



## No payment of rent for house in Nicosia used by peacekeeping forces breached owner's property rights

The case [Ioannides v. Cyprus](#) (application no. 32879/18) concerned the applicant's complaint that a house she owned in Nicosia was used by peacekeeping forces without payment of rent. The house had ended up being situated in the buffer zone after Türkiye invaded Cyprus in 1974.

In today's **Chamber** judgment<sup>1</sup> in the case the European Court of Human Rights held, unanimously, that there had been **no violation of Article 1 of Protocol No. 1 (protection of property)** to the European Convention on Human Rights as concerned the restriction on public access to the sector of the buffer zone where Ms Ioannides's house was located. Cyprus did not have effective control over certain sectors of the buffer zone, and Ms Ioannides' property was situated in an inaccessible part of that zone. Cyprus had nonetheless taken all measures still within its power *vis-à-vis* Ms Ioannides' right to access her house, in accordance with its obligations under international law – specifically by cooperating with the peacekeeping forces.

However, it also held, unanimously, that there had been a **violation of Article 1 of Protocol No. 1** to the European Convention because of Cyprus's refusal to pay the applicant rent for the use of her house by peacekeeping forces. It found in particular that the national courts had limited their examination of the applicant's claim to one aspect, namely the denial of access to her house because of security restrictions, without weighing in the balance how her "consent" to the use of the house had been obtained, the conditions set by her on that use, or what rent would be paid.

### Principal facts

The applicant, Maryanne Ioannides, is a British national who was born in 1964. She left Cyprus in 1970 and now lives in the United Kingdom.

In 1973 Ms Ioannides' father transferred to her name a two-storey house originally situated in a residential area of Nicosia. The house ended up being situated in the buffer zone after Türkiye invaded Cyprus in 1974.

In 2001 the State authorised UN peacekeeping forces, who were supervising entry into the buffer zone, to use Ms Ioannides' house. They started using the house in September 2001.

Ms Ioannides then requested "remuneration at the present market value." The request was passed on to the District Rent Determination Committee, which decided that the house had no rental value and that the State had sufficiently compensated her by repairing the house.

After other unsuccessful attempts to obtain rent with various authorities, in 2007 Ms Ioannides brought a civil action against the State in the courts claiming the return of her property, damages for trespass and rent arrears.

The courts dismissed her action, finding essentially that Cyprus had no control over the buffer zone or her house because of the security restrictions. In particular, in January 2018, the Supreme Court

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

stated that the ceasefire had made it necessary to give the peacekeeping forces permission to use the house and that, in that context, there had been nothing the State could have done to help Ms Ioannides assert her property rights.

## Complaints, procedure and composition of the Court

Relying on Article 1 of Protocol No. 1 (protection of property), Ms Ioannides complained about the lack of access to her property and the State letting peacekeeping forces use it without payment of rent.

The application was lodged with the European Court of Human Rights on 5 July 2018.

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

Ivana **Jelić** (Montenegro), *President*,  
Alena **Poláčková** (Slovakia),  
Georgios A. **Serghides** (Cyprus),  
Erik **Wennerström** (Sweden),  
Raffaele **Sabato** (Italy),  
Alain **Chablais** (Liechtenstein),  
Artūrs **Kučs** (Latvia),

and also Ilse **Freiwirth**, *Section Registrar*.

## Decision of the Court

Firstly, the Court noted that Cyprus did not have effective control over certain sectors of the buffer zone. Ms Ioannides' property was in effect situated in an inaccessible part of that zone.

The State nonetheless retained limited jurisdiction in the case, namely to take all appropriate measures still within their power *vis-à-vis* Ms Ioannides's right to access her house. It found that Cyprus had taken all such measures: the Government had cooperated with the peacekeeping forces in order to restore normal conditions, uphold law and order and protect property rights, in accordance with its obligations under international law. Moreover, other than claiming rent, Ms Ioannides had not identified any other measure the State could have taken to secure her property rights.

There had therefore been no violation of Article 1 of Protocol No. 1 as concerned the restriction on public access to the sector of the buffer zone where Ms Ioannides's house was located.

Despite the lack of effective control, the Cypriot Government had still been able to set how and under what conditions the peacekeeping forces could use the house. In particular, they had agreed to the peacekeeping forces using the house for several years, without paying rent. They had also been free to decide the amount and type of compensation due. As such, the State had effectively disposed of the property, and had thus directly interfered with Ms Ioannides' ability to enjoy it.

The Court went on to acknowledge the extremely complex legal and factual situation on the ground following the occupation of Cyprus and the need to prevent a resumption of fighting through the continued presence of a peacekeeping force.

However, the courts had limited their examination of the case to one aspect of Ms Ioannides' claim, namely the denial of access to her house because of security restrictions. The Supreme Court particularly, had not examined the specific way that the owner's "consent" to the use of the house had been obtained, the conditions set by her on that use, or what rent would be paid. The courts had not therefore properly examined whether a fair balance had been struck between the competing interests of the individual and of the community as a whole. They had not ascertained

whether Ms Ioannides had been made to bear a disproportionate and excessive burden because of the State's interference with her rights, in violation of Article 1 of Protocol No. 1.

#### **Just satisfaction (Article 41)**

The Court held that Cyprus was to pay the applicant 10,000 euros (EUR) in respect of pecuniary damage and non-pecuniary damage and EUR 12,000 in respect of costs and expenses.

*The judgment is available only in English.*

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**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.