

Overview

On the 35th anniversary of Turkey's illegal invasion and occupation of Cyprus a fog of collective insomnia, stirred up by Turkey's paid acolytes in the media, public relations and academia, slowly sweeps across the international landscape. Suddenly the 200,000 Greek Cypriot refugees are no longer victims of the events of 1974. Instead the Turkish Cypriot leadership shouts they are 'isolated' and demands international recognition, a claim brilliantly demolished by Vassilis Fouskas and Alex Tackie in their book *Cyprus: The Post-Imperial Constitution* (page 3).

Whilst the geographical north of Cyprus may be politically adrift, Turkish Cypriots from families living in Cyprus pre-1974 retain Republic of Cyprus nationality and possess EU passports. They receive free medical care and social security payments from the Republic.

And then there are the likes of foreign nationals such as the Orams who allegedly bought Greek Cypriot owned land in the occupied area at next to nothing and face court cases by refugees and legitimate property owners such as Meletis Apostolides from occupied Lapithos. So who are the real victims of 1974? Those who stole the land or those from whom the land was stolen?

The Cypriots have been victims of international power politics and exploitation by the major powers who regard Cyprus as a strategic 'unsinkable battleship' in the Eastern Mediterranean. But opportunists such as those who have illegally sold and acquired Greek Cypriot land and properties serve only to complicate matters further in efforts to negotiate a Cyprus settlement that will benefit all Cypriots on the island.

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Upholding property rights in occupied Cyprus

After five years of struggle, Greek Cypriot refugee Mr Apostolides has been vindicated by the European Court of Justice. In the process, he has given hope to all the refugees and property owners that their property rights are legally protected.



Stolen land: some of the illegal developments in occupied Cyprus where approximately 88 percent of land is owned by Greek Cypriots. Britons who purchased in the occupied north are at risk of losing their investments and their assets in the UK

The European Court of Justice (ECJ) ruled in the 'Apostolides v Orams' case, upholding jurisdiction of Republic of Cyprus courts over Greek Cypriot land under illegal occupation by Turkish forces. The court declared the enforceability of Republic of Cyprus judgments against those illegally occupying Greek Cypriot land in the northern area of Cyprus.

On 28 April 2009, the ECJ issued a landmark judgment in the case of 'Apostolides v Orams'. The ECJ decision concerned the case of Mr Apostolides, a Greek Cypriot refugee whose family have a home and land, originally with an orchard, at Lapithos in the Republic of Cyprus. Following the invasion of the northern area of Cyprus by Turkish troops in 1974, the Apostolides family was forced to flee to the government controlled areas south of the occupation line. In 2002 Mr and Mrs Orams, a British couple, purported to purchase the land from a third party. Mr Apostolides' orchard had by then been destroyed and the construction of a new villa had begun.

The Orams built a villa upon the land, which they now occupy as a holiday home. In 2004 and 2005 Mr Apostolides obtained judgments against the Orams in the courts of the Republic of Cyprus. These judgments ordered Mr and Mrs Orams to cease trespassing on the land, deliver up possession of the land to Mr Apostolides, pay compensation to him, demolish the villa and refrain from continuing with the unlawful intervention on the land.

Due to the obvious difficulties in enforcing the judgments in the northern area because of the presence of more than 50,000 illegal occupying Turkish troops, Mr Apostolides sought to enforce the judgments against the Orams in England. EU legislation provides for mutual recognition of judgments between EU member states and enables such judgments of the courts of EU member states to be enforced in the courts of other EU member states.

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Cypriots place their trust in the rule of law

Since 1974 Greek Cypriots placed their trust and expectations in the world's powerful diplomats and politicians to end the military occupation of their country and to restore justice and human rights.

But despite their best efforts, the island remains divided, the Turkish troops and colonists rule the occupied areas and none of the refugees have been allowed to return to their homes.

At its essence the Cyprus issue is about legal and human rights and therefore it is not surprising that the Greek Cypriots have sought legal redress, much to the despair of politicians who would have us believe the Cyprus issue should be resolved by politicians and not at European courtrooms.

The stunning success of Titina Loizidou before the European Court of Human Rights led to

the beginning of a torrent of cases brought by legitimate owners claiming damages for loss of use of their property. And now we have the European Court of Justice decision in the Apostolides case in which the Orams have been ordered to demolish the villa they built illegally on Mr Apostolides' property in Cyprus. Furthermore, the Orams face the loss of their assets in the UK to pay for the damages they owe Mr Apostolides for their trespass.

Many Greek Cypriot refugees and property owners in Cyprus and the diaspora are greatly encouraged by these legal successes.

The indications are that many will follow the example of Mrs Loizidou and Mr Apostolides and will now entrust the restoration of their human and legal rights to the appropriate courts of law rather than the politicians who have failed them for more than 35 years. ■

Upholding property rights in occupied Cyprus

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The case concerns land in the northern area of Cyprus. In the ECJ's decision, such a judgment of a court of the Republic of Cyprus must be recognised and enforced in other EU states. Therefore, displaced Greek Cypriots who obtain judgments in the courts of the Republic in relation to land they own in the Turkish occupied northern area can now enforce those judgments in other member states of the EU.

This is an important decision in the face of Turkey's efforts since 1974 to expropriate Greek Cypriot land in the Turkish occupied areas of Cyprus. Notwithstanding countless UN resolutions demanding the removal of Turkey's forces from Cyprus, Turkey and its illegal and unrecognised puppet, the 'TRNC', have taken whatever steps they can to destroy the predominantly Greek cultural heritage of the north of the island. As part of this strategy, they have also purported unilaterally and illegally to expropriate the lands and homes of the Greek Cypriots by either giving the land to illegal colonists from Anatolia (to change the natural Greek demography of the island) or to sell the land to non-Cypriots, including thousands of Britons who bought the land cheaply in the hope that their illegal purchases

The ECJ stated that the property rights of the rightful Greek Cypriot owners of the lands "subsist and remain valid" in spite of the invasion and occupation of Cypriot territory in 1974

will somehow be ratified following a political settlement.

Nothing in international law affects the jurisdiction of the Republic of Cyprus over the whole of the island of Cyprus. It remains the only legitimate state on the island over all the occupied villages and towns which remain under the jurisdiction of the Republic of Cyprus which entered the EU in 2004.

What Turkey and its corrupt friends had however not bargained with was the ECJ's decision which demands that the rule of law must be adhered to rather than the barrel of a Turkish gun.

In its decision, the ECJ stated that the property rights of the rightful Greek Cypriot owners of the lands "subsist and remain valid" in spite of the invasion and occupation of Cypriot territory in 1974. The ECJ repeated the legal position established in previous court cases (including in the *Titina Loizidou* case before the European Court of Human Rights) that the Greek Cypriot title holders who make up the vast majority of land ownership in the occupied areas have not lost their lands nor have they been exchanged by some illegal decree by the unrecognised regime in the occupied areas. They remain the only lawful owners of their lands in the occupied parts of Cyprus. Their property rights have not been expropriated by the illegal Turkish occupying forces or somehow 'lost'. Their lands and homes cannot be taken away without their legal and formal consent. This point must not



Top: Greek Cypriot youths raise the issue of the missing. Turkey has been found to be in breach of the European Convention of Human Rights for failing to investigate or disclose the fate of missing persons in Cyprus. Above: celebrating the rich culture and traditions of Ayios Amvrosios, currently under Turkish occupation. London, June 2009

be forgotten. It must also not be forgotten that the Cypriots who cannot return to their lands because of the presence of illegal Turkish troops want their properties back not only because they want the "bricks and mortar" so they can pass it on to their children but also because it is their heritage and birthright.

So when anyone tells Greek Cypriots that they should accept compensation for their lands and properties, they should be reminded that compensation will never be enough – the Greek Cypriots want their lands back and their island reunited and no amount of money will ever compensate for that.

The ECJ has therefore sent a strong and clear message not only to the thousands of Britons and other EU citizens who have been illegally acquiring and occupying properties in the occupied areas of Cyprus, but also to the international community which has failed the Greek Cypriots for 35 years since Turkey's illegal invasion.

In short, Greek Cypriot demands are straight-forward. They simply demand what is theirs ethically, morally, culturally and also legally, namely the return of their homes and lands.

The legitimate Cypriot title holders must not be complacent, however. They must now take steps to identify those illegally occupying their lands and homes and to issue and pursue proceedings against them in the EU courts for legal sanction.

As to those thinking of buying property in the occupied northern part of Cyprus without proper legal title, they should be unequivocally advised that not only will they lose their investments but that they will also face legal proceedings including the enforcement of judgments against any assets they may have in the EU. ■

The *Lobby for Cyprus* legal team can advise individuals interested in pursuing claims before the courts. Contact us on +44 (0)20 8888 2556 or admin@lobbyforcyprus.org

How wide are Turkey's interests?

Once again Turkey is using Turkish Cypriots as a strategic minority, much like Germany in the 1930s used Sudetenland Germans to advance its own national interests. This time the issue is oil and gas exploration. In a recent statement a Turkish Foreign Ministry spokesman objected to the oil and gas exploration by the Republic of Cyprus in international waters off the southern coast of Cyprus.

Calling the exploration an "adventure" likely to fuel tensions and hamper reunification talks, Burak Ozugergin said Turkey was determined to protect the rights of Turkish Cypriots in the island and warned Cyprus against unilateral moves. But it is difficult to see how Cyprus, by exercising its sovereign rights is violating any rights of the Turkish Cypriots not least because more than 50,000 Turkish Cypriots are armed with Republic of Cyprus passports.

Ozugergin's comments were in response to a statement made on 10 June by Cyprus that it will not agree to open the key energy chapter in Turkey's accession talks with the European Union because of interference by Turkish navy ships with an offshore oil-and-gas survey off the Republic's southern coast. In the statement, Ozugergin said Turkey intends to protect its interests. However it is hard to see what specific interests Turkey is concerned about allegedly on behalf of Turkish Cypriots.

If Turkey genuinely wants to protect Turkish Cypriot interests there are practical things it could do: stop flooding the occupied area with illegal immigrants from Anatolia, remove its 45,000 army of occupation which renders the occupied area a pariah and genuinely seek a Cyprus solution based on international law.

It is also in Turkish Cypriots' best interests for Turkey to meet the Copenhagen criteria for EU membership, abide by the Ankara Protocol which it signed but is ignoring and to adhere to scores of United Nations resolutions. But none of these are deemed to be in Turkey's interests so it won't do so. ■

Cyprus fact file: Cultural heritage in the occupied territories

15,000 Approximate number of religious icons looted from churches and monasteries.

500 Approximate number of churches and chapels pillaged, vandalised or torn down.

17 monasteries pillaged, vandalised or torn down.

77 churches converted into mosques.

18 churches used as depots, barracks or infirmaries by Turkish occupation forces.

13 churches used as storage rooms or hay barns.

1 church converted into a hotel.

1 church rented out as an art school (to a British national).

25 Approximate number of cemeteries desecrated and destroyed.

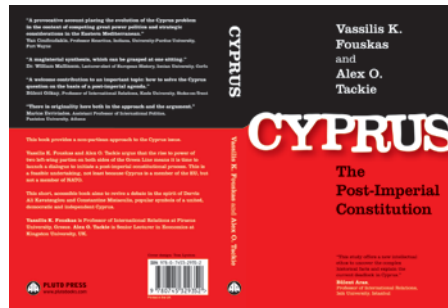
Source: Government of Republic of Cyprus

Cyprus: The Post-Imperial Constitution

Cyprus: The Post-Imperial Constitution, by economist Alex Tackie and international relations expert Vassilis Fouskas suggests to European, US and Cypriot policy-makers just what the Cypriot constitution currently being negotiated by President of Cyprus Mr Christofias and Mr Talat should *not* be.

This timely, qualitative book argues that the rise to power of two left-wing parties on the island in the government controlled areas and illegally Turkish occupied north, means it is time to launch a dialogue to initiate a new constitutional process, a feasible undertaking not least because Cyprus is a member of the EU.

The Cypriot constitution, the book explains can be read like Europe's *acquis*. This is the vast accumulation of treaties, laws and legal documents amassed in Europe's political order since 1957, the year of the European Community's official foundation. Similarly, the Cypriot constitution, the authors argue, can be seen as the accumulated '*acquis*' of all imperial undertakings for the solution to the Cyprus issue since the Macmillan-Radcliffe proposals in 1957-58. From Macmillan to Annan the road had been arduous, the essence being that the Cypriot '*acquis*' was incipiently partitionist, aiming at vivisectioning Cyprus on the "altar of Britain's, and later the US's imperial and neo-imperial interests in the Near/Middle East". Here the authors make two calls, which are strictly interrelated. They ask the EU to turn the Cypriot '*acquis*' on its head by applying the European *acquis* on the Cypriot constitution. They ask the Cypriot



leadership and people – Greek, Turkish, Armenian, Latin, Maronite and other to opt out of the imperial constitutional constraints imposed on them by Britain and the US over the past six decades and start thinking for a solution with the protagonists being the Cypriot people *per se*.

It is time to launch a dialogue to initiate a new constitutional process, a feasible undertaking, not least because Cyprus is a member of the European Union

The second closely related argument of the book is its contribution to the discussion about the so-called "isolation of Turkish Cypriots". Quite rightly, Fouskas and Tackie tell us this is not a new discourse. It goes back to the early 1960s when the Turkish Cypriot leadership, on instruction from Ankara, abandoned its position in the Cypriot government and withdrew into militarily protected enclaves. The aim was to internationalise their claim as a separate

community on the island that refused to live alongside the Greek Cypriot majority. Instantly, after this self-imposed withdrawal, they claimed to be "isolated" which, as the authors show, appears in UN documents of the time and is conveniently quoted by former Turkish Cypriot leader Rauf Denktaş in *The Cyprus Triangle*, published in 1982. However, the authors' sophisticated economic analysis on the present day issue of "isolation" leaves little room for further doubt, since they disclose concrete data showing the progressive degree of convergence between 'ASA' (Areas where the European *acquis* is Suspended i.e. the Turkish occupied north) and the economy of the free areas of the republic.

This booklet contains more useful ideas and analyses, such as the idea that major powers today aim at creating a nexus of garrison-prison state of affairs around the western and southern neck of Russia and the Middle East, a project that includes Cyprus, the Balkans and the Middle East proper.

The book is dedicated to Greek Cypriot Constantine Misiagoulis and Turkish Cypriot Dervis Ali Kavatzoglou who campaigned together against colonial rule and partitionist policies on the island. The two friends, popular symbols of a truly united, democratic and independent Cyprus were murdered by Turkish Cypriot extremists in 1965. ■

Cyprus: The Post-Imperial Constitution by Vassilis Fouskas and Alex Tackie, published by Pluto Press, London and Palgrave-Macmillan, New York, 2009

Days of memories: 20 July 1974-2009

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village to see what was happening. Nobody was there. Facing terror, they had all left. We went home and got some necessities. I ran to make my bed because in the morning with all the panic I left it unmade and I didn't want to find it unmade when I come home later...

My younger sister, influenced by the story of the book *Aioliki Gi* which she was reading those days about the Asia Minor catastrophe, ran to the yard and took some soil. The middle sister ran to the cupboard and took all the family photographs. My mother, with tears in her eyes ran to get some gold jewellery and I heard her say "there is a war. We may need to sell them for a piece of bread." We crossed the village from one end to the other in my uncle's truck. Everyone had left the village. We started for the unknown with no hope. When you hear on one side the sound of ships and on the other aircraft, it does not leave you with any hope. From moment to moment you wait for your turn to die. I wasn't worried about myself, I was thinking only of all those who are fighting, my uncles, my cousins, and many others, who I knew were in the army. We had already heard that my brother was a prisoner in a hospital in Turkey. Who knows if am going to survive.

My mind stops here. I can write no more... We were travelling until sunset. Some people we saw advised us the best place to go was the English bases. Eventually, after some problems, we arrived in an orchard with orange trees in Avgorou. I couldn't believe that we were to stay there for the night and sleep under the trees...

Thursday 15 August 1974 I woke early under the orange trees. Even though it was August, I was cold. I hope it is for a few days and we will soon return to our village. God knows. I cannot believe I am far from my home. We do not know if we are to survive and I am thinking about my home. They have nearly taken the north part of Cyprus. I heard they have taken Mia Milia, Kythrea, Lefkoniko and are now heading for Famagusta...

Friday 16 August 1974 One more day under the orange trees... In the afternoon the village authorities allowed us to go and stay in the school building. We're supposed to stay in one classroom with other families. Here they took a register of refugees. At least they gave us a meal and some blankets.

I stayed in Avgorou until 21 August. Later

I went with my family to Pentakomo, a small village in Limassol, which I never knew existed and stayed until 30 August, again in a school building. From there we went to Lefkara where we were allocated an empty house. We cleaned it and settled there. I was there until 16 November 1974 and left temporarily for London until the occupation ends in Cyprus...

The memories are still painful as the occupation continues. My brother is still missing. His name is included in the list of missing persons and his name was whispered by my father when he passed away. Some of the soil my sister took from our village in 1974 was placed on my father's grave. My mother still dresses in black and has a memorial for him every year. The agony to know what happened to her son is still there.

I visited my house in the village five years ago but wish I had not. It was better for me to keep the memories of it as I left it on 14 August 1974. Most important though, is that the land remains there waiting for us. Perhaps the house will be destroyed and the trees my father and grandfather planted may not survive, but our children and grandchildren will bring them back." ■

A refugee's story

Days of memories: 20 July 1974-2009

2009 sees the commemoration of 35 years since the Turkish invasion and continuing occupation. Memories of 1974 are still fresh for those who lived through those black days of war. Time has not yet faded the events.

"I was in Ayios Amvrosios in the best years of my life. At that young age you make dreams and you live them. But suddenly on the morning of 20 July, everything was stopped in its tracks.

Only a few of my personal belongings remained after the war. In November 1974, amongst those items I brought with me when I came to England was my diary. I look through it every July because I do not want to leave these events to be forgotten as there was an invasion and the occupation continues. Here are some excerpts:

'Saturday 20 July 1974 It never crossed my mind that how I woke up today could ever happen to me. Around 5.30am, I woke to the sound of bombs from Turkish warplanes. Turkey began a military attack on Cyprus. Turkish planes are ploughing through the blue sky. My brother came to my mind. He is in the army. My mum began to cry and wail. She is thinking only of her son. He has completed only six months of military service and is in the first front in Kyrenia.

Everybody in the village was panicking. Young children like me, ran to our high school as it was on a higher position and from there we could see what was happening in the sea off Kyrenia. We saw two Turkish warships and the fire and smoke coming from them. We run home, scared. All the fellow villagers are scared and running to hide in the valleys and caves. My father gathered all of us in the orchard with apricot trees. Beneath the leaf laden trees and irritated for the moment by the sounds of cicada insects, we couldn't see anything but we could hear the terrifying noise of aircraft bombing. Feelings cannot be described. A look around says it all. Women were kneeling to pray and sing all the psalms they knew.

We stayed in the orchard to hide until the

afternoon. My father went to the coffee shop to see what was happening. He came home and told us the village hospital needed volunteers and it was a good idea to go and help. So I went there and stayed for the whole night...

Monday 22 July 1974 The first refugees from Kyrenia arrived in the village. They stayed in the primary school. We cooked in the hospital all day to offer at least a little food to the first arrivals. Today some wounded soldiers from Kyrenia came to the hospital and we took care of them. On their faces you could see pain and suffering. They told us how much they had suffered in the last two days in battles in Kyrenia and we cried with them...

Wednesday 14 August 1974 The second stage of the war. I woke up at 4.45am with the first sounds of bombs from the warships on the eastern side of Kyrenia. Soon, Turkish military aircraft started bombing again for a second time. The mountain range of Pentadaktylos is burning again.

The village emptied. My father's brother is the only one in the family who had a truck. He unloaded all the watermelons and gathers the family together. But he does not want to leave the village, it is in his blood. My father told me how my uncle once went to work in Lefkara and when it started to get dark, he insisted on going back to his village to sleep. He never likes to sleep away from his house. So now we went to the forest of Antifonitis, a few kilometres outside the village, and then into the woods of Ypati...

It is morning, 11.30 already and the warplanes never stopped bombing. I sit under an olive tree and from there I can see four ships at sea. The planes fly so low that I feel from minute to minute they are going to bomb us. I'm scared... Nobody knows whether they will survive to tonight...

Three o'clock this afternoon passed with the fear and terror growing because the planes have not stopped passing over us. We decided to go to the

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Where time stood still: the occupied north of Cyprus



Outrageous scene: part of a Greek Orthodox grave from Eptakomi has been removed and used as a picnic table five miles away, at Neross tou Phillitou, Eptakomi. This desecration occurred between May 2008 and June 2009

Greek Cypriots who have visited their homes and lands in the occupied north are shocked and outraged at the wanton systematic destruction of the heritage of the uprooted Greek Cypriot inhabitants. While Turkey aspires to join the EU it is evident that it has nothing but contempt for the rich European culture and history of Cyprus



Abandoned Cyprus Airways aeroplane at Nicosia Airport, which is inaccessible due to the Turkish occupation



Above: graves at Flamoudi, near Kantara are looted and destroyed, left strewn across the ground as if mere rubbish

Quotations

"Buying Greek Cypriot property in the north of Cyprus is just like walking into a jewellery shop and stealing a ring – it is theft."

Roger Gale MP, at *Cyprus and the Human Rights of Refugees – Property Rights and Cultural Heritage* meeting at House of Commons, organised by Ayios Amvrosios Association (UK) in collaboration with Lobby for Cyprus, 8 June 2009

"The European Court of Justice decision is a great decision that is 100 percent binding and has my political support."

Dr Charles Tannock MEP, at *Cyprus and the Human Rights of Refugees – Property Rights and Cultural Heritage*, meeting, House of Commons, 8 June 2009

"Attachment to land and property, and sense of place, is very deep-rooted in Cyprus. The wrenching out of those roots has been unusually painful... the village remains his or hers... the estrangement of one-third of the island, the alienation of it in perpetuity by an invader, that is shocking and unbearable."

Christopher Hitchens, *Cyprus: Hostage to History*

"They knowingly moved into other people's land... they knowingly put themselves into this situation... they could've bought property that belonged to Turkish Cypriots... but they went for the risky option."

Constantis Candounas, lawyer of Greek Cypriot refugee Meletis Apostolides, on the Orams who illegally acquired Mr Apostolides' land in occupied Cyprus. *Mediterranean Nightmares*, Tonight programme, ITV, 5 June 2009

"They've invested in some of the world's most risky property, some of the world's most dangerous real estate..."

Guardian journalist Helena Smith, *Mediterranean Nightmares*, Tonight programme, ITV, 5 June 2009



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Published by Lobby for Cyprus, a non-party-political organisation with the aim of reuniting Cyprus

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