios Savvides (civilian)	As above.	As above (save date of return of remains not specified).	The medical certificate for the cause of death dated 27 July 2007 indicated a bullet wound to the skull and a wound to the right arm.
C. Kazafani village cases								
9.	5247/08	18/01/2008	Giannis Strongylos 09/11/1949 Limassol Elisavet Strongylou 15/09/1954 Nicosia Androulla Michael 21/07/1952 London	Andreas Angelides	Georghios Strongylos (reservist – 251 Infantry Battalion – Glykiotissa, Kyrenia)	Last seen on 23 July 1974 in Kazafani village when his car came under attack. He was taken away by 9 Turkish soldiers with another 2 Greek-Cypriots whose cars had also been immobilised. The soldiers were accompanied by the Mustafa of Kazafani and head towards the village church.	Remains found in the area of Trouliou on 29 June 2005; given to family on 22 July 2007; letter by CMP informing relatives of discovery and identification of remains dated 17 December 2007.	The medical certificate for the cause of death dated 20 July 2007 indicated a bullet wound to the head, bullet wound to the spinal cord and a pelvic wound.
10.	5270/08	18/01/2008	Eleni Kakouri 28/10/1950 Limassol Andreas Kakouri 22/11/1971 Limassol Photini Kakouri 29/09/1973 Limassol	Andreas Angelides	Iakovos Yiasoumi Kakouris (civilian)	As above	Remains found as above; given to family on 23 July 2007; letter by CMP informing relatives of discovery and identification of remains dated 17 December 2007.	The medical certificate for the cause of death dated 20 July 2007 indicated a bullet wound to the head, a wound to the spinal cord and wounds to the ribs.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
D. Bellapais/Kyrenia cases								
11.	7086/08	29/01/2008	Constantinos Theocharides 09/11/1944 Nicosia Evgenios Theocharides 01/03/1947 Nicosia	Achilles Emilianides	Evgenios Theocharides (reservist)	Last seen on 22 July 1974 in areas surrounded or about to be taken over by the Turkish Forces in Kyrenia. He had left Bellapais by car to go to Kyrenia to meet his fiancée.	Remains found in an olive grove at the southern outskirts of Kazafani (the grave contained the remains of 17 individuals). The burial site was excavated between 4-28 July 2005; identification report dated 29 November 2007 by the Cyprus institute of Neurology and Genetics; letter by CMP informing relatives of discovery and identification of remains dated 17 December 2007.	The medical certificate for the cause of death dated 7 August 2007 indicated a wound to the head and a bullet wound to the pelvis.
12.	7512/08	27/01/2008	Sotia Danezi 10/02/1975 Athens Alik Knutsen 20/05/1973 Nicosia Loukia Danezi 13/02/1953 Nicosia Charalambos Danezis 14/06/1953 Iraklio Irene Danezi 08/07/1962 Nicosia Maroulla Danezi 17/01/1927 Nicosia	Christos Clerides	Panikos Danezis (reservist)	Last seen on 22 July 1974 in the area of Bellapais, Kyrenia that came under the control of the Turkish Forces.	As above.	The medical certificate for the cause of death dated 10 August 2007 indicated a bullet wound to the head.
13.	7439/08	05/02/2008	Varvara Stivarou 24/10/1931 Limassol	Kallistheni Demetriou Stivarou	Andreas D. Stivaros	It appears that the applicant was last seen in the afternoon of 14 August 1974 in Akanthou village after the 361 Infantry Battalion (361 IB) in which he	Remains found on 10 May 2006 in the area of Knodhara (Gönendere) (Famagusta district) (with the remains of another three individuals that had	The medical certificate for the cause of death dated 7 September 2007 indicated two bullet wounds to the head and a bullet wound to the left pelvis.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
			Andreas Stivaros 19/12/1953 Limassol Demetrios Stivaros 22/08/1922 Limassol Constantia Stivarou 25/02/1955 Limassol Spyridon Stivaros 11/12/1956 Limassol Eftychia Stivarou 07/08/1958 Limassol Kallistheni Stivarou 05/11/1962 Limassol Pericles Stivaros 21/07/1964 Limassol			was serving withdrew from Pachyammos (Kyrenia).	served in the same battalion); remains given to family on 8 September 2007; letter by CMP informing relatives of discovery and identification of remains dated 17 December 2007.	
14.	5281/08	22/01/2008	Phanos Xenophontos 18/02/1975 Nicosia	Constantinos Tambourlas	Georghios Poyiadjis Xenophontos (reservist)	As above, save that the missing person was last seen on 16 August 1974.	Remains found on 8 April 2008 the family were given: (i) the identification report by the Cyprus institute of Neurology and Genetics dated 29 November 2007; (ii) the summary report of Anthropological identification by the CMP Bi communal forensic team dated 12 March 2008 (iii) a letter by the CMP informing relatives of discovery and identification of remains dated 17 December 2007.	The medical certificate for the cause of death dated 24 August 2007 indicated a bullet wound to the head and a bullet wound to the left ulna and radius.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
E. Elia village cases								
15.	60676/08	28/11/2008	Maria Fivou Constantinou 08/01/1948 Limassol Neofytos Fivou 18/04/1972 Limassol Evgenia Fivou 28/03/1974 Limassol	Loukis G. Loucaides	Phivos (Constantinou) Kyprianou (civilian)	Last seen in the afternoon of 21 July 1974 in Elia village in Kyrenia. In the afternoon (at about 4.00 p.m.) they were arrested by Turkish troops and led to a nearby olive-grove. At about 6.00 p.m. the Turkish soldiers started separating the men from the women and children and firing at the men.	The families were notified that remains were found first orally on 4 June 2008; remains given June-August 2008. On dates between 6 -25 November 2008 the family were given (i) the identification report by the Cyprus institute of Neurology and Genetics dated 31 July 2008; (ii) a letter by the CMP informing relatives of discovery and identification of remains dated 10 October 2008.	The medical certificate for the cause of death dated 16 July 2008 indicated a wound to the head; a wound to the left ulna and radius.
16.	60678/08	28/11/2008	Eftichia Panagiotou 03/10/1949 Limassol Panagiota Yiatrou 22/06/1944 Limassol	Loukis G. Loucaides	Christoforos Yiatrou (civilian)	As above.	As above.	The medical certificate for the cause of death dated 30 July 2008 indicated a bullet wound to the right arm; a wound to the right scapula and the left iliac bone.
17.	60688/08	28/11/2008	Charita Mandoles 31/01/1946 Limassol Maria Fivou Constantinou 08/01/1948 Limassol Costas Neofytou 19/02/1951 Limassol	Loukis G. Loucaides	Neophytos Damaskinou (civilian)	As above.	As above.	The medical certificate for the cause of death dated 16 July 2008 does not provide any information concerning the cause of death.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
18.	60719/08	28/11/2008	Athanasios Kozakou 06/12/1928 Limassol Maroulla Kozakou 23/06/1935 Limassol Christakis Kozakou 14/08/1961 Limassol Xenia Ioannou 21/01/1964 Limassol Lida Kozakou 01/11/1968 Limassol	Loukis G. Loucaides	Yiannakis Kozakos (civilian)	As above.	As above.	The medical certificate for the cause of death dated 7 July 2008 indicated wounds to the head, lower mandible, right radius and femoral bone.
19.	60734/08	28/11/2008	Charita Mandoles 31/01/1946 Limassol Irene Mandoles 07/04/1972 Limassol Yiannis Mandoles 27/06/1973 Limassol	Loukis G. Loucaides	Andreas Mandoles (civilian)	As above.	As above.	The medical certificate for the cause of death dated 16 July 2008 indicated a bullet wound to the left tibia.
20.	60742/08	28/11/2008	Maria Georgiou 06/07/1963 Nicosia Georgia Pasiardi 30/07/1965 Nicosia Evgenia Georgiou 13/02/1938 Nicosia	Loukis G. Loucaides	Costas Melissos (civilian)	As above.	As above.	The medical certificate for the cause of death dated 27 June 2008 indicated a bullet wound to the thoracic vertebra down to 2nd lumbar vertebra.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
21.	60771/08	05/12/2007	Eleni Contemenioti 15/09/1935 Nicosia Marianna Contemenioti 04/11/1972 Nicosia	Loukis G. Loucaides	Christakis Contemeniotis (civilian)	As above. In addition in this application it is stated that after the shooting the women and the children were taken away and were not allowed to go near the men.	As above.	The medical certificate for the cause of death dated 10 September 2008 indicated a wound to the head; a wound to the right arm and to the 12th thoracic vertebra.
22.	60696/08	05/12/2007	Chrystalla Metaxaki 17/07/1956 Nicosia Giorgos Metaxakis 05/03/1959 Nicosia Eleni Metaxaki 12/05/1957 Nicosia Artemis Kyriacou 11/09/1976 Nicosia Angela Kyriacou 05/11/1980 Nicosia Kyriacou Spyros 29/03/1982 Nicosia Zacharoulla Kyriacou 12/01/1956 Nicosia	Loukis G. Loucaides	Spyros Kellouras (civilian)	As above.	As above.	The medical certificate for the cause of death dated 27 June 2008 indicated a wound to the right pelvis and to the right femoral bone probably caused by a bullet.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
F. Chatos/Kiados cases								
23.	4584/10	23/12/2009	Petros Scordis 23/04/1944 Dhali Alecos Scordis 05/07/1947 Dahli Paraskevi Scordis Hadjikyriacou 05/07/1947 Dhali Eleni Scordis Kallenou 01/06/1960 Dhali	Achilleas Demetriades	Christoforos Skordis (reservist)	The victim was with the 398th infantry battalion stationed in Kythrea. Last seen on 14 August 1974 with 4 comrades in the custody of Turkish soldiers near the village of Chatos (Kiados). He was photographed while in detention by a journalist working for a Turkish newspaper who was covering the event and who was captured on that above date by the Cypriot national guard (five men from the same battalion appear in the photo).	The remains were found in a well in Kiados (containing the remains of 19 individuals) and exhumed between 22 November and 3 December 2006. The family were given the remains in August-September 2009. On 15 December 2009 the families were given (i) the identification report by the Cyprus institute of Neurology and Genetics dated 6 August 2009; (ii) the summary report of Anthropological identification by the CMP Bi communal forensic team dated 12 October 2009 (iii) a letter by CMP informing relatives of discovery and identification of remains dated 24 September 2009.	The medical certificate for the cause of death signed by a doctor and dated 24 August 2009 indicated a bullet wound / wounds to the head and a wound/ wounds to the right and left arms.
24.	5189/10	22/01/2010	Georgia Stefanie 08/04/1925 Neapolis Andreas Hadjikyriakou 21/02/1953 Neapolis Maria Hadjikyriakou 25/03/1955 Limasol	Achilleas Demetriades	Philippos Hadjikyriakou (reservist)	As above.	As above.	The medical certificate for the cause of death dated 1 September 2009 indicated wounds by two bullets to the head and wounds caused by a pointed cutting instrument to the 3rd and 4th cervical vertebrae.
25.	7839/10	29/01/2010	Evi Akhniotou 11/01/1950 Famagusta	Achilleas Demetriades	Philippos Hadjikyriakou (reservist)	As above.	As above.	The medical certificate for the cause of death signed by a doctor and dated 1 September 2009 indicated a bullet wound to the head.

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
26.	6081/10	14/01/2010	Chrystalla Korelli 31/07/1945 Strovolos Androulla Korelli 16/02/1972 Strovolos Soteroulla Korelli 25/01/1975 Strovolos	Achilleas Demetriades	Antonakis Korellis (reservist)	As above. According to a witness statement the victim was at Seray prison from 15 -20 August 1974 and was then transferred to Kyrenia and then to Adana prison in Turkey – last seen in the prison yard on 22 August 1974.	As above.	The medical certificate for the cause of death dated 27 August 2009 indicated a bullet wound to the head.
27.	4649/10	30/12/2009	Maria Stavraki Georgaki 13/10/1944 Lamaka	Achilleas Demetriades	Andreas Theocharis Stavraki (reservist)	The victim had been serving with the 398th infantry battalion in Kythrea. According to a message sent via the I.C.R.C. the victim was apparently last seen in Kornokipos village around 20 September 1974. The village was under the control of the Turkish troops,	Remains found in the mass grave in a well in Kiados and given to family on 9 October 2009.	The medical certificate for the cause of death dated 8 October 2009 indicated two bullet wounds to the head. A post-mortem examination dated 7 October 2009 carried out by a forensic pathologist/pathological anatomist indicated as the cause of death a bullet wound to the head fired by a low velocity weapon at relatively close range. The doctor also noted that the hands were missing and that “there was a suspicion of a second bullet having passed through the temporo-parietal regions”.
G. Other								
28.	59490/09	08/10/2009	Eleni Rossides [date of birth] Nicosia Kypros Rossides [date of birth] Sydney Konstantinos Rossides [date of birth]	Xenis Xenofontos	Konstantinos (Kostakis) Rossides	Last seen on 22 July 1974 in Ayios Georgios, Kyrenia with other men belonging to the 33rd Infantry Battalion. The battalion had retreated to Kyrenia.	Remains found in Templos village in the Kyrenia District (grave contained the remains of 2 individuals) and were exhumed between 12-13 September 2006. The applicants stated that they were notified of this discovery on or about 9 April 2009; (i) the summary report of Anthropological identification	The medical certificate for the cause of death dated 10 April 2009 indicated a wound to the skull and to the right fibula (calf bone).

No.	Appl. no.	Lodged on	Applicant name date of birth place of residence	Represented by	Name of victim	Date and circumstances of desappearance	Date and location of discovery of body and id documents	Details of forensic report (date and cause of death/findings)
			Nicosia Maria Vakanas [date of birth] Nicosia				by the CMP Bi communal forensic team dated 17 August 2009 (ii) a letter by CMP informing relatives of discovery and identification of remains dated 21 July 2009.	
29.	37368/08	02/07/2008	Anastasia Hadjisoteriou 21/03/1951 Nicosia Frosa Hadjisoteri 25/03/1924 Limassol Kyriakos Konstantinou 30/10/1948 Limassol Soteris Antoni 05/12/1945 London	Andreas Angelides	Antonis Constanti Hadjisoteri	Last seen on 20 August 1974 in his village of Komi Kebir, which had come under the control of the Turkish forces. During the day the men were detained at the village coffee bar. On 20 August 1974 the applicant was taken away from the coffee bar, along with another five co-villagers, by Turkish soldiers. They were all seen entering a vehicle which drove off to an unknown location.	Remains found on 19 September 2006 on 19 September 2006 in a grave in the locality of Livadia (Sazlıköy) (with remains of 11 others) ¹ ; given to the family on 18 April 2008; letter by CMP informing relatives of discovery and identification of remains dated 28 March 2008.	The medical certificate for the cause of death signed by a doctor and dated 7 March 2008 indicated two bullet wounds to the head.

¹ Appears to be the same grave as in cases of Kashouris and Others v. Turkey (no. 29673/08) and Christophi and Others v. Turkey (no. 45656/08).