



Doc. 11508

23 January 2008

Case of Varnava and others v/Turkey (ECHR)

Written declaration No. 406

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

On 10 January 2007, the European Court of Human Rights, in its judgment in the above-mentioned case, found Turkey guilty of violating the rights of nine Greek-Cypriot missing persons and their relatives and held Turkey responsible for violation of Articles 2, 3 and 5 of the European Convention on Human Rights:

- Article 2: failing to investigate effectively the whereabouts and fate of the nine applicants;
- Article 3: subjecting relatives of the missing persons to inhuman and degrading treatment by not informing them about the fate of their loved ones;
- Article 5: depriving the missing persons of their liberty and security at the time of disappearance.

The European Court of Human Rights' judgment stresses Turkey's obligations under international treaties to respect the wounded, prisoners of war and civilians, and rebuffs the Turkish position that the persons who disappeared during the 1974 Turkish invasion should be presumed dead.

The Council of Europe once again firmly calls upon Turkey to:

- fulfill its obligations under the European Convention on Human Rights and implement this recent judgment;
- carry out an effective investigation into the fate of all the missing persons;
- provide concrete information on all cases of Greek-Cypriot prisoners of war;
- allow access to Turkish army and prison records.

Signed (see overleaf)



*Signed*¹:

PAPADOPOULOS Antigoni, Cyprus
ADONTS Avet, Armenia
ARNAUT José Luís, Portugal
BANIAS Ioannis, Greece
BATET Meritxell, Spain, SOC
BEMELMANS-VIDEC Marie-Louise, Netherlands, EPP/CD
BENAKI-PSAROUDA Anna, Greece
BERÉNYI József, Slovak Republic
CILEVIČS Boriss, Latvia, SOC
CIRCENE Ingrida, Latvia, EPP/CD
ČURDOVÁ Anna, Czech Republic
CURTIS-THOMAS Claire, United Kingdom
DENDIAS Nikolaos, Greece
ELZINGA Tuur, Netherlands, UEL
ERR Lydie, Luxembourg, SOC
GARDETTO Jean-Charles, Monaco, EPP/CD
HANCOCK Mike, United Kingdom, ALDE
HARUTYUNYAN Davit, Armenia, EDG
HERKEL Andres, Estonia, EPP/CD
HOVANNISIAN Raffi, Armenia
HOVHANNISYAN Vahe, Armenia
KALLIO Reijo, Finland, SOC
KONEČNÁ Kateřina, Czech Republic
KOSACHEV Konstantin, Russian Federation, EDG
KOX Tiny, Netherlands, UEL
LAAKSO Jaakko, Finland, UEL
LEUTHEUSSER-SCHNARRENBURGER Sabine, Germany, ALDE
LEYDEN Terry, Ireland, ALDE
MALINS Humfrey, United Kingdom
MARTY Dick, Switzerland, ALDE
MEALE Alan, United Kingdom, SOC
MELČÁK Miloš, Czech Republic
MOTA AMARAL João Bosco, Portugal, EPP/CD
O'HARA Edward, United Kingdom
OMELCHENKO Hryhoriy, Ukraine
PAPALIGOURAS Anastassios, Greece
PAVLIDIS Aristotelis, Greece
POURBAIX-LUNDIN Marietta, de, Sweden, EPP/CD
POURGOURIDES Christos, Cyprus, EPP/CD
PRESCOTT John, United Kingdom, SOC
RUSSELL-JOHNSTON David, United Kingdom
SASI Kimmo, Finland, EPP/CD
SIGFÚSSON Steingrímur J., Iceland
VAREIKIS Egidijus, Lithuania, EPP/CD
VIS Rudi, United Kingdom
VRETTOS Konstantinos, Greece, SOC
VRIES Klaas, de, Netherlands, SOC
WILLE Paul, Belgium
WOLDSETH Karin S., Norway
ZISSI Rodoula, Greece

Total = 50

1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left