

Press release issued by the Registrar

Chamber judgment¹

Andreou v. Turkey (application no. 45653/99)

**BRITISH NATIONAL SHOT AND INJURED BY TURKISH ARMED FORCES DURING
TENSIONS AT UNITED NATIONS BUFFER ZONE IN CYPRUS**

*Violation of Article 2 (right to life)
of the European Convention on Human Rights*

Under Article 41 (just satisfaction) of the Convention, the Court awarded Ms Andreou's husband and children 585.68 euros (EUR) in respect of pecuniary damage, EUR 40,000 in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expenses.

(The [judgment](#) is available only in English)

Principal facts

The applicant, Georgia Andreou, now deceased, was a British national who was born in 1936 and lived in Larnaca (Cyprus).

The case concerned Ms Andreou's complaint that she was shot and injured by the Turkish armed forces on 14 August 1996 during tensions at the United Nations buffer zone near Dherynia (Cyprus).

The incident occurred when, having attended the funeral of a friend's son, Anastasios Isaak – kicked and beaten to death by Turkish-Cypriot policemen and counter-demonstrators three days earlier at a motorcycle rally in protest against the Turkish occupation of the northern part of Cyprus² – Ms Andreou went to the spot of the killing and, remaining outside the UN buffer zone, looked on, with others, at the ensuing tensions between Greek-Cypriot demonstrators and the Turkish Republic of Northern Cyprus ("TRNC") authorities. She witnessed Solomos Solomou² enter the buffer zone and, in protest, climb up a flagpole flying

¹ Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

² In the cases of *Isaak and Others v. Turkey* (no. 44587/98) and *Solomou and Others v. Turkey* (no. 36832/97) the Court held, among other things, that Anastasios Isaak and Solomos Solomou had been killed by agents of the Turkish State and that the use of force had not been justified, in violation of Article 2.

the Turkish flag; he was shot and subsequently died from his injuries. Immediately after the shooting, Turkish or Turkish-Cypriot soldiers opened fire on the crowd inside the buffer zone. Ms Andreou, although outside the buffer zone, sustained a serious gunshot wound to her abdomen; she was immediately taken to hospital where she was operated on.

According to a press release subsequently issued by the UN Forces in Cyprus (UNFICYP), two of its high-ranking members had seen uniformed Turkish or Turkish-Cypriot military personnel kneeling down and firing in the direction of the demonstrators inside the UN buffer zone. As a result, two British UNFICYP soldiers and two Greek-Cypriot civilians (one of whom was the applicant) were hit by gunfire. This version of events was also confirmed in a report by the UN Secretary.

Four medical certificates submitted stated that Ms Andreou had had three operations, which included removal of the right kidney and of pancreatic tissue, stitching of the liver and a colostomy. Following the incident in 1996 and until her death in November 2005, she developed numerous conditions, including pleuritis, post-traumatic stress and depression.

Complaints, procedure and composition of the Court

Relying on Article 2, Ms Andreou alleged that her life had been put in serious danger. She also alleged that the use of excessive force against her had amounted to inhuman treatment and had had lasting effects on her physical and mental health, in breach of Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private life).

The application was lodged with the European Court of Human Rights on 12 February 1997 and declared admissible on 3 June 2008.

Judgment was given by a Chamber of seven judges, composed as follows:

Nicolas **Bratza** (the United Kingdom), ***President***,
Lech **Garlicki** (Poland),
Giovanni **Bonello** (Malta),
Ljiljana **Mijović** (Bosnia and Herzegovina),
David Thór **Björgvinsson** (Iceland),
Ledi **Bianku** (Albania),
İşıl **Karakaş** (Turkey), ***judges***,

and also Fatoş **Aracı**, ***Deputy Section Registrar***.

Decision of the Court

The Court had no reason to doubt the independence and trustworthiness of the UNFICYP and the UN Secretary General; moreover, their description of the events of 14 August 1996 was based on eyewitness statements. The indiscriminate and unwarranted firing into the crowd which was gathering inside and outside the buffer zone had put numerous lives at risk. The fact that the applicant had not been killed was fortuitous. Nor was the seriousness of her injuries, corroborated by the medical reports, in dispute between the parties. The Court therefore considered that, irrespective of whether or not the soldiers had actually intended to kill Ms Andreou, she had been the victim of conduct which by its very nature had put her life at risk, even though, in the event, she had actually survived. Article 2 was therefore applicable in the applicant's case.

The Court was of the opinion that the firing into the crowd on 14 August 1996 had constituted a disproportionate use of force in the circumstances and could not be justified by the argument, as suggested by the Government, that it had been necessary to quell "a riot or

insurrection". Even though the demonstrators, who had sticks and iron bars, had been throwing stones at the Turkish forces, such firing could and did cause serious injuries to demonstrators, bystanders and members of the UN forces. Indeed, according to eyewitnesses, the opening of fire had been totally unwarranted and not even preceded by a warning shot. It thus appeared to be a preventive measure, taken to discourage further violence before the crowd had the time to react to the shooting of Mr Solomou.

The excessive force used against Ms Andreou had not therefore been made necessary by the state of heightened tension of the demonstration; nor had it been made necessary by her own behaviour. She had not been armed, behaved in a violent manner, offered any resistance to the police or posed a threat to public order. Moreover, she had not crossed the ceasefire line making it "absolutely necessary" to "effect a lawful arrest"; she had been hit by the bullet while standing outside the UN buffer zone.

Finally, Turkey had failed to indicate whether its security forces had been given clear instructions and appropriate training to avoid arbitrary and/or abusive use of potentially lethal force.

The use of potentially lethal force against the applicant had not therefore been "absolutely necessary" and had not been justified by any of the exceptions permitted under Article 2. Accordingly, the Court held unanimously that there had been a violation of that Article.

Given that conclusion, the Court further held unanimously that it was not necessary to examine the applicant's complaints under Articles 3 and 8.

This press release is a document produced by the Registry; the summary it contains does not bind the Court. The judgments are accessible on its Internet site (<http://www.echr.coe.int>).

Press contacts

Tracey Turner-Tretz (tel : + 33 (0)3 88 41 35 30) or

Stefano Piedimonte (tel : + 33 (0)3 90 21 42 04)

Kristina Pencheva-Malinowski (tel : + 33 (0)3 88 41 35 70)

Céline Menu-Lange (tel : + 33 (0)3 90 21 58 77)

Frédéric Dolt (tel : + 33 (0)3 90 21 53 39)

Nina Salomon (tel + 33 (0)3 90 21 49 79)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.