



Doc. 11822

29 January 2009

Committee of Missing Persons (Cyprus) and ECHR Judgments

Written declaration No. 421

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.

In its 2nd Interim Resolution, in April 2007, concerning the implementation of the E.C.H.R judgment in the 4th Interstate Application of Cyprus vs Turkey, the Committee of Ministers called inter alia upon Turkey, to provide information on additional measures required to ensure effective investigation into the ascertainment of the fate of the missing persons of Cyprus.

Instead however, Turkey referred to the work of the Committee of Missing Persons (CMP), attempting to present it as a “substitute” to the mechanism for the ascertainment of the fate of the missing, that it should establish.

The European Court of Human Rights, however, in its judgment of the case *Varnava and Others vs Turkey* in 2008, found that although the CMP's procedures are undoubtedly useful for humanitarian purposes, these procedures, could not at all be considered as sufficient means of an ‘effective investigation’ required by Article 2 of the Convention.

We, the undersigned, call therefore upon Turkey, to urgently inform the Committee of Ministers of the investigation mechanisms and additional measures it intends to take in implementing the Court's aforementioned judgments and in conformity to the European Convention of Human Rights.

Signed (see overleaf)



Signed¹:

PAPADOPOULOS Antigoni, Cyprus
AUSTIN John, United Kingdom
BANIAS Ioannis, Greece
BENAKI-PSAROUDA Anna, Greece
ČURDOVÁ Anna, Czech Republic
DARCHIASHVILI David, Georgia, EPP/CD
ERR Lydie, Luxembourg, SOC
ETHERINGTON Bill, United Kingdom
GABASHVILI Giorgi, Georgia, EPP/CD
GROSS Andreas, Switzerland, SOC
KANDELAKI Giorgi, Georgia, EPP/CD
KEFALOYIANNIS Emmanouil, Greece
KIURU Krista, Finland, SOC
KOX Tiny, Netherlands, UEL
KUKAN Eduard, Slovak Republic
LAAKSO Jaakko, Finland, UEL
LEYDEN Terry, Ireland, ALDE
LILLIEHÖÖK Anna, Sweden
MARTY Dick, Switzerland, ALDE
McCAFFERTY Christine, United Kingdom
MEALE Alan, United Kingdom, SOC
NACHTMANNOVÁ Oľga, Slovak Republic
NAGHDALYAN Hermine, Armenia, ALDE
NEGELE Gebhard, Liechtenstein, EPP/CD
O'HARA Edward, United Kingdom
OMELCHENKO Hryhoriy, Ukraine
PAVLIDIS Aristotelis, Greece
POURBAIX-LUNDIN Marietta, de, Sweden, EPP/CD
POURGOURIDES Christos, Cyprus, EPP/CD
RUSTAMYAN Armen, Armenia, SOC
SARIKAS Fidias, Cyprus, SOC
SKOPAL Ladislav, Czech Republic
TSISKARISHVILI Petré, Georgia, EPP/CD
VIS Rudi, United Kingdom
VRETTOS Konstantinos, Greece, SOC
ZISSI Rodoula, Greece

Total = 36

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