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** Annexes can be consulted in the files of the Secretariat.

I. Land and people

A. Geography

1. Cyprus is the third largest island in the Mediterranean Sea with an area of 9,251 sq. km, 33° east of Greenwich and 35° north of the Equator.
2. It is situated in the North-Eastern Mediterranean, approximately 360 km east of Greece, 300 km north of Egypt, 105 km west of Syria and 75 km south of Turkey.
3. Cyprus has mainly mountainous terrain, with the Pentadaktylos mountain range in the north and the Troodos mountain range in the south-west. Cyprus' highest peak is Mount Olympus (at 1,953 m) in the Troodos range. The largest plain, Mesaoria, is situated in between the two ranges.
4. The climate is temperate (Mediterranean). Two thirds of the average annual rainfall of 500 mm occurs between December and February. Periodically, the country suffers from drought.

B. Historical background

5. Cyprus' history spans nine millennia. In the second millennium B.C., the Achaean Greeks established city-kingdoms based on the Mycenaean model, introducing the Greek language and culture, preserved to this day despite the vicissitudes of history.
6. Cyprus was well known in the ancient world for its copper mines and forests. Its geostrategic position, at the crossroads of three continents, as well as its wealth, accounted for a succession of conquerors, including the Assyrians (673–669 B.C.), the Egyptians (560–545 B.C.) and the Persians (545–332 B.C.).
7. During the fifth century B.C., there was considerable interaction between Athens and the Cypriot city-states, particularly Salamis.
8. After the breakup of Alexander the Great's empire, Cyprus became a part of the Ptolemaic empire of Egypt. The Hellenistic period ended in 58 B.C. with the arrival of the Romans.
9. In 45 A.D. Christianity was introduced to Cyprus by Apostles Paul and Barnabas, a Cypriot.
10. In 330 A.D. Cyprus became part of the Eastern Section of the Roman Empire, and later (395 A.D.) of the Byzantine Empire until the 12th century A.D.
11. During the Crusades, Cyprus was conquered by Richard the Lionheart of England (1191) who then sold the island to the Knights Templar. Between 1192-1489, the Frankish Lusignans established a Kingdom introducing the western feudal model. Cyprus was then ruled by the Republic of Venice until 1571, when the island was conquered by the Ottomans. The Ottoman rule lasted until 1878 when Cyprus was ceded to Britain. In 1923, under the Treaty of Lausanne, Turkey relinquished every right to Cyprus and recognised Cyprus' annexation to Britain, already proclaimed by the British Government in 1914.
12. After a long but unsuccessful peaceful political and diplomatic effort, which included the 1950 referendum for self-determination, in 1955 the Greek Cypriots took up arms against the colonial power.

13. On 16 August 1960, on the basis of the Zurich-London Agreements, Cyprus became an independent Republic.

14. On 15 July 1974, the military junta then ruling Greece, with the collusion of Greek Cypriots collaborators on the island, carried a coup to overthrow the democratically elected government of Cyprus. On 20 July Turkey, using the coup as a pretext, and in violation of international codes of conduct established under treaties to which it is signatory, invaded Cyprus purportedly to restore constitutional order. Instead, it seized 36,2 % of sovereign territory of the Republic in violation of the Charter of the United Nations and fundamental principles of international law. Turkey's military aggression against Cyprus continues unabated for almost four decades in spite of United Nations resolutions calling for the withdrawal of foreign troops from Cyprus.

15. On 1 May 2004 the Republic of Cyprus became a Member State of the European Union.

C. Population

16. The total population of Cyprus (end of 2011) was 862.000

17. Population distribution by ethnic group: 71,5% Greek Cypriots; 9,5% Turkish Cypriots; 0,4% Armenians; 0,7% Maronites; 0,1% Latins; and 19,0% others, i.e., foreign residents, mainly British, Greek, other Europeans, Arabs and Southeast Asians.

[Note: These figures do not, of course, include the settlers, approximately 160-170 thousands illegally transferred from Turkey since the 1974 Turkish invasion in order to alter the demographic structure of Cyprus, in contravention to international law, and the Turkish occupation forces (approximately 40,000 troops). It is estimated that more than 57,000 Turkish Cypriots have emigrated since 1974.]

18. Prior to the Turkish invasion, the two communities lived together in roughly around the same proportion of four Greeks to one Turk in all the six administrative districts. As a result of the Turkish invasion and continuing occupation 36.2% of the territory of the Republic of Cyprus, the Greek Cypriots were forcibly expelled by the invading army from the north-eastern area it occupied and are now living in the Government-controlled area. Almost all the Turkish Cypriots in the southeast were forced by their leadership to move to the area occupied by Turkish troops. The vast majority of the 22,000 Greek and Maronite Cypriots who remained an enclave in the area occupied by the Turkish army were subsequently expelled. Despite the Vienna III Agreement of 2 August 1975, which stipulated that "Greek Cypriots at present in the north of the island are free to stay and that they will be given every help to lead a normal life...", the Turkish Cypriot side never honored its own humanitarian obligations and instead implemented a policy of forced expulsion. By July 2012 the number of those in the enclave had dwindled to a mere 442, mostly elderly, Greek (332) and Maronite (110) Cypriots.

19. The policies and practices pursued by Turkey in the occupied area since its invasion of Cyprus constitute one of the first examples of ethnic cleansing in post World-War II Europe.

D. Area under the effective control of the Government of the Republic

20. Population in the Government controlled area (2011 end): 862.000, of which males: 419.000, and females: 443.000.

21. Population distribution by age (2011 end): 0-14 years: 16,5%; 15-64 years: 70,7%; 65 + years: 12,8%.
22. Percentage of population (2011 end) in: urban areas: 67,4%; rural areas: 32,6%.
23. Working population as a percentage of the population aged 20-64 (2011): 75,4%.
24. The official languages of the country are Greek and Turkish. Nearly all Greek Cypriots are Christian-orthodox; Turkish Cypriots are Moslems; members of the Armenian, Maronite and Latin minorities adhere to their own Christian denominations and under Article 2 par. 3 of the Constitution, have opted to belong to the Greek Community of Cyprus.

E. Economy

25. The Cyprus economy is based on the free market system. The private sector is the backbone of economic activity. The government's role is basically limited to safeguarding a transparent framework for the operation of the market mechanism, the exercise of indicative planning and the provision of public utilities and social services.
26. Although the blow inflicted on the economy by the Turkish invasion of 1974 was devastating (the occupied part at that time accounted for almost 70% of GDP), recovery was remarkable. The decline in the volume of production experienced during 1974 was quickly reversed and by 1977 it surpassed its pre-1974 level. Business confidence returned followed by a sharp upturn of investment. By 1979 conditions of full employment were restored. The rate of unemployment, which approached 30% of the economically active population during the second half of 1974, had been virtually eliminated (1.8%) and the refugees were temporarily re-housed, pending their return to their ancestral homes.
27. In the post-1974 period the economy underwent major structural changes. The manufacturing sector accounted for growth during the second half of the 1970s and the early 1980s, overtaken by the tourism sector in the late 1980s and by other service sectors in the early 1990s. These structural changes were reflected in a corresponding differentiation of the above-mentioned sectors regarding their contribution to GDP and gainful unemployment. Cyprus has gradually been converted from an underdeveloped country, in which the importance of the primary sectors was dominant, into a service-oriented economy.
28. International trade is of considerable importance to the economy of Cyprus. On the production side, the lack of raw materials, energy resources and heavy industry for the production of capital goods necessitates their import. On the demand side, because of the small size of the domestic market, exports are vital in supplementing aggregate demand for Cypriot agricultural, manufactured products and services. The main economic partners of Cyprus are the European Union, neighbouring Middle-East countries and Eastern Europe.
29. On January 1 2008 the Cyprus pound was replaced by the euro as the legal tender money of Cyprus at the irrevocable fixed exchange rate €1=CY£ 0,585274.
30. Before the emergence of the global economic crisis, Cyprus had enjoyed a track record of high economic growth and stable macroeconomic environment. However, the international economic crisis inevitably has had a major impact on the economy, as reflected in the main economic indicators. There was also the tragic event of the Mari explosion in the summer of 2011, which destroyed around 53% of the capacity for electricity production. Given the economic crisis, the external environment, on which Cyprus, as a small and open economy, greatly depends, has been deteriorating. Especially the worsened situation in Greece has had a major impact on the Cyprus economy. The negative repercussions of the crisis have been observed in the real economy in terms of

lower economic growth and rising unemployment at unprecedented levels. Public finances have also deteriorated, as a direct result of lower economic activity and hence lower public revenues, but also due to expansionary fiscal policy in an attempt to support the real economy. Based on the above, we expect growth for 2012 to be negative of the magnitude of -1.5%, compared with positive growth of 0.5% in 2011. On the issue of prices, inflation, in terms of Consumer Price Index, is expected to be around 2.2% in 2012, compared with 3.3% in 2011. Coming to the issue of unemployment, the unemployment rate was around 7.9% in 2011, a rate considerably high for Cyprus. Due to the continuing correction in the construction sector and the negative sentiment, unemployment for 2012 is expected to further rise and reach 11.0%.

31. The per capita GDP at purchasing power standards for 2011 stands at 92,0% of EU average (27 countries).

F. Socioeconomic indicators

32. Life expectancy (2011): males: 79; females: 82,9.

33. Infant mortality per 1000 live births (2011): 3,1.

34. Total fertility rate (2011): 1.35.

35. Literacy rate for ages 15 and over (2001 census): both sexes: 97%; males: 99%; females: 95%.

36. Gross National Product (2008): 17.155,7 million euro.

37. Rate of inflation: 2008 – 4,7%; 2009 – 0,3%; 2010 – 2,4%; 2011 – 3,3%.

38. External public debt (2011): 12.720,00 million euro.

39. Unemployment rate (2011-average): both sexes: 7,7%; males: 7,8%; females: 7,6%. Unemployment rate in 2010 is around 6,2 %

40. Persons per doctor (2009): 348.

41. Persons per hospital bed (2009): 263.

42. Telephone lines per 1000 population (2011): 446.

43. Passenger cars per 1000 population (2010): 620.

Note: Due to the presence of the Turkish army, the Government of the Republic of Cyprus is prevented from exercising effective control in the occupied areas and therefore official figures in respect of the occupied areas of Cyprus are not available.

II. General political structure

A. Recent political history and developments

44. The Republic of Cyprus was established on 16 August 1960, with the coming into force of three main treaties and its Constitution, which have their origin in the Zurich Agreement of 11 February 1959 between Greece and Turkey, and the London Agreement of 19 February 1959 between Greece, Turkey and the United Kingdom. The Constitution of the Republic, together with the treaties, provided the legal framework for the existence and functioning of the new state. The three main treaties are:

45. The Treaty concerning the Establishment of the Republic of Cyprus signed by Cyprus, Greece, Turkey and the United Kingdom. This provided for the establishment of the Republic of Cyprus and, inter alia, for the creation and operation of two British military base areas in Cyprus; the co-operation of the Parties for the common defence of Cyprus; and the recognition and respect of human rights of everyone within the jurisdiction of the Republic comparable to those set out in the European Convention on Human Rights (UN Treaty Series, vol. 382 (1960) No. 5476).
46. The Treaty of Guarantees signed by Cyprus, the United Kingdom, Greece and Turkey by which the independence, territorial integrity and security of the Republic of Cyprus, as well as the state of affairs established by the Basic Articles of its Constitution, are recognised and guaranteed (UN Treaty Series, vol. 382 (1960) No. 5475).
47. The Treaty of Alliance signed by Cyprus, Greece and Turkey, aiming at protecting the Republic of Cyprus against any attack or aggression, direct or indirect, directed against its independence or its territorial integrity (UN Treaty Series, vol. 397 (1961) No. 5712).
48. The Constitution of Cyprus, whilst establishing an independent and sovereign Republic was, in the words of de Smith, an authority in constitutional law, "Unique in its tortuous complexity and in the multiplicity of the safeguards that it provides for the principal minority, the Constitution of Cyprus stands alone among the constitutions of the world" (S.A. de Smith, "The new commonwealth and its constitutions", London, 1964, p. 296).
49. Therefore it was no surprise that, within less than three years, abuse of safeguards by the Turkish Cypriot leadership led to a total dysfunction of the Constitution, and thus dictated the proposals for constitutional amendments submitted by the President of the Republic, which were however, immediately rejected by the Turkish Government and subsequently by the Turkish Cypriot leadership.
50. Turkey, in furtherance of its designs based on territorial aggrandizement, instigated the Turkish Cypriot leadership's insurrection against the state, forced the Turkish Cypriot members of the executive, legislature, judiciary and the civil service to withdraw from their posts and created military enclaves in Nicosia and other parts of the island.
51. As a result of the above and the intercommunal violence that ensued, the Security Council of the United Nations was seized with the situation and by resolution 186 of 4 March 1964. A Peace Keeping Force (UNFICYP) was sent to Cyprus and a Mediator appointed. In his report (S/6253, A/6017, 26 March 1965) the Mediator, Dr Galo Plaza, criticized the 1960 legal framework and proposed necessary amendments which were again immediately rejected by Turkey; a fact which resulted in serious deterioration of the situation with constant threats by Turkey against the sovereignty and territorial integrity of Cyprus. This culminated in a series of United Nations resolutions calling, inter alia, for respect of the sovereignty, independence and territorial integrity of Cyprus.
52. The Secretary-General of the United Nations in 1965 described the policy of the Turkish Cypriot leaders as being rigidly against any measures which might involve having members of the two communities live and work together, or which might place Turkish Cypriots in situations where they would have to acknowledge the authority of Government agents. Indeed, since the Turkish Cypriot leadership is committed to physical and geographical separation of the communities as a political goal, it is not likely to encourage activities by Turkish Cypriots which may be interpreted as demonstrating the merits of an alternative policy. The result has been a seemingly deliberate policy of self-segregation by the Turkish Cypriots. (document S/6426 of 10 June 1965).

53. Despite this policy, a certain degree of normality gradually returned to Cyprus and by 1974, with the active encouragement of the Government, a large proportion of Turkish Cypriots were living and working alongside with their Greek Cypriot fellow citizens.

54. Using as a pretext the coup d'état of 15 July 1974, instigated by the then Greek military junta against the Cyprus Government, Turkey invaded the island on 20 July 1974. 40,000 Turkish troops landed on the island, in violation of the Charter of the United Nations, the Treaties of Guarantee, Establishment and Alliance and the relevant principles and norms of international law.

55. As a result, approximately 36.2% of the territory of the Republic remains occupied. 40% of the Greek Cypriot population, representing 82% of the population of the occupied part of Cyprus, was forcibly expelled. Thousands of people, including civilians, were wounded, ill-treated or killed. Moreover, the fate of hundreds of Greek Cypriots, including women and children and other civilians, many of whom were known to have been captured by the Turkish army, remains unaccounted for.

56. As part of the concerted Turkish policy of changing the character of the areas of the island under its occupation, a systematic destruction of the cultural and religious heritage of Cyprus in the occupied area started taking place, and which still continues to this very day.

57. Most worryingly, since 1974, Turkey has pursued a systematic state policy of illegal colonization in the Turkish-occupied area, resulting in a drastic demographic change, whereby a substantial portion of the population now consists of settlers. Today approximately 160,000-170,000 settlers reside in the occupied part of Cyprus, 110,000 of whom are of Turkish nationality. In addition, there is a permanent presence of approximately 40,000 Turkish occupation troops.

58. Over the same period, a total of 57,000 Turkish Cypriots emigrated from Cyprus. In fact the number of Turkish Cypriots in the occupied part of Cyprus has actually decreased from 116,000 in 1974 to about 88,000 at present. A natural population increase would have brought this figure up to 153,578.

59. United Nations General Assembly and Security Council resolutions repeatedly called for the respect of the sovereignty, independence and territorial integrity of the Republic of Cyprus and for the withdrawal of all foreign military forces. Moreover, the United Nations condemned all secessionist acts and called upon all States not to recognize, facilitate or in any way assist the illegal entity; demanded the return of the internally displaced persons to their homes in safety, as well as the tracing and accounting of the missing persons; and called for respect of the human rights of the Cypriots¹.

¹ See inter alia General Assembly res. 3212 (XXIX) 1 Nov. 1974; 3395 (XXX) 20 Nov. 1975; 31/12(1976) 12 Nov. 1976; 32/15 (1977) 9 Nov. 1977; 33/15(1978) 9 Nov. 1978; 34/30 (1979) 20 Nov. 1979; 37/253 (1983) 13 May 1983; - Security Council res. 353(1974) 20 July 1974; 354(1974) 23 July 1974; 355(1974) 1 August 1974; 357(1974) 14 August 1974; 358(1974) 15 August 1974; 359(1974) 15 August 1974; 360(1974) 16 August 1974; 361(1974) 30 August 1974; 364(1974) 13 Dec. 1974; 365(1974) 13 Dec. 1974; 367(1975) 12 March 1975; 370(1975) 13 June 1975; 414(1977) 15 Sept. 1977; 440(1978) 27 Nov. 1978; 541(1983) 18 Nov. 1983; 550(1984) 11 May 1984; 649(1990) 12 March 1990; 716(1991) 11 Oct. 1991; 750(1992) 10 April 1992; 774(1992) 26 Aug. 1992; 789(1992) 25 Nov. 1992; 939(1994) 29 July 1994; 969(1994) 21 Dec. 1994; 1000(1995) 23 June 1995; 1032(1995) 19 Dec. 1995; 1062(1996) 28 June 1996; 1092(1996) 23 Dec. 1996; 1117(1997) 27 June 1997; 1146(1997) 22 Dec. 1997; 1178(1998) 29 June 1998; 1179(1998) 29 June 1998; 1217(1998) 22 Dec. 1998; 1218(1998) 22 Dec. 1998; 1250(1999) 26 June 1999; 1251(1999) 29 June 1999; 1283 (1999) 15 December 1999; 1303 (2000) 14 June 2000; 133 (2000) 13 December 2000; 1354(2001) 12 June 2001; 1384 (2001) 13 December 2001; 1416(2002) June 2002; 1442(2002) December 2002; 1475(2003) 14 April 2003; 1486(2003) June 2003; 1517(2003) December 2003;

60. Despite repeated calls of the International community, Turkey refused to abide by its international obligations.

61. On 15 November 1983, the illegal subordinate local administration of Turkey in the occupied part of Cyprus, issued a unilateral declaration purporting to create an independent state ("TRNC"). Turkey immediately accorded recognition to the secessionist entity. However, this entity has not been recognised by any other state. Further secessionist acts followed. United Nations Security Council resolutions 541 (1983) and 550 (1984) condemned the unilateral declaration and all subsequent secessionist acts; declared them illegal and invalid and called for their immediate withdrawal. The resolutions also called on all states not to recognise the secessionist entity and not to facilitate or in any way assist it.

62. The European Commission of Human Rights, also seized with the situation, found the Government of Turkey responsible for gross, massive and continuing violations of human rights in Cyprus, including murders, rapes, expulsions and refusal to allow more than 180.000 Greek Cypriot refugees, almost one third of the entire population, to return to their homes and properties in the occupied part of Cyprus (pl. see Report of 10 July 1976 on Applications of Cyprus against Turkey No 6780/74 and 6950/75, and Report of 4 October 1983 on Application of Cyprus against Turkey No 8007/77 of the European Commission of Human Rights).

63. In addition The European Court of Human Rights in the case of *Cyprus v. Turkey* (application no. 25781/94) has pronounced on the overall legal consequences of Turkey's invasion and continued military presence in Cyprus. The Court's 10 May 2001 decision has reiterated a number of basic principles, namely that:

(a) The Government of the Republic of Cyprus is the sole legitimate Government of Cyprus.

(b) The international community and the Court do not consider the "TRNC" as a state under international law.

(c) Turkey's subordinate local administration in northern Cyprus survives by virtue of Turkish military occupation and other support.

(d) Turkey, having "effective overall control over northern Cyprus" is responsible for all human rights violations by her own soldiers, officials or the local administration.

64. The European Court of Human Rights has also pronounced important judgments upon individual applications of Cypriots. In the landmark case of *Loizidou v. Turkey*, a case which marked a new departure in the case-law of the European Court of Human Rights, the Court ordered the Government of Turkey to compensate the applicant for the time period of deprivation of use of her property and to provide full access and allow peaceful enjoyment of her property in Kyrenia.

65. Turkey refused to comply with the Court's ruling for a number of years, and despite paying the damages in December 2003 Ankara has yet to comply with the judgment that grants full enjoyment and access to the applicant's property. The right of displaced owners to their properties has since been repeatedly reconfirmed in a multitude of cases brought by Greek Cypriots owners of property in the occupied part against Turkey, the most recent ones decided upon in late 2009.

1548(2004) 11 June 2004; 1568(2004) December 2004; 1604(2005) June 2005; 1642(2005) December 2005; 1687(2006) June 2006; 1728(2006) December 2006; 1758 (2007) June 2007; 1789(2007) December 2007; 1818(2008) June 2008; 1847(2008) December 2008; 1873(2009) June 2009; 1898(2009) December 2009; 1930(2010) June 2010.

66. After the accession of Cyprus to the European Union, on 1 May 2004, the whole of the territory of the Republic acceded to the EU, but by virtue of Protocol 10 of the Accession Treaty 2003, “The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.” The European Court of Justice in its judgment in the case *Meletios Apostolides v David Charles Orams and Linda Elizabeth Orams* (28/4/2009), reaffirmed the territorial integrity of the Republic in the sense that it has recognised the jurisdiction of the Republic and its courts in the areas of the Republic not under the effective control of the Government. Greek Cypriots, who own properties in the occupied areas of the Republic, remain the legal owners of such properties, despite the illegal Turkish occupation and these owners have the possibility of resorting to justice in order to prevent any unlawful exploitation of their property.

67. Due to the continuing Turkish occupation, it is evident that the Government of the Republic of Cyprus is prevented by armed force from exercising its authority and control and ensuring implementation and respect of human rights in the occupied area.

68. In its search for a peaceful solution, the Cyprus Government, despite the continuing illegal occupation, agreed to intercommunal talks being held on the basis of the aforesaid United Nations resolutions and through the good offices mission of the Secretary-General of the United Nations. Such efforts are being exerted towards that direction until today. Success has not been possible, thus far, because of the Turkish partitionist policies.

69. The Cyprus Government aims at a just, viable, comprehensive and functional solution under a bizonal, bicomunal federal structure that will guarantee the independence, territorial integrity, unity and sovereignty of Cyprus, free from occupation troops and illegal settlers; a solution that will reunify the island and which would ensure full respect of human rights and fundamental freedoms for all Cypriots, irrespective of ethnic origin or religion.

B. The Constitutional structure

70. The Constitution provides for a presidential system of government with a president who has to be Greek and a Vice-President who has to be a Turk, elected by the Greek and Turkish Communities of Cyprus respectively for a fixed five year term (Article 1).

71. The President and the Vice-President of the Republic ensure the exercise of the executive power by the Council of Ministers or of the individual ministers. The Council of Ministers, which comprises 7 Greek and 3 Turkish Cypriot ministers, nominated by the President and the Vice-president respectively, but appointed by them jointly, exercises executive power in all matters other than those which, under express provisions of the Constitution, fall within the competencies of the president and Vice-president and the Communal Chambers (Article 54).

72. A unicameral House of Representatives is provided for by the Constitution as the legislative body of the Republic composed of 80 representatives, 56 elected by the Greek Community and 24 by the Turkish Community for a five year term with a Greek Cypriot President and a Turkish Cypriot Vice President elected separately.

73. The House of Representatives exercises the legislative power in all matters except those expressly reserved for the Communal Chambers under the Constitution (Article 61).

74. Two Communal Chambers were also envisaged by the Constitution to exercise legislative and administrative power in certain restricted subjects, such as religious affairs, educational and cultural matters, as well as over communal taxes and charges levied to

provide for the needs of bodies and institutions under the control of the Chamber (Article 86 to 90).

75. The Constitution provided for a Supreme Constitutional Court consisting of a neutral President and a Greek and a Turkish judge appointed by the President and the Vice-President of the Republic and a High Court consisting of two Greek judges, one Turkish judge and one neutral President, all similarly appointed.

76. The Supreme Constitutional Court was vested with jurisdiction in all constitutional and administrative law matters. The High Court is the highest appellate court, it has revisional jurisdiction and the power to issue orders in the nature of habeas corpus and other prerogative writs. Ordinary civil and criminal jurisdiction in the first instance is vested in the Assize and District Courts. The Constitution prohibits the setting up of judicial committees or exceptional or special courts under any guise.

77. The independent officers of the Republic are the Attorney General and his/her Deputy, the Auditor-General and his/her Deputy and the Governor and Deputy-Governor of the Central Bank. All are appointed by the President and Vice-President on a community basis. The public service of the Republic should be composed of 70% Greek Cypriots and 30% Turkish Cypriots with a Public Service Commission similarly composed, responsible for appointments, promotions, discipline etc.

78. Both communities were given the right to maintain a special relationship with Greece and Turkey, including the right to receive subsidies for educational, cultural, athletic and charitable institutions and of obtaining and employing schoolmasters, professors or clergymen provided by the Greek or Turkish Government (Article 108).

79. The entrenched communal character of the Constitution was confirmed by the voting system. All elections were to be conducted on the basis of separate communal electoral lists (Articles 63 and 94) and separate voting (Articles 1, 39, 62, 86, 173 and 178). Elections are now based on the proportional representation principle.

80. The withdrawal of the Turkish Cypriot officials and civil servants and their refusal to exercise their functions rendered governance, in accordance with certain constitutional provisions, impossible.

81. Matters came to a head when the neutral Presidents of the Supreme Constitutional and High Courts resigned in 1963 and 1964 respectively and, therefore neither Court could function. It should be noted that the Turkish Cypriot judges in both the superior and district courts remained in their posts until 1966 when they were forced by the Turkish Cypriot leadership to leave the bench whereupon half of them fled abroad.

82. The above situation necessitated the introduction of remedial legislative measures. Thus a new Administration of Justice (Miscellaneous Provisions) Law of 1964 was enacted creating a new Supreme Court, which took over the jurisdiction of both the Supreme Constitutional Court and the High Court. The first President of the Supreme Court was the Turkish Cypriot, most senior judge of the High Court. The same law reconstituted the Supreme Council of the Judicature which is the body that ensures the independence of the judiciary.

83. The constitutionality of the Administration of Justice (Miscellaneous Provisions) Law, 1964 was challenged before the Supreme Court which, in the case of the *Attorney General of the Republic v. Mustafa Ibrahim* (1964) (Cyprus Law Reports p.195) decided that the Law was justified under the doctrine of necessity in view of the abnormal situation prevailing in Cyprus. Thereafter the administration of justice reverted to normal.

84. Other main areas where, on the basis of the same doctrine, legislative action remedied the similar situations were the Communal Chamber, the Public Service, Commission and membership of the House of Representatives.

85. Due to the refusal of one of the two Communities of Cyprus to participate, the Executive and the Legislature are in fact not bi-communal (see paras 53 to 56 concerning the events during the period 1963-64). However, when in 1985 the number of seats in the House of Representatives was increased from 50 to 80, 24 seats were allotted to Representatives to be elected by the Turkish Community under Article 62 of the Constitution and currently remain vacant. Thus, the Greek Community actually elects Representatives for only 56 of those seats.

86. A special law was enacted in 2006, "The Exercise of the Right to Vote and be Elected by Members of the Turkish Community with Ordinary Residence in the Free Areas of the Republic (Temporary Provisions)" Law, [L. 2(I)/2006] by virtue of which Turkish Cypriots residing in the government controlled area are given the right to vote and stand for election for all national elections (municipal, parliamentary and presidential). As regards parliamentary elections, this relates to the filling of the 56 seats allotted to the Greek Community. By virtue of the Election of Member of the European Parliament Law, 2004 [L. 10(I)/2004, as amended] Turkish Cypriots have the right to vote and stand for election in the elections for the members of the European Parliament, irrespective of their place of residence in Cyprus.

87. In purporting to safeguard the rights of certain groups of people who were otherwise entitled to be citizens of the state, but could not fall into the constitutional definition of either of the two Communities (Greek/Turkish) of Cyprus (vis Art. 2), the Constitution defined them as religious groups, that is, "a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of the Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic". In 1960 the Cypriot Maronites, Armenians and Latins fell within the definition of religious groups and were recognised as citizens of the state.

88. The said groups were then given the option to belong to one of the two Communities so that they could enjoy the political rights within the concept of the power sharing arrangement between the two Communities (see para. 24). All opted to belong to the Greek Community.

89. Each religious group has the additional right to elect one representative to represent it in the House of Representatives, exercising advisory functions in relation to legislation concerning the respective group.

III. General legal framework within which human rights are protected

90. The basis of the legal system of Cyprus is the common law and the principles of equity applicable at the time of independence as amended or supplemented thereafter by the Republic's statutes and case law. Independence also saw the introduction and development of the continental administrative and constitutional law.

91. It was natural for Cyprus, a country with a long history and tradition of civilisation and culture, to accord, immediately after independence from colonial rule, vital importance to international law and particularly to human rights norms. Given the superior force of international instruments, international human rights law enriched and reinforced the body of municipal law that protects human rights and liberties. One of the first tasks of the new

Republic was, therefore, to examine treaties extended to it by Britain and notify as appropriate succession thereto, whilst examining existing human rights regional and universal instruments and ratifying or acceding to nearly all of them, a policy that continues to date.

92. Central in the conduct of international relations of Cyprus is the recognition of the predominance of international law, the purposes and principles of the Charter of the United Nations and particularly the peaceful settlement of disputes based on respect of human rights and fundamental freedoms.

93. Cyprus has become a party to the majority of the core and other international instruments relating to human rights adopted at the universal and European regional level. The standards and obligations arising from these instruments are part of the legal framework of Cyprus. An updated List of International Human Rights Instruments to which Cyprus is a party is appended hereto (See Appendix hereto).

94. The constitutional structure of Cyprus, whilst embodying all norms necessary for the promotion of human rights and securing the separation of powers particularly the independence of the judiciary, is permeated by communalism leading to separatism even to polarisation.

95. The 1960 Constitution, the supreme law of the Republic, is the main instrument that recognises and protects human rights. Part II of the Constitution entitled "Fundamental Rights and Liberties" incorporates and expands upon the Universal Declaration and the European Convention on Human Rights.

96. Although the legislative, executive and judicial authorities are all enjoined by Article 35 of the Constitution to secure, within the limits of their respective competence, the efficient application of human rights, it is the totally independent judiciary that is the ultimate protector of human rights and liberties.

97. All laws and especially Criminal Law and Procedure must and do protect fundamental rights. Any law that violates in any way human rights will, and in many instances such laws or provisions thereof, upon a finding of inconsistency, were, declared by the Supreme Court unconstitutional.

98. Any restrictions or limitations of the human rights guaranteed under the Constitution have to be provided by law and have to be absolutely necessary only in the interests of the security of the Republic, or the constitutional order or the public safety, or the public order or the public health, or for the protection of the rights guaranteed by the Constitution to any person. Provisions relating to such limitations or restrictions should be interpreted strictly. The Supreme Constitutional Court in the case of *Fina Cyprus Ltd v. The Republic* (RSCC, vol.4, p33) decided that legislation involving interference with the Fundamental Rights and Liberties safeguarded under the Constitution and their construction is governed by the settled principle that such provisions should be construed in case of doubt in favour of the said rights and liberties.

99. Wherever positive action was contemplated by the Constitution or other instruments in respect of certain, mainly social, economic or cultural rights, such action should be taken within reasonable time.

100. The remedies available to an individual who claims that his rights have been violated are the following:

- (a) Right of petition and hierarchical recourse;
- (b) Recourse to the Supreme Court for the annulment of any decision, act or omission of an organ or authority (both original and revisional jurisdiction);

- (c) Raising by a party to any judicial proceedings of the question of unconstitutionality of any law or decision whereupon the Court is obliged to reserve the question for the decision of the Supreme Court and stay the proceedings;
- (d) Civil action for compensation, restitution and declamatory judgment. In case of possible irreparable damage an injunction may be granted;
- (e) Private criminal prosecution;
- (f) Right of appeal in both civil and criminal cases;
- (g) The prerogative writs of habeas corpus, certiorari, prohibition, mandamus and quo warranto;
- (h) Courts exercising criminal jurisdiction may award compensation to victims of crimes up to, in the case of Assize Courts, C£ 3000;
- (i) The Republic is also liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of its officers or authorities;
- (j) The Council of Ministers may set up a Commission of Inquiry to investigate and report on serious allegations of misconduct including violations of human rights;
- (k) The House of Representatives and its Committees in the exercise of their functions, including parliamentary control, consider, in many occasions, allegations or situations that involve abuse of human rights;
- (l) The Attorney-General of the Republic has a special responsibility to ensure the observance of legality and the rule of law and may often proprio motu or at the instance of a complainant order inquiries or advise on remedies;
- (m) The Commissioner for Administration (Ombudsman) has, inter alia, competency to investigate complaints by an individual whose rights have been violated by the Administration or where the latter has acted contrary to law or in circumstances amounting to mal-administration; In addition, due to the expansion of his competences, the Commissioner for Administration investigates complaints of gender discrimination.
- (n) The Independent Commission for Examining Complaints Against Members of the Police Force has authority to investigate and examine cases addressed against police officers. The Commission is independent and consists of members with high morals and qualifications, appointed by the President of the Republic.
- (o) The National Institution for the Protection of Human Rights is mandated with investigating complaints submitted by individuals with regard to violations of human rights and reporting to the authorities directly concerned. Specific remedial action is also recommended to the competent authorities on each occasion. The President of the said Institution has also the prerogative to conduct ex officio investigations without prior complaint if s/he should decide that there is sufficient ground.
- (p) An individual, having exhausted local remedies, may have recourse or submit a communication under the optional procedures of various international human rights instruments such as: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women; the European Convention on Human Rights; the First Optional Protocol to the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(q) Cyprus has also accepted the compulsory jurisdiction of the European Court of Human Rights and the optional clause of compulsory jurisdiction of article 36(2) of the Statute of the International Court of Justice.

101. In case of war or public danger threatening the life of the Republic or any part thereof, certain of the fundamental rights guaranteed under and specified by the Constitution may be suspended during the period of the emergency by a proclamation of emergency issued by the Council of Ministers. Such proclamation must be laid forthwith before the House of Representatives which has the power to reject it. The rights that may be suspended are the following:

- (a) Prohibition of forced and compulsory labour;
- (b) The right to liberty and security of person;
- (c) Freedom of movement;
- (d) Inviolability of dwelling house;
- (e) Interference with correspondence;
- (f) Freedom of speech and expression;
- (g) The rights of assembly and freedom of association;
- (h) Right to property, only in so far as prompt payment of compensation for
- (i) Requisitioning is concerned;
- (j) Right to practice any profession or to carry on any business; and
- (k) Right to strike.

102. It should be noted that Cyprus has never proclaimed a state of emergency since independence, not even when the country was invaded by Turkey and part of it was and continues to be occupied.

103. International conventions ratified or acceded to by the Republic are incorporated into the Republic's municipal law and have, as from their publication in the Official Gazette, superior force to any municipal law. Such conventions are directly applicable in the Republic and can be, and are in fact, invoked before, and directly enforced by the Courts and administrative authorities (of Decision of the Supreme Court in civil appeal number 6616, *Malachtou v. Aloneftis*, 20 January 1986). When an international convention contains non-self executing provisions, the Legislature has a legal obligation to enact appropriate legislation in order to harmonise the municipal law with the convention and make the latter fully enforceable.

104. Furthermore, the Law Commissioner, an independent officer responsible for the updating of legislation (the present holder of the post is the former Head of the EU Department of the Law Office of the Republic), is also charged with ensuring compliance of Cyprus' reporting obligations under human rights international instruments as well as identifying areas of inconsistency of municipal law and administrative practice with such instruments and international law standards in the field of human rights and proposing necessary action.

105. Cyprus is a practicing pluralist democracy with absolute respect for the rights and freedoms of the individual. It continuously strives to achieve more progress in the field of human rights by overcoming difficulties chief of which is the continued foreign occupation of more than a third of its territory. Through instruction and education and other positive action by the state it combats the remnants of prejudice especially in respect of the equality of sexes.

106. There are several non-governmental organisations covering all sectors of life including human rights associations. There are also a number of statutory bodies such as the one for the Promotion and Protection of Women's Rights, the tripartite Labour Advisory Board and the Prices and Incomes Board.

107. The role of the mass media in the promotion and protection of human rights is considerable. The Press is entirely free and the several daily, weekly and other newspapers and periodicals are privately owned. The same applies to radio and television broadcasting where only one radio and television station is state-owned but is run by an independent corporation.

IV. Information and publicity

108. All international conventions and treaties to which Cyprus becomes party are published in the Official Gazette. Appropriate publicity is given to them in the media, printed and electronic press, including the acceptance of the right, under optional procedures, to petition or address communication to human rights organs.

109. Human rights are considered a particularly important issue and special action is always taken to promote awareness among the public, and the relevant authorities, of the rights contained in the various human rights instruments. Awareness, as the necessary precondition to, inter alia, claiming one's rights and prevention of abuses, is pursued mainly through education by including the teaching of human rights in the curricula at all levels of education, at teachers' and police training academies, parents' guidance and other similar institutions.

110. The Government, the media and the private sector publish books and pamphlets on the issue of the protection of human rights, as well as on the question of their violation of human rights. Posters and brochures are distributed to public establishments, schools, youth centres and organisations. Special press releases regarding human rights are issued as necessary covering both local and international developments, including conferences, seminars, lectures, colloquies and other similar events. Articles on human rights frequently appear in the newspapers and in specialized publications, including those of the Bar Association and Human Rights Organisations.

V. Latest developments concerning the Cyprus question

111. Despite the changes in the international landscape since the 1974 Turkish invasion and occupation of 36,2% of Cyprus, the nature of the political problem remains intact; it is a problem of use of force against a sovereign state, an invasion, of forcible division resulting from foreign aggression and occupation, of massive and persistent violations of human rights, of destruction and desecration of religious and cultural property, of unlawful colonization and change of demography, of usurpation and illegal exploitation of property, of forcible segregation of the population, and of continuing secessionist efforts to project the existence of a separate illegal entity in the occupied area.

112. Cyprus' accession to the European Union in 2004 is a new dimension in the efforts to reach a settlement. Although the overall framework remains within the United Nations, the contribution of the EU has become, more than ever before, essential. EU principles and values should be fully integrated in a future political settlement and the *acquis communautaire* should safeguard the smooth functioning of the state, protect the human rights of all citizens and ensure the quality of life that all European citizens today enjoy.

113. It is in this context that Cyprus has consented to the commencement of EU accession talks with Turkey in December 2004, a key player in any settlement to the Cyprus problem, since it continues to occupy over a third of Cyprus, a Member State of the EU. The Government was prompted in that decision in the belief that this process will serve the *bona fide* interests of Cyprus, as well as the mutual benefit of all parties involved, namely Turkey and the EU. The Government's inclination was that the accession course of Turkey to the EU would elicit a catalytic effect producing the necessary political will on Ankara's behalf and change her perception of Cyprus from that of an adversary to that of a partner, a valuable neighbour and a potential ally in the EU. This change in attitude would render anachronistic those considerations that have led her to maintain her occupation army in Cyprus and which have stoked her confrontational approach.

114. On 3 September 2008 fully-fledged negotiations on the Cyprus problem, under the auspices of the United Nations, commenced between the leaders of the two communities, President of the Republic, Mr. Demetris Christofias, and the then leader of the Turkish Cypriot community, Mr. Mehmet Ali Talat. At the outset of this process it was agreed with the Secretary-General of the United Nations that there would be no artificial deadlines or outside interventions in the form of arbitration or submission of ready-made solutions. It was also reaffirmed that the reunification of Cyprus is to be based on "a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities, as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession" (Security Council resolution 1251 (1999)). The settlement must also be compatible with the principles on which the EU is founded, and in accordance with international law, including the United Nations resolutions on Cyprus.

115. Almost four years into the process, the direct negotiations have not so far produced the hoped-for result. Unfortunately, only limited progress has been recorded on some of the internal dimensions of the negotiations (i.e., Governance and Power Sharing, EU Matters and the Economy) while Mr Talat was the Turkish Cypriot leader and negotiator. Even those few convergences were, however, cancelled to a large degree when Mr Eroglu replaced Mr Talat in the negotiations, in May 2010. Additionally, no progress has been achieved in the rest of the chapters (property, territory, security and guarantees, settlers) which are of crucial importance in the overall framework of a just and viable settlement. The proposals submitted by the Turkish Cypriot side during the negotiations remained, regrettably, well outside the scope of the agreed basis and therefore did not allow for further progress.

116. Motivated by a desire to decisively promote the efforts for a solution, President Christofias submitted in July 2010 a package proposal consisting of three parts which, had it been accepted by Turkey and the Turkish Cypriot side, would have given new impetus to the negotiation process. The first part of the proposal aims at linking the discussion of three negotiating chapters, namely that of Properties, of Territorial Adjustments and the Chapter on Citizenship, Aliens, Immigration and Asylum (settlers). The second part concerns Famagusta providing for the handing over of the fenced area of Famagusta to the United Nations. The Republic of Cyprus would undertake to restore this area in order for its lawful inhabitants to be able to return. At the same time, it would undertake the responsibility of restoration of the walled-city of Famagusta, which constitutes a common heritage for both communities, and would authorize the legal operation of the port of Famagusta under the auspices of the European Union so that Turkish-Cypriots can conduct commercial transactions. Thirdly, the President proposed the holding of an international conference to discuss the international aspects of the problem once we are close to reaching an agreement on the internal aspects of the problem. This conference would be under the auspices of the

Secretary-General of the United Nations and will be convened with the participation of the Permanent Members of the United Nations Security Council, the Guarantor Powers, the European Union, the Republic of Cyprus and the two communities. These proposals would benefit all the involved parties, creating a more favorable political climate which would push forward the entire process. Unfortunately, the Turkish Cypriot leader and the Turkish leadership have rejected these proposals.

117. The Secretary-General of the United Nations, Ban Ki-moon has held direct meetings with the two leaders, President Christofias and Mr. Eroglu, on five different occasions since November 2010, the latest round being the two-day talks which were held at Greentree, New York in January 2012. Despite the Secretary-General's efforts and his repeated call for decisive steps in the negotiations on the internal aspects, i.e. governance and power sharing, property in conjunction with territorial adjustments and citizenship, the Turkish Cypriot side's continued prevarication remained an insurmountable obstacle to achieving tangible progress. On the basis of Security Council resolution 2026 (2011), reaching convergences on the internal aspects is a sine qua non condition for moving on to the next phase of the negotiations: convening an international conference to address the international aspects of the Cyprus Question, i.e. security, guarantees and territorial adjustments. The Turkish Cypriot intransigence, therefore, continues to be the major obstacle in the successful conclusion of the negotiations.

118. Meanwhile, the Government of Cyprus has unilaterally adopted, since 2003, several packages of measures for the benefit of the Turkish Cypriots that have led to tangible economic and other benefits to the Turkish Cypriots. These measures, totalling 35 million Euros per annum, include, *inter alia*, free medical and pharmaceutical care and other social benefits for the Turkish Cypriots. In addition, the overwhelming majority of the Turkish Cypriots, as holders of documents of the Republic of Cyprus (passports, identity cards and birth certificates) may work, study, travel and / or reside anywhere in the European Union, as citizens of a member-state of the EU, and more generally enjoy all privileges and benefits arising from the accession of Cyprus to the European Union.

119. The "Green Line" Regulation of the European Union, coupled with the benefits accrued by the Turkish Cypriots through the Financial Aid Regulation of the European Union, and the multiple and repeated policy initiatives by the Government of Cyprus for the benefit of the Turkish Cypriot community, are leading to substantial economic and social advancement and prosperity for the Turkish Cypriots, as well as increased cooperation between the two communities which facilitates the process of reconciliation and restoration of confidence among the people. These measures have resulted in the near quadrupling of the per capita income of the Turkish Cypriot community from approximately 3,500 Euro in 2002 to approximately 12,500 Euro today.

120. Since the partial lifting of restrictions on movement across the ceasefire line, in 2003, by the Turkish occupation army and the series of measures taken by the Government one has witnessed the creation of a vibrant civil society on both sides of the divide which cooperates on a multiplicity of issues. Since April 2003, more than 15 million incident-free crossings across the ceasefire lines have taken place bearing witness to the bankruptcy of the Turkish policy of separation.

121. More than 10,000 Turkish Cypriots cross every day to work in the area under the effective control of the Government of Cyprus (a figure representing more than 12% of the population of Turkish Cypriots living in the occupied areas), earning about \$150 million per year.