



Lobby for Cyprus News

Overview

Lobby for Cyprus has campaigned for a solution in accordance with international law since its inception and we have seen nothing since to force us to rethink our core principles for the reunification of Cyprus and the 3Rs. It's time to get back to basics and remind decision makers of the reasons why a solution needs to be found to the Cyprus issue. Turkey continues to illegally occupy 37 percent of the Republic of Cyprus, has stolen and concreted over the lands of the Greek Cypriots, has demolished and desecrated Europe's rich Christian heritage in Cyprus, and committed what is undoubtedly a cultural genocide. But punishing the victims of aggression is one step too far. Since the two illegal Turkish invasions of 1974 the ethnically cleansed Greek Cypriots have consistently been bullied into accepting solutions that legitimise Turkey's wrongdoing. The fundamentally flawed Annan plan, rejected by 76 percent of Greek Cypriots, was just the most recent example. Since 1974 Greek Cypriots have been forced to make concession after concession to meet western demands to keep Turkey happy. For example in 1977 and 1979 High Level Agreements were imposed on Greek Cypriots forcing them to concede that a genuinely united Cyprus would not reappear and that instead a bizonal, bicommunal federation would be created. Throughout the 1980s and 1990s constitutional concessions were sought, and obtained from Greek Cypriot negotiators. And what concessions have Turkey or the Turkish Cypriots made since 1974 in return? None.

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Back to basics

The election of Cyprus President Christofias has given a new impetus to attempts to reunify the island, but on what basis? Recent events do not provide much encouragement to support the hope that any settlement will be consistent with basic international law, the preservation of human rights or in accordance with the fundamental laws of the European Union.



Looking through the divide: Nicosia is the only divided capital city in Europe

It is astonishing that no pressure has been placed on Turkey during the last 34 years to remedy its war crimes in Cyprus and to restore human rights on the island. It would be simplicity itself for Turkey to be pressured into withdrawing from occupied Famagusta for example, a confidence building measure if ever there was one. But there is no political will on the part of the United Kingdom and the United States to upset an important ally, even if it is one that has conducted ethnic cleansing and war crimes in Cyprus.

But recently there was hope that a widely anticipated Memorandum of Understanding signed between the UK and the Republic of Cyprus would redress some of these failures. Sadly this optimism has once again been dashed.

The Memorandum of Understanding was signed between the UK and the Republic of Cyprus at the beginning of June 2008. The document makes a number of important

sounding statements but what will they mean in practice?

For example both countries commit themselves to working together to reunify the island based on a bizonal, bicommunal federation with political equality. But what will this mean in practice? Will it mean that all Greek Cypriot refugees will have the right to return to their properties? Will it mean that all the illegal immigrant colonists imported into Cyprus by Turkey to ethnically re-engineer the demographic composition of the island will be humanely repatriated? If the answer to both questions is "no", then how can any solution be consistent with UN resolutions and EU principles? And how will such a settlement then be consistent with international law? And if it will not be consistent with international law what makes the US and the UK governments feel there is any likelihood at all of Greek Cypriots supporting such a deal?

The UK declares that it will not support any moves towards the partition of the island or the recognition or upgrading of any separate political entity on the island. It undertakes to continue to inform its citizens on the legal situation prevailing in Cyprus regarding the property issue and relevant European Court of Human Rights (ECHR) judgments. Does this mean that the British government will publicly state that it is illegal to build on Greek Cypriot owned land in the occupied area? Will property shows selling such property be banned? Will adverts shamefully advertising the occupied north of Cyprus as

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Turkey's obligation to return all property

The *Demades v Turkey* case at the European Court of Human Rights is the third successful case dealing with compensations from Turkey in matters of property rights.

The first case was *Loizidou v Turkey* when the right of property and the confirmation of ownership being the possession of a title-deed from the Land Registry of the Republic of Cyprus was set out. The second was *Xenides-Arestis v Turkey* when the cost of occupation in the fenced-off city of Famagusta was determined. The third case, which determines the cost of the occupation of Kyrenia, is the *Demades v Turkey* case.

Following in the footsteps of *Loizidou*,

Xenides-Arestis and *Demades*: It cannot be made clearer and these are not just claims – that only those with title-deeds as registered at the Land Registry of the Republic of Cyprus are the owners of property in Cyprus, including in the occupied areas.

These three landmark cases have cemented the rights of the true owners of property in the occupied areas. They are decisions which cannot be ignored by politicians seeking to negotiate a solution. As *Lobby for Cyprus* has always asserted, for a solution to be just and to last, it needs to respect the human rights of individuals.

Applications to the ECHR are relatively simple to submit. There is a standard application form which needs to be completed covering basic

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Cyprus and Middle Eastern politics

In November 2007 a protocol was signed between Britain and Turkey, following a visit to London by Turkish PM Erdogan. The protocol maintains a century old tradition of great power Middle Eastern diplomacy, namely making concessions to Turkey at the expense of Hellenic interests.

Back in 1923 at the Lausanne Peace Conference, British Foreign Secretary Lord Curzon overcame the demands of Ismet Inonu for Turkish sovereignty over Mosul and its adjacent areas – today's Iraqi Kurdistan – by conceding to Turkey Eastern Thrace and the islands of Imvros and Tenedos. Oil rich Mosul was far more important to British interests than a strip of land stretching between the Black Sea and the Aegean.

In 1983 Turkey received further compensation for permitting the US to use base facilities at Incirlik, southeast Turkey. Trouble free, they went ahead and proclaimed a 'state' in occupied Cyprus, ignoring UN resolutions declaring this as illegal.

Since then Britain and the US have studiously avoided troubling Turkey with any suggestion that its behaviour in Cyprus might have violated any principles of international

The protocol signed by PM Brown was to cajole Turkey to abstain from a military operation in northern Iraq

law and decency and have instead turned a blind eye to its continued wrongdoing.

Indeed in 2004 Britain and the US went further than their harshest critics could have imagined, gifting Annan plan version 5 to Turkey in order to persuade it to allow allied troops to enter Saddam's Iraq from Turkey's Kurdish, southeast provinces. Turkey refused but even the Turkish Generals admitted that Annan 5 went beyond their expectations, including all their demands and more, making it an extraordinarily biased document serving the interest of all sides (US, UK, Turkey) except of course the Republic of Cyprus and its people. Unsurprisingly it was roundly rejected by the citizens of the Republic in the ensuing referendum.

The memorandum can be viewed in line with the tradition of appeasement, consisting of a new deal between Britain and Turkey over occupied Cyprus, in what has proved a fruitless effort to keep Turkey out of Mosul.

The protocol signed in London called for a strategic partnership by promoting direct commercial, political and economic ties between Britain and the pseudostate in occupied Cyprus. Turkey invaded the Republic of Cyprus in 1974 in order to bring about strategic partition and to separate the population within clearly defined ethnic zones to establish apartheid on the island.

As seasoned observers of the Cyprus issue know, the invasion and continuing occupation are not about protecting Turkish Cypriots. This has been used as a pretext to enable Turkey to protect its southern sea and air approaches. Similarly, the protocol signed



Greek Cypriots call for their human rights, a reunited Cyprus and restitution of their lands

by Gordon Brown is less about ending the so-called 'isolation' of Turkish Cypriots, but rather to cajole Turkey into abstaining from a military operation in northern Iraq. As events show, this policy failed, as it was always fated to, as appeasing aggressors never works.

So why do Britain and the US always turn a blind eye to Turkey's appalling human rights violations and breaches of international law? Those involved would argue they were putting national interests first. But is that really the consequence of their appeasement?

Britain retains bases on Cyprus, for now at least, but Turkey strengthens its illegal hold on the occupied area and thus increases its bargaining chips in its dealings with the US and other peripheral players such as Israel. This gives Turkey far greater influence in the Middle East and Central Asia than Britain.

The protocol elevates Turkey to a greater geostrategic importance than Britain in the region. Despite the recent memorandum of understanding between the UK and Cyprus, it deepens the partition of the island. As well as being against Greek Cypriot interests it is against British interests. Paying lip-service to Foreign Office pressure to be nice to Turkey does not constitute an effective foreign policy. Britain's interests are served by a genuinely united Cyprus, not a divided one. Turkey, by establishing its hold on occupied Cyprus has become a peripheral power to be reckoned with, whereas Britain's role has contracted to that of a micromanager of regional crises.

The US and Britain do not want Turkey in northern Iraq pursuing PKK guerrillas. This is not simply because they are afraid of a wider conflagration in the Middle East, but because they know that the Turkish army, once in, will never leave, as it would aim to politically organise the region, thus stopping Kurds from achieving statehood by exploiting the oil resources in Kirkuk and Mosul. But the fact of the matter is that Turkey, as in the past, has ignored western interests and invaded northern Iraq to pursue its own political objectives. In doing so it has shown it cannot be trusted by disregarding the protocol and the agreed 'swap'.

Perhaps the British government could therefore explain precisely how its continued policy of appeasing Turkey has served British interests. ■

Turkey's property obligations

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information about the applicant(s), a statement of facts and a statement of violations. Although individuals can submit this application on their own and without legal representation, it is advisable for legal assistance to be obtained when drafting the statement of violations.

It should be noted that consideration of cases relating to the issue of property in the occupied areas has currently been suspended pending decisions by the ECHR in several cases. The suspension is likely to last for at least 18 months. However it is extremely important for individuals to gather and preserve evidence. Such evidence includes:

- title-deeds to the property including ensuring that if the original owner has passed away the inheriting individual has registered the transfer of property;
- the taking of sworn witness statements from those who have knowledge about the property's location, content and past use; and
- evidence of the current use of the property and the state that it is in.

Applications relating to the invasion and continued occupation by Turkey are not however restricted to the issue of property. As illustrated by the case of *Varnavas and others v Turkey* the issue of the missing is a live issue before the Court and definitely worthwhile litigating. In fact many pending applications concern both the fate of missing persons and claims for property.

The *Lobby for Cyprus* legal team is available to discuss and assist individuals interested in pursuing their claim before the ECHR. Please call contact us on +44 (0)20 8888 2556 or by email admin@lobbyforcyprus.org ■

Exposing property myths



Lobby for Cyprus and refugees from Ayios Amvrosios recently brought about the closure of a property exhibition where stolen properties of Greek Cypriots were being promoted for sale. A BBC undercover team from the *Inside Out* programme filmed the protest and exposed the misleading information of unscrupulous property companies. The programme was broadcast on national television and will be available to view on the BBC website. Lobby continues to campaign against other property exhibitions throughout the UK.

The suffering continues – the ‘missing’ and their families

Each discovery of mass graves in occupied Cyprus exposes the raw grief of the families of the missing persons.

Following the Turkish invasion of Cyprus in 1974 more than 1,600 Greek Cypriots were listed as ‘missing’. Turkey failed or refused to account for them and no bodies were returned or details given as to the whereabouts of the missing so that families could bid relatives farewell and allow dignified burials. Families grieved but fervently hoped loved ones were alive, having never received proof of death.

Finally mass graves were located and bodies exhumed and identified. Some families decided these crimes against humanity could not go unpunished. They sought redress at the European Court of Human Rights (ECHR) since discovering their husbands and fathers were tortured then executed by the Turkish army. The identity of Stavros Charalambous was confirmed by DNA, a post mortem showing he was tortured then shot in the head. The family of Demetris Koutras brought a case against Turkey following the discovery that he was shot in the head twice.

On 10 January 2008 the ECHR gave judgment against Turkey in the case *Varnavas & Others v Turkey* in respect of applications made in 1990. The panel of seven judges (the Turkish judge dissented) ruled that Turkey violated the human rights of nine Greek Cypriot missing persons and their relatives. The missing persons were seen alive after capture by the Turkish army and seen in Turkey where they were transported as prisoners of war. Turkey was found to be in breach of the following articles of the European Convention of Human Rights. **Article 2:** Failing to conduct effective investigation into the whereabouts of the nine missing who disappeared in Turkish custody under life threatening circumstances;



Cypriot missing persons memorial tree, adorned with yellow ribbons, Nicosia, Cyprus

Article 3: Subjecting relatives of the missing to inhuman and degrading treatment by failing to inform them of the fate of their loved ones; **Article 5:** Failure to conduct

The Court considers that an obligation arises for Turkey to account for the fate of the missing persons

effective investigation into the whereabouts and fate of the nine applicants who arguably were deprived of their liberty and security at the time of disappearance.

In the *Varnavas* judgment the ECHR confirmed Turkey’s obligations under international treaties which include protecting the wounded, prisoners of war and civilians. Under the European Convention on Human Rights, Turkey was obliged to take reasonable steps to protect the lives of those not or no longer engaged in hostilities. Turkey submitted that any persons disappeared during its invasion of 1974 and still missing, should be presumed dead. The ECHR rejected this in its entirety.

The ECHR recognised the pain of the families stating they “must have undoubtedly suffered most painful uncertainty and anxiety

and furthermore their mental anguish did not vanish with the passing of time”.

It was held as unacceptable for Turkey to suggest the Committee of Missing Persons could be a satisfactory substitute for Turkey’s obligations for effective investigation.

The ECHR described recent developments: “In 2006 the CMP began a substantial exhumation project... Some 160 sets of bones had been submitted for analysis and identifications of missing persons...”

The Court took the view that these Greek Cypriots had gone missing, last seen in areas under continuing control of Turkey since 1974. Chilling descriptions are given in the judgment and objections by Turkey which disclaimed all responsibility, notwithstanding its continuing illegal occupation of Cyprus which was not accepted by the Court.

“The Court recalls that... many persons who went missing in 1974 were detained either by Turkish or Turkish Cypriot forces. Their detention occurred at a time when the conduct of military operations was accompanied by arrests and killings on a large scale... eight combatants were last seen in areas surrounded or about to be overrun by Turkish forces... the Court considers an obligation arises for the respondent State [Turkey] to account for their fate...”

By the time of the ECHR judgment 18 years later, many parents of the missing who brought the applications passed away and the applications were taken over by their heirs.

It was a lengthy and emotional journey to reach this decision for the relatives of the nine missing persons, but they persevered and finally obtained a judgment which vindicates their claims and confirms the heinous crimes against humanity that were inflicted and continue to be inflicted by the Turkish government on the Cypriot people. ■

Back to basics

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“unspoilt” be torn down? We doubt it. The truth is that actions speak louder than words. Let’s see what the British government does to inform its citizens about property ownership in occupied Cyprus.

And what about the standard bearer of world freedom, the United States? While Britain and Cyprus were signing up to a memorandum seeking a bizonal federal state, the US, in order to appease Turkey tried to rewrite UN Security Council resolution 1818 to please Turkey. At a Security Council meeting the US permanent representative tried to add the words “constituent states” to the standard “bizonal, bicomunal federation” wording. This was wording that Turkey had wanted to see emerge from the discussions between Christofias and the leader of the Turkish Cypriots, Mehmet Talat as it supported Turkey’s demands for a very loose federation ie a confederation, precisely

the constitutional solution that the US fought a civil war to repulse 150 years ago.

Greek Cypriots genuinely wish to see the reunification of the island. But to western eyes the attraction of a solution is primarily in the removal of the main obstacle towards Turkey’s EU aspirations. If this goal is to be achieved then it is essential to get Greek Cypriots to buy into any deal. And that will only be achieved with a solution consistent with international law. To try to produce any solution incompatible with international law will again be roundly rejected.

Accordingly *Lobby for Cyprus* repeats its demands on behalf of the Greek Cypriot refugees. Cyprus can only be reunited once the 3Rs are met:

- Removal of all Turkish troops
- Repatriation of all Turkish colonists
- Return of all refugees to their homes without restriction or pre-conditions. ■

Cyprus fact file

37 percent

Area of Cyprus currently under occupation.

200,000

Approximate number of Greek Cypriots forcibly expelled from occupied north where they constituted 70 percent of the population.

49,156

Number of Turkish Cypriots with Republic of Cyprus passports.

500

Approximate number of Greek and Maronite Cypriots enclaved in villages in the occupied area under oppressive conditions.

43,000

Number of Turkish occupation soldiers illegally stationed in the occupied area. There are more Turkish troops in occupied Cyprus than US troops in Afghanistan.

162,000

Number of colonists imported from Turkey to alter demographic composition of the island.

Our occupied lands: Eptakomi

Full article: www.lobbyforcyprus.org/eptakomi

Refugees return to “a bygone age”

Many Greek Cypriots have visited their lands since Turkey's illegal regime allowed limited freedom of movement through the occupation line in 2003. The following is from a personal account by a member of a refugee family.

“As we crossed the Ayios Nicolaos point, coaches of Turkish Cypriots travelled in the opposite direction, cheering and welcoming us back.

We could not help noticing the difference between the occupied and free areas. Years of decay and neglect had taken their toll. We reached Bogazi, through to Patriki, then Komi Kebir, all now signposted with false Turkish names, then on to Eptakomi. As we approached I saw the church through the trees then the village came into view. I witnessed a sight I thought I'd never see again.

We stopped next to our church. Opposite was my wife's family house, now demolished, with another built in its place. The main street was blocked with falling stones that covered the road. Children of Anatolian colonists followed us, begging for money. This was not the village we left behind. Attila has ripped out its soul.

My grandparents' house still stood, occupied by colonists, but only two exterior walls remained of my parents' house. It stood for 300 years, passed down through generations, visited by historians as a fine example of old building techniques, but was no more. In 29 years of Turkish occupation it collapsed. Colonists stripped all wood from the structure, windows, doors and beams, to use as firewood. A colonist spoke with us in broken German, explaining they do not repair the houses they live in as “they are not ours – when we get told to leave we will go home” – home being Adana in the mountains of Kurdistan. He told us

how he longed to return there.

We visited Ayios Loukas church – now in a state of disrepair. It is being used as a mosque. All icons and benches have been removed, as has the exterior cross, now replaced with megaphones.

Ayios Georgios church fared worse, now full of straw, with pigeons nesting inside. To our disgust it is being used as a stable. We felt obliged to light a candle where the altar once was.

From afar the village graveyard seemed like an overgrown wood. Passing through undergrowth we found a scene of utter horror. All crosses were smashed, graves opened and desecrated. We could not find my grandparents' resting place as only a few graves were barely distinguishable.

Driving along the Karpasia coastline we saw that many villages suffered the same desecration. Approaching Rizokarpaso, Cypriot registered cars lined the road, stopping to visit a coffee shop of the dwindling, enclaved Greeks. The owner cried, thanking all for coming and remembering them. These few people are the real heroes.

We continued to Apostolos Andreas monastery, witnessing more decay. I wondered how the monastery still stood. Thousands seemed to be walking through the monastery, filling bottles by the rocks with holy spring water, natural to Apostolos Andreas. There was an eerie silence. I could not believe so many people could make so little noise. All were stunned by what they had seen – the atrocious conditions the enclaved lived through, the destruction to our cultural heritage and total lack of respect to thousands of years of Greek and European civilisation.

We returned to the free areas via Famagusta. We felt as if we had been back in time to a bygone age.” ■

A paradise destroyed: Eptakomi and Komi Kebir

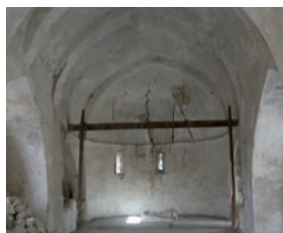
The eradication of Europe's heritage



Desecration and plunder: ethnic cleansing in occupied Eptakomi was followed by cultural destruction



Ayios Loukas church, now appropriated and used as a mosque



Looted and gutted: Ayios Xendis church in neighbouring Komi Kebir



Desecrated graves in Eptakomi cemetery



Eptakomi cemetery



The remains of the graves of loved ones

Greek Cypriots who have visited their homes and lands in the occupied north have been shocked and outraged at the wanton systematic deliberate destruction of Greek heritage by the Turkish occupiers. These scenes of desecration and vandalism were photographed in Eptakomi and Komi Kebir.

Quotations

“The demographic Turkification of the north will soon be complete. Towns and villages such as Kyrenia and Lapithos which stood empty and ghostly until April are now filled with settlers, some Turkish Cypriot, some mainland Turks. The return of the original inhabitants is ruled out, and the Turkish authorities now say quite openly that the remaining 5,800 Greek Cypriots in the north will be reduced by half this Christmas.”

The Economist, 4 September 1976

“This [Cyprus] is an EU member-state a large part of which is under long-standing occupation by a foreign army. Behind tanks and artillery, a population of settlers has been planted that is relatively more numerous than the settlers on the West Bank.

“With occupation came ethnic cleansing... a third of the Greek community – were expelled from their homes, driven across the Attila Line to the south.”

Perry Anderson, *The Divisions of Cyprus*, London Review of Books, 24 April 2008

“In [Turkish Cypriot leader] Mr Talat's case he answers not just to his voters, but also to Turkey's politicians and generals.”

The Economist, 24 April 2008

“In the span of three decades under Turkish control, more than 530 churches and monasteries have been pillaged, vandalized, or destroyed in the northern area...”

“St Mamas Church in... Morphou is the only notable church that is known to be semi-active in Turkey-controlled Cyprus... Turkish officials who rule the area... give permission twice a year for remaining residents – who were there before Turkish occupation – to worship in the church.”

The Christian Post, *The last church standing in north Cyprus – How the Christian history was erased*, 28 April 2008



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