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Contact: Clare Ovey  
Tel: 03 88 41 36 45

Date: 09/06/2015

**DH-DD(2015)604**

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Meeting: 1230 meeting (9-11 June 2015) (DH)

Item reference: Communication from a NGO (Panhellenic Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons of the Cyprus Tragedy) (05/06/2015) in the case of Cyprus against Turkey (Application No. 25781/94) and reply from the Turkish authorities (09/06/2015)

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1230 réunion (9-11 juin 2015) (DH)

Référence du point : Communication d'une ONG (Panhellenic Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons of the Cyprus Tragedy) (05/06/2015) dans l'affaire Chypre contre Turquie (Requête n° 25781/94) et réponse des autorités turques (09/06/2015)  
**(anglais uniquement)**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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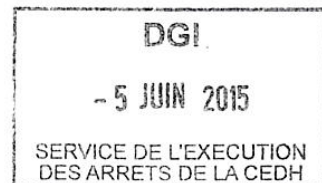


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ΚΑΡΟΛΟΥ 28 - Τ.Κ. 104 37 - ΑΘΗΝΑ ΤΗΛ. 210 52.42.422

PANHELLENIC COMMITTEE OF PARENTS AND RELATIVES  
OF UNDECLARED PRISONERS AND MISSING PERSONS OF THE CYPRUS TRAGEDY  
28 KAROLOU str., 104 37 ATHENS, GREECE, TEL. 210 52.42.422

Athens, 03.06.2015

The Secretariat,  
Committee of Ministers,  
Council of Europe.



Dear Sir/Madam,

The "Panhellenic Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons of the Cyprus Tragedy" represents the relatives of Greek Citizens who have been reported missing in Cyprus after 1974.

So far, out of 77 Greek Citizens who were missing after 1974, only 13 have been identified so far (1 through the CMP and 12 through a separate program conducted by the Republic of Cyprus).

41 years after 1974, the fate of 64 Greek citizens, our sons, spouses, fathers and brothers remains unknown. Our families have lived with the anguish, sorrow and the suffering inflicted upon us by these disappearances.

In view of the 1230<sup>th</sup> CM (DH) meeting, the Panhellenic Committee wishes to highlight the following:

➤ **Progress recently achieved by the CMP in the fulfillment of its mandate still remains limited:**

-Progress achieved by the CMP mainly concerns the number of identifications (i.e. remains that were matched with the missing), following a long period of stagnation.

-On the contrary, the number of exhumations (i.e. finding new remains) has been declining over the recent years.

-After four decades, overall progress in Cyprus regarding the missing persons is shockingly limited compared to similar situations in other areas of Europe.

➤ **CMP's achievements have to be credited to the CMP itself: they are not an indicator of Turkey's compliance to the Court's Judgments on missing persons:**

-Turkey's obligations cannot be discharged on the CMP.

-Poor achievements regarding exhumations reflect Turkey's lack of proactive approach that would aim at effectively investigating the fate of the missing persons.

➤ **Actually, Turkey has failed to take concrete measures in order to comply with its obligations emanating from the Court's Judgments :**

-With few exceptions that confirm the rule, access to "military zones" in the occupied part of Cyprus remains unsatisfactory. While these so called "military zones" cover unusually large areas of the occupied part of Cyprus, so far excavations have been conducted in only 3 locations situated in such zones. "Military zones" where mass graves are believed to be found have not been opened so far.

-Information that only the Turkish authorities possess about the fate and whereabouts of those who disappeared is still being withheld by Turkey. This information needs to be drawn from military sources such as battlefield reports. Information on subsequent excavations and relocation of remains also needs to be urgently shared.

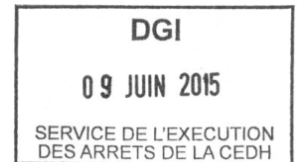
-No results in the investigations allegedly been conducted have ever been produced.

-Turkey refuses to comply with the Court's just satisfaction Judgments.

Thanking you for your attention and for your understanding.  
I remain at your disposal.



**Maria Kalmpourtzi**  
**President**



**Comments to the Document from "Panhellenic Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons of the Cyprus Tragedy" dated 5 June 2015  
by the Turkish Cypriot authorities**

A letter from the "World Federation of Organisations of Missing Persons' Relatives of Cyprus" that also included the Panhellenic Committee has already been sent raising the missing persons issue for purposes of the June CM-DH meeting. This was addressed by the Turkish Cypriot authorities. The same association has sent yet another letter for purposes of the same meeting.

We will not repeat the measures taken regarding the missing persons cluster in the "Cyprus v. Turkey" case that are being implemented in an effective manner, and delivering concrete results. Instead, we wish to refer the Panhellenic Committee to our previous response, and our memoranda regarding the missing persons cluster.

On the issue of Greek missing persons specifically, we would like to add the following.

The Greek missing persons have been included in the list of "Greek Cypriot missing persons" of the Committee on Missing Persons (CMP). They were Greek soldiers some of whom were present on the island for the Greek-instigated coup d'état on 15 July 1974. Finding the whereabouts and their fate is the task of the CMP, as entrusted to it by the Turkish Cypriot and Greek Cypriot sides.

Nevertheless, over the years, CMP has faced particular challenges in its search for Greek missing persons due to events beyond its control.

Firstly, unilateral exhumations mentioned in the document of Panhellenic Committee conducted outside the framework of the CMP to find the missing Greek soldiers has created and continues to pose challenges to the work of the CMP. Such exhumations were initially conducted between 1979-1981 in order to exhume the bodies of Greek soldiers who died in 1974. The remains that have been found in the Lakatamia, Ayios Constantinos and Eleni cemeteries, on the other hand, were not properly identified, resulting in wrong remains to be given to the wrong families of Greek soldiers. There were many mistaken attributions of identity, and due to lack of expertise, incomplete skeletons have been removed and parts of several individuals had been mixed together.<sup>1</sup> In the case of Mr Stefanos Tzilivakis, for example, his family was informed that none of the remains received in 1979 actually belonged to him.<sup>2</sup> Tremendous damage was also inflicted on the Tymvos Makedonitissas Ossuary as a result of the chemicals sprayed onto the bones.

Unfortunately, this complicated matters for the CMP. For example, CMP may also be looking for the same missing Greek soldiers whose remains have been removed and re-buried in Greece under someone else's name. In some cases, there is an irreparable damage as some Greek families have declined to give back the remains or have destroyed the remains.

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<sup>1</sup> In the *Palma* case, the Greek Cypriot court held the Greek Cypriot side is responsible for "the fact that the exhumations in 1979-1981 were not conducted in a specialised manner, and were conducted under circumstances of which we do not have full disclosure of materials and transparency". See "*Palma v. Attorney General*, Case No. 6661/2001, Nicosia District Court."

<sup>2</sup> "*Tzilivaki and others v. Cyprus*" (no. 23082/07).

It appears that unilateral exhumation to find missing Greek soldiers continue to this day and the remains of 25 missing persons are found recently at the Ayios Constantions and Eleni cemetery, as reported on 20 May 2015.<sup>3</sup> Exhumations outside the framework of the CMP will also be conducted unilaterally in Makedonitissa where Noratalas aircraft belonging to the Hellenic Air Force carrying a battalion of Greek commandos from Crete to Cyprus on 21 July 1974 has been shot down by the Greek Cypriot side, in a search to find the remains of the commandos on board.

Secondly, in addition to this challenge, Greece refuses to this day<sup>4</sup> to provide any relevant information from its military archives that includes a record of the military operations of its contingent in Cyprus (ELDYK) during 1974.<sup>5</sup> Greek officials also refused to forward the relevant documents, including war diary, information relating to the agreement for the collection of bodies, certificates for the transfer of the dead, and protocols of exhumation between 1979-1981 in order to shed light to the death of reservist Charalambos Palmas in that particular case.<sup>6</sup>

As the procedure of the CMP is confidential, the Turkish Cypriot side cannot verify whether the CMP has already exhumed the remains belonging to missing Greek soldiers. In that case, CMP may be in the process of their identification. However, the Turkish Cypriot authorities wish to remind the relatives of Greek missing persons to provide full range of DNA samples to the CMP for purposes of identifications, as it appears from proceedings before the European Court of Human Rights that some Greek families have not done so.

It should be concluded that the concerns raised by the Panhellenic Committee can only be fully remedied with the cooperation of all concerned, and in this respect, their assistance, along with full cooperation of Greece and the Greek Cypriot side in a proactive manner, are crucial to ease the pain of the missing persons' relatives.

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<sup>3</sup> The Cyprus Weekly, "Mass grave victims 'to be handed over'", dated 20 May 2015, see also Phileleftheros newspaper, dated 20 May 2015.

<sup>4</sup> Phileleftheros newspaper (24 March 2015) stated that the Speaker of Parliament of Greece Zoi Konstantopulu visited South Cyprus and during his contacts met with the President of EDEK Marinos Sizopoulos (who is the head of the File of Cyprus Committee) **who conveyed the request of the Greek Cypriot side to Greece to open its national archives concerning the events in 1974.**

<sup>5</sup> "Palma v. Attorney General, Case No. 6661/2001, Nicosia District Court."

<sup>6</sup> Palma case cited above.